

HALIFAX

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Item No. 12.3

Halifax Regional Council
November 8, 2022
December 13, 2022

TO: Mayor Savage and Members of Halifax Regional Council

SUBMITTED BY:

Original Signed by 

Jacques Dubé, Chief Administrative Officer

DATE: October 17, 2022

SUBJECT: **Case 24239: Amendments to the Municipal Planning Strategy and Land Use By-law Planning District 4 (Prospect) for PID 40064875 on Youth Camp Road, Bayside (former Bayside Youth Camp)**

ORIGIN

Application by Sunrose Land Use Consulting and a July 12, 2022, Regional Council motion (Item 15.1.9):

MOVED by Councillor Cuttell, seconded by Deputy Mayor Lovelace

THAT Halifax Regional Council direct the Chief Administrative Officer to:

- 1. Initiate a process to consider amendments to the Planning District 4 (Prospect) Municipal Planning Strategy to allow the development of single-unit dwellings on PID 40064875 located on Youth Camp Road, Bayside; and*
- 2. Follow the public participation program for municipal planning strategy amendments as outlined within the Community Engagement section of the staff report dated June 24, 2022.*

MOTION PUT AND PASSED UNANIMOUSLY

LEGISLATIVE AUTHORITY

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

RECOMMENDATION

It is recommended that Regional Council:

1. Give First Reading to consider the proposed amendments to the Municipal Planning Strategy and Land Use By-law for Planning District 4 (Prospect), as set out in Attachments A and B, to allow the development of a single-unit dwelling on PID 40064875 located on Youth Camp Road, Bayside and schedule a public hearing; and
2. Adopt the proposed amendments to the Municipal Planning Strategy and Land Use By-law for Planning District 4 (Prospect), as set out in Attachments A and B.

BACKGROUND

Sunrose Land Use Consulting, on behalf of Frederick and Nancy Voegeli, wish to subdivide and construct a single-unit dwelling at the former Bayside Youth Camp, a 4.9-hectare (12.1-acre) parcel of land on Youth Camp Road in Bayside. Subdivision of the parcel of land is permitted under the Regional Subdivision By-law; however, developing the property with a single-unit dwelling is not permitted by the current zoning, and cannot be considered under the existing Municipal Planning Strategy (MPS) and Land Use By-law (LUB) for Planning District 4 (Prospect). Therefore, the applicant is seeking amendments to the MPS to enable this proposal.

Subject Site	PID #40064875
Location	Youth Camp Road, located South of Prospect Road, Bayside
Regional Plan Designation	Rural Commuter (RC)
Community Plan Designation (Map 1)	Rural Residential E (RRE)
Zoning (Map 2)	Community Facility (P-2)
Size of Site	4.90 hectares (12.1 acres)
Street Frontage	0 metres
Current Land Use(s)	Two existing non-conforming single unit dwellings, otherwise vacant (formerly institutional – the Bayside Youth Camp)
Surrounding Use(s)	Rural residential

Proposal Details

The owner of the subject site wishes to subdivide a 4.9-hectare (12.1-acre) parcel into two lots for the purpose of constructing a single-unit dwelling. Subdividing an area of land into two lots without road frontage is permitted under Section 38 of the Regional Subdivision By-law in this area. However, the existing P-2 (Community Facility) Zone does not permit a single-unit dwelling and rezoning to the RRE-1 (Rural Residential E) Zone is not permitted without meeting the lot frontage requirements in the LUB, which is 30.48 metres (100 feet). The proposed two lots will have no road frontage, therefore applying the RRE-1 Zone through the rezoning process is not possible unless there is a special provision included within the MPS and LUB to allow this to occur.

Community Use

In 1957, the Baptist Church acquired the property for a day camp use, which included 14 cabins, a mobile home, a main building, a few sheds, an enclosed pool, and several recreational fields. To reflect the institutional land use, the property was zoned P-2 (Community Facility). In May 2010, a demolition permit was issued. All the former camp buildings were removed, and the pool was filled in. The former property owner, the Baptist Church, sold the property to the current owners. Currently, the subject site is mostly vacant with a small part of the site being leased for two existing dwellings towards the southwest corner of the property, intended to be within the second newly-created lot.

MPS and LUB Context

The primary intent of the Rural Residential E designation, as stated in Policy RRE-1 of the MPS, is to provide for the continuation of the low density rural residential environment by providing for a mix of low density residential, resource, home business and community facility uses; however, a single-unit dwelling is not permitted in the P-2 Zone. Therefore, a rezoning to the RRE-1 Zone is necessary to enable development of a dwelling.

In the RRE-1 Zone, the minimum required lot frontage on a public street is 30.48 metres (100 feet). Since Youth Camp Road is not a public right-of-way, the proposed lots will not have public street frontage. The RRE-1 Zone can only be applied to the subject site if specific provisions are included within the MPS and the LUB. While the LUB allows for permits to be issued for existing undersized lots, and acknowledges permits issued prior to April of 2016 for undersized lots, those conditions would not apply to the proposed new, undeveloped lots. There are no other exemptions or enabling policies in the MPS to consider the proposed use, therefore an amendment to the MPS is required to apply the RRE-1 Zone at this location.

COMMUNITY ENGAGEMENT

Regional Council passed a motion on July 12, 2022, to follow the public participation program for this MPS and LUB amendment as outlined within the Community Engagement section of the [staff report](#) dated June 24, 2022, instead of the standard Public Participation Program approved by Council on February 25, 1997. Accordingly, Community Engagement was achieved through the HRM website, signage on the subject lot, and letters mailed out to property owners within the notification area. Five emails were received from neighbours of the subject site.

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. The public comments received include the following topics:

- **Traffic:** Faders Road cannot support any increased traffic and noise level, including the temporary increase of traffic during construction; and
- **Community recreation:** the subject site had been open for public use by the previous landowner for baseball, soccer, swimming, and walking. The land should remain as P-2 Zone so that the community retains an opportunity to enjoy the only communal space in Bayside and oceanfront trails.

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

The proposal will potentially impact residents, landowners, and businesses in the community.

DISCUSSION

The MPS is a strategic policy document that sets out the goals, objectives and direction for long term growth and development in Municipality. Amendments to an MPS are significant undertakings and Council is under no obligation to consider such requests. In this case, staff advise that the proposed amendments are recommended because rezoning to the RRE-1 Zone in the RRE Designation is consistent with the Council's overall intention for the area, which is to provide for the continuation of the low density rural residential environment. The following paragraphs review the rationale and content of the proposed MPS and LUB amendments.

Subdivision and Zoning

Subdividing a lot into two parcels without road frontage is permitted as-of-right. It is the rezoning to the RRE- Zone that requires the lands in question to have road frontage. Rezoning must occur to enable development of a dwelling since the existing P-2 Zone prohibits a residential use unless it is coupled with a daycare. In this case, rezoning to the RRE-1 Zone is generally consistent with the existing policy because the proposed RRE-1 Zone is the base zone within the RRE Designation. This is evident as all parcels on Faders Road are zoned RRE-1. Despite not meeting the road frontage requirement, staff advise that a residential use may still be considered given the large lot size and the existing road access.

If the rezoning is approved, the fourth and last dwelling would be constructed on Youth Camp Road, as further subdivision is no longer permitted under the Regional Subdivision By-law.

Proposed Amendments

Staff considered the existing MPS policy context and a number of policy approaches when drafting the proposed MPS and LUB amendments which are provided in Attachments A and B. The proposed amendments involve exempting the subject site from meeting the minimum frontage requirement of the RRE-1 Zone and rezoning the site from P-2 to RRE-1 by amending the zoning map.

Conclusion

Staff have reviewed the application and the existing policy context and advise that the MPS should be amended to allow the development of a single-unit dwelling on the subject site through rezoning. The proposed development is consistent with the Council's intention to continue the low density rural residential environment in the community of Bayside. Considering the large lot size and existing access, one additional single-unit dwelling is appropriate to be considered. Therefore, staff recommend that Regional Council approve the proposed MPS and LUB amendments.

FINANCIAL IMPLICATIONS

There are no financial implications. The HRM costs associated with the processing of this planning application can be accommodated within the approved 2022-2023 operating budget for Planning and Development.

RISK CONSIDERATION

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

ENVIRONMENTAL IMPLICATIONS

No environmental implications are identified at this time.

ALTERNATIVES

The Regional Council may choose to:

1. Modify the proposed amendments to the MPS and LUB for Planning District 4 (Prospect), as set out in Attachments A and B of this report. If this alternative is chosen, specific direction regarding the requested modifications is required. Substantive amendments may require a supplementary report and another public hearing to be held before approval is granted. A decision of Council to approve or refuse the proposed amendments is not appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.
2. Refuse the proposed amendments to the MPS and LUB for Planning District 4 (Prospect). A decision of Council to approve or refuse the proposed amendments is not appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.

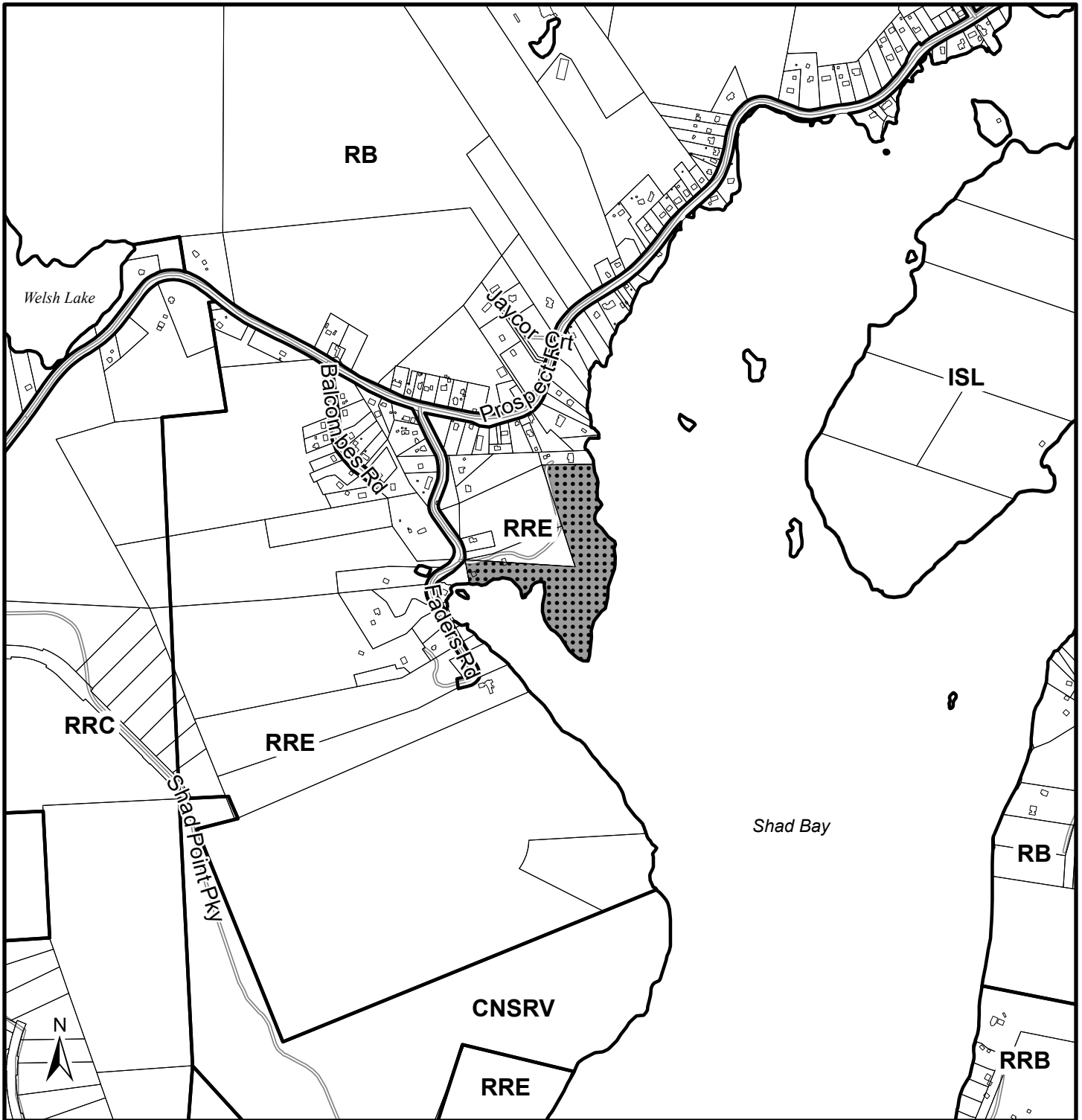
ATTACHMENTS

Map 1: Generalized Future Land Use
Map 2: Zoning and Notification Area

Attachment A: Proposed MPS Amendments
Attachment B: Proposed LUB Amendments

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: Byungjun Kang, Planner II, 782.641.0856



Map 1 - Generalized Future Land Use

Youth Camp Road,
Bayside

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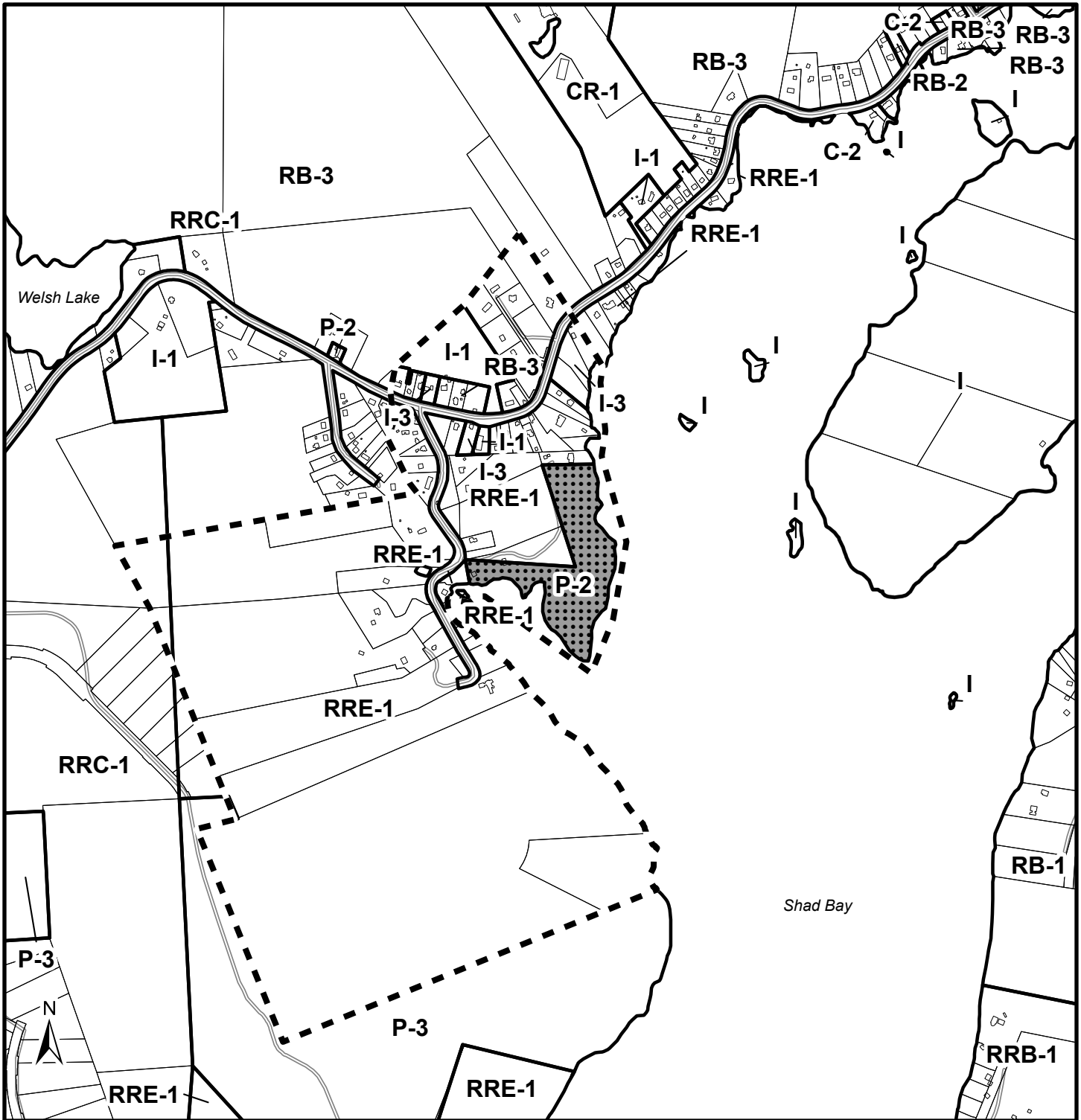
Designation	
 Subject Property	
CNSRV	Conservation
ISL	Island
RB	Residential B
RRC	Rural Residential C
RRE	Rural Residential E



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.

Planning District 4
Plan Area



Map 2 - Zoning and Notification Area

Youth Camp Road,
Bayside

Area of
Notification

Planning District 4
Land Use By-Law Area

Zone

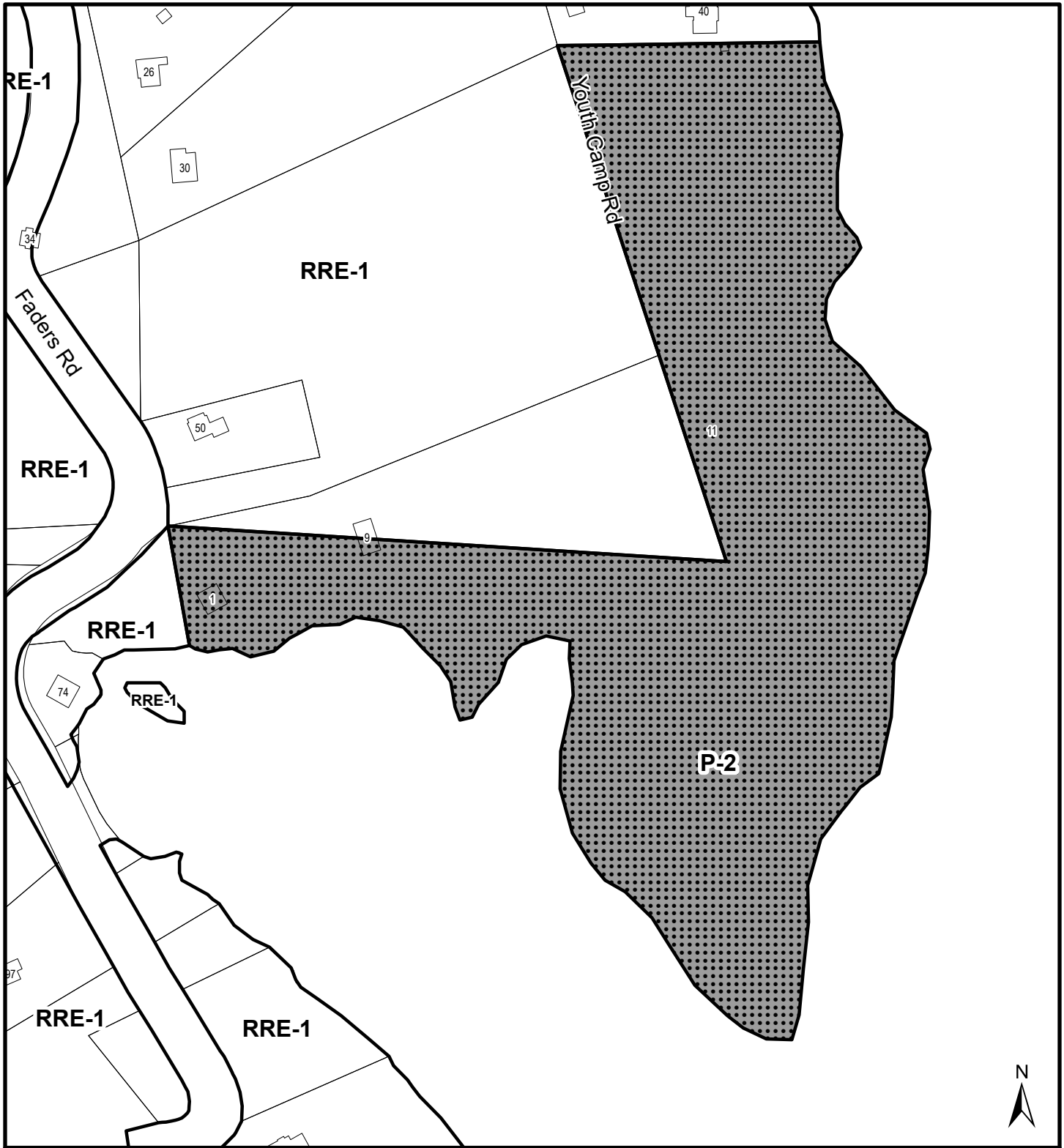
C-2	General Business	RB-1	Residential B-1
CR-1	Commercial Recreation 1	RB-2	Residential B-2
I	Island	RB-3	Residential B-3
I-1	Light Industry	RRB-1	Rural Residential B-1
I-3	Local Service	RRC-1	Rural Residential C-1
P-2	Community Facility	RRE-1	Rural Residential E-1
P-3	Conservation		
	Subject Property proposed to be rezoned from P-2 (Community Facility) to RRE-1 (Rural Residential E-1)		

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
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.



Schedule A
 Youth Camp Road,
 Bayside

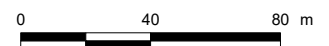
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 Property proposed to be rezoned
 from P-2 to RRE-1

Zone
 P-2 Community Facility
 RRE-1 Rural Residential E-1

Planning District 4
 Land Use By-Law Area

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



ATTACHMENT A

Proposed Amendment to the Municipal Planning Strategy for the Planning District 4 (Prospect)

BE IT ENACTED by the Regional Council of Halifax Regional Municipality that the Municipal Planning Strategy for Planning District 4 (Prospect) is hereby further amended as follows:

1. Within Section 3, the text shown in bold shall be added immediately after Policy RRE-2 and before the preamble of Policy RRE-3.

RRE-2A Notwithstanding Policy RRE-2, within the Rural Residential E Designation, it shall be the intention of Council to apply the Rural Residential E-1 zone on PID 40064875 (the former Bayside Youth Camp) despite the parcel having less than the minimum frontage requirement of the RRE-1 Zone.

I, Iain MacLean, Municipal Clerk for the Halifax Regional Municipality, hereby certify that the above-noted amendment was passed at a meeting of the Regional Council held on [DATE], 2022.

Iain MacLean
Municipal Clerk

ATTACHMENT B

Proposed Amendment to the Land Use By-law for the Planning District 4 (Prospect)

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

1. Amend Schedule A, the Zoning Map, by rezoning the property identified as PID 40064875, from the P-2 (Community Facility) Zone to the RRE-1 (Rural Residential E-1) Zone, as shown on the attached Schedule A.

I, Iain MacLean, Municipal Clerk for the Halifax Regional Municipality, hereby certify that the above-noted amendment was passed at a meeting of the Regional Council held on [DATE], 2022.

Iain MacLean
Municipal Clerk