



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

Item No. 13.1.1
Harbour East – Marine Drive Community Council
Special Meeting
June 24, 2021

TO: Chair and Members of Harbour East - Marine Drive Community Council

-Original Signed-

SUBMITTED BY:

Kelly Denty, Executive Director of Planning and Development

DATE: April 28, 2021

SUBJECT: **Case 23221: Land Use By-law amendment for Eastern Shore Lifestyle Centre - 22324 Highway, Sheet Harbour**

ORIGIN

May 12, 2020 motion of Regional Council:

MOVED by Councillor Hendsbee, seconded by Councillor Karsten:

THAT Halifax Regional Council direct the Chief Administrative Officer to:

- 1. Amend the Municipality's proposed Capital Budget to allocate funds for acquisition of land, consulting fees, and construction of a facility to house a recreation centre, library and fire station in Sheet Harbour as outlined in the staff report dated April 27, 2020, to include:
 - a) \$600,000 in 2020/21 for land acquisition, due diligence, and consulting fees; and*
 - b) Remaining \$2,400,000 for the facility in 2021/22.**
- 2. Apply for Canada Infrastructure Program funding for the recreation centre and library; and*
- 3. Approve the acquisition of the subject lands identified on Attachment B of the staff report dated April 27, 2020 and negotiate and execute an Agreement of Purchase and Sale on behalf of the Municipality, in accordance with AO 2018-004-ADM and the terms and conditions outlined in Table 1 of the staff report dated April 27, 2020.*

MOTION PUT AND PASSED UNANIMOUSLY

Further to the terms and conditions outlined in Table 1 of the staff report dated April 27, 2020: a request from the Parks & Recreation Business Unit to amend the required municipal planning documents to enable the development of the proposed municipal community facility.

LEGISLATIVE AUTHORITY

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

RECOMMENDATIONS ON PAGE 2

RECOMMENDATION

It is recommended that Harbour East - Marine Drive Community Council:

1. Give First Reading to consider approval of the proposed amendments to the Land Use By-law for the Eastern Shore (East) Plan Area, as set out in Attachment A, to:
 - a. enable the development of a new municipal community facility (the Eastern Shore Lifestyle Centre) within the RPK (Regional Park) Zone; and
 - b. correct references to the former P-4 (Provincial Park) Zone; and schedule a public hearing;
2. Adopt the amendments to the Land Use By-law for Eastern Shore (East) Plan Area, as set out in Attachment A.

BACKGROUND

In 2016, roof and structural issues were identified at the Sheet Harbour Lions Community Centre (183 Pool Road, Sheet Harbour) rendering the building unsafe for use during the winter months. Through an assessment by staff, and at the direction of Regional Council, it was determined that the Centre would be replaced with a new 1,951 square metre (21,000 square foot) municipal community facility which would incorporate recreation, library, and fire services on an alternative site. Further information is contained within the April 27, 2020 report to Regional Council¹.

The subject site (22324 Highway 7, Sheet Harbour) currently owned by the Province and subject to acquisition by the Municipality, was selected through a community led site selection process in partnership with the Eastern Shore Lifestyle Centre Society. While the site meets the needs of involved stakeholders, the subject site is not zoned to permit a facility of this nature. To permit the municipal community facility at the subject site, the Land Use By-law for the Eastern Shore (East) Plan Area must be amended to include Institutional Uses within the RPK (Regional Park) Zone.

Through the review of this application a few outdated references to the former P-4 (Provincial Park) Zone were identified. This report also recommends housekeeping amendments to correct these references.

Subject Site	22324 Highway 7, Sheet Harbour (PID 41170382)
Location	The subject site is located south and east of Highway 7 and to the west of West River Falls. (Maps 1 and 2).
Community Plan Designation (Map 1)	Village under the Municipal Planning Strategy for Eastern Shore (East) (MPS)
Zoning (Map 2)	RPK (Regional Park) Zone under the Land Use By-law for Eastern Shore (East) Plan Area (LUB)
Size of Site	1.7 hectares (4.1 acres)
Street Frontage	<ul style="list-style-type: none">• Approximately 190 metres (623 feet) of frontage on Highway 7; and• Approximately 85 metres (280 feet) of frontage on the western portion of Elmhurst Drive.
Current Land Use(s)	Minimally developed parkland (trail)
Former Land Use	A beverage room (The Tank) operated on the site previously within a converted industrial bulk storage tank. The use has been discontinued for some time and the structure has been removed.
Surrounding Use(s)	Land Uses surrounding the subject site include: <ul style="list-style-type: none">• Parking lot and picnic park immediately to the north abutting

¹ Staff Report: <https://www.halifax.ca/sites/default/files/documents/city-hall/regional-council/200512rc818.pdf>

	Highway 7; <ul style="list-style-type: none"> • Vacant/undeveloped land to the north (north of Highway 7); • MacPhee House Museum (a municipally registered heritage property) located at 22404 Highway 7 to the east on the opposite side of the West River Falls; • Senior citizen housing (Elmhurst Apartments - 14 Elmhurst Drive) located to the east on the opposite side of the West River Falls; • Single Unit Dwellings (22328 and 22320 Highway 7) located to the south; • Mi'kmaw burial site located on the southern portion of PID 40209942 to the south. This portion of PID 40209942 is not subject to municipal acquisition;
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Proposal Details

HRM is proposing to construct a new municipal community facility on the subject site. The facility will include recreation, library, and fire services uses. See Map 3 for a preliminary concept plan. As presented in the April 27, 2020 staff report tabled with Regional Council on May 12, 2020, the approximate size dedicated to each component of the proposed facility is as follows:

Component	Square Metres	Square Feet
Library	279	3,000
Recreation and Fitness	158	1,700
Fire Services	930	10,000
Community Hall	397	4,300
Facility Mainstreet (interior main corridor)	139	1,500
Mechanical	46	500
Total	1,951	21,000

Based on the overall floor areas envisioned, and the current parking requirements of the LUB, a minimum of 210 regular parking spaces and two (2) accessible parking spaces would need to be established for the facility. Detailed design of the proposed facility will not occur until the terms and conditions of the purchase and sale are complete and the land acquisition is finalized. The proposed LUB amendment contained within Attachment A to include Institutional Uses within the RPK Zone is needed to satisfy the terms and conditions of the purchase and sale agreement and acquire the subject lands.

Enabling Policy and LUB Context

The proposed LUB amendment may be considered by Community Council in accordance with Policy E-4 of the Regional Municipal Planning Strategy (RMPS); and, Policy IM-10, the general implementation policy of the Municipal Planning Strategy for Eastern Shore (East) (MPS) (Attachment B).

Policy E-4 establishes the RPK (Regional Park) Zone and directs that it be applied to all existing federal parks, provincial parks, provincial park reserves, non-designated provincial parks and regional park lands owned by the Municipality. The RPK Zone has been applied to the subject site given its current Provincial ownership. Despite being a "regional zone" the uses permitted within the RPK Zone differ across HRMs land use by-laws. This variation is purposeful and is enabled by Policy E-4 to provide the flexibility for permitted uses to reflect the individuality of each plan area. Within the Land Use By-law for the Eastern Shore (East) Plan Area the RPK Zone permits:

- Recreation uses;
- Conservation uses;
- Marinas; and,

- Uses accessory to the foregoing uses.

The RPK Zone does not permit Institutional Uses which would allow the establishment of the facility envisioned as-of-right. While the recreation component is permitted, the library and fire station components are not. A copy of the existing RPK Zone is contained within Attachment C.

The subject site is located within the Village Designation under the MPS. The Village Designation is applied within the community of Sheet Harbour (Map 1) and is intended to reinforce the clustering of commercial and community services within a central area. The provision for a new municipal community facility within the Village Designation is in alignment with the intent of the designation.

The subject site is also located within the Rural Resource Designation under the RMPS. One of the goals of this designation is to support the delivery of commercial and community services to the surrounding settlement areas. Sheet Harbour is identified as a rural service centre by the RMPS and therefore the provision for a new municipal community facility in Sheet Harbour is also in alignment with the intent of the Regional Plan.

Additionally, Policy S-29 of the RMPS which relates to community facilities directs guidance be sought from the Community Facility Master Plan when planning for community facilities. The Community Facility Master Plan, now in its second iteration (the CFMP2 – approved in 2017²) is a high-level plan that provides overall direction and guidance for future decisions concerning indoor and outdoor recreation facilities within HRM. The operational model outlined in the CFMP2 is a “hub and spoke” model which involves a large facility serving as the “hub” with the “spokes” being other smaller community facilities within a defined geographic area (“cluster”). Within the Eastern Shore Cluster, illustrated on Figure 8.2.5b of the CFMP2, recreation facilities in Sheet Harbour act as a spoke to the “hub” located in Musquodoboit Harbour.

Housekeeping – Outdated P-4 (Provincial Park) Zone References

Through the review of this application it has come to the attention of staff that a few minor errors occurred when the LUB was amended in 2006 to implement the RMPS. With the adoption of the RMPS, the RPK (Regional Park) and the PA (Protected Area) Zones were introduced and the P-4 Zone was replaced.

While most references to the P-4 Zone throughout the LUB were updated to reflect the change, a few were overlooked. Similarly, a few areas on the zoning map were not updated to reflect the new zones, and therefore a limited number of properties (three) remain incorrectly labeled P-4 on the zoning map. Attachment A contains housekeeping amendments which would correct these errors.

COMMUNITY ENGAGEMENT

Staff from Parks and Recreation have been engaged with the community, primarily the Eastern Shore Lifestyle Centre Society, regarding the overall project and will continue to engage once the property acquisition is finalized.

For the purposes of the land use by-law amendments that are the subject of this report, 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, and letters mailed to property owners within the notification area as illustrated on Map 2. A total of 101 information letters were mailed with 1 email, and 1 call, received in response. Additionally, to date, there have been 120 unique views of the planning webpage having an average view time of 4 minutes.

² Link to CFMP2 – <https://www.halifax.ca/sites/default/files/documents/about-the-city/regional-community-planning/RegionalCommunityPlanning-CommunityFacilityPlan-CommunityFacilityMasterPlan2-20170101.pdf>

A summary of the engagement feedback is provided in Attachment D. The public comments received include the following topics:

- General support for the proposal; and
- Concern regarding a decrease in property value, and loss of privacy on adjacent properties.

A public hearing must be held by Harbour East - Marine Drive 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; property owners; business owners and operators; those who use the local municipal services involved in this application (recreation, library and fire); as well as HRM staff and volunteers who work in these existing facilities.

DISCUSSION

Staff have reviewed the proposal relative to all relevant policies and advise that it is reasonably consistent with the intent of both the RMPS and the MPS. Policy E-4 establishes the RPK Zone across the Municipality to permit recreation uses, park uses and other uses which respond to the individuality of HRMs diverse plan areas.

Attachment A contains the proposed LUB amendments that would allow Institutional Uses within the RPK Zone as well as the proposed housekeeping LUB amendments which removes references to the former P-4 (Provincial Park) Zone.

The RPK Zone within the Regional Context

As stated in the Background section above, although the RPK Zone is a regional zone, the uses permitted within the zone vary throughout the Municipality and are not tied to any specific regional land use designation. Within most plan areas the RPK Zone includes:

- Recreation Uses,
- Conservation Uses, and
- Uses Accessory to the Foregoing.

In some plan areas other uses have been included. For example:

- Marinas within the subject Eastern Shore (East) LUB;
- Museums and Interpretation Centres within both the Planning District 4 (Prospect) LUB and the Planning District 5 (Chebucto Peninsula) LUB; and
- a variety of commercial uses³ that generally support the tourism industry within Planning Districts 14 and 17 (Shubenacadie Lakes) LUB.

This variation is enabled by Policy E-4 to respect the individuality of existing communities within HRMs different plan areas and can therefore be amended to include uses provided the use being added is in alignment with the general intent of the MPS for the individual plan area.

³ List of Permitted Uses within the RPK Zone of the Planning District 14 & 17 Land Use By-law: Recreation uses, Campgrounds, Conservation uses, Restaurants, Guest homes, Inns, Retail outlets, Lodges, Craft shops, Agricultural uses, Forestry uses

Institutional Uses within the Eastern Shore (East) Plan Area

The planning context within the Eastern Shore (East) Plan Area is relatively simple compared to other plan areas within the Municipality. The MPS establishes three designations: Village; Resource; and Industrial Park. Through these designations, there are a range of zones established to reflect the designation land use intent and also specific land uses such as the RPK Zone. In accordance with the LUB, a community facility is an Institutional Use. Institutional Uses are permitted as-of-right within the MU (Mixed Use), RE (Rural Resource) and I-1 (Business Industry) Zones. The only zones within the plan area which are currently applied and do not permit Institutional Uses are the P-3 Zone, the RPK Zone and the PA Zone. Given the general intention of the MPS to permit Institutional Uses widely across the plan area, it is reasonable to consider the inclusion of Institutional Uses within the RPK zone.

LUB Amendment Review

Inclusion of Institutional Uses within the RPK Zone

When a LUB is amended to include additional uses within a zone, there are implications for not only the property where the specific proposed development is located, but also other properties with the same zoning. While the subject site has been evaluated for impact and compatibility of the proposed municipal community facility, the definition of Institutional Use encompasses a wider range of uses. The following list provides all uses specified under the LUB definition:

- educational use
- 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

The majority of the uses listed above are uses that are government owned and operated (e.g. schools, hospitals, nursing homes etc.). The vast majority of the properties zoned RPK are government owned, primarily by the Province who are not required to conform to municipal land use regulations and would be able to establish an institutional use on their RPK Zone lands without municipal approval.

Map 4 illustrates the other areas, aside from the subject site, zoned RPK within the Eastern Shore (East) Plan Area. Of note is that some of these lands are islands where development of institutional uses would be impractical. A total of 33 unique parcels have been identified with RPK zoning applied, however as Map 4 illustrates these properties are clustered into four distinct areas (apart from the lands in Sheet Harbour under consideration for municipal acquisition as shown on Maps 1 and 2).

Only two private properties⁴ have been identified that would be impacted by the recommended amendments contained in Attachment A. In both cases the properties are split zoned, with the RE (Rural Resource) Zone being applied to the majority of the lots and the RPK Zone only applied to a smaller area in the rear of the lots where the properties abut Provincial land. It is unclear why these properties have park zoning applied. Regardless, both properties are currently developed with single unit dwellings within the portions zoned RE. Given the RE Zone currently permits institutional uses as-of-right, the amendment to the RPK Zone has a negligible impact on these properties. The amendment would provide the ability for institutional uses to be established on any portion of the property, as opposed to only on the area zoned RE.

⁴ One 1.86 hectare (4.6 acre) property located on Walsh Road in Tangier; and one 3.97 hectare (9.8 acre) property on Old Taylors Head Road in Spry Bay.

Municipal Community Facility Proposal

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

Parking:

Under the current parking requirements of the LUB an institutional use with no fixed seats is required to provide 1 parking space per 9.3 square metres (100 square feet) of gross floor area. For the proposed 1,951 square meter (21,000 square foot) building, a minimum of 210 regular parking spaces and two (2) accessible parking spaces would be required. Although a parking study has not been undertaken for this proposal, staff advise that the amount of required parking stipulated by the LUB far exceeds the need in this location.

In 2018, during the planning of the new Williamswood Fire Station (2417 Old Sambro Rd, Williamswood) a similar situation was resolved by amending the parking requirement in the applicable LUB to reduce the number of required spaces based on the advice and experience of HRFE for what was needed to support their operations.

Staff are similarly recommending amending the parking requirements in this instance to be reduced to:

- A minimum of two (2) regular parking spaces per 93 square metres (1,000 square feet) of gross floor area for Fire Stations; and
- A minimum of 4.5 regular parking spaces per 93 square metres (1,000 square feet) of gross floor area for Municipal Community Facility uses.

The proposed amendment contained within Attachment A would result in a minimum total of 70 required parking spaces for the proposed facility (20 for HRFE and 50 for Recreation and Library Services). As this requirement is a minimum requirement, additional spaces can be added if more are operationally required in the future, provided they adhere to the general provisions of the LUB pertaining to parking lots. Alternatively, programming and scheduling at the facility could also be adjusted to manage parking demand.

Site Suitability and Compatibility:

While the subject site is located in alignment with the intent of plan policy for municipal service delivery, the subject site is also suitable for the development of the proposed facility from a land use planning perspective and placement within the community of Sheet Harbour.

The subject site is a large property with areas of significant slope and significant shoreline on the West River Falls. The preliminary site plan (Map 3) illustrates that despite these site features the proposed development is able to meet all the LUB requirements (setbacks, riparian buffers, parking, etc.) without the need for any variances to be considered.

The subject site also has direct frontage on Highway 7 and the additional ability to access Highway 7 from the portion of Elmhurst Drive west of West River Falls. Road access to the site must meet all requirements of the Nova Scotia Department of Transportation and Infrastructure Renewal (NSTIR) for driveway access to both ensure safety and minimal impact on the function of the road network in the area. For alternative modes of transportation, a pedestrian bridge that crosses West River Falls provides a link to the site from the eastern portion of Elmhurst Drive.

Similarly, on-site water and sewerage systems must be designed and constructed in accordance with the requirements of the Nova Scotia Department of Environment (NSDOE), and approvals granted prior to site development.

Archaeological Protection:

An area containing a Mi'kmaw burial site is present on the southern portion of PID 40209942 which is located over 120 metres (393 feet) to the south of the subject site. See Map 1 or Map 2. While a portion of this property is under consideration for municipal acquisition the area containing the burial site will remain in provincial ownership. The Province is currently engaged in an Indigenous consultation process as directed by their policies regarding provincial land sales, the results of which will form part of the decision as to if the lands, including the subject site, can be released from the Provincial land inventory.

With respect to archaeological protection there is provincial legislation in effect (*Special Places Protection Act and Cemeteries and Monuments Protection Act*) to address situations when archaeological discoveries occur.

Housekeeping Amendment – Outdated P-4 (Provincial Park) Zone References

Prior to the adoption of the RMPS, the Eastern Shore (East) LUB contained a P-4 (Provincial Park) Zone which was intended to recognize and support provincial parks and protected areas and permit uses that were consistent with long term park objectives. Through policies E-4 and E-7 of the RMPS, two new zones were introduced to replace the P-4 (Provincial Park) Zone. However, the P-4 Zone and its references were not correctly removed at the time of adoption of the RMPS.

Four references to the P-4 Zone have been identified in the LUB, and three properties with P-4 zoning have been identified on the zoning map. Attachment A contains the amendments that will correct these errors. As one of the properties zoned P-4 is within the Tangier Grand Lake Wilderness Area, as designated by the Wilderness Areas Protection Act, the PA zone is the appropriate zone to apply. The RPK Zone should apply to the other two properties. Schedule A of Attachment A illustrates the three properties affected.

The housekeeping amendments contained within Attachment A have no impact on the proposed municipal community facility as the RPK Zone was correctly applied to the subject site in 2006.

Conclusion

Staff have reviewed the proposal in terms of all relevant policy criteria and advise that it is reasonably consistent with the intent of the RMPS and MPS. The RPK zones established through Policy E-4 of the RMPS are intended to permit recreation uses, park uses and other uses across the Municipality which respond to the individuality of HRM's diverse plan areas. The MPS for the Eastern Shore (East) Plan Area permits Institutional Uses broadly across the plan area by permitting Institutional Uses as-of-right through all the primary zones enabled within all MPS land use designations and staff advise that this is appropriate in the RPK Zone as well. Therefore, staff recommend that the Harbour East Marine Drive Community Council approve the proposed LUB amendments.

FINANCIAL IMPLICATIONS

The HRM cost associated with processing this planning application can be accommodated with the approved 2021-2022 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 amendments are contained within the Discussion section of this report.

ENVIRONMENTAL IMPLICATIONS

While it is recognized there may be challenges related to the subject site's topology, former use, and the proximity to the Mi'kmaw burial site, these can be addressed respectively with engineering solutions and avoidance. No additional concerns were identified beyond those raised in this report.

ALTERNATIVES

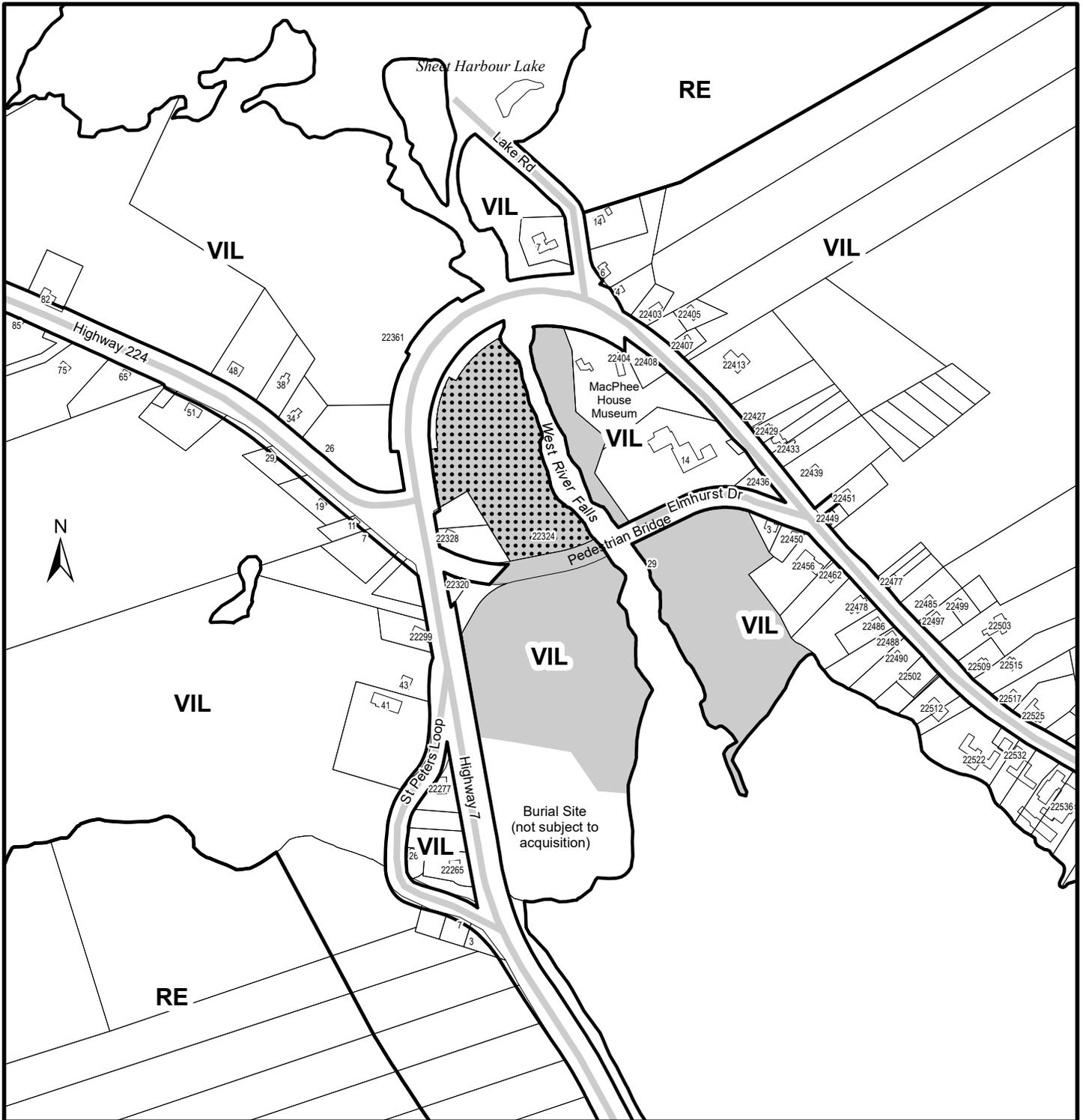
1. Harbour East Marine Drive Community Council may choose to approve the proposed LUB amendments subject to modifications. Such modifications may require further review by staff, a supplementary report, or another public hearing. A decision of Council to approve this proposed LUB amendment is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.
2. Harbour East Marine Drive Community Council may choose to refuse the proposed LUB amendments. As the municipality is the proponent of this project no reasons would be required for the refusal, however they may assist in the selection of an alternative site.

ATTACHMENTS

Map 1:	Generalized Future Land Use
Map 2:	Zoning and Notification Area
Map 3:	Preliminary Site Plan
Map 4:	RPK Zoned areas within the Plan Area
Attachment A:	Proposed LUB Amendments <ul style="list-style-type: none">• Schedule A – Area Subject to Rezoning
Attachment B:	Review of Relevant Policies
Attachment C:	Excerpts from the Land Use By-law
Attachment D:	Summary of Public Feedback

A copy of this report can be obtained online at halifax.ca or by contacting the Office of the Municipal Clerk at 902.490.4210.

Report Prepared by: Jacqueline Belisle, Planner II, Rural Policy & Applications, Current Planning, Planning & Development, 902.430.4092



Map 1 - Generalized Future Land Use

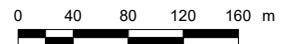
22324 Highway 7,
Sheet Harbour

HALIFAX

-  Subject Property
-  Potential Lands to be Acquired by Parks & Rec

Designation

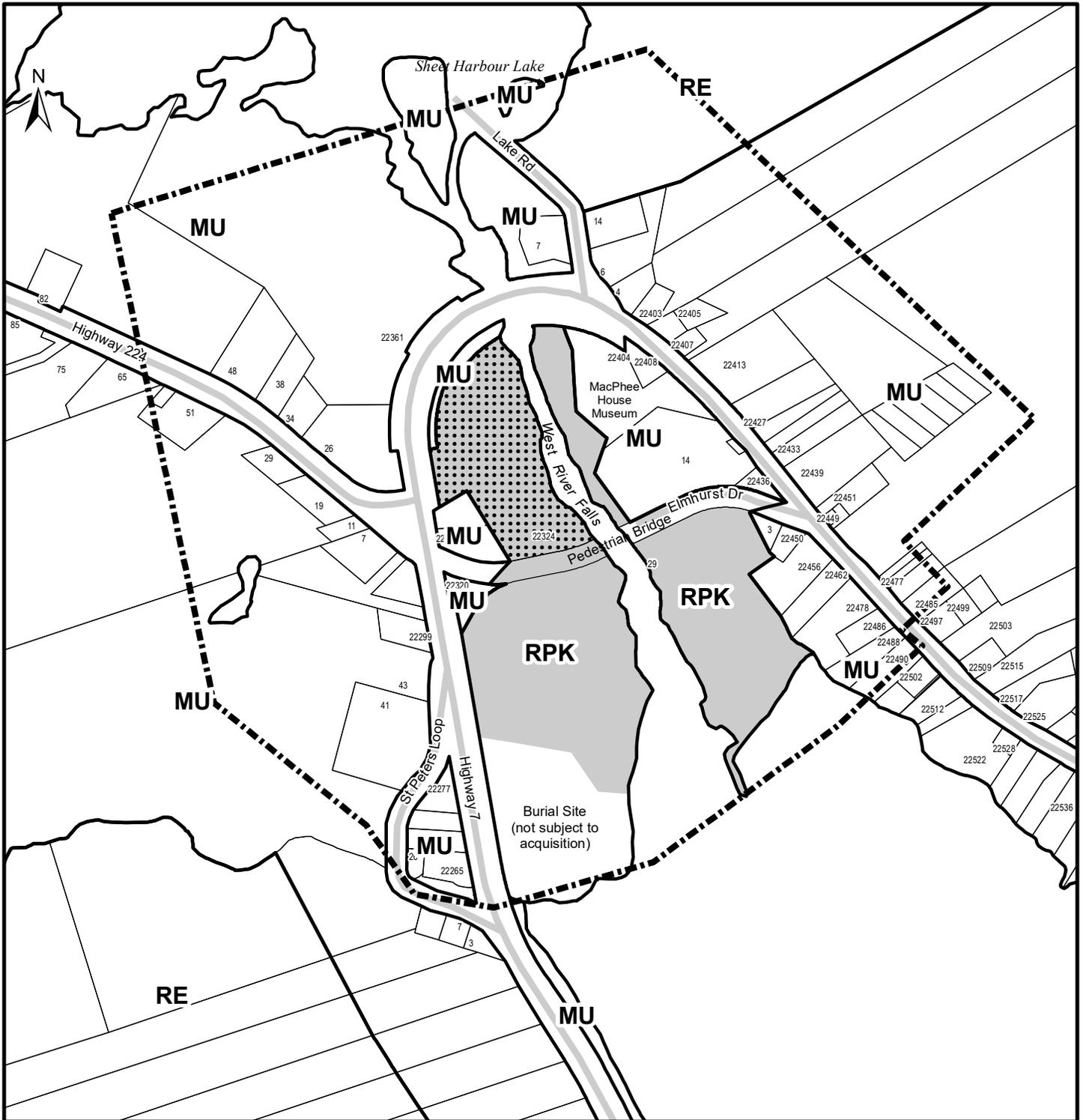
- RE Resource
- VIL Village



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.

Eastern Shore East
Plan Area



Map 2 - Zoning

22324 Highway 7,
Sheet Harbour

HALIFAX

-  Subject Property
-  Potential Lands to be Acquired by Parks & Rec
-  Area of Notification

- Zone**
- MU Mixed Use
 - RE Rural Resource
 - RPK Regional Park

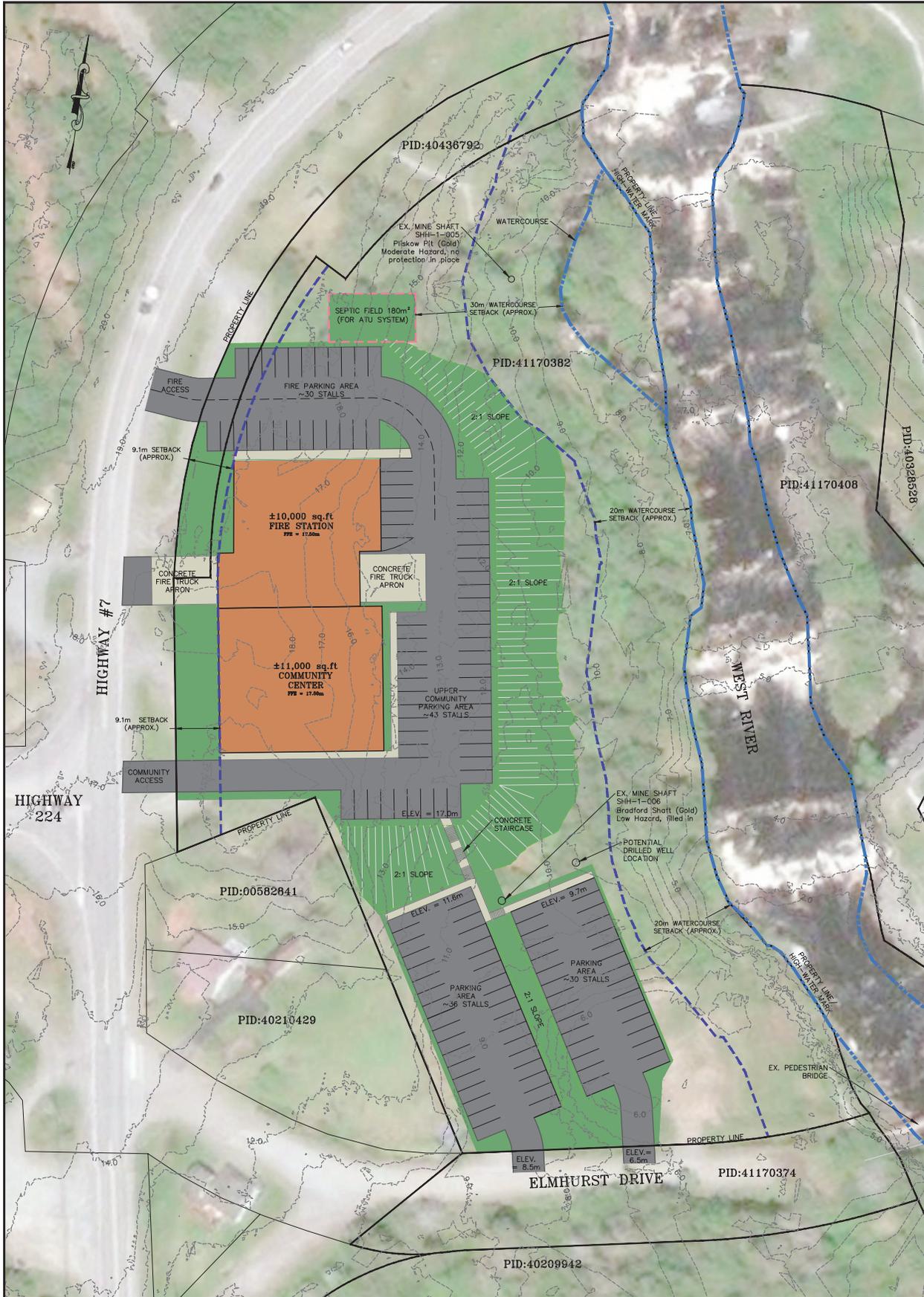


This map is an unofficial reproduction of a portion of the Zoning Map for the plan area indicated.

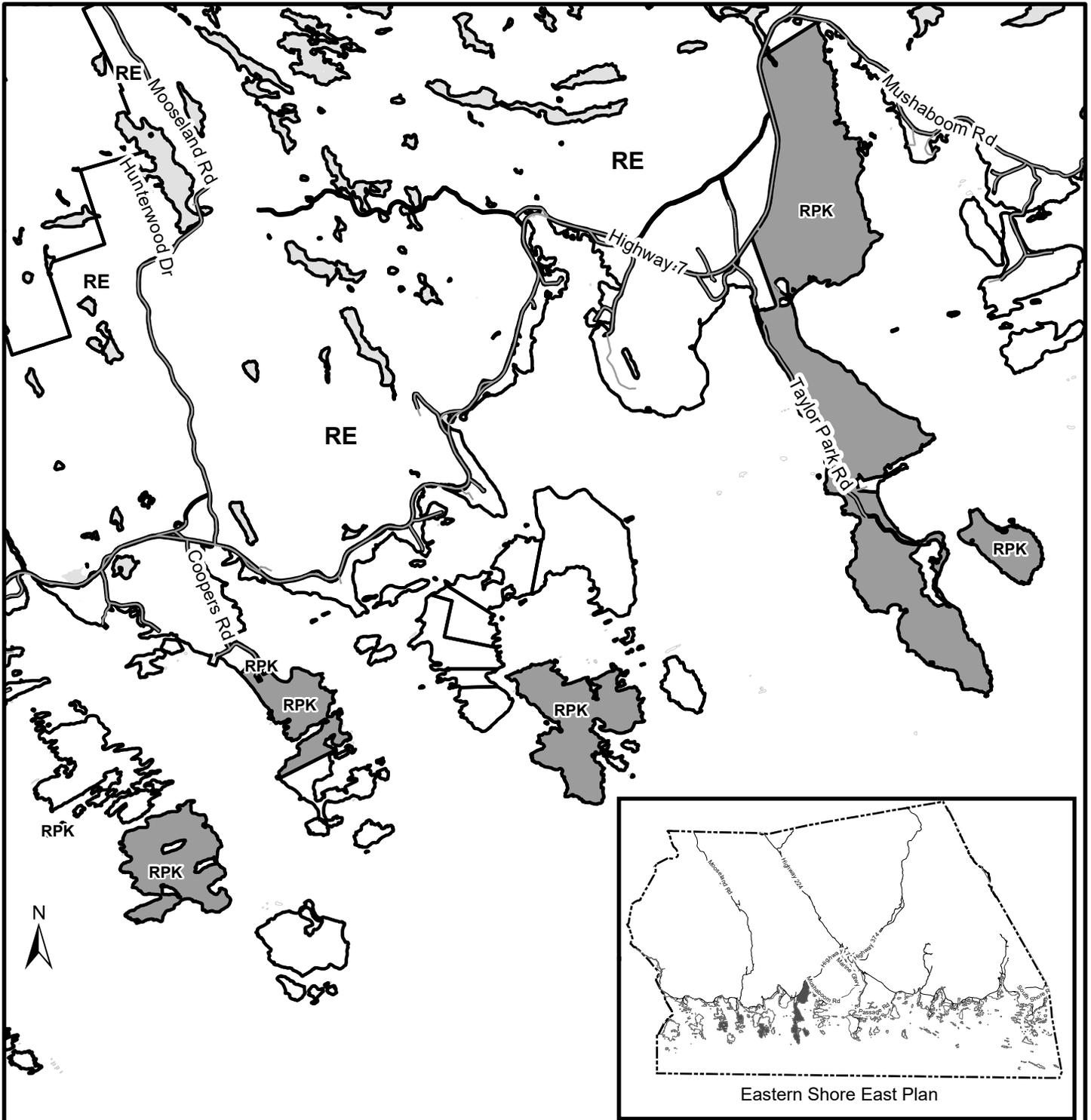
The accuracy of any representation on this plan is not guaranteed.

Eastern Shore East
Land Use By-Law Area

Map 3 - Preliminary Site Plan



	SHEET HARBOUR SITE SUITABILITY ASSESSMENT		Revision		Date:	Oct 6, 2020			
	CONCEPTUAL SITE LAYOUT		No.	Comments	Date	By	Scale:	1:750	
			0.	For Review	Oct 6 2020	BDC		Project No.:	20-7455
								Drawing No.:	C-02



Map 4 - RPK Zoned Areas within the Plan Area

Tangier, Mushaboom,
Eastern Shore

HALIFAX

■ RPK Zoned Areas

Zone

RE Rural Resource
RPK Regional Park

0 400 800 1,200 1,600 2,000 2,400 m

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.

Eastern Shore East Land Use By-Law Area

Attachment A:
**Proposed Amendment to the Land Use By-law for
Eastern Shore (East) Plan Area**

BE IT ENACTED by the Harbour East - Marine Drive Community Council of the Halifax Regional Municipality that the Land Use By-law for Eastern Shore (East) Plan Area is amended as follows:

1. Section 4.22: COMMERCIAL MOTOR VEHICLES shall be amended by replacing the text “or P-4” with the text “RPK or PA” as shown below in strikeout and bold:

4.22 COMMERCIAL MOTOR VEHICLES

No commercial vehicles shall be kept less than (10) feet (3.1 m) from any front lot line within any MU, I-1 or RE Zone. No commercial vehicles shall be kept on a lot within any R-6A, P-3 ~~or P-4~~ **RPK or PA** Zone.

2. Part 4: General Provisions For All Zones shall be amended by adding the text shown in bold below under Section 4.24(a) Parking Requirements immediately following the text “Government offices 4.5 spaces per 1,000 square feet (92.9 m²) of gross floor area” and before the text “Schools 3 spaces per classroom plus 1 space per 20 senior high school students”.

Fire stations	2 spaces per 1,000 square feet (93 m²) of gross floor area Municipal Community Facilities including recreation centres, community halls and public libraries 4.5 space per 1,000 square feet (93 m²)
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3. Section 5.3: SIGNS PERMITTED IN ALL ZONES shall be amended by replacing the text “or P-4” with the text “RPK or PA” as shown below in strikeout and bold:

5.3 SIGNS PERMITTED IN ALL ZONES

The following signs shall be permitted in any MU, R-6A, I-1, RE, P-3 ~~or P-4~~ **RPK or PA** Zone:

4. Section 5.7: GROUND SIGNS shall be amended by replacing the text “or P-4” with the text “RPK or PA” as shown below in strikeout and bold:

5.7 GROUND SIGNS

Where a ground sign is permitted in any MU, R-6A, I-1, RE ~~or P-4~~ **RPK or PA** Zone, no ground sign shall:

5. Part 11: RPK (Regional Park) Zone shall be amended by adding the text shown in bold below to the list of RPK Uses Permitted under Section 11.1 immediately after the words “Uses accessory to the forgoing uses” and before Section 11.2:

Park Uses

Recreation uses
Conservation uses
Marinas
Uses accessory to the foregoing uses

Community Uses

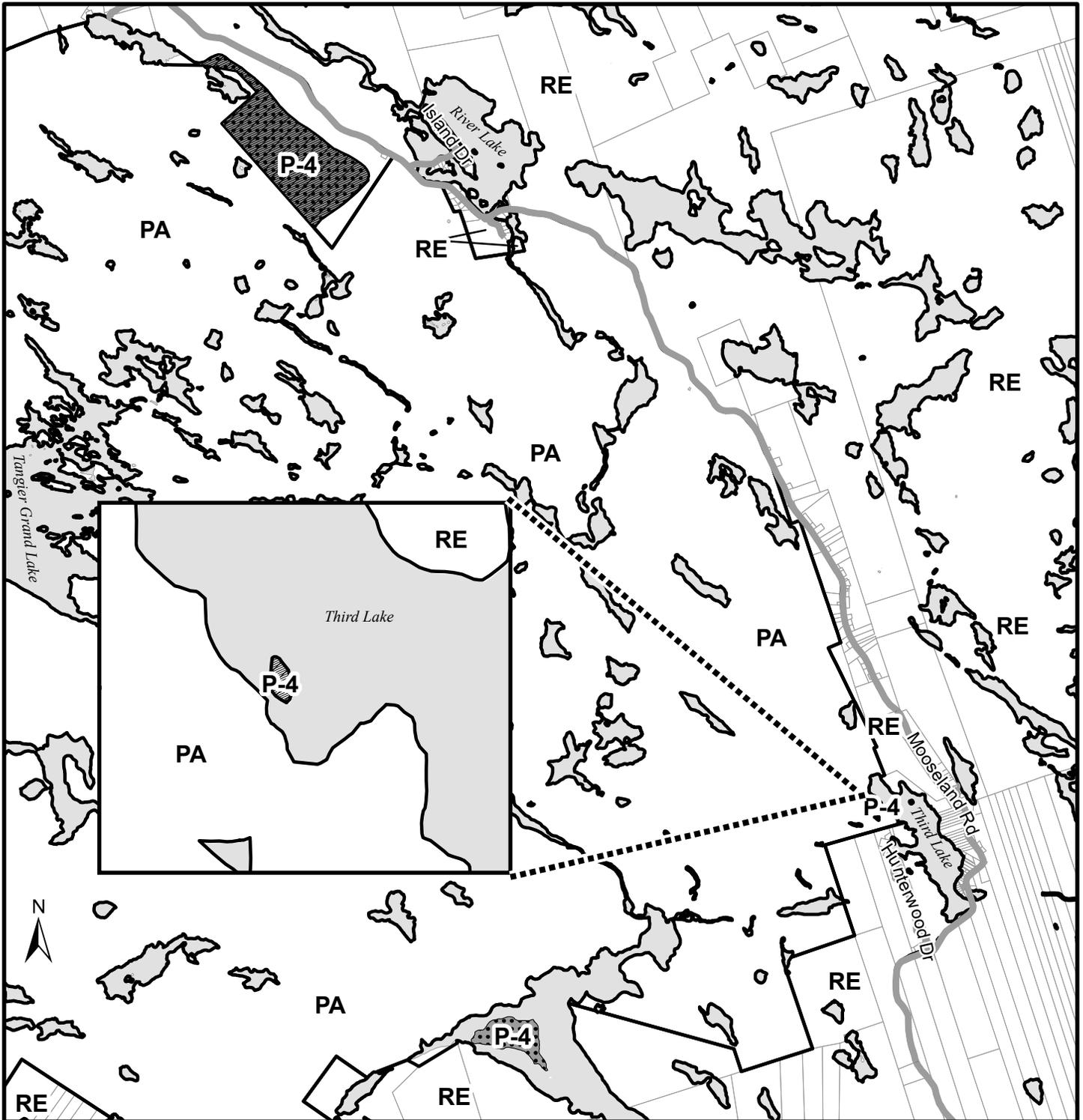
Institutional Uses

6. Section 11A.4(f): OTHER REQUIREMENTS: C & D MATERIALS TRANSFER STATIONS shall be amended by replacing the text “and P-4” with the text “RPK and PA” as shown in ~~strikeout~~ and bold:

 (f) no operation shall have direct access to either a local or subdivision road, as determined by the Municipality's Traffic and Transportation Services Division and any access road for such operations shall not occur through lands zoned for residential (R-6A) or community use (P-3 ~~and P-4~~ **RPK and PA**); and
7. Schedule B: Eastern Shore East Zoning Map shall be amended to replace the P-4 (Provincial Park) Zone with the RPK (Regional Park) Zone and the PA (Protected Area) Zone as shown on Schedule A attached hereto.

I, Iain MacLean, Municipal Clerk for the Halifax Regional Municipality, hereby certify that the above-noted by-law was passed at a meeting of the Harbour East - Marine Drive Community Council held on [DATE], 202[#].

Iain MacLean
Municipal Clerk



Schedule A

River Lake, Third Lake,
Eastern Shore

 Areas to be rezoned from
P-4 (Provincial Park)
to PA (Protected Area)

 Area to be rezoned from P-4
(Provincial Park) to RPK
(Regional Park)

Zone

MU Mixed Use
RE Rural Resource
RPK Regional Park
PA Protected Area

HALIFAX

0 400 800 1,200 1,600 2,000 m



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

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Eastern Shore East Land Use By-Law Area

**Attachment B:
Review of Relevant Policies**

HALIFAX REGIONAL MUNICIPAL PLANNING STRATEGY

Chapter 2: Environment, Energy and Climate Change

2.2.3 Regional Parks

Policy	
E-4	Within all designations, HRM shall establish a Regional Park Zone under the land use by-law. This Zone shall generally be applied to all existing Federal Parks, Provincial Parks, Provincial Park reserves, non-designated Provincial Parks and Regional Park lands owned by HRM. This Zone shall permit recreation uses, park uses and other uses as provided by the existing secondary planning strategies for these areas. The Zone shall be applied to future lands acquired by HRM, the Province or the Federal Government for a Regional Park, upon delineation of the park boundaries.
Staff Comment	
<p>The RPK Zone, despite being enabled through the RMPS as a regional zone, varies across HRMs land use by-laws to reflect the individuality of each plan area, and to respect the previous planning processes that were undertaken to establish the previous zones in place prior to the RPK zones coming into effect in 2006.</p> <p>As the RPK Zone is generally intended to apply to lands owned by all levels of government which are intended for park purposes it is reasonable to consider “Institutional Uses” be permitted as these uses are typically government owned and operated and can be complementary to park uses. For example, a municipal community facility, that includes a recreation centre and library, if situated within a municipal regional park can provide formalized parking and access to the park, and washroom facilities to park users, while potentially offering programs that take advantage of the park setting.</p> <p>Considering the intent for RPK zoned lands to be under public ownership it would be highly unusual and unlikely that a private institutional use (such as daycares or churches) would be established within this zone.</p> <p>Given the general policy support for Institutional Uses within the Eastern Shore (East) MPS, discussed below, the inclusion of “Institutional Uses” within the RPK zone specific to the Eastern Shore (East) LUB is reasonably consistent with Policy E-4.</p>	

2.2.5 Natural Areas and Natural Corridors

- E-7 HRM shall, through the applicable land use by-law, establish a Protected Area Zone. This Zone shall be applied to wilderness areas which have been designated under the *Wilderness Areas Protection Act*, nature reserves designated under the *Special Places Protection Act*, and conservation-related properties owned by government or private conservation organizations. The Zone shall only permit scientific study and education, trails and similar public, conservation and recreational uses.

Chapter 3: Settlement and Housing

3.2.3 Rural Settlement Designations

Under this plan, Rural Settlement Designations encompass all lands outside the Urban Settlement and Urban Reserve Designations. The following three land use designations are established:

3.2.3.2 Rural Resource Designation

S-6 The Rural Resource Designation shall be established on the Generalized Future Land Use Map (Map 2) to encompass lands and communities along the Eastern Shore. The intent for this designation is to:

- protect the natural resource base and the ability to sustain these resources in the future;
- protect natural and heritage features which define the rural character and support tourism;
- establish a series of centres on the Settlement and Transportation Map (Map 1) where growth is to be supported while controlling the amount and form of development between centres; and
- support the delivery of commercial and community services to the surrounding settlement areas.

3.5 Community Facilities

In 2008, HRM endorsed the Community Facilities Master Plan as a strategic approach to enhancing the quality of life of citizens through the provision of sustainable, planned, accessible and appropriate community facilities based on the following principles:

- encourage integrated planning (working collaboratively with Regional Council and municipal departments);
- work with the needs and expectations of the population and its distribution within the municipality;
- include program opportunities for community based arts and culture;
- encourage the usage of buildings other than those that are municipally owned; and
- maintain and creates a balance between investing in new assets, and existing facilities

S-29 *The Community Facilities Master Plan* shall provide guidance for needs assessment, planning, management and financing of community facilities in HRM.

MUNICIPAL PLANNING STRATEGY FOR THE EASTERN SHORE (EAST) PLAN AREA

SECTION III

LAND USE INTENT

The Village Designation has been applied to the areas of Sheet Harbour, West East River, Church Point Road, West Sheet Harbour (Shore Road) and along Route 224 to the Killag Road. The Village Designation represents a central area within the Plan Area where commercial services, community uses and recreational facilities are provided. This area serves both local residents and the travelling public. The Village Designation is intended to reinforce this area as a focal point for the provision of goods and services while recognizing and preserving the rural character within this central area. Support is given to continued residential development.

Policy
V-2 Within the Village Designation, it shall be the intention of Council to establish a MU (Mixed Use) Zone which permits a wide range of residential uses, commercial uses and communities facilities, as well as resource and traditional uses, and existing service industry uses. The zone shall control the scale of commercial buildings, outdoor storage and display, parking and the separation from watercourses for specific uses.
Staff Comment
The Eastern Shore (East) Plan area contains three land use designations: <ul style="list-style-type: none">• The Village Designation;• the Resource Designation; and• the Industrial Park Designation.

Each designation has a primary zone (sometimes referred to as a “base zone”) which applies broadly throughout the designation to implement the specific land use intent of that designation. Within the Village Designation this zone is the MU Zone which includes “Institutional Uses” as-of-right. Similarly, within the Resource and Industrial Park Designations respectively the RE (Rural Resource) Zone and the I-1 (Business Industry) Zone permit “Institutional Uses” as-of-right.

As a result, “Institutional Uses” are permitted as-of-right throughout the majority of the Plan Area saving only those areas where alternative zoning has been applied. While the RMPS and MPS have enabled some zones within the plan area which do not permit “Institutional Uses”, such as the RPK zone, many of these zones have not been widely applied, if applied at all.

The addition of “Institutional Uses” as a permitted use within the RPK Zone further enables the inclusion of institutional uses within the plan area, and with respect to the proposed new Municipal Community Facility will further the intent of the Village Designation to reinforce the clustering of commercial and community services within the central area of Sheet Harbour. Implementation Policy IM-10 (below) specifically addresses the subject proposal.

Policy

IM-10 In considering development agreements and amendments to the land use bylaw, in addition to all other criteria as set out in various policies of this Strategy, Council shall have appropriate regard to the following matters:

Policy Criteria	Staff Comment
(a) that the proposal is in conformity with the intent of this Strategy and with the requirements of all other municipal by-laws and regulations.	The property is designated Village under the Municipal Planning Strategy for Eastern Shore (East). As described in the excerpt above, the Village Designation is intended to reinforce the clustering of commercial and community services within a central area. The provision for a new municipal community facility within the Village Designation is in alignment with the intent of the designation.
(b) that the proposal is not premature or inappropriate by reason of:	...
(i) the financial capability of the Municipality to absorb any costs relating to the development;	The cost associated with the development and construction of the municipal community facility has been approved previously by Regional Council. Provision for the costs associated with the ongoing maintenance and operation of the municipal community facility will be included in future municipal budgets.
(ii) the adequacy of central or on-site sewerage and water services;	The site will be serviced with on-site well and septic. These systems must be designed in accordance with the requirements of the Nova Scotia Department of Environment (NSDOE) and the water supply must be registered with NSDOE as a public drinking water supply.
(iii) the adequacy or proximity of school, recreation or other community facilities;	The inadequacy of the existing community hall at 183 Pool Road is what has prompted this project. The proposed Community Facility is intended to amalgamate local municipal services

	<p>(Recreation, Library and Fire) into one location at the subject site. For information:</p> <ul style="list-style-type: none"> • The Sheet Harbour Recreation Centre and Library are currently located in the Bluewater Building at 22756 Highway 7, approximately 1.9 km east of the subject site; • The Sheet Harbour Lions Community Centre (existing community hall) is located at 183 Pool Road, approximately 3.6 km east of the site; and • The Sheet Harbour Fire Station (Station 28 – composed of career and volunteer fire fighters) is located at 22835 Highway 7, approximately 2.3 km east of the subject site. <p>Additionally, two major institutional uses are located in the area:</p> <ul style="list-style-type: none"> • The Eastern Shore Memorial Hospital is located 1.3 km east of the subject site at 22637 Highway 7; and • The Marine Drive Academy is located 2.7 km east of the subject site at 429 Church Point Road. <p>The proposed Community Facility is not expected to negatively impact these existing institutional uses.</p> <p>(Distances provided are pedestrian distances via sidewalk/trails)</p>
<p>(iv) the adequacy of road networks leading or adjacent to or within the development; and</p>	<p>The subject site is located on Highway 7 which is a provincial trunk highway. The relocation of existing municipal services within the community of Sheet Harbour is not expected to affect the adequacy of Highway 7.</p> <p>The NS Department of Transportation and Infrastructure Renewal (NSTIR) have been consulted through this planning process and have advised of their requirements with respect to driveway locations, building setbacks from the Highway 7 right of way, and provincial permits required. NSTIR will continue to be consulted through the detailed design of the facility to ensure all requirements are met.</p> <p>Additionally, the presence of the pedestrian bridge crossing the West River Falls (Map 1) is a beneficial feature to the site as it provides an active transportation link for pedestrians to the area of the community</p>

	serviced with sidewalk infrastructure via Elmhurst Drive.
(v) the potential for damage to or for destruction of designated historic buildings and sites.	<p>An area of the property to the south of the subject site (PID 40209942) has been identified as a historic Mi'kmaw burial site.</p> <p>While HRM is not negotiating for the acquisition of this site, under the agreement of purchase and sale being negotiated with the Province of Nova Scotia the Province is required to conduct aboriginal consultation prior to closing on the lands.</p> <p>The proposal is to avoid this area with development, however development of the facility does present an opportunity to highlight indigenous heritage.</p> <p>Additionally, MacPhee House Museum, a municipally registered heritage property, is located opposite West River Falls from the subject site at 22404 Highway 7. It is not anticipated that development of the proposed municipal facility will pose any hazard to MacPhee House.</p>
(c) That controls are placed on the proposed development so as to reduce conflict with any adjacent or nearby land uses by reason of:	...
(i) type of use;	The proposed municipal community facility is intended to include a recreation centre, public library, and fire station.
(ii) height, bulk and lot coverage of any proposed building;	The RPK zone contains provisions regarding setbacks, lot coverage and height.
(iii) traffic generation, access to and egress from the site, and parking;	Please see policy IM-10(b)(iv) above. Prior to NSTIR approvals HRM may be required to prepare a traffic impact statement or study. Please refer to the body of the report for discussion regarding parking.
(iv) open storage; and	No open storage is anticipated to be required for the proposed municipal community facility.
(v) signs.	The proposed Community Facility is expected to include signage similar to other municipal community facilities, in keeping with HRM corporate branding and the provisions set out in Part 5 of the LUB.
(d) that the proposed site is suitable in terms of the steepness of grades, soil and geological conditions, locations of watercourses, marshes or bogs and susceptibility to flooding; and	The subject site is located on the west side of the West River Falls. Portions of the site have significant slope. The LUB contains provisions related to watercourse setbacks. The proposed community facility is situated on the site to meet/exceed these requirements.

	<p>Additionally, as part of Regional Councils May 12, 2020 motion initiating this planning process Council also directed staff to perform due diligence for the acquisition of the site which involves undertaking the necessary assessments to confirm the suitability of the lands. These assessments are underway. Should the assessments identify issues that may ultimately impact the ability of the land to support the proposed community facility an alternative site may need to be considered.</p>
<p>(e) any other relevant matter of planning concern.</p>	<p>The LUB does not include regulations respecting architectural requirements for municipal buildings, however given the Village Designation has been applied to Sheet Harbour to reinforce the area “as a focal point for the provision of goods and services while <u>recognizing and preserving the rural character</u> within this central area” it is incumbent upon the Municipality to ensure that the rural character of Sheet Harbour is reflected in the design of the facility.</p>
<p>(f) 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)</p>	<p>No holding zone has been established and no additional lots are proposed in conjunction with this application.</p>

Attachment C:
Excerpts from the Land Use By-law for
Eastern Shore (East) Plan Area

(Sections involving recommended housekeeping amendments highlighted)

PART 2: DEFINITIONS

In this By-law the word "shall" is mandatory and not permissive. Words used in the present tense shall include the future; words used in the singular number shall include the plural and words used in the plural number shall include the singular. The word "used" shall include "intended to be used", "arranged" and "designed". All other words shall carry their customary meaning except for those defined hereinafter:

- 2.12 CEMETERY means the use of land or structures for the interment of human remains but shall not include the use of structures for crematorium.
- 2.17 CONSERVATION USE means any activity carried out for the purpose of conserving soils, water, vegetation, fish, shellfish, including wildlife sanctuaries and similar uses to the foregoing. (RC-Jun 25/14;E-Oct 18/14)
- 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.
- 2.56 MARINA means a commercial facility for storing, servicing, fuelling, berthing and securing of marine and/or air craft (seaplanes) and may include overnight accommodation, eating, drinking or retail facilities principally for owners, crews and guests.
- 2.63 OPEN SPACE USE means the use of land for public and private parks and playgrounds, athletic fields, tennis courts, lawn bowling greens, outdoor skating rinks, picnic areas, cemeteries, day camps, boat launching facilities, historic sites or monuments, and similar uses to the foregoing, together with the necessary accessory buildings and structures, but does not include camping grounds, golf courses, marinas or tracks for the racing of animals or motorized vehicles.
- 2.73 RECREATION SPACE means the use of land, buildings or structures for active or passive recreational purposes and may include indoor recreation facilities, sports fields, sports courts, playgrounds, multi-use trails, picnic areas, scenic view points and similar uses to the foregoing, together with the necessary accessory buildings and structures, but does not include commercial recreation uses. (RC-Jun 25/14;E-Oct 18/14)

PART 4: GENERAL PROVISIONS FOR ALL ZONES

- 4.18 WATERCOURSE SETBACKS AND BUFFERS (RC-Jun 25/14;E-Oct 18/14)
 - (1) (a) No development permit shall be issued for any development within 20m of the ordinary highwater mark of any watercourse.
 - (b) Where the average positive slopes within the 20m buffer are greater than 20%, the buffer shall be increased by 1 metre for each additional 2% of slope, to a maximum of 60m.

- (c) Within the required buffer pursuant to clauses (a) and (b), no excavation, infilling, tree, stump and other vegetation removal or any alteration of any kind shall be permitted in relation to a development.
- (d) Within the required buffer pursuant to clauses (a) and (b), activity shall be limited to the placement of one accessory structure or one attached deck not exceeding a footprint of 20 m² or a combination of an accessory structure and attached deck not exceeding 20 m², fences, boardwalks, walkways and trails not exceeding 3 metres in width, wharfs, boat ramps, marine dependent uses, fisheries uses, conservation uses, parks on public lands, historic sites and monuments, and public road crossings, driveway crossings and wastewater, storm and water infrastructure, and water control structures.

4.18A COASTAL AREAS (RC-Jun 25/14;E-Oct 18/14)

- (1) No development permit shall be issued for any dwelling on a lot abutting the coast of the Atlantic Ocean, including its inlets, bays and harbours, within a 3.8 metre elevation above Canadian Geodetic Vertical Datum (CGVD 28).

4.21 ILLUMINATION

No illuminated sign shall be erected or illuminate an area outside any building unless such illumination is directed away from adjoining properties and any adjacent street or private road.

4.22 COMMERCIAL MOTOR VEHICLES

No commercial vehicles shall be kept less than (10) feet (3.1 m) from any front lot line within any MU, I-1 or RE Zone. No commercial vehicles shall be kept on a lot within any R-6A, P-3 or P-4 Zone.

4.24 PARKING REQUIREMENTS

USE

Institutional uses except as specified below

PARKING REQUIREMENT

- where there are fixed seats, the greater of 1 space per 4 seats and 1 space per 100 square feet (9.3 m²) of gross floor area
- where there are no fixed seats the greater of 1 space per 100 square feet (9.3 m²) of gross floor area or 1 space per 4 persons which can be accommodated at any one time

Reserved Spaces for the Mobility Disabled

Notwithstanding Section 4.24(a) above, reserved parking spaces for the mobility disabled shall be provided as an addition to the required spaces in conformity with the following schedule:

USE

All other uses excluding churches, fire stations, boarding houses and any industrial use which does not have a retail function

PARKING REQUIREMENT

1 reserved parking space for the mobility disabled per 15 - 100 parking spaces required

1 additional space for each additional 100 required spaces or part thereof, to a maximum of 10

PART 5: SIGNS

5.3 SIGNS PERMITTED IN ALL ZONES

The following signs shall be permitted in any MU, R-6A, I-1, RE, P-3 or **P-4 Zone**:

- (a) Any sign which has an area of no more than four (4) square feet (0.4 m²) and which identified the name and address of a resident;
- (b) Any sign which has an area of no more than four (4) square feet (0.2 m²) and which regulates the use of property, such as "No Trespassing" signs;
- (c) Any real estate sign which has an area of no more than eight (8) square feet (0.7 m²);
- (d) Any sign which has an area of no more than five (5) square feet (0.5 m²) 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 m²) and which is incidental to construction;
- (f) Any sign erected by, or under the direction of, a government body such as signs identifying public buildings, giving public information or regulating traffic or safety;
- (g) Any flag, insignia, notice or advertising of any charitable, religious or fraternal organization; and
- (h) Any memorial sign, plaque or tablet.

5.7 GROUND SIGNS

Where a ground sign is permitted in any MU, R-6A, I-1, RE **or P-4 Zone**, no ground sign shall:

- (a) extend beyond a property line or project over a public right-of-way or lot line; or
- (b) be less than ten (10) feet (3.1 m) from any street line or abutting lot line.

5.8 FACIAL WALL SIGNS

No facial wall sign shall:

- (a) extend above the top of the wall upon which it is attached;

- (b) extend beyond the extremities of the wall upon which it is attached; or
- (c) exceed twenty-five (25) percent of the area of the wall on which it is attached.

PART 11: RPK (REGIONAL PARK) ZONE (RC-Jun 25/14;E-Oct 18/14)

11.1 RPK USES PERMITTED

No development permit shall be issued in any RPK (Regional Park) Zone except for the following:

Park Uses

Recreation uses

Conservation uses

Marinas

Uses accessory to the foregoing uses

11.2 RPK ZONE REQUIREMENTS

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

Minimum Front or Flankage Yard:	20m
Minimum Side or Rear Yard:	20m
Maximum Lot Coverage:	50% for lots less than 4 ha in area, or 5% for lots 4 ha or more in area
Maximum Height of Main Building	10.7 m

PART 11A: CD-1 (C&D MATERIALS TRANSFER STATIONS) ZONE (RC-Sep 10/02;E-Nov 9/02)

11A.4 GENERAL REQUIREMENTS: C&D MATERIALS OPERATIONS

...

- (f) no operation shall have direct access to either a local or subdivision road, as determined by the Municipality's Traffic and Transportation Services Division and any access road for such operations shall not occur through lands zoned for residential (R-6A) or community use (P-3 and P-4); and

Attachment D:
Summary of Public Engagement

Summary of Feedback for Planning Application # 23221:

Amendment to the Eastern Shore (East) Land Use By-law to include Institutional Uses within the RPK Zone to allow for a recreation/fitness centre, community hall, library and fire station at 22324 Highway 7, Sheet Harbour.

Public Engagement was conducted by way of a mailout (January 25 – February 26, 2021). The intention of the mailout was to share information about the proposed Land Use By-law amendment and receive feedback from area residents and other stakeholders. A factsheet was also enclosed with the mailout which included a list of the permitted uses of the RPK (Regional Park) Zone as well as the definition of “Institutional Use”. The public was provided an opportunity to provide feedback by phone or email within a five (5) week timeframe. Information on the proposal can be found on the HRM Planning Application [website](#).

The following is a summary of the feedback received:

- 2 residents responded
 - 1 – phone call (in support)
 - 1 – email (in opposition)

SUMMARY of ISSUES:

- Concern regarding a decrease in property value, and
- Concern regarding loss of privacy on adjacent properties.