



PO Box 1749  
Halifax, Nova Scotia  
B3J 3A5 Canada

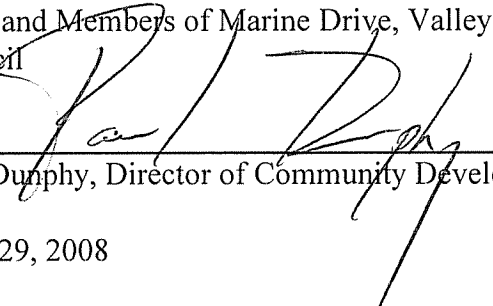
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Marine Drive, Valley and Canal Community Council

~~May 28, 2008~~

June 5, 2008

**TO:** Chair and Members of Marine Drive, Valley and Canal Community Council

**SUBMITTED BY:**   
Paul Dunphy, Director of Community Development

**DATE:** April 29, 2008

**SUBJECT:** Case 01116 - Amendments to the MPS for Beaver Bank, Hammonds Plains and Upper Sackville - Fraternal Centres

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**ORIGIN**

Motion of Marine Drive, Valley and Canal Community Council (MDVCCC) at its January 16, 2008 meeting.

**RECOMMENDATION**

It is recommended that Marine Drive, Valley & Canal Community Council:

1. Direct staff to proceed with an initiation report to Regional Council to consider amendments to the Beaver Bank, Hammonds Plains and Upper Sackville Municipal Planning Strategy and Land Use By-law to enable a fraternal centre at 40 Sandy Lake Rd, Beaver Bank.

## **BACKGROUND**

At the January 16, 2008 meeting of MDVCCC, Council requested that staff initiate a planning process to expand where Lion's Clubs and other non-profit fraternal centres could operate in the Beaver Bank, Hammonds Plains and Upper Sackville Plan Area. MDVCCC also requested that staff investigate how these centres are addressed in other plan areas under their jurisdiction and determine if amendments were required.

### Definition

The Beaver Bank, Hammonds Plains and Upper Sackville Land Use By-law (BB, HP and US LUB) defines fraternal centres as follows:

“Fraternal Centres- means any lot or building operated by members of a fraternal organization and, without limiting the generality of the foregoing, may include such establishments as a Legion, Lion's Club, Knights of Columbus or Kiwanis.”

### Enabling Policy

Within the BB, HP and US Plan Area, fraternal centres are only permitted under the Highway Commercial (C-4) and Mixed Use-2 (MU-2) Zones as their impact is perceived to be similar to commercial clubs. Policy P-24 enables Council to consider fraternal centres through a rezoning to the C-4 Zone (Attachment B).

### LUB provisions for Fraternal Centres (HRM)

In other HRM plan areas, fraternal centres are viewed differently. Attachment A provides a summary of the current as-of-right provisions for fraternal centres within HRM (MDVCCC jurisdiction is noted with an asterisk).

The majority of HRM Plan Areas recognize fraternal centres as institutional uses such as a community centre and permit them within institutional, mixed use and commercial zones. In addition, some Plan Areas permit them in residential zones while in Lawrencetown fraternal centres are only permitted by development agreement due to compatibility concerns.

### Inquiry

Recently, HRM received a written request from a fraternal centre expressing their desire to establish a picnic park and meeting hall at 40 Sandy Lake Road, Beaver Bank on a Mixed Use 1 (MU-1) zoned property (Map 1). This property would have to be rezoned to C-4 to consider fraternal centres and Policy P-24 requires that to be considered for rezoning, a property must have direct access to a collector highway. Sandy Lake Road is classified as a local road and as such, is not eligible for consideration.

## DISCUSSION

Based upon staff's review of existing fraternal centre provisions within HRM, staff do not recommend the initiation of region wide MPS and LUB amendments at this time. The majority of MPS and LUBs within HRM provide adequate opportunities for fraternal centres to develop and operate.

### Next steps

If MDVCCC wishes to consider broadening the potential for fraternal centres in the BB, HP and US Plan Area, a plan amendment will be required, which must be initiated by Regional Council. The general staff position on MPS amendments is that they should be considered only when there has been a change in circumstances or there is a significantly different situation than what the existing plan policies anticipated. Based upon discussions with Council members, staff is of the understanding that Council may wish to maintain the current opportunities for fraternal centres and focus the amendments on site specific policy.

Staff are of the opinion that the situation at 40 Sandy Lake Road may be significantly different from what the policies anticipated when restricting fraternal centres and may warrant consideration. Consideration of fraternal centre at 40 Sandy Lake Road is reasonable given:

- the property is approximately 4 acres in size with trees buffering the adjacent residential,
- there are two access points and space for on-site parking;
- the property is two lots removed from a highway collector, the Beaver Bank Road, where there is policy to consider fraternal centres; and
- the majority of the surroundings properties are residential but zoned Mixed Use 1 (MU-1) which permits a wide range of uses, including full-service restaurants, trucking and excavation, agricultural uses, etc. which may have a similar impact to the proposed fraternal centres. Site specific policy could be created to enable the fraternal centre requested for 40 Sandy Lake Road, Beaver Bank.

Should Council choose, by way of a new motion, to direct staff to proceed with the amendments, staff will open a planning case and proceed to Regional Council with an initiation report to consider amendments to enable a fraternal centre at 40 Sandy Lake Rd, Beaver Bank.

## BUDGET IMPLICATIONS

The costs to process this application can be accommodated within the approved C310 operating budget.

**FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN**

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

**ALTERNATIVES**

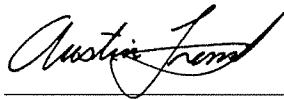
1. Council may choose to direct staff to proceed with an initiation report to Regional Council to consider amendments to the Beaver Bank, Hammonds Plains and Upper Sackville MPS and LUB to enable a fraternal centre at 40 Sandy Lake Rd, Beaver Bank. This is the recommended course of action.
2. Council may choose to direct staff to proceed with an initiation report to Regional Council to consider amendments to the Beaver Bank, Hammonds Plains and Upper Sackville MPS and LUB to broaden the potential for fraternal centres. This is not the recommended course of action for the reasons outlined above.
3. Council may choose to not direct staff to proceed with an initiation report to Regional Council to consider amendments to the Beaver Bank, Hammonds Plains and Upper Sackville MPS and LUB for fraternal centres.

**ATTACHMENTS**

Attachment A	Review of LUB provisions for Fraternal Centres
Map 1	Location Map

A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/cc.html> then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.


Report Prepared by : Leticia Smillie, Planner, Community Development, 869-4747



Report Approved by: Austin French, Manager of Planning Services, 490-6717



Map 1

 Subject Property (40 Sandy Lake Rd.)



**HALIFAX**  
REGIONAL MUNICIPALITY  
Planning Services

**Attachment A**  
**Review of LUB Provisions for Fraternal Centres**

<b>Land Use By-law</b>	<b>Zones that allow Fraternal Centres</b>	<b>Description of Use</b>
<b>Central Region</b>		
Sackville Drive	Large Scale Commercial, Downsview Complex, Pedestrian Retail, Acadia Village Centre, Pinehill/ Cobequid.	community/recreation centre (not for profit)
Sackville	Community Commercial, Minor Commercial, Community Facility	institutional-private club/lodge
Bedford	General Business District, Shopping Centre, Light Industrial, Heavy Industrial, Institutional	private club; private recreational facility & clubs.
** Beaver Bank, Hammonds Plains and Upper Sackville	Mixed Use 2, Highway Commercial	fraternal centres
**Planning Districts 14 and 17	Rural Estate, Community Commercial, Highway Commercial	fraternal halls
<b>Western Region</b>		
Halifax Peninsula	Minor Commercial (inc. Quinpool Rd.), Park and Institutional, General Business (inc. Spring Garden Rd.), Industrial	community facilities
Halifax Mainland	Minor Commercial, Park and Institutional, Highway Commercial, General Business, General Industrial	community facilities
St. Margarets Bay	General Residential, Mixed Rural Residential, Mixed Use, General Industrial, Salvage Yard	institutional use- community centre/hall
Timberlea/Lakeside/ Beechville	Auxiliary Dwelling, General Business, Community Facility	institutional use- fraternal centres and halls
Planning District 5 (Chebucto Peninsula)	General Business, Community Facility.	institutional use- fraternal centres and halls and commercial recreation
Planning District 4 (Prospect)	only by DA	fraternal centre

<b>Eastern Region</b>		
Downtown Dartmouth	Downtown Business District, Waterfront Zone, Marine Business,	institutional use- community centre/hall
Dartmouth	Institutional, Multiple Family Residential	private community purpose building and social club
**Cole Harbour/ Westphal	Community Facility	fraternal centres and halls
Eastern Passage/Cow Bay	Community Facility (P2)	fraternal centres and halls
**Lake Major	Rural Settlement, Residential, Local Commercial, Highway Commercial, Community Facility, Mixed Resource.	institutional use- community centre/hall
**Lawrencetown	community facility not listed as permitted use in any zone, by DA only in Lawrencetown Designation.	community facility use
**Planning Districts 8 & 9 (Porter's Lake )	Residential A, Rural Enterprise, Community Commercial, General Business.	institutional use- fraternal centres and halls
**Eastern Shore (East)	Mixed Use, Business Industry, Rural Resource	institutional use- community centre/hall
**Eastern Shore (West)	Mixed Use, Rural Residential, Fishing Industry, Fishing Village.	private club or lodge
**Musquodoboit Valley/ Dutch Settlement	Rural Residential, Village, Mixed Use	institutional use- community centre/hall