



P.O. Box 1749  
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**Item No. 5.1.2**  
**Halifax and West Community Council**  
**June 17, 2020**

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

Original Signed

**SUBMITTED BY:**

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Kelly Denty, Director of Planning and Development

**DATE:** March 24, 2020

**SUBJECT:** **Case 22640: Land Use By-law Amendment to Rezone 1686 Prospect Bay Road, 1688 Prospect Bay Road, and Lot 4RC, Prospect**

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**ORIGIN**

Application by Brighter Community Planning & Consulting.

**LEGISLATIVE AUTHORITY**

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

**RECOMMENDATION**

It is recommended that Halifax and West Community Council:

1. Give First Reading to consider approval of the proposed amendment to Schedule A, the zoning map of the Land Use By-law for Planning District 4, as set out in Attachment A, to rezone 1686 Prospect Bay Road, 1688 Prospect Bay Road, and Lot 4RC, Prospect from the P-2 (Community Facility) Zone to the RRB-1 (Rural Residential B-1) Zone to permit residential development, and schedule a public hearing;
2. Adopt the amendment to Schedule A, the zoning map of the Land Use By-law for Planning District 4, as set out in Attachment A.

## **BACKGROUND**

Brighter Community Planning & Consulting, on behalf of Chris MacDonald, is applying to rezone 1686 Prospect Bay Road, 1688 Prospect Bay Road, and Lot 4RC, Prospect from the P-2 (Community Facility) Zone to the RRB-1 (Rural Residential B-1) Zone under the Land Use By-law for Planning District 4. The rezoning is necessary to permit the renovation of the former church building for use as a single unit dwelling, and the replacement of the former church hall building with a single unit dwelling.

<b>Subject Site</b>	Consists of three properties: <ul style="list-style-type: none"> <li>• Lot 1RC (1686 Prospect Bay Road, Prospect - PID 41461799);</li> <li>• Lot 2RC (1688 Prospect Bay Road, Prospect - PID 00570929); and</li> <li>• Lot 4RC (PID 41461807)</li> </ul> (See Map 1 & 2 for lot configuration)
<b>Location</b>	The subject site is located on the north side of the Prospect Bay Road on the Prospect Peninsula approximately 150 meters west of the end of the Prospect Bay Road in the area known as Prospect Village.
<b>Regional Plan Designation</b>	Rural Commuter
<b>Community Plan Designation (Map 1)</b>	Rural Residential B under the Municipal Planning Strategy for Planning District 4 (Prospect)
<b>Zoning (Map 2)</b>	P-2 (Community Facility) Zone under the Land Use By-law for Planning District 4 (Prospect)
<b>Size of Site</b>	The total area of the subject site is approximately 1.75 hectares (4.4 acres): <ul style="list-style-type: none"> <li>• Lot 1RC is approximately 1,751 square meters (0.4 acres);</li> <li>• Lot 2RC is approximately 14,892 square meters (3.7 acres); and</li> <li>• Lot 4RC is approximately 1,198 square meters (0.3 acres)</li> </ul>
<b>Street Frontage</b>	The subject site has approximately 69 meters (227 feet) of total frontage along the Prospect Bay Road: <ul style="list-style-type: none"> <li>• Lot 1RC has approximately 28 meters (93 feet);</li> <li>• Lot 2RC has approximately 41 meters (134 feet); and</li> <li>• Lot 4RC has no frontage</li> </ul>
<b>Current Land Use(s)</b>	Lot 1RC: Former building of Our Lady of Mount Carmel Roman Catholic Church Lot 2RC: Former church hall Lot 4RC: vacant/undeveloped and entirely within the watercourse buffer
<b>Surrounding Use(s)</b>	<ul style="list-style-type: none"> <li>• Low density residential development to the west, east and south;</li> <li>• Government wharf opposite the Prospect Bay Road at 12 Prospect Wharf Road, Prospect;</li> <li>• Old Burying Ground (Lot 3RC, Prospect) abutting to the northeast; and</li> <li>• Atlantic Ocean abutting to the north.</li> </ul>

### **Proposal Details**

The applicant proposes to amend the Land Use By-law for Planning District 4 (LUB) to rezone the subject site to permit the renovation of the former church building (1686 Prospect Bay Road) for use as a single unit dwelling and the replacement of the former church hall (1688 Prospect Bay Road) with a single unit dwelling. No development is proposed for Lot 4RC, however for housekeeping purposes, staff advise that this area of land would be more appropriately zoned RRB-1 as opposed to the current P-2 Zone given the absence of a Community Facility on the lands.

### **Enabling Policy and LUB Context**

The subject site is designated Rural Residential B under the Municipal Planning Strategy for Planning District 4 (MPS). This designation has been applied to the Prospect Peninsula and is intended primarily to support the growth of the low-density residential environment.

The proposed rezoning may be considered by Community Council in accordance with Policies RRB-2 and IM-11 of the MPS (Attachment B).

Policy RRB-2 allows Council to apply the RRB-1 (Rural Residential B-1) Zone on lands within the Rural Residential B designation. The zone is intended to permit the development of single unit dwellings, home businesses, limited fishery support and aquaculture uses, limited agriculture uses, bed and breakfast outlets, open space uses, and businesses that were in existence when the MPS came into effect. Attachment C contains excerpts from the LUB that include the RRB-1 Zone provisions.

Policy IM-11 contains general implementation policy criteria Council must consider prior to amending the LUB, such as: the proximity and impact on schools, recreation or other community facilities, potential for damage or destruction of historic buildings or sites; and, site suitability with respect to environmental considerations (locations of watercourses etc.).

The current zone applied to the site is the P-2 (Community Facility) Zone which reflects the former use of the site as a church. The P-2 Zone permits a variety of institutional uses and open space uses but does not permit any form of residential uses thereby limiting the adaptive reuse of the former church.

The properties immediately surrounding the subject site are all zoned RRB-1 (Map 2).

### **COMMUNITY ENGAGEMENT**

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy. The level of community engagement was consultation, achieved through providing information and seeking comments through the HRM website, signage posted on the subject site, notification of the planning application mailed to property owners within the notification area (Map 2), and a public information meeting held on January 29, 2020. Attachment D contains a summary from the meeting. The public comments received include the following topics:

- Disturbance of human remains;
- Concern regarding the disposal of the stained-glass windows;
- Location of property lines in relation to onsite services and driveways;
- Timing of construction; and,
- The potential for future subdivision of the lands.

A public hearing must be held by Halifax and West Community Council before they can consider approval of the proposed LUB amendment. Should Community 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 HRM website will also be updated to indicate notice of the public hearing.

The proposal will potentially impact local residents and property owners.

### **DISCUSSION**

Staff has reviewed the proposal relative to all relevant policies and advise that it is consistent with the intent of the MPS. Attachment A contains the proposed rezoning that would allow the applicant's proposal.

#### **LUB Amendment Review**

Attachment B provides an evaluation of the proposed rezoning in relation to relevant MPS policies. Of the matters reviewed to satisfy the MPS criteria, the following have been identified for more detailed discussion:

### Compatibility with Surrounding Uses and Community

The subject site is located within an established low-density residential coastal village environment. The existing church building (1686 Prospect Bay Road) is a prominent landmark in the area and the applicant is proposing to retain the building and repurpose it through an internal renovation. While the building does not meet certain LUB requirements of the RRB-1 Zone (front and side yard setbacks, and maximum height) it predates land use regulation, and as such, the non-conforming provisions of the HRM Charter apply and allow the building to be repurposed. The building is considered to be compatible within the village context.

The former church hall building (1688 Prospect Bay Road) is proposed to be demolished and replaced with a single unit dwelling which the applicant has described as a carriage house (garage at ground level with living space above). No compatibility concerns have been raised in relation to the proposed new dwelling unit, however some concern has been raised regarding a proposed accessory building discussed below in relation to archaeological protection.

It should be noted that once a property is rezoned, any use permitted under the new zone could be established on the site, subject to meeting the form and use requirements of the LUB. Staff advise that while the intentions of the applicant are clear and not likely to change, this was not a factor in their evaluation of the relevant plan policies.

Regarding the question from a member of the public with respect to the potential for future subdivision that could result in additional residential lots, based solely on the overall site area and the requirements of the RRB-1 Zone, there may be the potential of up to 6 additional lots on a new public street. However, given that the site is significantly encumbered by watercourse buffers, and soil conditions in the area may present challenges for the developer to secure septic approvals, it is not anticipated that any future potential additional lots would alter the character of the community.

### Archaeological Protection

As noted in the summary from the public information meeting (Attachment D) it was identified that the church cemetery located on an abutting property (Lot 3RC/ PID 00570937 as shown on Map 2) may not represent the full extent of the area where human remains are located. There is some potential that remains are located in the vicinity of the site where the applicant has proposed an accessory building as identified on Map 3 as #5 Boat House.

Staff have been in contact with the Nova Scotia Department of Communities, Culture and Heritage (NSDCCH) who have advised that scenarios like this are not uncommon with older cemeteries and avoidance of any area believed to contain human remains is a preferred method of mitigation. NSDCCH recommend an Archaeological Resource Impact Assessment be conducted for the area in question prior to site development and if human remains are located, the developer would be required to contact NSDCCH who may direct the preparation of a site-specific Human Remains Protocol. As the proposed location of the accessory building is still conceptual, this information has been relayed to the applicant for their information.

### **Conclusion**

Staff have reviewed the proposal in terms of all relevant policy criteria and advise that the proposal is reasonably consistent with the intent of the MPS. The MPS seeks to support low density residential development on the Prospect Peninsula through the establishment of the RRB-1 Zone. Following Council approval, the development would be required to meet the provisions of the LUB, as well as any applicable provincial requirements, and secure all appropriate permits. Therefore, staff recommend that the Halifax and West Community Council approve the proposed LUB amendment.

### **FINANCIAL IMPLICATIONS**

The HRM cost associated with processing this planning application can be accommodated with the approved 2020-2021 operating budget for C310 Urban and Rural Planning Applications.

## **RISK CONSIDERATION**

There are no significant risks associated with the recommendations contained within this report. This application may be considered under existing MPS policies. Community Council has the discretion to make decisions that are consistent with the MPS, and such decisions may be appealed to the N.S. Utility and Review Board. Information concerning risks and other implications of adopting the proposed LUB amendment are contained within the Discussion section of this report.

## **ENVIRONMENTAL IMPLICATIONS**

As noted above, the site is located on the coast of the Atlantic Ocean and also contains wet areas. The LUB contains provisions related to watercourse setbacks and coastal elevations to which the proposed development must adhere.

Additionally, this application proposes the repurposing of an existing building, which has the benefit of reduced embodied energy, reducing the overall environmental impact of the building compared to the construction of a new building from a materials lifecycle perspective. While no policies within the MPS specifically relate to this, it is considered a positive environmental action and is in line with the municipality's climate objectives.

## **ALTERNATIVES**

1. Halifax and West Community Council may choose to refuse the proposed LUB amendment, and in doing so, must provide reasons why the proposed amendment does not reasonably carry out the intent of the MPS. A decision of Council to refuse the proposed LUB amendment is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.
2. Halifax and West Community Council may choose to approve the proposed LUB amendment subject to modifications, and such modifications may require a supplementary staff report. A decision of Council to approve this proposed LUB amendment is 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:	Proposed Site Plan
Attachment A:	Proposed LUB Amendment
Attachment B:	Review of Relevant MPS Policies
Attachment C:	Excerpts from the LUB
Attachment D:	Public Information Meeting Summary

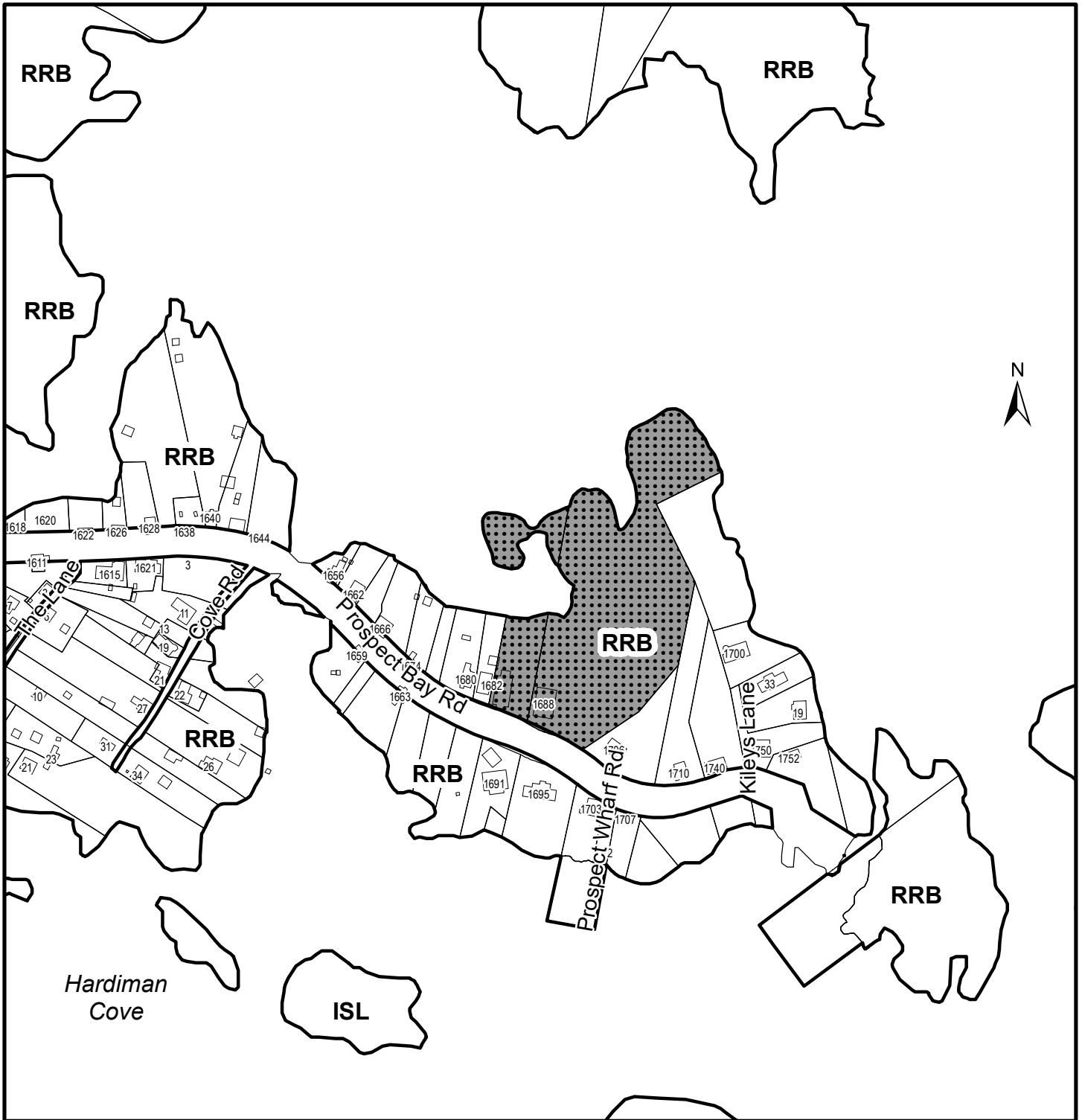
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A copy of this report can be obtained online at [halifax.ca](http://halifax.ca) or by contacting the Office of the Municipal Clerk at 902.490.4210.

Report Prepared by: Jacqueline Belisle, Planner II, 902.490.3970

Report Approved by: Steven Higgins, Manager Current Planning, 902.490.4382

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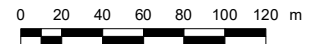


**Map 1 - Generalized Future Land Use**

**HALIFAX**

1686 Prospect Bay Road, 1688 Prospect Bay Road, and  
PID 41461807, Prospect

 Subject Property



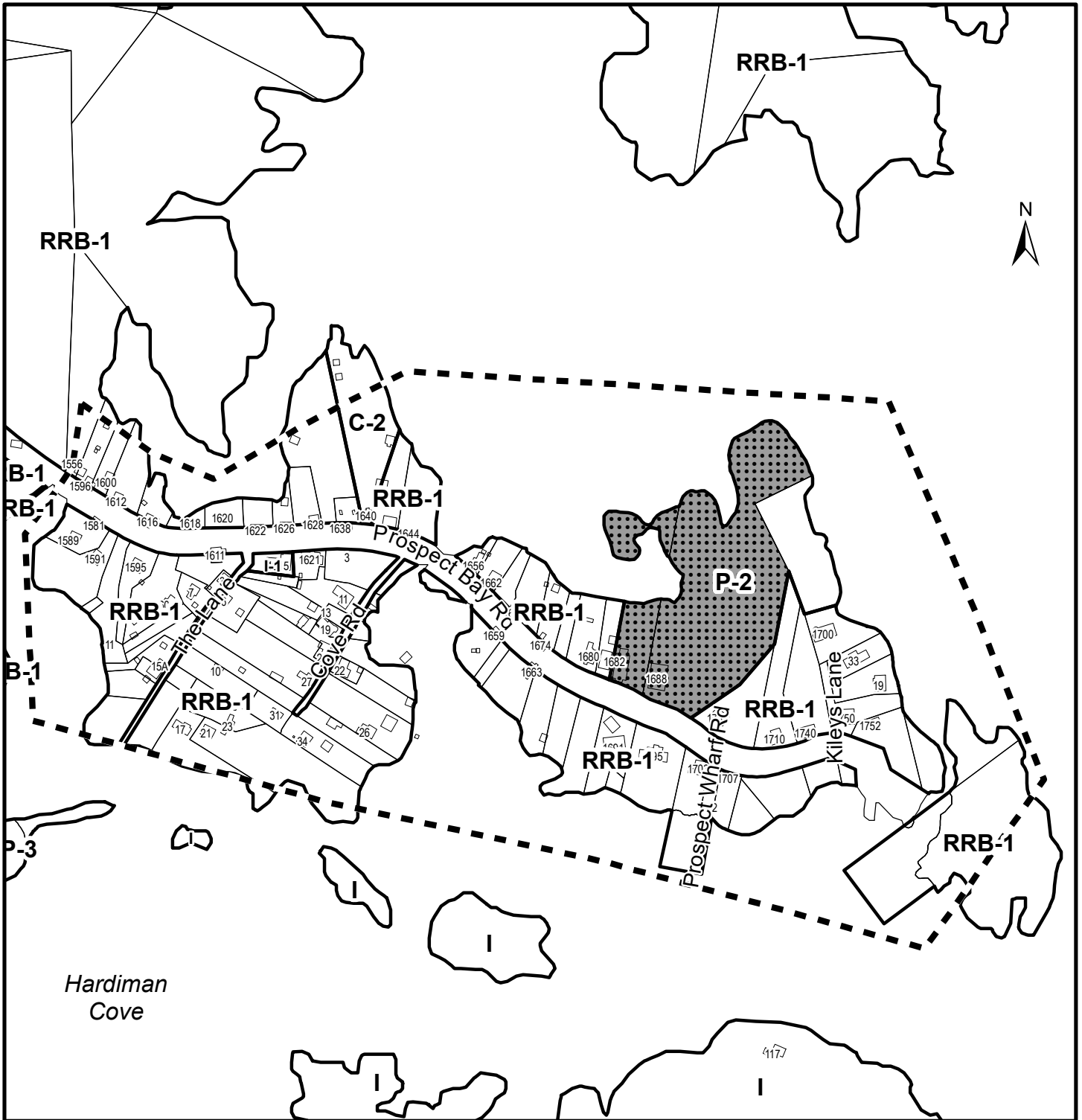
**Designation**

ISL Island  
RRB Rural Residential B

Planning District 4  
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 representation on  
this plan is not guaranteed.

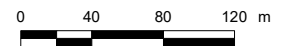


### Map 2 - Zoning and Notification

1686 Prospect Bay Road, 1688 Prospect Bay Road, and  
PID 41461807, Prospect

-  Subject Property
-  Area of Notification

Zone	
C-2	General Business
I	Island
I-1	Light Industry
P-2	Community Facility
RRB-1	Rural Residential B-1



Planning District 4  
Land Use By-Law Area

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

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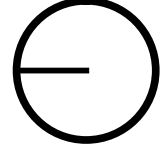
# CHURCH RENOVATION

PROSPECT, NOVA SCOTIA

2020.01.14

SITE PLAN

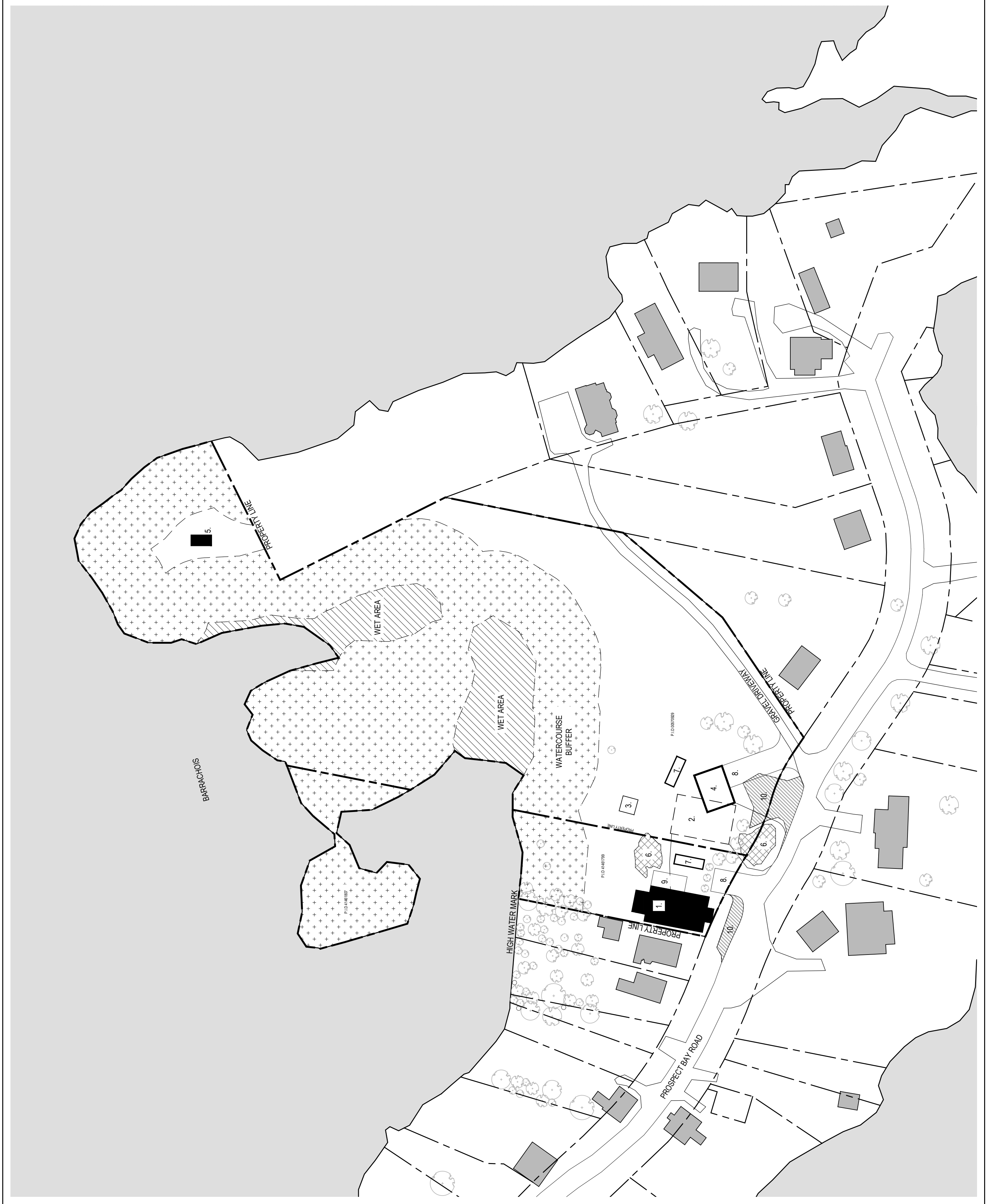
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**LEGEND:**

1. EXISTING CHURCH TO REMAIN AND BE RENOVATED
2. EXISTING HALL TO BE DEMOLISHED
3. EXISTING CISTERN TO BE REMOVED
4. PROPOSED CARRIAGE HOUSE (40' X 30' FOOTPRINT)
5. BOATHOUSE (15' X 24' FOOTPRINT)
6. APPROXIMATE LOCATION OF ROCK OUTCROPPINGS
7. PROPOSED SEPTIC SYSTEMS (30' X 10' FOOTPRINT)
8. PROPOSED PARKING AREAS
9. PROPOSED DECK
10. EXISTING DRIVEWAYS TO BE REMOVED

## Map 3 - Proposed Site Plan



0 25' 125' 250'



**Attachment A:**  
**Proposed Amendment to the Land Use By-law for Planning District 4**

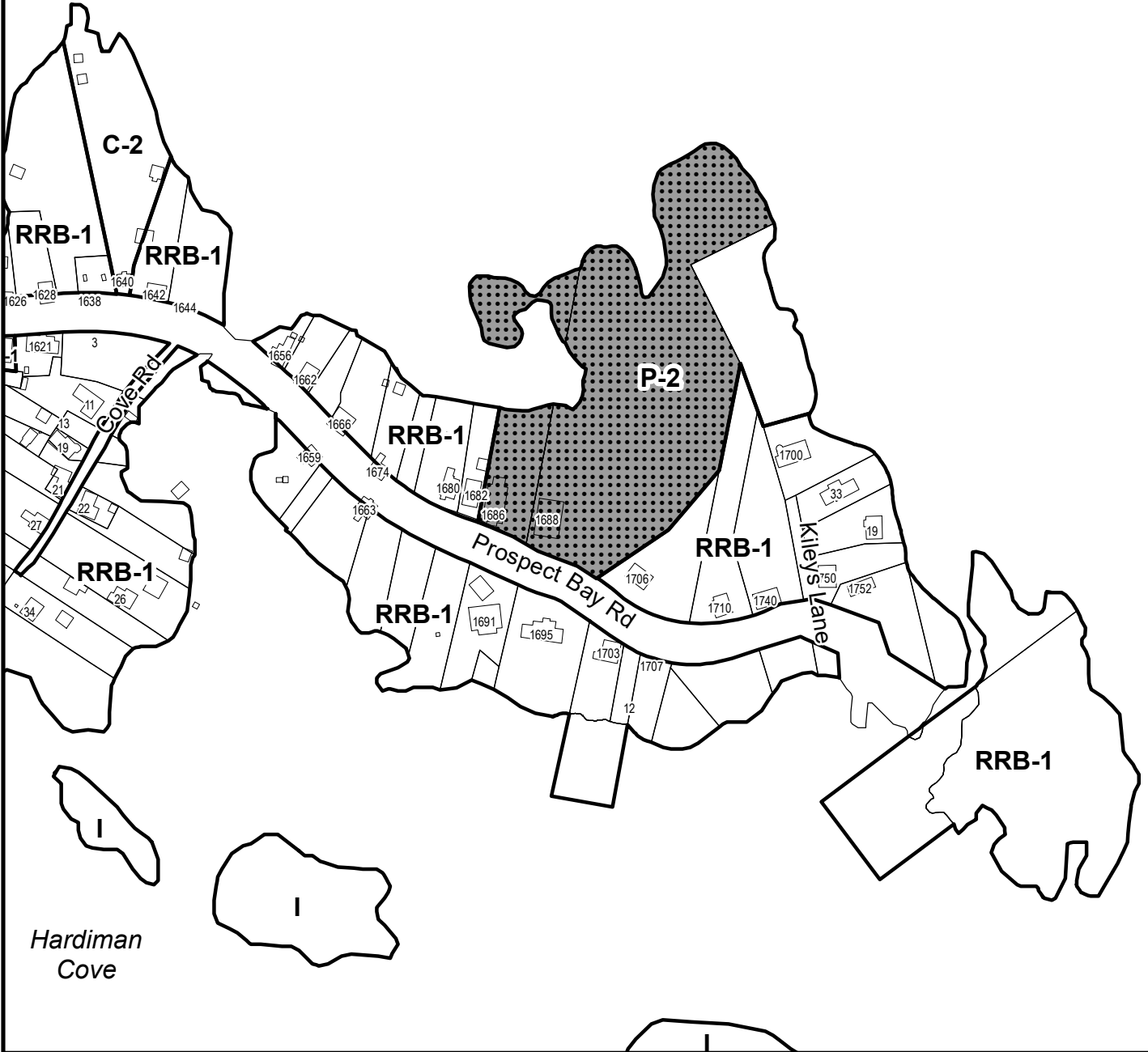
BE IT ENACTED by the Halifax and West Community Council of the Halifax Regional Municipality that the Land Use By-law for Planning District 4 is hereby further amended as follows:

1. Amend Schedule A, the Zoning Map, by rezoning the three properties identified as 1686 Prospect Bay Road (Lot 1RC); 1688 Prospect Bay Road (Lot 2RC); and, PID 41461807 (Lot 4RC), from the P-2 (Community Facility) Zone to the RRB-1 (Rural Residential B-1) Zone, as shown on the attached Schedule A.

I, Sherryl Murphy, Municipal Clerk for the Halifax Regional Municipality, hereby certify that the above-noted by-law was passed at a meeting of the Halifax and West Community Council held on [DATE], 2020.


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Sherryl Murphy,  
Municipal Clerk

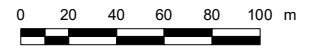


### Schedule A

1686 Prospect Bay Road, 1688 Prospect Bay Road, and  
PID 41461807, Prospect

 Area to be rezoned from  
P-2 (Community Facility) to  
RRB-1 (Rural Residential B-1)

Zone	
C-2	General Business
I	Island
P-2	Community Facility
RRB-1	Rural Residential B-1



Planning District 4  
Land Use By-Law 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.

**Attachment B:  
Review of Relevant MPS Policies**

**RURAL RESIDENTIAL B DESIGNATION**

**Land Use Policies**

The primary intent of the Rural Residential B Designation is to support the low density residential environment with its associated home business, small scale resource, open space uses and bed and breakfast outlets. Within this designation, provision will also be made for the gradual integration of a wider variety of housing types, commercial activities intended to service the surrounding area, community facility uses and resource uses which are compatible with this coastal environment.

RRB-2 Within the Rural Residential B Designation, it shall be the intention of Council to establish a rural residential B-1 zone which permits the development of single unit dwellings, home businesses, limited fishery support and aquaculture uses, limited agricultural uses, bed and breakfast outlets, open space uses and all existing businesses including the existing kennel of William and Donna Giles (LIMS No. 40309932) and all existing dwellings. In order to address compatibility concerns, provisions within the zone will place controls on the size and location of fishery support, aquaculture support and limited agricultural uses and on the size, location, parking, signage, outdoor display, the use of mechanical equipment and the open storage aspects of home business uses. Provisions within the zone will also stipulate that home business uses and bed and breakfast outlets must be operated by a resident of the dwelling.

<b>Policy IM-11</b>	
In considering development agreements or amendments to the land use bylaw, in addition to all other criteria as set out in various policies of this Planning Strategy, Council shall have appropriate regard to the following matters:	
<b>Policy IM-11 Criteria</b>	<b>Staff Comment</b>
<i>(a) that the proposal is in conformity with the intent of this Planning Strategy and with the requirements of all other municipal by-laws and regulations;</i>	The subject site is designated Rural Residential B which is intended primarily to support the low-density residential environment. Policy RRB-2 (above) allows Council to apply the RRB-1 zone to lands designated Rural Residential B.
<i>(b) that the proposal is not premature or inappropriate by reason of:</i>	...
<i>(i) the financial capability of the Municipality to absorb any costs relating to the development;</i>	The developer will be responsible for all costs associated with the development.
<i>(ii) the adequacy of on-site sewerage and water services;</i>	The site is, and will continue to be, serviced with on-site water and septic. Any changes or upgrades to these systems must be in accordance with the requirements of the Department of Environment.
<i>(iii) the proximity of the proposed development to schools, recreation or other community facilities and the capability of these services to absorb any additional demands;</i>	The proposal is not expected to significantly impact surrounding schools, recreation, or other community facilities.  For information purposes: <ul style="list-style-type: none"> <li>• Atlantic Memorial Elementary School, located in Shad Bay at 3591 Prospect Road, is approximately 8 km north of the subject site;</li> </ul>

	<ul style="list-style-type: none"> <li>• Brookside Junior High School, located in Brookside at 2239 Prospect Road, is approximately 13.4 km north of the subject site;</li> <li>• Halifax West High School, located in Halifax at 283 Thomas Raddall Drive, is approximately 29 km northeast of the subject site;</li> <li>• The Prospect Road Community Centre, located in Hatchet Lake at 2141 Prospect Road, is approximately 13.9 km northeast of the subject site; and</li> <li>• The Prospect Road and District Fire Station (Station 54 – composed of career and volunteer fire fighters), located at 3610 Prospect Road, is approximately 8.1 km north of the subject site.</li> </ul>
<p><i>(iv) the adequacy of road networks leading to or within the development; and</i></p>	<p>The subject site has frontage on the Prospect Bay Road which is owned and maintained by the Nova Scotia Department of Transportation &amp; Infrastructure Renewal (NSTIR). The proposal is not anticipated to have a significant impact on the existing road network.</p>
<p><i>(v) the potential for damage to or for destruction of designated historic buildings and sites.</i></p>	<p>While the former church building was constructed in 1921 neither it, nor the former church hall building are registered heritage buildings. The applicant proposes an internal conversion of the former church and intends to maintain as many architectural features as possible.</p> <p>For information, members of the community are working with the applicant to ensure that, where possible, the stained-glass windows which were originally donated to the church by members of the congregation are returned to the appropriate individuals.</p> <p>It has also been identified that a portion of the subject site may contain human remains. This is discussed in the body of the report.</p>
<p><i>(c) that controls are placed on the proposed development so as to reduce conflict with any adjacent or nearby land uses by reason of:</i></p>	<p>...</p>
<p><i>(i) type of use;</i></p>	<p>The RRB-1 zone (Attachment C) contains a list of permitted uses which includes single unit dwellings. As properties surrounding the subject site also carry the RRB-1 Zone (Map 2), and are developed as such, no land use conflicts are expected.</p>
<p><i>(ii) height, bulk and lot coverage of any proposed building;</i></p>	<p>The RRB-1 zone also contains provisions for height (10.7 meters / 35 feet) and yard setbacks which affect the overall scale and bulk of new construction. While the existing height of the</p>

	former church building exceeds the maximum prescribed height of the RRB-1 zone due to the steeple feature, it is not expected that any land use conflict will arise from the non-conformity.
<i>(iii) traffic generation, access to and egress from the site, and parking;</i>	<p>As the proposal will result in an overall decrease in traffic generation to and from the site a traffic impact statement was not required in support of the application. The application was however reviewed by NSTIR staff who have provided direction regarding the proposed driveway locations. NSTIR has advised that the proposed site plan (Map 3) will meet their access management guidelines and that prior to construction the developer will require a Work Within Highway Right-of-Way permit.</p> <p>With respect to parking, the LUB requires one parking space per dwelling unit, which can be accommodated on the site.</p>
<i>(iv) open storage;</i>	The proposal is for residential use and no open storage is specifically proposed. It would be expected that open storage typical to that of any residential use would occur on the property.
<i>(v) signs; and</i>	While no signage has been proposed as part of this application the Land Use By-law does contain regulations respecting signage (Attachment C). For instance, Section 5.4(a) permits a sign of not more than 0.2 square meters (2 square feet) which identifies the name and address of a resident.
<i>(vi) any other relevant matter of planning concern.</i>	No other planning concerns have been identified.
<i>(d) that the proposed development is suitable in terms of the steepness of grades, soil and geological conditions, locations of watercourses, marshes or bogs and susceptibility to flooding.</i>	<p>The subject site comprises three coastal properties and contains large wet areas as shown on Map 3. The LUB establishes watercourse and wetland setbacks and coastal elevation requirements which regulate development in relation to these features.</p> <p>The site also contains rock outcroppings which are typical to the area. The proposal does not seek to alter these features.</p>
<i>(e) Within any designation, where a holding zone has been established pursuant to "Infrastructure Charges - Policy IC-6", Subdivision Approval shall be subject to the provisions of the Subdivision By-law respecting the maximum number of lots created per year, except in accordance with the development agreement provisions of the MGA and the "Infrastructure Charges" Policies of this MPS. (RC-Jul 2/02;E-Aug 17/02)</i>	No holding zone has been established and no additional lots are proposed in conjunction with this application.

**Attachment C:  
Excerpts from the Land Use By-law for Planning District 4**

**PART 4: GENERAL PROVISIONS FOR ALL ZONES**

4.1 SEWAGE DISPOSAL SYSTEMS

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

4.8 EXISTING BUILDINGS

Where a building has been erected on or before the effective date of this By-law, on a lot having less than the minimum frontage, area, or depth, or having less than the minimum setback or side yard or rear yard setback required by this By-law, the building may be enlarged, reconstructed, repaired or renovated provided that:

- (a) the enlargement, reconstruction, repair or renovation does not further reduce the front or rear yard that does not conform to this By-law;
- (b) the enlargement, reconstruction, repair or renovation of existing residential uses shall not be built closer than eight (8) feet (2.4 m) to the side lot line(s); and
- (c) all other applicable provisions of this By-law are satisfied.

4.25 PARKING REQUIREMENTS

- (a) For every building or structure to be erected or enlarged, off-street parking located within the same zone and upon the same lot as the use and having unobstructed access to a public street shall be provided and maintained in conformity with the following schedule, except where any parking requirement is specifically included elsewhere in this By-law. Where the total required spaces for any use is not a whole number, the total spaces required by this Section or by other specific sections shall be the next largest whole number.

USE

PARKING REQUIREMENT

Any dwelling except as specified below

1 space per dwelling unit

4.31 SCHEDULE F - AREAS OF ELEVATED ARCHAEOLOGICAL POTENTIAL  
(RC-Jun 25/14;E-Oct 18/14)

Where excavation is required for a development on any area identified on Schedule F attached to this by-law, a development permit may be issued and the application may be referred to the

Nova Scotia Department of Communities, Culture and Heritage, Heritage Division for any action it deems necessary with respect to the preservation of archaeological resources in accordance with provincial requirements.

## **PART 5: SIGNS**

### 5.4 SIGNS PERMITTED IN ALL ZONES

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

- (a) Any sign which has an area of no more than two (2) square feet (0.2 m<sup>2</sup>) and which identifies the name and address of a resident.
- (b) Any sign which has an area of no more than two (2) square feet (0.2 m<sup>2</sup>) and which regulates the use of property, as do no trespassing signs.
- (c) Any real estate sign which has an area of no more than eight (8) square feet (0.7 m<sup>2</sup>) in any residential or mixed use zone or twenty-four (24) square feet (2.2 m<sup>2</sup>).
- (d) Any sign which has an area of no more than five (5) square feet (0.5 m<sup>2</sup>) and which regulates or denotes the direction or function of various parts of a building or premises, including parking and traffic areas.
- (e) Any sign which has an area of no more than fifty (50) square feet (4.6 m<sup>2</sup>) and which is incidental to construction.

## **PART 15: RRB-1 (RURAL RESIDENTIAL B-1) ZONE**

### 15.1 RRB-1 USES PERMITTED

No development permit shall be issued in any RRB-1 (Rural Residential B-1) Zone except for the following:

#### Residential Uses

Single unit dwellings

Home business uses

#### Community uses

Open space uses

#### Resource Uses

Fishery support uses

Agricultural uses

#### Other Uses

Bed and breakfast outlets

Existing business uses including the existing kennels on LIMS No. 40309932

All existing dwellings

### 15.2 RRB-1 ZONE REQUIREMENT

In any RRB-1 Zone, where uses are permitted in accordance with Section 15.1, no development permit shall be issued except in conformity with the following:

Minimum Lot Area	20,000 square feet (1858.1 m <sup>2</sup> )
Minimum Frontage	100 feet (30.5 m)
Minimum Front or Flankage Yard	30 feet (9.1 m)
Minimum Rear Yard or Side Yard	15 feet (4.6 m)
Maximum Height of Main Building	35 feet (10.7 m)

### 15.3 OTHER REQUIREMENTS: HOME BUSINESS USES

Where home business uses are permitted in any RRB-1 Zone the following shall apply:

- (a) Any home business shall be wholly contained within either the dwelling or an accessory building on the property which comprises the principal residence of the operator of the home business.
- (b) No more than twenty-five (25) percent of gross floor area of all combined structures devoted to any home business use, and in no case shall any business use occupy more than five hundred (500) square feet (46.5 m<sup>2</sup>).
- (c) No materials or mechanical equipment shall be used which is obnoxious or creates a nuisance by virtue of noise, vibration, glare, odour or dust.
- (d) All outdoor storage or materials, goods, supplies or equipment related to the operation of the business shall be limited to a contiguous area of fifty (50) square feet (4.7 m<sup>2</sup>).
- (e) No outdoor display shall be permitted.
- (f) No more than one (1) sign shall be permitted for any home business, no such sign shall exceed one (1) square foot (0.1 m<sup>2</sup>) in area.
- (g) One (1) off-street parking space other than that required for the dwelling shall be provided.

### 15.4 OTHER REQUIREMENTS: FISHERY SUPPORT USES

Notwithstanding the rear and side yard set back requirements of Section 15.2, where fishery support uses are permitted in any RRB-1 Zone, the following shall apply:

- (a) The combined gross floor area of all buildings directly related to the fishery support use shall not exceed three hundred (300) square feet (27.9 m<sup>2</sup>).
- (b) All fish and boat sheds shall be set back a minimum of eight (8) feet (2.4 m) from the rear and side lot lines, unless the lot line corresponds to the high water mark.
- (c) All fish and boat sheds may be built to the lot line which corresponds to the high water mark.



#### 15.5 OTHER REQUIREMENTS: AGRICULTURAL USES

- (a) In any RRB-1 Zone where agricultural uses are permitted, and where any barn, stable or other building intended for the keeping of more than twelve (12) domestic fowl or six (6) water fowl is erected, no such structure shall:
  - (i) Exceed three hundred (300) square feet (27.9 m<sup>2</sup>);
  - (ii) Be less than eight (8) feet (2.4 m) from any side lot line;
  - (iii) Be less than one hundred (100) feet (30.5 m) from a potable water supply except a supply on the same lot or directly related to the agricultural use;
  - (iv) Be less than fifty (50) feet (15.2 m) from any dwelling except a dwelling on the same lot or directly related to the agricultural use; or
  - (v) Be less than fifty (50) feet (15.2 m) from any watercourse or waterbody.
- (b) Where any barn, stable or other building intended for the keeping of water fowl is permitted, a natural or man-made freshwater impoundment shall be located on the property.

#### 15.6 OTHER REQUIREMENTS: BED AND BREAKFAST OUTLETS

All bed and breakfast outlets must be located upon the property which comprises the principal residence of the operator of the business.

**Attachment D:**  
**Summary from Public Information Meeting**

**HALIFAX REGIONAL MUNICIPALITY**  
**Public Information Meeting**  
**Case 22640**

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

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**Wednesday, January 29, 2020**  
**7:00 p.m.**

**Prospect Road Community Centre (Multi-Purpose Room), Hatchet Lake**

**STAFF IN**

**ATTENDANCE:** Jacqueline Belisle, Planner, HRM Planning and Development  
Jared Cavers, Planning Technician, HRM Planning and Development  
Cara McFarlane, Planning Controller, HRM Planning and Development

**ALSO IN**

**ATTENDANCE:** Councillor Steve Adams, District 11  
Chrystal Fuller, Applicant, Brighter Community Planning & Consulting

**PUBLIC IN**

**ATTENDANCE:** Approximately 21

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

**1. Call to order, purpose of meeting – Jacqueline Belisle**

**J. Belisle** is the Planner and Facilitator for the application and introduced the applicant, area Councillor and HRM Staff members.

**Case 22640 - Application by Brighter Community Planning and Consulting, on behalf of Chris MacDonald, to rezone the former church and church hall at 1686 and 1688 Prospect Bay Road, Prospect from the P-2 (Community Facility) Zone to the RRB-1 (Rural Residential B-1) Zone under the Land Use By-law for Planning District 4 (Prospect) to permit one dwelling unit on each lot.**

The purpose of the Public Information Meeting (PIM) is to:

- Identify the proposal site, highlight the proposal and explain the process;
- Give the Applicant an opportunity to present the proposal; and
- Receive public feedback and input regarding the proposal that will be used to prepare the staff report and go forward with this application.

No decisions are made at the PIM or have been made up to this point.

**2. Presentation of Proposal – Jacqueline Belisle**

**J. Belisle** gave a brief presentation of the proposal for 1686 and 1688 Prospect Bay Road, Prospect, outlining the status of the application, the Applicant's request for a rezoning (from P-2 to the RRB-1 Zone), site context of the subject land, the land designation [RRB (Rural Residential

B)] and enabling Planning Policies (RRB-2 and IM-11) within the Planning District 4 (Prospect) Municipal Planning Strategy (MPS) and the current zoning (P-2 Zone) and proposed zoning (RRB-1) within the Planning District 4 (Prospect) Land Use By-law (LUB).

**Marlene McGinn, Prospect Bay Road** indicated that one of the sites was a graveyard and wondered what is being done with that.

**J. Belisle** assured that HRM is only looking to rezone that piece of property so that it is consistent with the surrounding parcels if this application is approved.

### **Presentation of Proposal – Chrystal Fuller, Brighter Community Planning and Consulting**

**C. Fuller** is representing the property owner, Chris MacDonald (currently out of the country and sends regrets for the meeting) and gave some background on the site. C. Fuller presented the rezoning proposal which is to allow the conversion of the church to a residential unit and allow for a new structure to be built where the community hall is currently located on the site (different orientation). The intent is to maintain the architectural integrity of the church while meeting the regulations within the LUB. The site plan was discussed.

**M. McGinn** wondered what would happen with the stained glass windows. **C. Fuller** mentioned that the property owner is prepared to, once design details are complete and meetings with the Prospect Old Church Association (POCA) are held, make sure the current stained glass windows are returned to the proper people within to the community.

**C. Fuller** mentioned her discussions with POCA regarding the Cemetery Act and what can take place when graves are found. At this point, a bit more investigation has to take place before final plans are made for a boathouse in the proposed location. C. MacDonald would like to engage in some dialogue with the community regarding events on the property and belongings within the church hall before any demolition occurs.

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

**Claude Roussel, Prospect Bay Road** (lives next to the church) is concerned about the location of the proposed septic as their well is currently located on the subject property. **C. Fuller** assured that the septic field is at the proper distance within the environmental standards. An engineered septic field had to be designed due to difficulties with bedrock and being close to the water. **C. Roussel** is also concerned about the driveway and wondered if it will be shared or a new one created for the subject property. **C. Fuller** showed where the driveway is proposed to go but there may have to be a conversation between the two property owners regarding the issue. **J. Belisle** mentioned that the Department of Transportation and Infrastructure Renewal were included in the preliminary review to collect their comments. They have regulations and standards to follow to ensure all safety concerns are met. **C. Fuller** mentioned that there will be landscaping on the property but parking will be on C. Roussel's side and if there is a shared driveway issue, it will have to be resolved between the two land owners.

**M. McGinn** asked for clarification on which gravesite was being discussed and doesn't believe there are any on the subject properties. **C. Fuller** explained that if there are gravesites on the site, they will be dealt with following all the requirements of the Cemetery Act. **J. Belisle** clarified that the proposal does not include a rezoning of the cemetery property.

**Laura O'Hearn, Prospect Bay Road** mentioned that no one is really sure that the burial sites stop where the rock wall is. The burial grounds were used in 1790 through to 1823 and it wasn't just for Prospect but for individuals through the South Shore to Yarmouth and it is not known when the rock wall was constructed, therefore, there could be burial sites on the other side.

Unfortunately, a lot of the stones were removed over the years. **J. Belisle** could not speak to the Cemetery Act but said that the LUB does require that if during construction, any artifacts are discovered, the property owner must contact the Province and the Department of Communities, Culture and Heritage for the matter to be addressed in accordance with provincial regulations.

**Sam Rogers, Cove Road** likes the proposal. S. Rogers would like to know when the property was subdivided. As of 2014, it was only one property with one PID and gave J. Belisle a copy of the 2014 survey. **J. Belisle** does not have the information but will look in to it. **S. Rogers** wondered what the build time would be and what impact it will have on the neighbours. **C. Fuller** said the property owner is hoping the rezoning will happen in the Spring and construction start and move in during the Summer of this year. The demolition of the hall will probably happen in the Spring. **S. Rogers** mention that the Prospect community wharf has been rebuilt and insurance paid by the community so that everyone can use it. Would the property owner be willing to contribute to the funds for the community wharf? **C. Fuller** said that this came up in discussions with POCA and has been passed onto the property owner. Those are again one on one discussions that would be best to have directly with C. MacDonald.

**Allison Lawlor, Kileys Lane** wondered that if a boathouse is built where proposed, would there be a boardwalk as well? **C. Fuller** recognizes that it is sensitive habitat and the property owner is unsure about the plans. **A. Lawlor** is concerned about the aesthetics of the building as many in the community are sensitive about the church building. **C. Fuller** said that an architect has been hired and the intent is to ensure siding would be similar to the church siding.

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

**J. Belisle** thanked the resident for coming and expressing their comment(s).

#### **5. Adjournment**

The meeting adjourned at approximately 7:49 p.m.