



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

**Item No. 10.1.2**  
**North West Community Council**  
**May 8, 2017**  
**June 12, 2017**

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

Original Signed

**SUBMITTED BY:**

\_\_\_\_\_  
Bob Bjerke, Chief Planner and Director, Planning and Development

**DATE:** April 25, 2017

**SUBJECT:** Case 20506: Rezoning – 159 First Lake Drive, Lower Sackville

**ORIGIN**

Application by Amadesco Canada to rezone 159 First Lake Drive, Lower Sackville to enable the development of a private club.

**LEGISLATIVE AUTHORITY**

See Attachment E.

**RECOMMENDATION**

It is recommended that North West Community Council:

1. Give First Reading to consider the proposed amendment to the Land Use By-law for Sackville, as set out in Attachment A, to rezone 159 First Lake Drive, Lower Sackville from the R-1 (Single Unit Dwelling) Zone to the P-2 (Community Facility) Zone.
2. Adopt the proposed amendment to the Land Use By-law for Sackville, as set out in Attachment A of this report.

## **BACKGROUND**

Amadesco Canada is applying on behalf of the property owner, Sack-a-wa Canoe Club, to rezone the property at 159 First Lake Drive, Lower Sackville.

<b>Subject Site</b>	159 First Lake Drive (Map 1)
<b>Location</b>	The northern shore of First Lake, east of Glendale Drive in Lower Sackville.
<b>Regional Plan Designation</b>	US (Urban Settlement), RC (Rural Commuter)
<b>Community Plan Designation (Map 1)</b>	UR (Urban Residential), Municipal Planning Strategy for Sackville (MPS)
<b>Zoning (Map 2)</b>	R-1 Single Unit Dwelling, Land Use By-law for Sackville (LUB)
<b>Size of Site</b>	9,024 square metres (97,133.5 square feet)
<b>Street Frontage</b>	41.36 m (135.7 feet)
<b>Current Land Use(s)</b>	The subject site is currently used as a training facility, accessory boat storage and parking lot for the Sack-a-wa Canoe Club.
<b>Surrounding Use(s)</b>	<ul style="list-style-type: none"><li>• Taiso Gymnastics Club, Sackville Arena and Sobeys to the west</li><li>• Single Dwelling Residential Uses to the north</li><li>• Glen Slauenwhite Recreation trail and green space to the east</li><li>• First Lake to the south</li></ul>

### **Proposal Details**

The applicant proposes to rezone 159 First Lake Drive, Lower Sackville to enable the redevelopment of the property as a private club to include a new club house building which is to be used for canoe club purposes as well as to be made available to host private functions. The major aspects of the proposal are as follows:

- New two-level club house building;
  - Lower level for enlarged training centre area;
  - Upper level for leasing for business training, weddings, dances, etc.;
- Outdoor training centre with areas for soccer, volleyball, etc.; and
- Area for community events.

### **History**

The Sack-a-wa Canoe Club received ownership of the subject site in 1980 and the current clubhouse was built in 1982. Community facilities are located throughout the Sackville area and recreational facilities in the community have continued to expand in an attempt to meet the demands of a growing population. The applicant has stated that the proposed development of a new clubhouse reflects this increase in demand for facilities of this type in the area.

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

The subject lands are currently zoned R-1 (Single Unit Dwelling) under the Sackville LUB. The R-1 Zone permits the existing recreational canoe club operation, however, the proposed non-recreational functions, including event space to host weddings and dances, are recognized as community facility uses and are not permitted in the R-1 Zone.

The property is located within the Urban Residential (UR) designation under the Sackville MPS. This designation contains policies that support community facility uses in residential neighborhoods, in order to facilitate the social and physical integration of the facility with the community. The MPS also contains policy that enables new community facility uses to be considered by amendment to the land use by-law. The P-2 (Community Facility) Zone accommodates the proposed recreational and non-recreational uses for the property. Attachment C contains excerpts from the LUB outlining the permitted uses and requirements of the R-1 and P-2 Zones.

### **Approval Process**

The approval process for this application requires that Council consider and, if deemed appropriate, approve amendments to the Sackville LUB to rezone the subject site. A decision on the proposed LUB amendments is appealable to the Nova Scotia Utility and Review Board.

If the proposed LUB amendment is approved by Council, the applicant may proceed with the proposed development of the subject property in accordance with the requirements of the Sackville LUB.

### **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, letters mailed to property owners within the notification area and a public information meeting held on November 29, 2016. Attachment D contains a copy of the minutes from the meeting. The public comments received include the following topics:

- Impact of traffic and on-street parking;
- Noise impacts;
- Impact from construction vehicles;
- Impact to existing green space and views of the lake;
- Concerns over building dimensions and lighting;
- Support for the development as an asset to the community; and
- Support for proposal respecting space for club boat storage.

A public hearing must be held by North 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.

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

On February 1, 2017 the North West Planning Advisory Committee (PAC) recommended that the application be approved with the following considerations:

1. that sightlines from driveways to the roadway be addressed or explored and confirmed that there are no concerns; and
2. that parking is adequate.

A report from the PAC to Community Council will be provided under separate cover.

With regard to the PAC feedback provided pertaining to sightlines, the applicant has advised that they intend to alter the grades of the existing parking lot such that vehicles leaving the east driveway will be at higher elevation than exists currently to meet sight line requirements. To address safety concerns, staff has advised that the west driveway access is to be aligned with the access to Quaker Crescent on the opposite, or north, side of First Lake Drive. This item will be addressed during the permitting process and the site's final design must meet all applicable requirements before any permits are issued. With respect to the adequacy of on-site parking, the applicant has demonstrated that the site is able to accommodate the LUB parking requirements.

## **DISCUSSION**

Staff have reviewed the proposal relative to all relevant policies and advise that it is reasonably consistent with the intent of the MPS. Attachment A contains the proposed rezoning from the R-1 (Single Unit Dwelling) Zone to the P-2 (Community Facility) Zone.

### **Land Use Bylaw (LUB) Amendment Review**

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

#### Traffic Generation and On-Street Parking:

MPS Policy requires that there are adequate road networks leading or adjacent to the development and that the proposal is not premature or inappropriate by reason of traffic generation, access to and egress from the site, and parking. A traffic impact statement was submitted as part of the planning application and was reviewed and accepted by staff. In accordance with the statement, the proposed rezoning and future expansion to the existing development is expected to have only minimal impact on traffic along First Lake Drive. This conclusion is based on the premise that the proposal will use the two existing driveways for egress and access and will provide 60 designated parking spaces within the property, with intermittent overflow parking accommodated along existing permitted sections of First Lake Drive.

#### Noise and Lighting Impacts from Proposed Use

MPS Policy requires that controls are placed on the proposed development so as to reduce conflict with any adjacent or nearby land uses by reason of the type of use. In an effort to address potential land use conflicts, the Sackville Drive LUB includes requirements for downcast lighting. This type of lighting deflects light away from neighbouring properties and streets, thus minimizing impact on the existing community. With respect to concerns regarding noise generated from the proposed development, the proposed use will represent a change in activity for the site. Daytime uses are proposed to be an expansion of existing recreational opportunities in line with the existing and historic nature of the site and its related noise. Club uses planned for some evenings may introduce a change to the site in terms of potential noise, however, the proponent has stated that the building will be designed to minimise sound impact. Furthermore, the provisions of the HRM Noise By-law (By-law Number N-200) apply and will serve to address any noise issues emanating from the building or other activity on-site.

#### Views of the Lake and Building Height

MPS Policy does not address the retention of scenic views from viewpoints outside, above or beyond the extents of a private property. There is no height limitation for the proposed use in the proposed Community Facility zone. With this said, the proponent has stated that although the new clubhouse will increase from one to two storeys, the lower level is designed to be below grade and the top floor finished elevation will be lower than that of the existing building.

### **Conclusion**

Staff have reviewed the proposal in terms of all relevant policy criteria and advise that the proposal is consistent with the intent of the MPS. The proposal provides an opportunity to further reinforce the intent of policy to expand recreational and community facilities to meet the demands of a growing population. Therefore, staff recommend that the North West Community Council approve the proposed LUB amendment.

Community Council should note that this proposal is a request for rezoning, not a development agreement; therefore, should Community Council approve the proposed rezoning, the lands would be permitted to be developed for any use permitted under the P-2 zone provided that the LUB provisions are satisfied. For clarification, should the applicant decide to develop the lands with any other use permitted under the P-2 Zone, an additional planning process would not be required.

## **FINANCIAL IMPLICATIONS**

The HRM cost associated with processing this planning application can be accommodated with the approved 2017/18 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**

No environmental implications have been identified.

## **ALTERNATIVES**

North 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*.

## **ATTACHMENTS**

Map 1:	Generalized Future Land Use
Map 2:	Zoning and Notification Area
Attachment A:	Proposed Amendment to the Sackville Land Use Bylaw -Schedule A
Attachment B:	Review of Relevant Section of the Sackville MPS
Attachment C:	Excerpts from the Sackville Land Use Bylaw (P-2 and R-1 Zones)
Attachment D:	Public Information Meeting Minutes
Attachment E:	Legislative Authority

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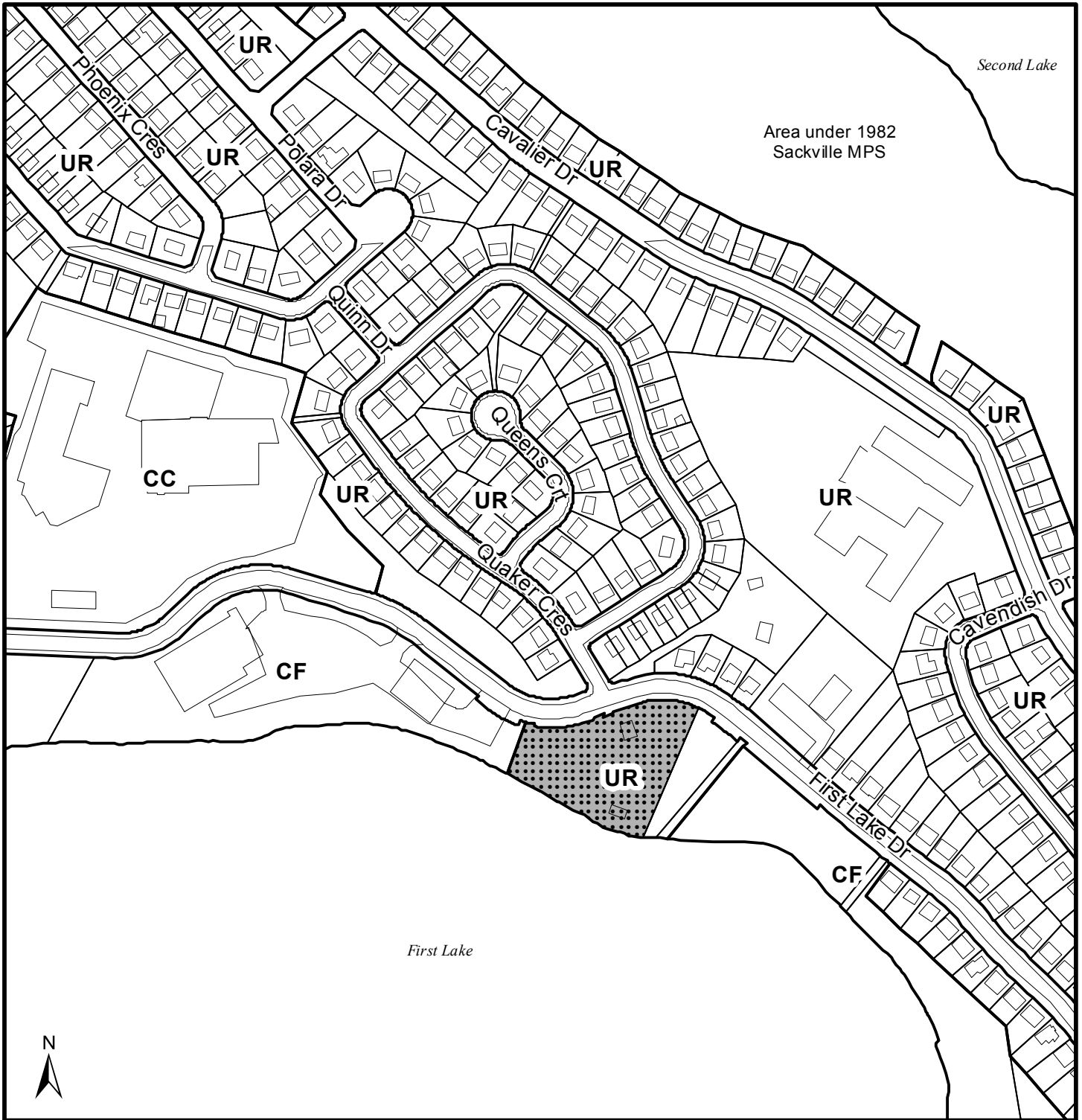
A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/index.php> then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 902.490.4210, or Fax 902.490.4208.

Report Prepared by: Justin Preece, Planner II, Urban and Rural Planning Applications, 902.490.6805  
Darrell Joudrey, Planner II, Urban and Rural Planning Applications, 902.490.4181

Original Signed

Report Approved by: \_\_\_\_\_  
Kelly Denty, Manager, Current Planning, 902.490.4800


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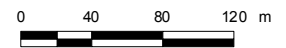


**Map 1 - Generalized Future Land Use**

159 First Lake Drive,  
Lower Sackville

**HALIFAX**

 Area proposed to be rezoned  
from R-1 (Single Unit Dwelling)  
to P-2 (Community Facility)



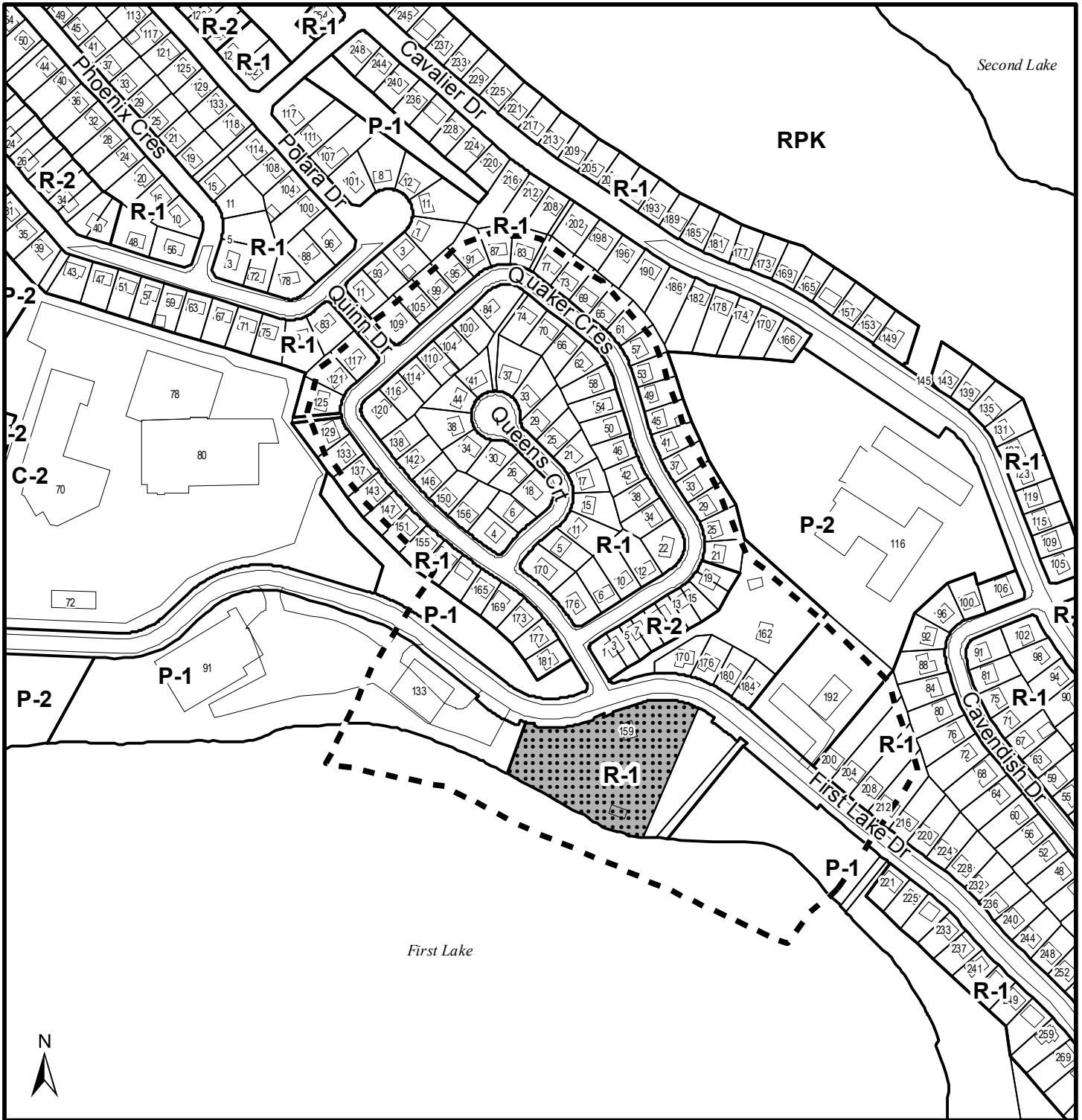
**Designation**

- UR Urban Residential
- CC Community Commercial
- CF Community Facility

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.

Sackville  
Plan Area



**Map 2 - Zoning and Notification**

159 First Lake Drive,  
Lower Sackville



Area proposed to be rezoned from R-1 (Single Unit Dwelling) to P-2 (Community Facility)

Area of Notification

**Zone**

R-1	Single Unit Dwelling
R-2	Two Unit Dwelling
C-2	Community Commercial
P-1	Open Space
P-2	Community Facility
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.

Sackville  
Plan Area

**Attachment A  
Proposed Amendment to the Land Use By-law for Sackville**

BE IT ENACTED by the North West Community Council of the Halifax Regional Municipality that the Land Use By-law for Sackville as enacted by the Halifax Regional Municipality on the 5th day of April, 1994, and approved by the Minister of Municipal Affairs on the 16th day of June, 1994, which includes all amendments thereto which have been adopted by the Halifax Regional Municipality and are in effect as of the 17th day of December, 2016, is hereby further amended as follows:

1. Amend Schedule "A" the Sackville Zoning Map, by rezoning 159 First Lake Drive, Lower Sackville from the R-1 (Single Unit Dwelling) Zone to the P-2 (Community Facility) Zone, as shown on Schedule A of this Attachment.

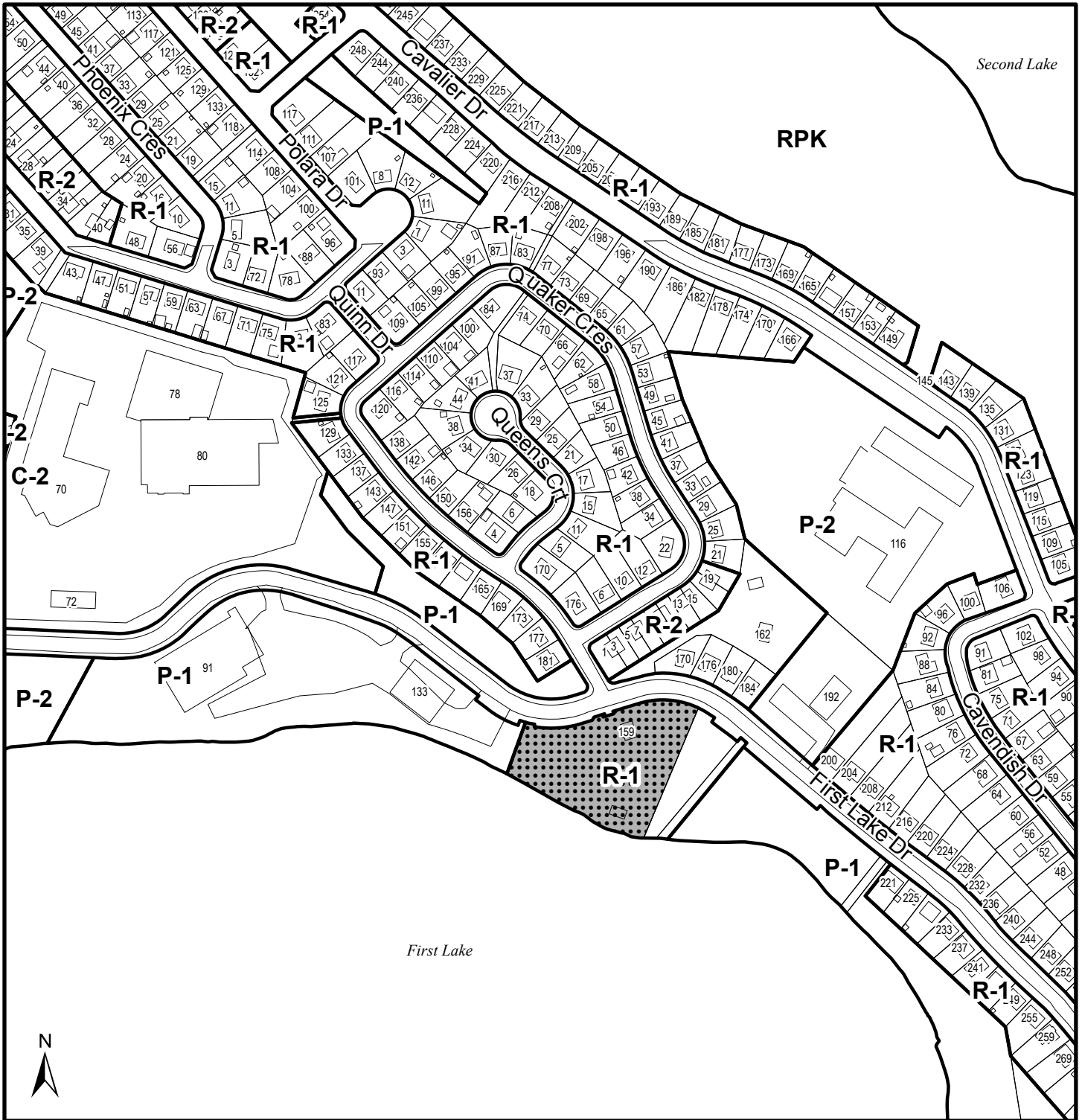
I HEREBY CERTIFY that the amendments to the Sackville Land Use By-law as set out above, was passed by a majority vote of the North West Community Council at a meeting held on the      day of      , 2017

GIVEN under the hands of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this      day of      , 2017

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Municipal Clerk



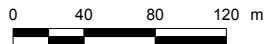


**Schedule A**  
 159 First Lake Drive,  
 Lower Sackville

**HALIFAX**

 Area proposed to be rezoned from R-1 (Single Unit Dwelling) to P-2 (Community Facility)

- Zone**
- R-1 Single Unit Dwelling
  - R-2 Two Unit Dwelling
  - C-2 Community Commercial
  - P-1 Open Space
  - P-2 Community Facility
  - 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.

Sackville  
 Plan Area

**Attachment B**  
**Review of Relevant Policies of the Sackville MPS**

**Policy UR-14**

Within the Urban Residential and Rural Residential Designations, it shall be the intention of Council to establish a community facility zone which permits a variety of community related uses such as schools, churches, hospitals, government offices, community centres and recreation uses. Council may consider permitting new community facility uses by amendment to the land use by-law and with regard to the provisions of Policy IM-13.

**Policy IM-13**

In considering amendments to the land use by-law or development agreements, in addition to all other criteria as set out in various policies of this planning strategy, the Sackville Community Council shall have appropriate regard to the following matters:

<b>Policy IM-13 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 proposal is consistent with the Sackville Municipal Planning Strategy. The proposed private recreational club use is in conformance with the requirements of the Land Use By-law subject to the approval of the proposed rezoning.
<i>(b) that the proposal is not premature or inappropriate by reason of:</i>	
<i>(i) the financial capability of the Municipality is to absorb any costs relating to the development;</i>	No municipal costs are anticipated.
<i>(ii) the adequacy of sewer and water services and public utilities;</i>	There is an open ditch storm sewer easement on the property that has been retained in the proposed servicing plan. Halifax Water has commented on the proposal and has advised that they have no concerns relative to the proposed rezoning.
<i>(iii) the adequacy and proximity of schools, recreation and other public facilities;</i>	There are no anticipated impacts on the adequacy of schools, recreation or other public facilities.
<i>(iv) the adequacy of road networks leading or adjacent to, or within the development; and</i>	A Traffic Impact Statement was provided. Staff reviewed the statement and have deemed the findings acceptable.
<i>(v) the potential for damage to or for destruction of designated historic buildings and sites.</i>	No historic buildings or sites have been identified.
<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>	
<i>(i) type of use;</i>	The Community Facility (P-2) zone permits a variety of land uses (see attachment C). New buildings are

Policy IM-13 Criteria	Staff Comment
	<p>proposed in conjunction with this application. Any building on the site must conform to the standards set out in the LUB for the proposed Community Facility zone.</p> <p>The immediately adjacent uses include Residential and Park and Institutional. The land to the immediate east is forested green space and land to immediate west hosts a private recreational facility and a public arena.</p> <p>The proposed use will represent a change in activity for the site. Daytime use is intended to be an expansion of existing recreational opportunities in line with the existing and historic nature of the site. Club uses proposed for some evenings will introduce a change to the site in terms of potential noise and lighting. However, the provisions of the LUB and the HRM Noise By-law are adequate to address any related land use compatibility issues.</p>
<p>(ii) <i>height, bulk and lot coverage of any proposed building;</i></p>	<p>There are no standards for height or bulk coverage related to the proposed use in the P-2 zone. There are currently four structures and three shipping containers spread out along the access through the site that extends from First Lake drive to the dock on First Lake.</p> <p>Although the proposed new building is substantially larger in scale than the existing clubhouse building, the new building has a lot coverage of 5% which it is not significant in proportion to the size of the entire property or when compared to the 50% coverage allowed for in the P-2 zone.</p>
<p>(iii) <i>traffic generation, access to and egress from the site, and parking;</i></p>	<ul style="list-style-type: none"> <li>• Traffic Generation: The accepted Traffic Impact Statement submitted illustrates that the proposal will have minimal impacts on the operational capacity of First Lake Drive.</li> <li>• Access and egress: The two existing driveways may continue to be used for egress and access, however modifications may be requested by HRM staff at the permitting stage to improve sight lines for vehicular access.</li> <li>• Parking: The LUB parking requirements are sufficient and are capable of being accommodated on the subject site.</li> </ul>
<p>(iv) <i>open storage;</i></p>	<p>No open storage has been identified in the proposal accompanying the application. Storage considerations are regulated under the LUB.</p>
<p>(v) <i>signs; and</i></p>	<p>Signage requirements are regulated under Part 5 of</p>

Policy IM-13 Criteria	Staff Comment
	the LUB.
<i>(vi) any other relevant matter of planning concern.</i>	None raised.
<i>(d) that the proposed site is suitable in terms of steepness of grades, soil and geological conditions, locations of watercourses, potable water supplies, marshes or bogs and susceptibility to flooding;</i>	The proposed structure utilizes the existing terraced nature of the site. Final construction and site development will require compliance with standards of the LUB, the Building By-law and other applicable codes to ensure the permitted uses are deemed safe and are not detrimental to the site or adjacent waterbody, First Lake. The applicant will be required to address storm water management and soil erosion control measures prior to any development of the subject site.
<i>(e) any other relevant matter of planning concern; and</i>	None raised.
<i>(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.</i>	Land subdivision is not part of the proposal.

**Attachment C**

**Excerpts from the Sackville Land Use Bylaw (P-2 and R-1 Zones)**

**P-2 (COMMUNITY FACILITY) ZONE**

20.1 **P-2 USES PERMITTED**

No development permit shall be issued in any P-2 (Community Facility) Zone except for the following uses:

Institutional Uses

Educational institutions and uses

Denominational institutions and uses

Day care facilities

A single unit dwelling in conjunction with a daycare facility

Fire and police stations

Government offices and public works

Hospitals and medical clinics

Public libraries, museums and galleries

Private club and lodge

Community centres and halls

Residential care facilities ~~constructed and maintained by a public housing authority~~ (NWCC-May 26/08;E-Jun 14/08)

A sales and administration office in conjunction with a cemetery (NWCC-Jan 28/10; E-Feb 13/10)

Open Space Uses

Public and private parks and playgrounds

Recreation uses

Cemeteries

Day camps

Historic sites and monuments

A single unit dwelling in conjunction with a cemetery, excluding a mobile dwelling

20.2 **P-2 ZONE REQUIREMENTS: INSTITUTIONAL USES**

In any P-2 Zone, where uses are permitted as institutional uses, no development permit shall be issued except in conformity with the following:

Minimum Lot Area:	central services	6,000 square feet (558 m <sup>2</sup> )
	on-site services	20,000 square feet (1858.1 m <sup>2</sup> )
Minimum Frontage:	central services	60 feet (18.3 m)
	on-site services	100 feet (30.5 m)
Minimum Front or Flankage Yard		30 feet (9.1 m)
Minimum Rear or Side Yard building Lot Coverage		1/2 the height of the main Maximum 50 percent

20.3 **P-2 ZONE REQUIREMENTS: OPEN SPACE USES**

In any P-2 Zone, where uses are permitted as open space uses, no development permit shall be issued except in conformity with the provisions of Part 19.

20.4 **OTHER REQUIREMENTS: OFFICES IN CONJUNCTION WITH A CEMETERY**  
(NWCC-Jan 28/10;E-Feb 13/10)

In any P-2 Zone, where a sales and administration office is permitted in conjunction with a cemetery, no development permit shall be issued except in conformity with the following:

Maximum Height	35 feet (10.67 m)
Maximum Floor Area	5000 square feet (464.5 square metres)

- (a) Where the building is located within 100 feet (30.5 metres) of a public street, it shall be oriented so that the primary facade of the building faces the public street.
- (b) A landscaped strip of at least 30 feet (9.1 metres) in width shall be provided in the front yard between the public street and the building and any parking areas. For the purposes of this section, landscaping shall consist of a minimum of one tree and one shrub for each 400 square feet (37.2 square metres) of landscaped area.
- (c) Where the building is located within 50 feet (15.24 metres) of an abutting residentially zoned property, a landscaped strip of at least 30 feet (9.1 metres) in width shall be provided between the abutting property and the building and any parking areas. Where an opaque fence of at least 6 feet (1.83 metres) in height is provided along the common property boundary, the landscaped strip may be reduced to 15 feet (4.57 metres) in width. For the purposes of this section, landscaping shall consist of a minimum of one tree and one shrub for each 400 square feet (37.2 square metres) of landscaped area.

## **R-1 (SINGLE UNIT DWELLING) ZONE**

NOTE: The Municipal Development Plan and Zoning By-law for Sackville approved on May 14, 1982, as amended, remains in effect for land owned by the Nova Scotia Department of Housing and Consumer Affairs shown on Map 1, Generalized Future Land Use Map in accordance with Ministerial amendments made on June 16, 1994. Any development of these lands is subject to the 1982 Plan and By-law.

### **6.1 R-1 USES PERMITTED**

No development permit shall be issued in any R-1 (Single Unit Dwelling) Zone except for the following:

#### Residential Uses

Single unit dwellings

Existing mobile home parks

Day care facilities for not more than fourteen (14) children and in conjunction with permitted dwellings

Business uses in conjunction with permitted dwellings

Bed and breakfasts

#### Community Uses

Open space uses

### **6.2 R-1 ZONE REQUIREMENTS: RESIDENTIAL USES**

In any R-1 Zone, where uses are permitted as residential uses, no development permit shall be issued except in conformity with the following:

Minimum Lot Area:	central services	6,000 square feet (558 m <sup>2</sup> )
	on-site services	20,000square feet (1858.1 m <sup>2</sup> )
Minimum Frontage:	central services	60 feet (18.3 m)
	on-site services	100 feet (30.5 m)
Minimum Front or Flankage Yard		20 feet (6.1 m)
Minimum Rear or Side Yard		8 feet (2.4 m)
Maximum Lot Coverage		35 per cent
Maximum Height of Main Building		35 feet (10.7 m)
Minimum Width of Main Building		20 feet (6.1 m)

### **6.3 OTHER REQUIREMENTS: BUSINESS USES**

Where business uses are permitted in any R-1 Zone, the following shall apply:

- (a) Any business shall be wholly contained within the dwelling which is the principal residence of the operator of the business.
- (b) No more than twenty-five (25) per cent of the gross floor area shall be devoted to any business use, and in no case shall any business use occupy more than three hundred (300) square feet (27.9 m<sup>2</sup>).
- (c) No mechanical equipment shall be used except that which is reasonably consistent with the use of a dwelling and which does not create a nuisance by virtue of noise, vibration, glare, odour or dust which is obnoxious.
- (d) No open storage or outdoor display of materials, goods, supplies, or equipment related to the operation of the business use shall be permitted.
- (e) No more than one (1) sign shall be permitted for any business use and no such sign shall exceed two (2) square feet (0.2 m<sup>2</sup>) in area.

- (f) One off-street parking space, other than that required for the dwelling, shall be provided for every one hundred and fifty (150) square feet (14 m<sup>2</sup>) of floor area devoted to any business.
- (g) No exterior alterations to the dwelling related to the business use shall be permitted except to meet fire safety, structural safety, or health regulations.
- (h) No retail operation shall be permitted except where retail is accessory to a business use which involves the production of goods or crafts or the provision of a service.

6.4 OTHER REQUIREMENTS: DAY CARE FACILITIES

Where day care facilities are permitted in any R-1 Zone, the following shall apply:

- (a) With the exception of outdoor play space, any day care facility shall be wholly contained within the dwelling, which is the principal residence of the operator of the facility.
- (b) No open storage or outdoor display shall be permitted.
- (c) No more than one (1) sign shall be permitted for any day care facility and no such sign shall exceed two (2) square feet (0.2 m<sup>2</sup>) in area.
- (d) One (1) off-street parking space, other than that required for the dwelling, shall be provided.

6.5 OTHER REQUIREMENTS: BED AND BREAKFASTS

Where any bed and breakfasts are permitted in any R-1 Zone, the following shall apply:

- (a) Not more than three (3) rooms may be let.
- (b) No window display and not more than one (1) business sign shall be permitted and no such sign shall exceed two (2) square feet (0.2 m<sup>2</sup>) in area.
- (c) One off-street parking space in addition to that required for the dwelling shall be provided for each room to be let.

6.6 OTHER REQUIREMENTS - MULTIPLE UNIT DWELLINGS

Notwithstanding Section 6.1, existing multiple unit dwellings shall be a permitted use within the R-1 Zone subject to the requirements of Section 6.2 and the maximum number of units permitted within the identified existing multiple unit dwellings shall be as follows:

<u>Civic Address</u>	<u>LRIS Index Number</u>	<u>Maximum Number of Dwellings</u>
156 Old Beaver Bank Road	40093775	3
27 Beaver Bank Road	40099954	3
60 Hillcrest Avenue	00363895	4
56 Hillcrest Avenue	00363887	4
28 Hillcrest Avenue	00361675	4
6 Hillside Avenue	40009839	4
38-40 Hillcrest Avenue	00361626	6
40 Hillside Avenue	00358697	3

6.7 R-1 ZONE REQUIREMENTS: COMMUNITY USES

In any R-1 Zone, where uses are permitted as community uses, no development permit shall be issued except in conformity with the provisions of Part 19.



## Attachment D - Public Information Minutes

### HALIFAX REGIONAL MUNICIPALITY Public Information Meeting Case 20506

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

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Tuesday, November 29, 2016

7:00 p.m.

Leslie Thomas Junior High School (Cafeteria)

#### STAFF IN

##### ATTENDANCE:

Paul Sampson (for Darrell Joudrey), Planner II, HRM Planning and Development  
Laura Gillies, Planning Technician, HRM Planning and Development  
Cara McFarlane, Planning Controller, HRM Planning and Development

#### ALSO IN

##### ATTENDANCE:

Deputy Mayor Steve Craig, District 15  
Councillor Lisa Blackburn, District 14  
Andy Geldart, Sackawa Canoe Club  
Shane Feriancek, Sackawa Canoe Club  
Branko Mizerit, AmaDesCo Canada

#### PUBLIC IN

##### ATTENDANCE:

Approximately 32

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The meeting commenced at approximately 7:03 p.m.

#### 1. Call to order, purpose of meeting – Paul Sampson

Mr. Sampson introduced himself as the Planner and Facilitator for the application; Andy Geldart, Sackawa Canoe Club; Shane Feriancek, Sackawa Canoe Club; Branko Mizerit, AmaDesCo Canada; Councillor Steve Craig, District 15 and Councillor Lisa Blackburn, District 14; and Laura Gillies and Cara McFarlane, HRM Planning and Development.

Case 20506 - Request by Amadesco Canada to rezone lands of Sackawa Canoe Club located at 159 First Lake Drive, Lower Sackville from R-1 (Single Unit Dwelling) Zone to P-2 (Community Facility) Zone.

The purpose of the Public Information Meeting (PIM) is to: a) identify the proposal site and highlight the proposal; b) give the applicant an opportunity to present the proposal; and c) 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 this PIM.

#### 2. Presentation of Proposal – Paul Sampson

Mr. Sampson presented the proposal outlining the site and the relevant planning policies (UR-14 and IM-13) within the Sackville Municipal Planning Strategy (MPS), current zoning [R-1 (Single Unit Dwelling) Zone] and proposed zoning P-2 (Community Facility) Zone] within the

Sackville Land Use By-law (LUB).

### **Presentation of Proposal – Shane Feriancek, Sackawa Canoe Club, Co-Commodore**

Mr. Feriancek gave a presentation on the history of Sackawa Canoe Club, its purpose in the community and the Club's members' achievements over the years. The Club would like to expand the site to allow for a larger facility for the purpose of running a competitive program and attract more membership year-round.

### **Presentation of Proposal – Andy Geldart, Sackawa Canoe Club, Building Chair for the Proposal**

A feasibility study, which included an on-line survey within the community, was done in regards to details on expanding the club. The proposed two-floor facility (first floor as a rental facility and the bottom floor for the Club) with 60 parking spaces was based on those results and something that would allow the Club to maintain a relationship with the community.

### **Presentation of Proposal – Branko Mizerit, AmaDesCo Canada, Architect**

Mr. Mizerit presented the details of the proposed facility and the site plan. The building was designed in such a way as to not obstruct the residents' view of the lake and to minimize noise but also be functional and attractive.

## **3. Questions and Comments**

**Melissa McHugh, Quaker Crescent**, is concerned about the view of the lake and noise, traffic and parking from the rental facility. **Mr. Mizerit** – There are two levels but one is below grade and the top floor will be lower than the existing building. The building will be designed to be soundproof. **Mr. Geldart** – Events will be under contracts that will address the noise issue.

**Ken Landry, Quaker Crescent**, is not against the canoe club and thinks it is a wonderful thing but is concerned about noise from events that will be held at the facility rental and questionable behaviour by individuals currently happening in the parking lot within this family-oriented neighbourhood. **Mr. Feriancek** - The main theme in the building design was to maintain the recreation side of the program not a business with lots of traffic. The building will be tightly sealed to minimize inside noise.

**A resident** congratulated Sackawa on getting to this stage and providing a great asset for the community. Concerns about suspicious behaviours were expressed at the time the trail was being developed but nothing has happened.

**Jayne Welling, First Lake Drive**, likes the idea of the Club expanding for the kids but is concerned about the parking overflow. **Mr. Mizerit** – The parking lot will accommodate 60 vehicles which should alleviate some on-street parking.

**Keith Burke, Quaker Crescent**, is in favour of the rezoning and improvement to the facility but is concerned about illegal on-street parking and safety. At times, it would be impossible for emergency vehicles to pass through. He suggested that HRM implement 15-minute parking in some areas on the street. **Mr. Sampson** – The LUB parking requirements must be met by the developer in order to obtain a building permit. **Mr. Geldart** – As development happens, HRM reviews streets and traffic patterns.

**Heather Geldart, Polara Drive**, agrees about illegal parking but HRM parking enforcement has to do better at controlling the parking issue.

**A resident from Cabot Crescent** expressed a concern about noise, traffic and parking. Why was the proposal not for a sports club on the site? The canoe club could build to accommodate its membership. If the support isn't there through the membership then maybe it shouldn't be. What are the square footage, length and width of the building? What is the size of the lot and coverage? What type of signs and lighting will be on the property? **Mr. Feriancek** – The proposed building is 4,400 square feet per floor, 83 feet x 62 feet, the lot is 2.2 acres and covers maybe 10% of the lot. The revenue brought in from the upstairs' community rental facility will support and offset the expenses for the club program downstairs. **Mr. Mizerit** – There will be downward lighting in the parking lot.

**Ms. McHugh** – If approved, what controls will be in place for things like construction vehicles, dust, etc.? **Mr. Mizerit** – It is a 2 or 3 phase project.

**Mr. Landry** asked for clarification on where the proposed building and external uses will be located on the site. He appreciates that the parking lot will be expanded and lit at night. His concern about the greenspace and the view of the lake from his property was satisfied by Mr. Mizerit's explanation.

**Peter McNeil, Crimson Drive**, understands all the concerns brought forward this evening. He is in favour of the proposal and gave a brief explanation as to why Sackawa Canoe Club is important to him and his family and the community as a whole.

**Jacques Sauve, Quaker Crescent, former building manager for Sackawa Canoe Club**, is in favour of the proposal. The zoning is long overdue. There has always been an issue with the storage of boats due to LUB requirements on the property. The Club is required to have the backflow meter certified every year because of the use of the property despite the fact it is zoned residential. **Mr. Mizerit** – The size of the proposed building will accommodate the size of the Club's boats.

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

**Mr. Sampson** thanked everyone for coming and expressing their comments.

#### **5. Adjournment**

The meeting adjourned at approximately 8:30 p.m.

## Attachment E – Legislative Authority

### Land Use By-law Amendments By Community Council

The *Community Council Administrative Order*, subsection 3 (1) “Subject to subsection (3) of this section, sections 29, 30 and 31 of the *Halifax Regional Municipality Charter* apply to each Community Council.”

*Halifax Regional Municipality Charter* (“HRM Charter”),

- 30 (3)** A community council may amend the land-use by-law of the Municipality applicable to the community with respect to any property in the community if the amendment carries out the intent of any municipal planning strategy of the Municipality applicable to the property and, in doing so, the community council stands in the place and stead of the Council and Part VIII applies with all necessary changes.

HRM Charter, Part VIII, Planning and Development, including:

#### **Requirements for adoption of planning documents**

**220 (1)** The Council shall adopt, by by-law, planning documents.

- (3)** Before planning documents are read for a second time, the Council shall hold a public hearing.

#### **Amendment of land-use by-law**

**225 (1)** An amendment to a land-use by-law that

- (a) is undertaken in accordance with the municipal planning strategy; and  
(b) is not required to carry out a concurrent amendment to a municipal planning strategy

is not subject to the review of the Director or the approval of the Minister.

- (2)** The procedure for the adoption of an amendment to a land-use by-law referred to in subsection (1) is the same as the procedure for the adoption of planning documents, but a public participation program is at the discretion of the Council and the amendment may be adopted by a majority of votes of the Council members present at the public hearing.
- (3)** Upon the adoption of an amendment to a land-use by-law referred to in subsection (1), the Clerk shall place a notice in a newspaper circulating in the Municipality stating that the amendment has been adopted and setting out the right of appeal.
- (4)** When notice of an amendment to a land-use by-law referred to in subsection (1) is published, the Clerk shall file a certified copy of the amending by-law with the Minister.
- (5)** Within seven days after a decision to refuse to amend a landuse by-law referred to in subsection (1), the Clerk shall notify the applicant in writing, giving reasons for the refusal and setting out the right of appeal.
- (6)** Where the Council has not, within one hundred and twenty days after receipt of a completed application to amend a land-use by-law referred to in subsection (1), commenced the procedure required for amending the land-use bylaw by publishing the required notice of public hearing, the application is deemed to have been refused.
- (7)** Within seven days after an application to amend a land-use by-law, referred to in subsection (1), being deemed to be refused, the Clerk shall notify the applicant in writing that the

application is deemed to have been refused and setting out the right to appeal.

- (8) An amendment to a land-use by-law referred to in subsection (1) is effective when
- (a) the appeal period has elapsed and no appeal has been commenced; or
  - (b) all appeals have been abandoned or disposed of or the amendment has been affirmed by the Board.

### **Content of land-use by-law**

- 235 (1) A land-use by-law must include maps that divide the planning area into zones.
- (2) A land-use by-law must
- (a) list permitted or prohibited uses for each zone; and
  - (b) include provisions that are authorized pursuant to this Act and that are needed to implement the municipal planning strategy.
- (3) A land-use by-law may regulate or prohibit development, but development may not be totally prohibited, unless prohibition is permitted pursuant to this Part.
- (4) A land-use by-law may
- (a) regulate the dimensions for frontage and lot area for any class of use and size of structure;
  - (b) regulate the maximum floor area of each use to be placed upon a lot, where more than one use is permitted upon a lot;
  - (c) regulate the maximum area of the ground that a structure may cover;
  - (d) regulate the location of a structure on a lot;
  - (e) regulate the height of structures;
  - (f) regulate the percentage of land that may be built upon;
  - (g) regulate the size, or other requirements, relating to yards;
  - (h) regulate the density of dwelling units;
  - (i) require and regulate the establishment and location of off-street parking and loading facilities;
  - (j) regulate the location of developments adjacent to pits and quarries;
  - (k) regulate the period of time for which temporary developments may be permitted;
  - (l) prescribe the form of an application for a development permit, the content of a development permit, the period of time for which the permit is valid and any provisions for revoking or renewing the permit;
  - (m) regulate the floor area ratio of a building;
  - (n) prescribe the fees for an application to amend a landuse by-law or for entering into a development agreement, site plan or variance.
- (5) Where a municipal planning strategy so provides, a land-use by-law may
- (a) subject to the *Public Highways Act*, regulate or restrict the location, size and number of accesses from a lot to the abutting streets, as long as a lot has access to at least one street;
  - (b) regulate or prohibit the type, number, size and location of signs and sign structures;
  - (c) regulate, require or prohibit fences, walks, outdoor lighting and landscaping;
  - (d) in connection with a development, regulate, or require the planting or retention of, trees and vegetation for the purposes of landscaping, buffering, sedimentation or erosion control;
  - (e) regulate or prohibit the outdoor storage of goods, machinery, vehicles, building materials, waste materials, aggregates and other items and require outdoor storage sites to be screened by landscaping or structures;
  - (f) regulate the location of disposal sites for any waste material;
  - (g) in relation to a development, regulate or prohibit the altering of land levels, the excavation or filling in of land, the placement of fill or the removal of soil unless these matters are regulated by another enactment of the Province;
  - (h) regulate or prohibit the removal of topsoil;

- (i) regulate the external appearance of structures;
  - (j) set out conditions, including performance standards, to be met by a development before a development permit may be issued;
  - (k) provide for incentive or bonus zoning in the HRM by Design Downtown Plan Area and the Centre Plan Area, including requirements for incentive or bonus zoning;
  - (l) prescribe methods for controlling erosion and sedimentation during the construction of a development;
  - (m) regulate or prohibit excavation, filling in, placement of fill or reclamation of land on floodplains identified in the land-use by-law;
  - (n) prohibit development or certain classes of development where, in the opinion of the Council, the
    - (i) cost of providing municipal wastewater facilities, stormwater systems or water systems would be prohibitive,
    - (ii) provision of municipal wastewater facilities, stormwater systems or water systems would be premature, or
    - (iii) cost of maintaining municipal streets would be prohibitive;
  - (o) regulate or prohibit development within a specified distance of a watercourse or a municipal water-supply wellhead;
  - (p) prohibit development on land that
    - (i) is subject to flooding or subsidence,
    - (ii) has steep slopes,
    - (iii) is low-lying, marshy, or unstable,
    - (iv) is otherwise hazardous for development because of its soil conditions, geological conditions, undermining or topography,
    - (v) is known to be contaminated within the meaning of the *Environment Act*, or
    - (vi) is located in an area where development is prohibited by a statement of provincial interest or by an enactment of the Province;
  - (q) regulate or prohibit development in areas near airports with a noise exposure forecast or noise exposure projections in excess of thirty, as set out on maps produced by an airport authority, as revised from time to time, and reviewed by the Department of Transport (Canada);
  - (r) permit the development officer to grant variances in parking and loading spaces, ground area and height, floor area occupied by a home-based business and the height and area of a sign.
- (6) Where the land-use by-law provides for incentive or bonus zoning within the Centre Plan Area, the land-use by-law must require the inclusion of affordable housing in a development in addition to any other requirements adopted by the Council, as the contribution for any incentive or bonus zoning applicable to the development.

### Appeals to the Board

- 262 (1)** The approval or refusal by the Council to amend a land-use by-law may be appealed to the Board by
- (a) an aggrieved person;
  - (b) the applicant;
  - (c) an adjacent municipality;
  - (d) the Director.