



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

**Item No. 12.1**  
**Halifax Regional Council**  
**January 15, 2019**  
**February 26, 2019**

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

Original Signed

**SUBMITTED BY:** \_\_\_\_\_  
Councillor Matt Whitman, Chair, North West Community Council

**DATE:** January 3, 2019

**SUBJECT:** Case 21212: Amendments to the Planning Districts 1 & 3 (St. Margarets Bay) Municipal Planning Strategy (MPS) and Land Use By-law (LUB) for 8646 and 8650 Peggys Cove Road, Indian Harbour (PID 40037327)

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#### **ORIGIN**

December 10, 2018 meeting of North West Community Council, Item No. 13.1.3.

#### **LEGISLATIVE AUTHORITY**

Section 25(c) of the Halifax Regional Municipality Charter sets out the powers and duties of Community Council to include “recommending to the Council appropriate by-laws, regulations, controls and development standards for the community”.

#### **RECOMMENDATION**

North West Community Council recommends that Halifax Regional Council:

1. Give First Reading to consider the proposed amendments to the Municipal Planning Strategy and Land Use By-law for Planning Districts 1 & 3 (St. Margarets Bay), as set out in Attachments A and B of the staff report dated November 20, 2018 to accommodate resorts within the C-3 (Tourist Industry) Zone and permit a resort at 8646 and 8650 Peggys Cove Road, Indian Harbour and schedule a public hearing; and
2. Approve the proposed amendments to the MPS and LUB for Planning Districts 1 & 3 (St. Margarets Bay), as set out in Attachments A and B of the staff report dated November 20, 2018.

## **BACKGROUND**

A staff report dated November 20, 2018 pertaining to Case 21212: Amendments to the Planning Districts 1 & 3 (St. Margarets Bay) Municipal Planning Strategy (MPS) and Land Use By-law (LUB) for 8646 and 8650 Peggys Cove Road, Indian Harbour (PID 40037327) was before North West Community Council for consideration at its meeting held on December 10, 2018.

For further information, please refer to the attached staff report dated November 20, 2018

## **DISCUSSION**

Staff provided a presentation and responded to questions from North West Community Council respecting the development proposal for 8646 and 8650 Peggys Cove Road, Indian Harbour. North West Community Council, having reviewed the November 20, 2018 staff report, forwarded the recommendation to Halifax Regional Council as outlined in this report.

## **FINANCIAL IMPLICATIONS**

As outlined in the attached staff report dated November 20, 2018.

## **RISK CONSIDERATION**

As outlined in the attached staff report dated November 20, 2018.

## **COMMUNITY ENGAGEMENT**

North West Community Council meetings are open to public attendance and members of the public are invited to address the Community Council for up to five minutes at the end of each meeting during Public Participation. The agenda, reports, and minutes of North West Community Council are posted on Halifax.ca.

## **ENVIRONMENTAL IMPLICATIONS**

As outlined in the attached staff report dated November 20, 2018.

## **ALTERNATIVES**

North West Community Council did not discuss alternative recommendations.

## **ATTACHMENTS**

1. Staff report dated November 20, 2018.
2. Memorandum from the North West Planning Advisory Committee dated June 11, 2018.
3. Staff presentation dated December 10, 2018.

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A copy of this report can be obtained online at [halifax.ca](http://halifax.ca) or by contacting the Office of the Municipal Clerk at 902.490.4210.

Report Prepared by: Liam MacSween, Legislative Assistant, 902.490.6521.

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

**Attachment 1**  
**North West Community Council**  
**December 10, 2018**

**TO:** Chair and Members of North West Community Council

Original Signed

**SUBMITTED BY:**

\_\_\_\_\_  
Kelly Denty, Director of Planning and Development

Original Signed

\_\_\_\_\_  
Jacques Dubé, Chief Administrative Officer

**DATE:** November 20, 2018

**SUBJECT:** **Case 21212: Amendments to the Planning Districts 1 & 3 (St. Margarets Bay) Municipal Planning Strategy (MPS) and Land Use By-law (LUB) for 8646 and 8650 Peggys Cove Road, Indian Harbour (PID 40037327)**

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**ORIGIN**

- Application by WM Fares Architects, on behalf of Oceanstone Seaside Resort.
- January 30, 2018, Regional Council initiation of the MPS amendment process.

**LEGISLATIVE AUTHORITY**

*Halifax Regional Municipality Charter (HRM Charter), Part VIII, Planning & Development*

**RECOMMENDATION**

It is recommended that North West Community Council recommend that Regional Council:

1. Give First Reading to consider the proposed amendments to the Municipal Planning Strategy and Land Use By-law for Planning Districts 1 & 3 (St. Margarets Bay), as set out in Attachments A and B, to accommodate resorts within the C-3 (Tourist Industry) Zone and permit a resort at 8646 and 8650 Peggys Cove Road, Indian Harbour and schedule a public hearing; and
2. Approve the proposed amendments to the MPS and LUB for Planning Districts 1 & 3 (St. Margarets Bay), as set out in Attachments A and B.

## **BACKGROUND**

WM Fares Architects, on behalf of Oceanstone Seaside Resort, has applied to amend the Municipal Planning Strategy (MPS) and Land Use By-law (LUB) for Planning Districts 1 & 3 (St. Margarets Bay) to authorize the existing resort uses established on the property and permit the resort's future expansion. No enabling policy exists to consider resort uses at the subject property and, therefore, MPS and LUB amendments are required. On January 30, 2018, Regional Council initiated a process to consider resort uses at the subject property.

<b>Subject Site</b>	8646 and 8650 Peggys Cove Road, Indian Harbour
<b>Location</b>	Approximately 3.5 km north of Peggys Point Road
<b>Regional Plan Designation</b>	Rural Commuter
<b>Community Plan Designation (Map 1)</b>	Mixed Use "A" under the MPS for Planning Districts 1 & 3 (St. Margarets Bay)
<b>Zoning (Map 2)</b>	MU-1 (Mixed Use 1) under the LUB for Planning Districts 1 & 3 (St. Margarets Bay)
<b>Size of Site</b>	2.2 hectares (5.5 acres)
<b>Street Frontage</b>	104 meters (341 feet)
<b>Current Land Use(s)</b>	Oceanstone Seaside Resort
<b>Surrounding Use(s)</b>	The surrounding area is comprised of the following: <ul style="list-style-type: none"><li>• North, East and South: Existing residential lots ranging in size from 1 to 16 acres</li><li>• North-east: East St. Margarets Elementary School</li><li>• West: St. Margarets Bay (Atlantic Ocean)</li></ul>

### **Site Development History**

The subject property, and some of the existing buildings, were formally used as a yoga and wellness/nature retreat (The Akala Point Retreat) which operated for approximately 12 years (1986 - 1998). After that time, additional buildings were built for the Oceanstone Seaside Resort, which is a comprehensive development consisting of 25 tourist accommodation suites/tourist cabins, a lodge or events centre, a restaurant (The Rhubarb Restaurant), and a canteen. The suites are distributed across three main buildings and eight tourist cabins as shown on Map 3. Oceanstone Seaside Resort has been operating under its current ownership since 2011 and has become a popular destination for tourists, events, and weddings.

Resorts are currently not defined in the Planning Districts 1 & 3 LUB. Permits have been issued for the various components of the resort as commercial uses under the MU-1 Zone. This application initially came forward as a municipal compliance matter. A permit was issued for an addition to an existing building with an understanding that other buildings on the property were to be removed. The MU-1 Zone limits the combined gross floor area of new commercial buildings or expansions to existing ones to 697 sq. m. (7,500 sq. ft.). At a site inspection, staff determined that there was a discrepancy in what was built and the permit drawings – the combined gross floor area exceeded the maximum permitted under the MU-1 Zone. For the time being, the compliance issue has been settled through the courts and further action is determinant on Council's decision on this application. Should Council refuse this application, the property will be required to comply with the MU-1 Zone and/or additional court action may be taken.

### **Proposal Details**

The applicant wishes to amend the MPS for Planning Districts 1 & 3 to enable rezoning of the property to the C-3 (Tourist Industry) Zone and to add resorts to the list of permitted uses under the C-3 Zone. The proposed MPS and LUB amendments would resolve the compliance matter and provide flexibility to allow future expansion of the Oceanstone Resort. No policy presently exists to consider resorts in excess of 697 sq. m. (7,500 sq. ft.) within the Mixed Use "A" Designation and therefore, a MPS amendment is required to enable the request.

### **MPS and LUB Context**

Oceanstone Seaside Resort is currently located in the Mixed Use "A" (MUA) Designation under the MPS and zoned MU-1 (Mixed Use 1) under the LUB for Planning Districts 1 & 3 (St. Margarets Bay). The MUA designation is intended to support a wide range of land uses while maintaining a semi-rural character and protecting the natural environment including St. Margarets Bay. The individual uses that form the Oceanstone Resort are supported by the Mixed Use "A" Designation, yet the parameters of the MU-1 Zone do not contemplate a comprehensive resort with multiple commercial uses (e.g., hotel, restaurant, tourist cabin, recreation use, convention/retreat facilities, etc.) on a single property.

Large format commercial buildings are not supported by MPS policy as they deter from the traditional character of St. Margarets Bay. New commercial buildings and expansions greater than 697 sq. m. (7,500 sq. ft.) of gross floor area (GFA) on any one lot within the MUA designation can be considered through the development agreement process (Policy MU-16(A)). However, while these policies are effective at supporting and regulating stand-alone commercial uses, they were not drafted in a manner that contemplated comprehensive resorts with multiple commercial components. Staff advise that resort uses are supported within the MUA Designation, but there is no enabling policy within the MUA Designation through which Oceanstone Resort can be accommodated. Amendments to the MPS are necessary to address the limitations of GFA under the MU-1 Zone.

Under the Mixed Rural Residential (MRR) Designation, tourist industry uses including motels, hotels and restaurants are enabled through the C-3 (Tourist Industry) Zone (Policy MRR-6). New tourist industry uses can be considered within the MRR Designation by amendment to the LUB if criteria aimed at reducing the impact on abutting properties are satisfied. There is no limit to GFA for tourist industry uses under the C-3 Zone. While staff advise that the existing resort use is better suited for the C-3 Zone, which is intended to support tourist industry uses, resorts are not listed as a permitted use, nor are they currently defined within the LUB. This is likely a reflection of resorts containing a spectrum of commercial uses and services on a single property being a business model growing in popularity more recently, and not a use that was foreseen at the time the by-law was authored. An amendment to the LUB to list resorts as a permitted use under the C-3 Zone is also necessary.

### **COMMUNITY ENGAGEMENT**

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy, the HRM Charter, and the Public Participation Program approved by Council on February 25, 1997. The level of community engagement was consultation, achieved through providing information and seeking comments through the HRM website, signage posted on the subject site, letters mailed to property owners within the notification area and a public information meeting held on April 30, 2018. Attachment C contains a copy of the minutes from the meeting. The public comments received include the following:

- Support for the proposal and Oceanstone's future success;
- Questions about the compliance case; and
- Concern about the health of St. Margarets Bay and what materials are released into it.

A public hearing must be held by Regional Council before they can consider approval of the proposed MPS and LUB amendments. Should Regional Council decide to proceed with a public hearing on this application, in addition to the published newspaper advertisements, property owners within the notification area shown on Map 2 will be notified of the hearing by regular mail.

The proposal will potentially impact the following stakeholders: residents, property owners, and community organizations.

## **DISCUSSION**

The MPS is a strategic policy document that sets out the goals, objectives and direction for long term growth and development in Municipality. Amendments to an MPS are significant undertakings and Council is under no obligation to consider such requests. In this case, staff advise that amendments are required to accommodate resorts within the plan area and bring the subject property into compliance with the MPS and LUB. The following paragraphs review the rationale and content of the proposed MPS and LUB amendments.

### **Compatibility of Proposed Use**

The subject property has supported tourist industry uses since 1986 – first a yoga retreat and now a resort. It is surrounded by rural residential development along the Peggys Cove Road also within the MUA Designation and the MU-1 Zone. The C-3 Zone contains regulations for tourist industry uses which are intended to minimize land use impacts to abutting residential uses and nearby dwellings. The nearest dwellings are located a significant distance from Oceanstone Resort and are separated from the resort by a large forested area, which screens the development from adjacent residential properties. Furthermore, given the property's view and direct access to Indian Harbour, the locational attributes of subject property are valuable to a resort use. Due to these considerations, staff do not anticipate that Oceanstone will create significant land use impacts on the surrounding area. Staff note, however, the resort use on the subject property does not comply with some of the C-3 Zone requirements and, therefore, this discrepancy must be addressed through the proposed amendments.

### **Existing Sites in the C-3 Zone**

The C-3 Zone has been sparsely applied within the plan area. The Bay Breeze Motel and Cottages at 6970 St. Margarets Bay Road, 323 Island View Drive, and a portion of four other Island View Drive properties are zoned C-3. Therefore, the addition of resorts as a permitted use in the C-3 Zone will not have widespread impacts on the plan area. This notwithstanding, it is important to note that the proposed change to the LUB would enable the resort use on these properties in the future.

### **Proposed Amendments**

Staff considered the existing MPS policy context and various policy approaches when drafting the proposed MPS and LUB amendments. Attachments A and B contain the proposed MPS and LUB amendments respectively. The recommended approach is to create site-specific policy under the MUA Designation to allow resort uses on the subject property as-of-right. These MPS amendments would enable the continued use of the property as a resort and provide an avenue through which the property could be brought into conformance with the MPS and LUB.

The C-3 Zone has been identified to be the most appropriate zone for the property because the existing resort use is more consistent with tourist industry uses permitted under the C-3 Zone and there is no limit to the GFA under the C-3 Zone. However, Oceanstone Resort was not constructed to meet all standards of the C-3 Zone inclusive of setbacks and parking. As such, the proposed MPS and LUB amendments would allow resorts as a permitted use under the C-3 Zone and legalize the Oceanstone Resort in the form existing on the date of public notification for the policy changes contemplated within this report. Any subsequent expansion or changes to the resort would then need to meet the standards of the C-3 Zone.

The LUB contains several definitions for tourist accommodation industry uses including motels, hotels and campgrounds. However, there is no definition that captures the comprehensive development of a resort which typically includes tourist accommodation, a restaurant and a convention facility. Furthermore, the term "tourist cabins" has been used to describe a form of tourist accommodation in the LUB but has not been formally defined. Staff suggest that adding definitions for a resort, convention facility and tourist cabin under the LUB would provide further clarification of these tourist industry uses.

A summary of the proposed amendments are as follows:

- amend Policy MRR-6 of the MPS to enable resorts as a permitted use in the tourist industry zone;

- add site-specific Policy MU-17A to the MPS to enable rezoning of the subject property to the C-3 Zone;
- add definitions for convention facilities, resorts and tourist cabins to the LUB;
- rezone the subject property from the MU-1 Zone to the C-3 Zone;
- add resorts to the list of permitted tourist industry uses under the C-3 Zone of the LUB; and
- amend the C-3 Zone of the LUB to allow the resort use within existing buildings on the property that may not meet the setback, lot coverage and parking requirements of the zone.

### **North West Planning Advisory Committee**

On June 6, 2018, North West Planning Advisory Committee (NWPAC) recommended that the application be approved. The NWPAC members stated that the Oceanstone Seaside Resort was a good fit for the community and were in support of its continued operation. The NWPAC noted that HRM should take due consideration, when drafting proposed MPS and LUB amendments, to support the existing business and minimize barriers that would restrict Oceanstone's future growth.

### **Conclusion**

Staff have reviewed the application and the existing policy context and advise that the MPS should be amended to enable the continued use of the Oceanstone Seaside Resort and its future expansion in accordance with the C-3 Zone. The proposed amendments would resolve the municipal compliance case with the Oceanstone Resort and recognize resorts as a permitted use within the Plan Area, which is reasonably consistent with the stated intent of the MPS. Therefore, staff recommend that the North West Community Council recommend that Regional Council approve the proposed MPS and LUB amendments.

### **FINANCIAL IMPLICATIONS**

The HRM costs associated with the processing of this planning application can be accommodated within the approved 2018-2019 operating C310 Urban and Rural Planning Applications.

### **RISK CONSIDERATION**

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

### **ENVIRONMENTAL IMPLICATIONS**

No environmental implications are identified.

### **ALTERNATIVES**

The North West Community Council may choose to recommend that Regional Council:

1. Modify the proposed amendments to the MPS and LUB for Planning Districts 1 & 3 (St. Margarets Bay), as set out in Attachments A and B of this report. If this alternative is chosen, specific direction regarding the requested modifications is required. Substantive amendments may require another public hearing to be held before approval is granted. A decision of Council to approve or refuse the proposed amendments is not appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.

2. Refuse the proposed amendments to the MPS and LUB for Planning Districts 1 & 3 (St. Margarets Bay). A decision of Council to approve or refuse the proposed amendments is not appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.

## **ATTACHMENTS**

Map 1:	Generalized Future Land Use
Map 2:	Zoning and Notification Area
Map 3:	Oceanstone Resort
Attachment A:	Proposed MPS Amendments
Attachment B:	Proposed LUB Amendments
Attachment C:	Public Information Meeting (PIM) Notes

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A copy of this report can be obtained online at [halifax.ca](http://halifax.ca) or by contacting the Office of the Municipal Clerk at 902.490.4210.

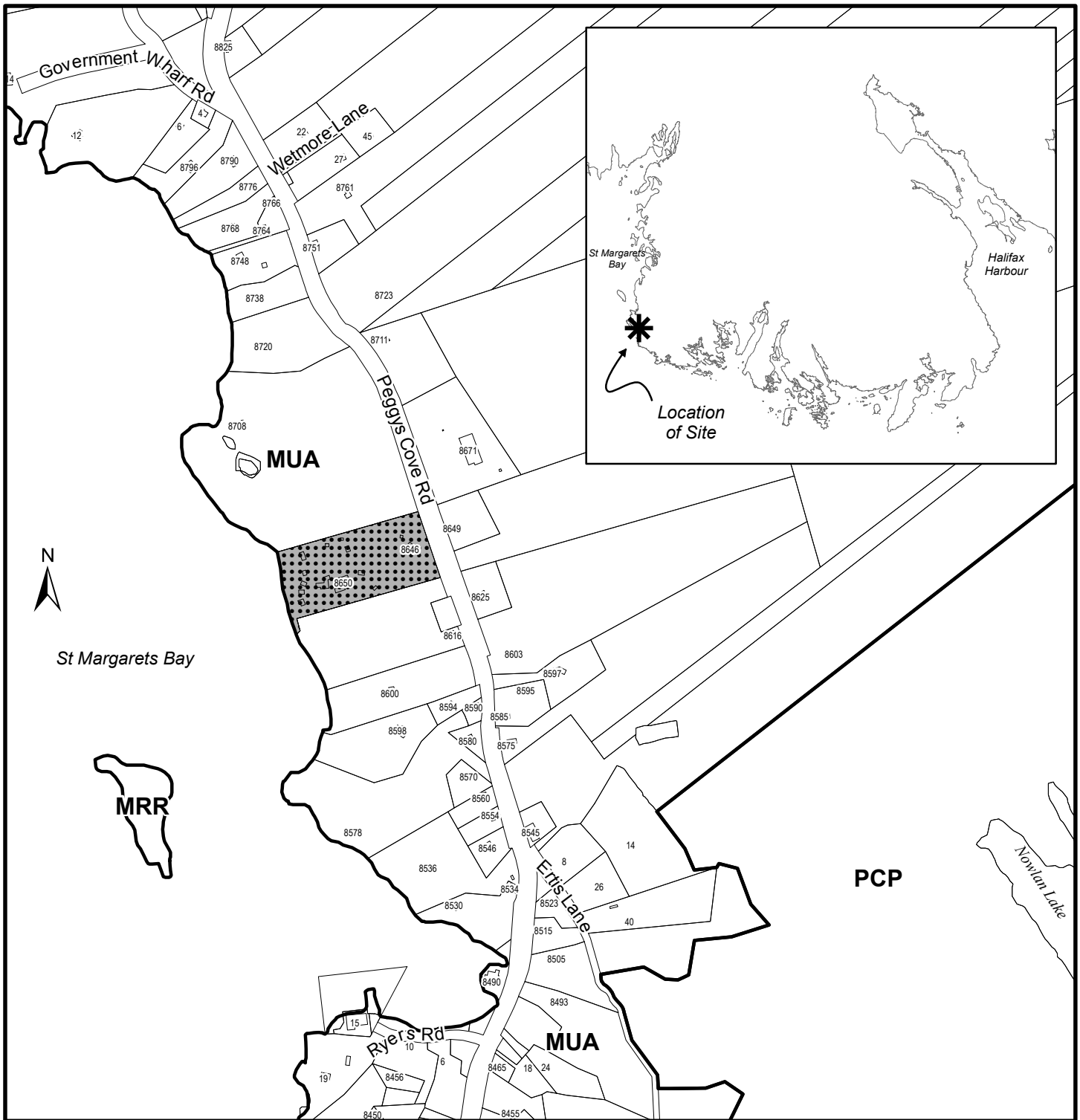
Report Prepared by: Stephanie Salloum, Planner II, Rural Policy & Applications, 902.490.4223

Original Signed

Report Approved by: \_\_\_\_\_  
Carl Purvis, Acting Manager, Current Planning, 902.490.4797

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### Map 1 - Generalized Future Land Use

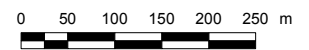
8646/8650 Peggy's Cove Rd,  
Indian Harbour

**HALIFAX**

 Subject Property

#### Designation

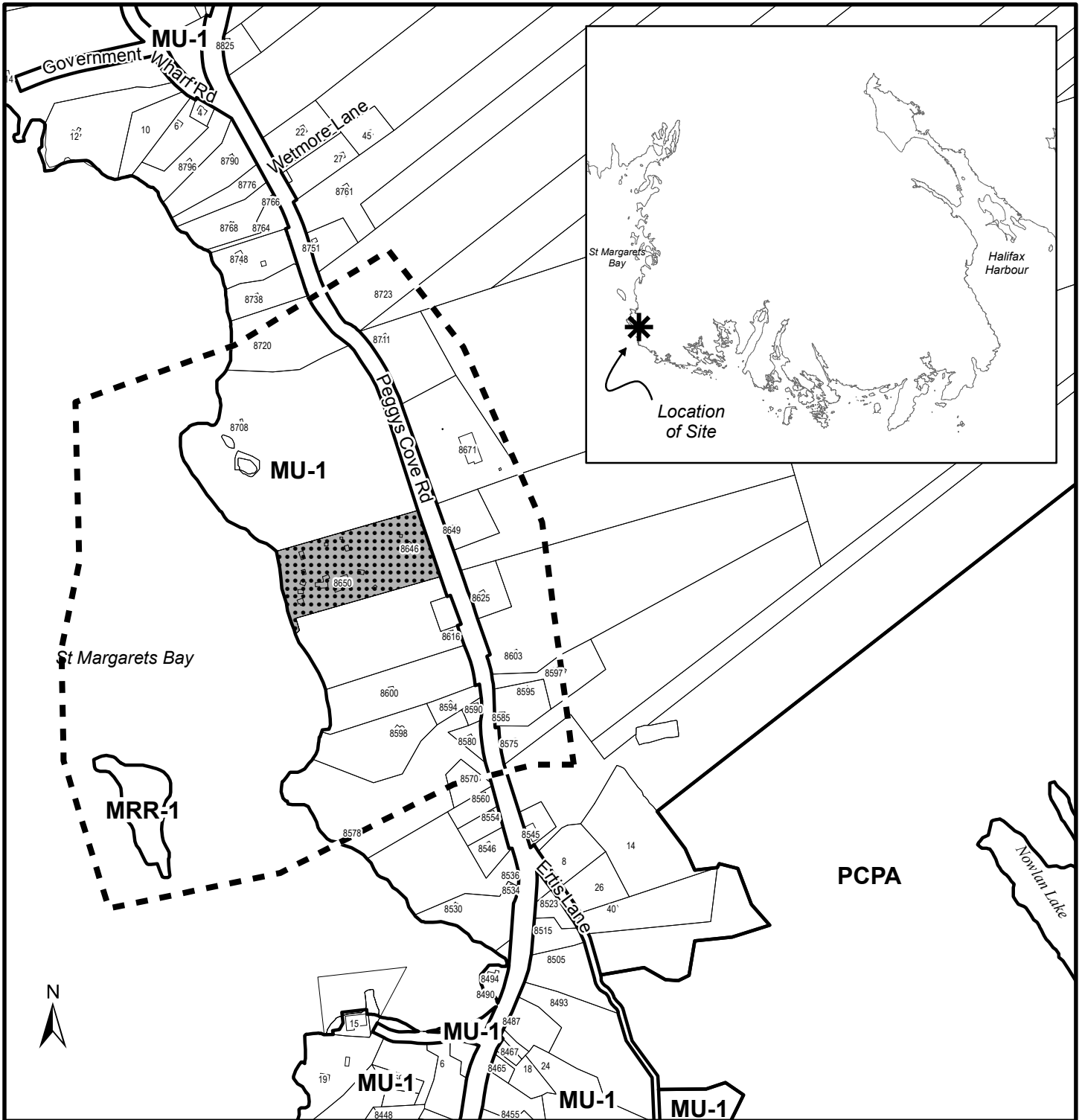
- MRR Mixed Rural Residential
- MUA Mixed Use A
- PCP Peggy's Cove Preservation Area



Planning District 1 & 3  
(St Margaret's Bay) Plan Area

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


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




## Map 2 - Zoning and Notification

8646/8650 Peggy's Cove Rd,  
Indian Harbour

**HALIFAX**

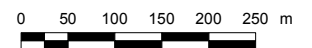
 Subject Property

 Area of Notification

Planning District 1 & 3  
(St. Margaret's Bay) Plan Area

### Zone

MRR-1 Mixed Rural Residential  
 MU-1 Mixed Use  
 PCPA Peggy's Cove Preservation Area



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

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

# Map 3: Site Plan

## Oceanstone

### SEASIDE RESORT

The inspiring seaside oasis that is Oceanstone has been inviting visitors from across the province and around the world to recharge, unwind and relax for more than three decades.

What began as a tiny yoga retreat on the shores of St. Margaret's Bay has grown organically over time. Today it is a destination for executive class retreats, unforgettably intimate weddings and an escape for both world travelers and busy Halifax couples alike.

Welcome to Oceanstone - stoke the fire

- 1 Oceanstone Lodge  
Front Desk Check In/Out  
Great Room  
Conference + Meeting Space  
Firepit  
Lodge Room One  
Lodge Room Two

- 2 Hollyhock Suites

- 3 Inn Rooms

- 4 Tree House

- 5 The Pines **cottage: 2-BEDR**

- 6 Ocean Vista

- 7 Captain's House

- 8 Crow's Nest

- 9 Dovekey **1-BEDR Suite**


- 10 Grey Owl **cottage: 3-BEDR**

- 11 Periwinkle

- 12 Rhubarb Restaurant & Rooms

- 13 Tuck Shop  
Cold drinks, coffee, snack items and small items for breakfast.  
Sandwiches and salads for that perfect meal on the go.  
**open daily 8am-3pm**

-  Complimentary Wood Shed

-  Oceanstone Firepit

-  Outdoor Wedding Venue

**Rhubarb  
Restaurant + 5  
guest suites**

**cottage: 2 BEDR**

**5 guests suites**

**5 guest suites**

**Main Lodge/  
Events Centre with  
2 guests suites**

**cottage: 2-BED**

**cottage: - 2-BEDR**

**Cottage: 1-BEDR**

**cottage: 1-BEDR**

#### AMENITIES

- Out door games
- Onsite Restaurant
- Oceanfront Property
- Private beach access
- 5 Minutes from Peggy's Cove

- WIFI
- Beach bonfires
- Board games
- DVD collect
- Ask staff for assistance

**8650 Peggy's Cove Road**  
Indian Harbour, Nova Scotia B3Z 3P4  
OceanStoneResort.com | 902-823-2160  
RhubarbRestaurant.ca | 902-821-3013

**Attachment A:  
Proposed Amendments to the Municipal Planning Strategy for Planning Districts 1 and 3**

**BE IT ENACTED** by the Halifax Regional Council of the Halifax Regional Municipality that the Municipal Planning Strategy for Planning Districts 1 and 3 (St. Margarets Bay), is hereby amended as follows:

1. The pre-amble preceding Policy MRR-6, immediately after Policy MRR-5, shall be amended by deleting the text shown in ~~strikeout~~ and adding the text shown in bold below:

Given the locational attributes of much of the designation there are other uses related to the tourist industry that could conceivably find the designation particularly attractive from a business perspective. For example, certain parcels of land within the designation have an excellent view of the ocean and, in some instances, direct access to it. Commercial activities that would find such locations advantageous include motels, hotels, ~~and~~ restaurants, **and resorts**.

The nature of these uses, however, is such that they would not be appropriate to all areas within the designation. Therefore their establishment shall only be permitted by amendment to the land use by-law.

2. Policy MRR-6 shall be amended by deleting the text shown in ~~strikeout~~ and adding the text shown in bold below:

MRR-6        Notwithstanding Policy MRR-2, within the Mixed Rural Residential Designation, Council shall establish a tourist industry zone which permits all mixed rural residential uses, motels, hotels, ~~and~~ restaurants, **and resorts**....

3. The following text shall be added immediately after Policy MU-17 and before the pre-amble for Mixed Use "B" Designation Policy MU-18 as shown in bold below.

**The property described as Oceanstone Seaside Resort, located at 8646 and 8650 Peggys Cove Road, Indian Harbour (PID 40037327), has supported tourist industry uses since 1986 including a yoga retreat, hotel and restaurant. Since 1986, the Oceanstone Seaside Resort uses have been regulated independently as commercial uses with limits to the combined gross floor area of the development. As the resort grew, the approach of regulating these uses independently ultimately led to challenges with enforcement. Given the history of tourist industry uses on the property and the property's view and direct access to the ocean, it is appropriate to consider a resort at 8646 and 8650 Peggys Cove Road (PID 40037327) within the Mixed Use "A" designation through an amendment to the land use by-law.**

**MU-17A        Notwithstanding Policy MU-2 and subsection (a) of Policy IM-9, within the Mixed Use "A" Designation, it shall be the intention of Council to apply the tourist industry zone to 8646 and 8650 Peggys Cove Road (PID 40037327) recognising that the structures located on the property on or before the date of Council's first notice to adopt this section may not meet all the requirements of the tourist industry zone. The application of the tourist industry zone would permit the use of the property as a resort and future expansion of the resort in accordance with the tourist industry zone.**

4. Policy IM-7 (b) (iii) shall be amended by deleting the text shown in ~~strikeout~~ and adding the text shown in bold below:

(iii)        motels, ~~and~~ hotels, ~~and~~ restaurants, **and resorts** according to Policy MRR-6.

I HEREBY CERTIFY that the amendments to the Municipal Planning Strategy for Planning Districts 1 and 3, as set out above, were duly passed by a

majority vote of the Halifax Regional Municipal Council at a meeting held on the       day of  
, 2019.

GIVEN under the hand of the Clerk and the Corporate Seal of the Halifax Regional Municipality this       day of       , 2019.

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

**Attachment B:  
Proposed Amendments to the Land Use By-law for Planning Districts 1 and 3**

**BE IT ENACTED** by the Halifax Regional Council of the Halifax Regional Municipality that the Land Use By-law for Planning Districts 1 and 3 (St. Margarets Bay), is hereby further amended as follows:

1. Schedule A – Zoning shall be amended to rezone 8646 and 8650 Peggys Cove Road, Indian Harbour (PID 40037327) from the MU-1 (Mixed Use 1) Zone to the C-3 (Tourist Industry) Zone as shown on Schedule A attached hereto.
2. Section 2.15F shown in bold below shall be added to Part 2 Definitions after the definition of “Construction and Demolition Materials Transfer Stations” and before the definition of “Council”.

**2.15F CONVENTION FACILITY means a building or part thereof used to accommodate meetings, seminars, conventions, weddings, or other special events.**

3. Section 2.22(a) shall be amended by adding the text shown in bold and deleting the text shown in ~~strikeout~~ below:

2.22 DWELLING

(a) Dwelling means a building or part of a building, occupied or capable of being occupied as a home or residence by one or more persons, and containing one or more dwelling units but shall not include a hotel, a motel, apartment hotel, ~~or~~ hostel, **or tourist cabin.**

4. Section 2.63A shown in bold below shall be added to Part 2 Definitions after the definition of “Residential Care Facility” and before the definition of “Restaurant – Full Service”.

**2.63A RESORT means a comprehensive development on a single lot that provides tourist accommodation such as hotels, motels and tourist cabins, restaurant/food services, convention facilities, and recreation uses to the community and/or travelling public for gain or profit. Resorts may also include administrative facilities, maintenance and storage facilities, and retail uses in conjunction with accommodation and restaurant/food services.**

5. Section 2.76A shown in bold below shall be added to Part 2 Definitions after the definition of “Structure” and before the definition of “Traditional Use”.

**2.76A TOURIST CABIN means a building used for temporary accommodations for the travelling public for gain or profit and may include private cooking facilities.**

6. Part 16: C-3 (Tourist Industry) Zone shall be amended by adding the text shown in bold below to the list of Tourist Industry Uses under Section 16.1 immediately after the words “Restaurants, full-service, drive-in and takeout” and before Section 16.2:

Tourist Industry Uses

Motels

Hotels

Restaurants, full-service, drive-in and takeout

**Resort**

7. Section 16.5 shown in bold below shall be added immediately after Section 16.4 and immediately before Part 17: MR-1 (Mixed Resource) Zone.

**16.5      OTHER REQUIREMENTS: EXISTING BUILDINGS AT 8646 AND 8650 PEGGYS COVE ROAD, INDIAN HARBOUR (PID 40037327)**

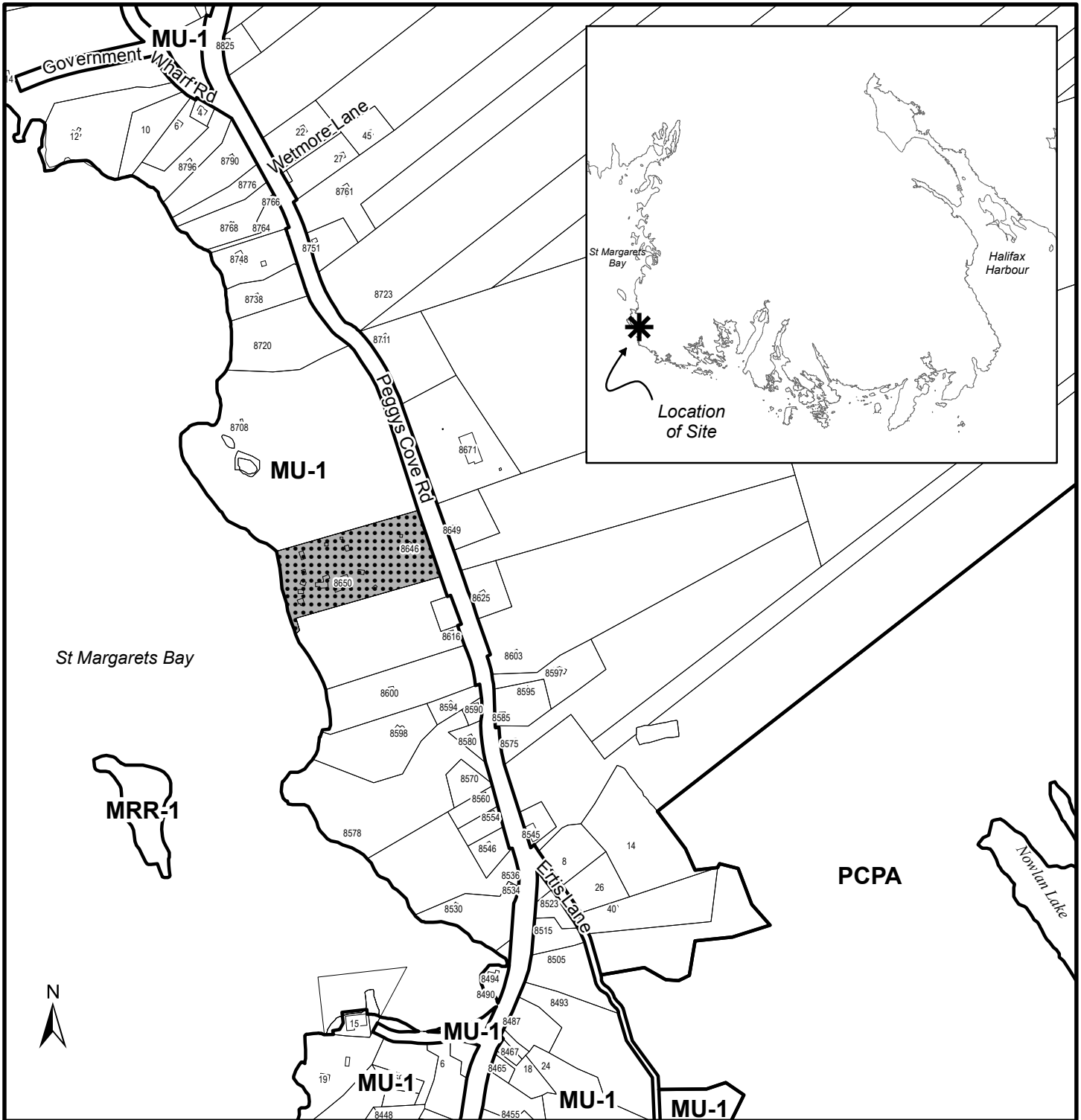
Notwithstanding Sections 4.27, 4.9, 16.2 and 16.3, where a resort has been erected at 8646 and 8650 Peggys Cove Road, Indian Harbour (PID 40037327) on or before **(the date of Council's first notice to adopt this section)** having less than the minimum number of parking spaces or less than the minimum front yard or side yard or rear yard required by this By-law, the buildings may be enlarged, reconstructed, repaired, readopted, rebuilt or renovated provided that:

- (a) the enlargement, reconstruction, repair or renovation does not further reduce the front, side or rear yard that does not conform to this By-law;
- (b) any expansion of the use meets the parking requirements of this By-law; and
- (c) all other applicable provisions of this By-law are satisfied.

I HEREBY CERTIFY that the amendments to the Municipal Planning Strategy for Planning Districts 1 and 3, as set out above, were duly passed by a majority vote of the Halifax Regional Municipal Council at a meeting held on the      day of      , 2019.

GIVEN under the hand of the Clerk and the Corporate Seal of the Halifax Regional Municipality this      day of      , 2019.


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



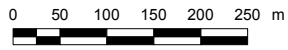
**Schedule A**

**HALIFAX**

8646/8650 Peggy's Cove Rd,  
Indian Harbour

 Area to be rezoned from  
MU-1 (Mixed Use 1 Zone) to  
C-3 (Tourist Industry Zone)

Zone	
MRR-1	Mixed Rural Residential
MU-1	Mixed Use
PCPA	Peggys Cove Preservation Area



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

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

Planning District 1 & 3  
(St Margaret's Bay) Plan Area





**NORTH WEST PLANNING ADVISORY COMMITTEE  
PUBLIC MEETING MINUTES  
April 30, 2018**

**PRESENT:** Ann Merritt, Chair  
Dave Haverstock, Vice Chair  
Councillor Lisa Blackburn  
Ross Evans  
Joshua Levy  
Donalda Maclsaac  
Nick Horne

**REGRETS:** Councillor Tim Outhit  
Evan MacDonald  
Paul Russell

**OTHERS PRESENT:** Cesar Saleh, W.M Fares Architects  
Lizzie Moore, Oceanstone Seaside Resort  
Susan Wilson, Oceanstone Seaside Resort  
Troy Dawson, Oceanstone Seaside Resort  
Councillor Matt Whitman

**STAFF:** Jesse Morton, Planner II  
Thea Langille, Principal Planner  
Holly Kent, Planning Technician  
Alicia Wall, Legislative Support

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

*The agenda, reports, supporting documents, and information items circulated to the Halifax Peninsula Planning Advisory Committee are available online at [halifax.ca](http://halifax.ca).*

*The meeting was called to order at 7:00 p.m., the Committee adjourned at 7:34 p.m.*

## **1. CALL TO ORDER**

The Chair called the meeting to order at 7:00 p.m. at St. Peter's Anglican Church, 10030 Peggy's Cove Road, Hackett's Cove.

## **2. PUBLIC INFORMATION MEETING**

### **2.1 Case 21212 - Application by W.M. Fares Architects, on behalf of Oceanstone Seaside Resort, for amendments to the Municipal Planning Strategy and Land Use By-law for Planning Districts 1 and 3 for 8646 and 8650 Peggy's Cove Road, Indian Harbour to recognize the existing tourist industry use on the site and allow for its expansion or alteration**

The Chair invited Jesse Morton, Planner II, to present Case 21212.

Jesse Morton advised that the applicant is proposing a rezone of the property from MU-1 to C-3 to recognize the existing use and to allow for a possible expansion. Morton showed an aerial photograph of the site.

Morton stated that the application initially came in as a compliance issue and provided a brief history of the property stating the current owner acquired the property in 2011.

Cesar Saleh, Vice President, Planning and Design, W.M. Fares Architects took the floor and thanked the attendees on behalf of the applicant. They stated they have been working on this Case since January of 2017. They further indicated it was initially a by-law issue as Oceanstone wanted to erect a 900-square foot building, and upon applying for a permit and conducting some research, they discovered that the existing zoning does not meet current use as it does not recognize the property as a resort. Saleh finished by stating the existing use will comply with all of the provisions of new zone and the set-backs are very similar for both.

The Chair opened the floor to comments and questions from members of the public.

Neville Elwood of Indian Harbour, who owns property next door wanted to express admiration for the owners of Oceanstone and indicated they would like to see them prosper.

Helen of Hacketts Cove questioned whether or not the existing buildings conform to the current zoning and inquired as to how this went unnoticed for so long.

Jesse Morton responded by stating if this application is not approved Oceanstone will need to ensure the property is brought into compliance with the current zoning.

Thea Langille, Principal Planner advised permits were issued for the existing buildings. They further explained that there were some regulations adopted by Council a few years back to limit the amount of commercial space in the Tantallon area, and as a result, the regulations were inadvertently applied to this property without taking into consideration the existing use.

Len Hollett of Hacketts Cove expressed concern for the safety of the ocean and what is going into it. They further endorsed what Oceanstone is doing and feel it is good for the community.

Lizzie Moore indicated a new septic system has been installed on the site and that everything goes through The Department of Environment.

Phyllis Orlik of Indian Harbour inquired as to the location of the 900 square foot building.

Councillor Whitman indicated they have received no complaints with respect to this proposal and feels Oceanstone is a good community business.

Diane Buckle of Indian Harbour leases Rhubarb would like to see the “tourist” designation for Oceanstone.

**3. ADJOURNMENT**

The meeting adjourned at 7:34 p.m.

Alicia Wall  
Legislative Assistant



PO Box 1749  
Halifax, Nova Scotia  
B3J 3A5 Canada

## MEMORANDUM

TO: Chair and Members of North West Community Council

CC: Jesse Morton, Planner II, Current Planning

FROM: Ann Merritt, Chair, North West Planning Advisory Committee

DATE: June 11, 2018

**SUBJECT: Case 21212:** Application by WM Fares Architects, on behalf of Oceanstone Seaside Resort, to amend the Municipal Planning Strategy and Land Use By-law for Planning Districts 1 and 3 for 8646 and 8650 Peggys Cove Road, Indian Harbour in order to recognize the existing tourist industry use and permit its future expansion

The North West Planning Advisory Committee received information from staff regarding Case 21212 at their June 6, 2018 meeting. The following recommendation was approved:

*THAT the North West Planning Advisory Committee has reviewed the application for Case 21212 and recommends approval of the application as outlined in the Applicant's Letter and Site Plan with HRM taking due consideration to minimally interrupting the operation of the existing business.*

This recommendation has been provided to HRM planning staff for review and consideration, and will be addressed in their staff report to the North West Community Council.

**HALIFAX**

# **Case 21212 Recommendation to Regional Council**

Amendments to the Municipal  
Planning Strategy and Land Use  
Bylaw for 8646 and 8650 Peggys  
Cove Road, Indian Harbour

North West Community Council  
December 10, 2018

# Applicant Proposal

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Applicant: WM Fares Architects  
*(on behalf of Oceanstone Seaside Resort)*

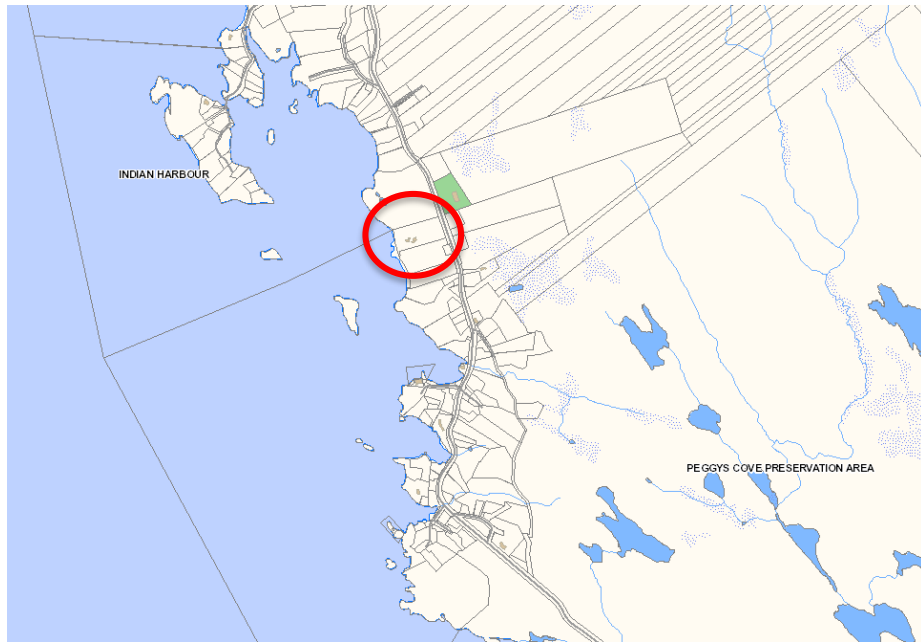
Location: 8646 and 8650 Peggys Cove Road, Indian Harbour

Proposal: To amend the MPS and LUB for Planning Districts 1 and 3 to recognize the existing tourist industry use (i.e., Oceanstone Seaside Resort) and permit its future expansion.



# Site Context

8646 and 8650 Peggys Cove Road, Indian Harbour



General Site location



Site Boundaries in Red

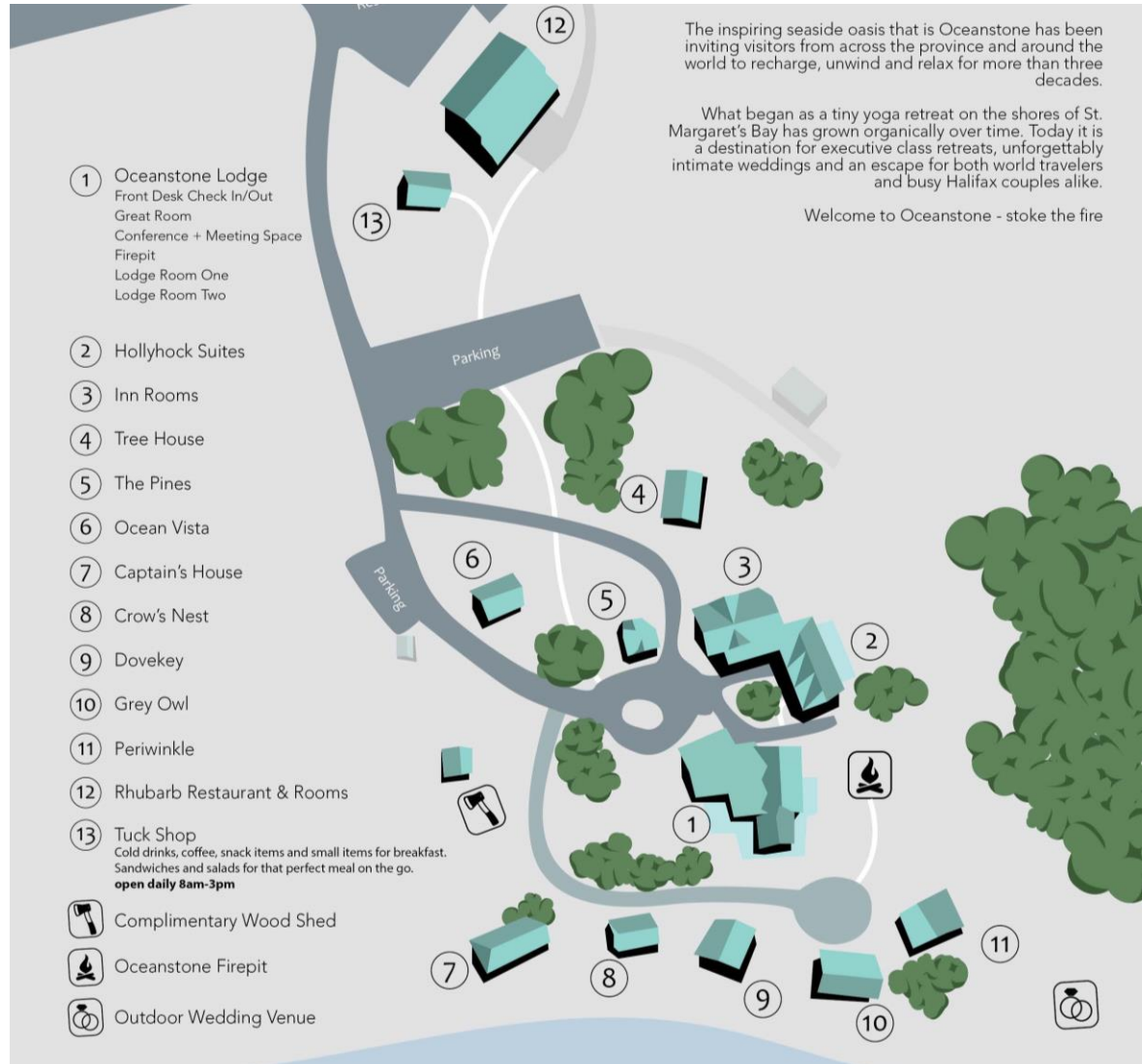
# Site Context

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# Proposal



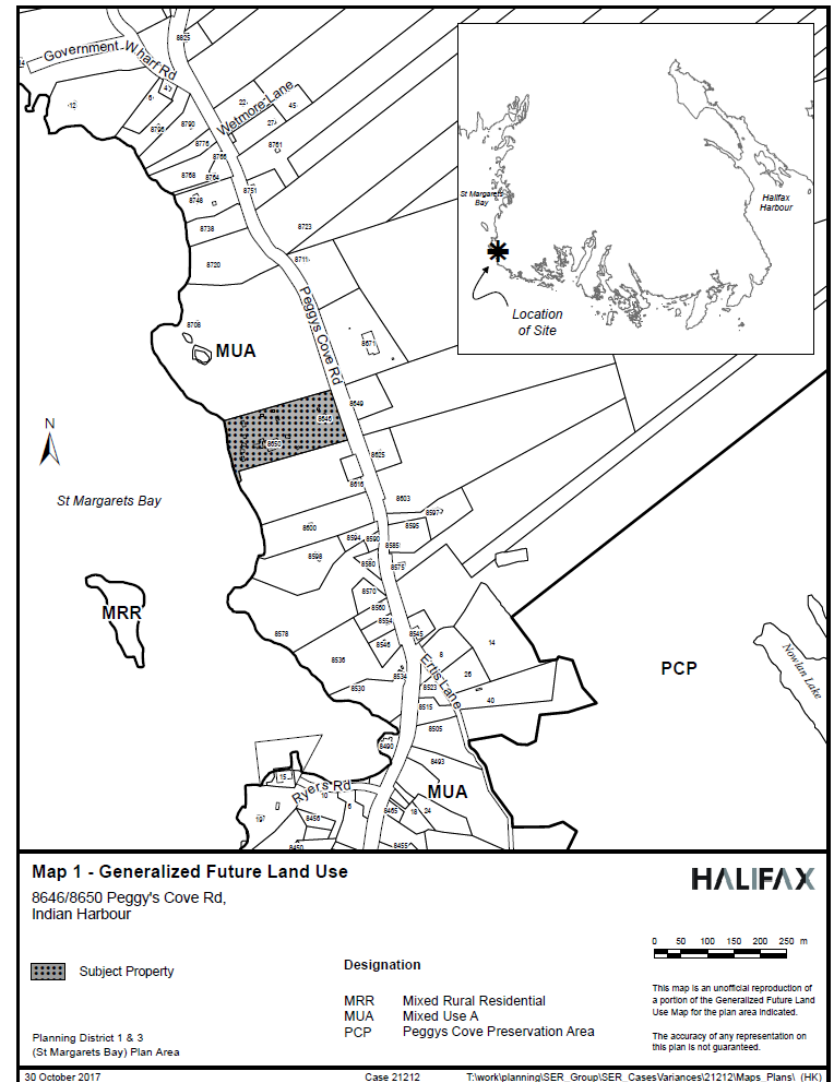
- Initially came forward as a compliance case
- Legalise the resort use
- Allow future expansion

# Planning Policy

## Planning Districts 1 & 3 (St Margarets Bay) Municipal Planning Strategy

### Mixed Use A (MUA) Designation

- Enables a variety of uses under the Mixed Use 1 Zone
- Does not support large, big box commercial uses as it detracts from the coastal village character of the area

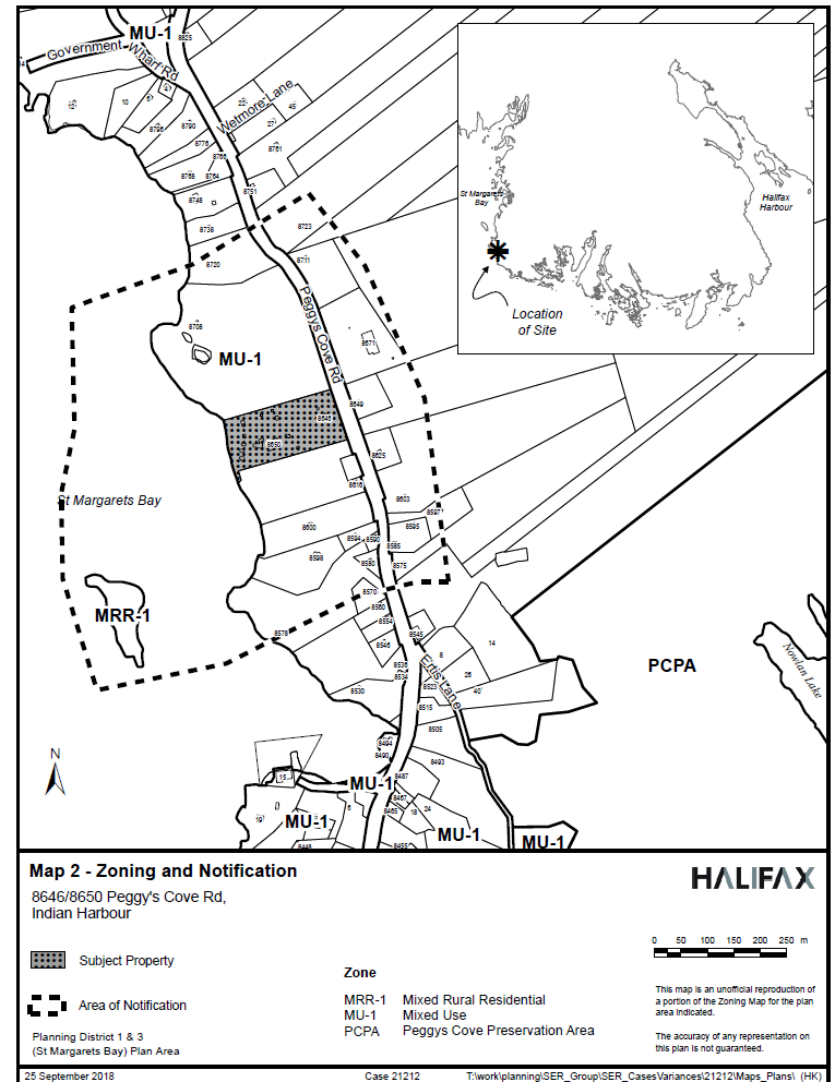


# Land Use By-law

## Planning Districts 1 & 3 (St Margarets Bay) Land Use By-law

### MU-1 (Mixed Use 1) Zone

- Permits a wide variety of uses
- Commercial uses are limited to 697 square metres (7,500 square feet)
- A resort is considered a commercial use and is limited under the MU-1 Zone



# Public Engagement Feedback

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- Level of engagement completed was consultation achieved through the HRM website, signage on the site, a mail out notification and public information meeting (April 30, 2018)
- Feedback from the community generally included the following:
  - Support for the Oceanstone Resort
  - Questions about the compliance case
  - Concern about the water quality of Saint Margarets Bay

# North West PAC Recommendation

June 6, 2018

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The PAC provided the following feedback:

- Oceanstone Resort is a good fit for the community
- Consideration should be given to enable future growth of the resort

The PAC recommended that the application be approved.

# Proposed Amendments

## Planning Districts 1 & 3 MPS and LUB

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### **MPS**

- Enable resorts as a tourist industry use
- Enable rezoning of the Oceanstone property to the C-3 (Tourist Industry) Zone

### **LUB**

- rezone the Oceanstone property to the C-3 Zone
- add definitions for convention facilities, resorts and tourist cabins
- allow resorts as a permitted tourist industry use under the C-3 Zone
- legalise the Oceanstone resort as it exists and require that any future expansion meets the requirements of the C-3 Zone

# Staff Recommendation

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Staff recommend that North West Community Council recommend that Regional Council:

1. Give First Reading to consider the proposed amendments; and
2. Approve the proposed amendments to the Planning Districts 1 & 3 (St Margarets Bay) MPS and LUB as set out in Attachments A and B of the staff report dated November 20, 2018

**HALIFAX**

**Thank You**