



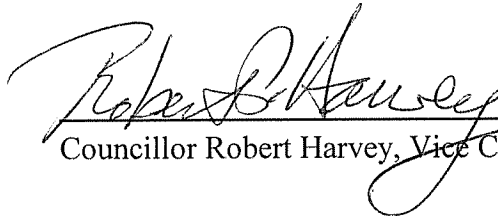
PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Item No. 11.2.1

**Halifax Regional Council
June 24, 2008**

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY:


Councillor Robert Harvey, Vice Chair, North West Community Council

DATE: June 17, 2008

SUBJECT: **Case 01136: Amendments to the Sackville MPS and LUB and Regional Subdivision By-Law Service Requirement Map**

ORIGIN

North West Community Council meeting of June 17, 2008.

RECOMMENDATION

It is recommended that Regional Council:

1. Give First Reading to the proposed amendments to the Sackville Municipal Planning Strategy and Land Use By-Law, and the Regional Subdivision By-Law, as provided in Attachments A, B, and C of the staff report dated May 20, 2008, and schedule a public hearing; and
2. Approve the proposed amendments to the Sackville Municipal Planning Strategy and Land Use By-Law, and the Regional Subdivision By-Law, as provided in Attachments A, B, and C of the staff report dated May 20, 2008.

BACKGROUND

At the June 17, 2008 meeting of North West Community Council, a motion was passed to recommend that Regional Council give First Reading and schedule a joint public hearing with North West Community Council to consider proposed amendments to the Sackville Municipal Planning Strategy and Land Use By-Law, and the Regional Subdivision By-Law.

DISCUSSION

N/A

BUDGET IMPLICATIONS

None associated with this report. See attached staff report dated May 20, 2008.

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

None associated with this report. See attached staff report dated May 20, 2008.

ATTACHMENTS:

1. North West Planning Advisory Committee report dated June 13, 2008.
2. Staff Report dated May 20, 2008.

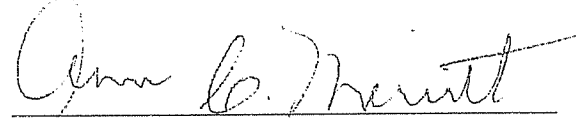
A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.html> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: _____
Chris Newson, Legislative Assistant

North West Community Council
June 17, 2008

TO: North West Community Council

SUBMITTED BY:



Ann Merritt, Chair
North West Planning Advisory Committee

RE: Case 01136: Amendments to the Sackville MPS and LUB and Regional
Subdivision By-law Service Requirement Map

DATE: June 13, 2008

ORIGIN

North West Planning Advisory Committee meeting - June 12, 2008

RECOMMENDATION

The North West Planning Advisory Committee recommend that North West Community Council recommend that Regional Council:

1. Give First Reading to the proposed amendments to the Sackville Municipal Planning Strategy and Land Use By-law, and the Regional Subdivision By-law, as provided in Attachments A , B and C of the staff report dated May 20, 2008, and schedule a public hearing; and
2. Approve the proposed amendments to the Sackville Municipal Planning Strategy and Land Use By-law, and the Regional Subdivision By-law, as provided in Attachments A, B and C of the staff report dated May 20, 2008.

ATTACHMENTS

Staff report dated May 20, 2008

Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

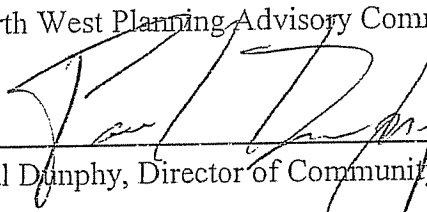
Report prepared by: Gail Harnish, Admin/PAC Coordinator, 490-4937
Report reviewed by: Ann Merritt, Chair, North West PAC



PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

North West Planning Advisory Committee
June 4, 2008

TO: North West Planning Advisory Committee

SUBMITTED BY: 
Paul Dunphy, Director of Community Development

DATE: May 20, 2008

SUBJECT: Case 01136: Amendment to the Sackville MPS and LUB and Regional Subdivision By-law Service Requirement Map

ORIGIN

1. An application by Annapolis Group Inc., on behalf of Scotia Nursing Homes, to permit a Residential Care Facility and Assisted Living Facility at PID#41233388 located on Cobequid Road, Sackville.
2. On April 1, 2008 Regional Council initiated a process to consider amending the Sackville Municipal Planning Strategy (MPS) and Land Use By-law (LUB) and Regional Subdivision By-law Service Requirement Map for the above noted application.

RECOMMENDATION

It is recommended that North West Community Council recommend that Regional Council:

1. Give First Reading to the proposed amendments to the Sackville Municipal Planning Strategy and Land Use By-law, and the Regional Subdivision By-law as provided in Attachments A, B and C, and schedule a public hearing; and
2. Approve the proposed amendments to the Sackville Municipal Planning Strategy and Land Use By-law, and the Regional Subdivision By-law as provided in Attachments A, B and C.

EXECUTIVE SUMMARY

The Province of Nova Scotia has awarded a contract for 50 long term care beds for the Sackville area to Scotia Nursing Homes. Scotia Nursing homes has selected a site near the intersection of Cobequid Road and Glendale Drive. To enable the proposed development, several changes to planning documents are required.

On April 1, 2008 Regional Council initiated a process to consider amending the Sackville MPS and LUB and the Regional Subdivision By-law to add institutional uses to the BP-1 (Business Park 1) Zone and to extend the Urban Service area to allow for full servicing of the subject site by Municipal Sewer and Water. A Public Meeting was held on April 28, 2008 to discuss the proposed amendments and public response was generally favourable.

Staff proposes that Regional Council approve the proposed changes to enable the long term care facility as described in Attachment A, B and C.

BACKGROUND

Provincial Contract: Long Term Care Beds

The Province of Nova Scotia has recently awarded contracts for approximately 552 long term care beds for the entire province, including 100 beds in Halifax Regional Municipality. Fifty of these beds were awarded to Scotia Nursing Homes for a proposed site on Cobequid Road in Sackville (Map 4). The long term care beds are licensed by the Province but operated by a private operator or not for profit organization. The beds will be divided into two types; 37 nursing home beds¹ and 13 residential care beds². Further Scotia Nursing Homes would like to build a complementary 75 unit assisted living facility³.

Sackville Proposal / Site

The proposed site is located on Cobequid Road about 500 meters (1640 feet) east the intersection of Glendale Drive and Cobequid Road. The site is approximately 2.2 hectares (5.5 acres) in size and located in a mixed use area surrounded by a mixture of light industrial, commercial and residential

1

Nursing Home" means a building or place or part of a building or place in which accommodation is provided or is available to persons over 16 years of age requiring intensive personal care under the supervision of a registered nurse.

2

"Residential Care Facility" means any building or place, or part of a building or place, where supervisory or personal care (but without professional nursing care) is provided for 4 or more people who are ambulatory or semi-ambulatory.

3

Assisted Living is an unlicensed form of care which does not provide direct supervision but provides residents with assistance with daily activities. These facilities are privately operated and are currently not licensed by the Province.

land uses and undeveloped land. The proposal includes a two floor long term care facility and a five floor assisted living facility (Map 5). Scotia Nursing homes intends to build the long term care facility first followed, at a later point, by the assisted living facility.

Existing Planning Realm

The site is designated Rural Residential and Business Park (Map 1) in accordance with the Sackville MPS. The property is currently zoned BP-1 (Business Park 1) Zone (Attachment E) and R-6 (Rural Residential) Zone (Attachment C) (Map 2) in accordance with the Sackville LUB. The BP-1 Zone is applied to privately held lands adjacent to the Sackville Industrial Park. The site is partially located in the Urban Service Area and partially within the Water Service Area of the Regional Subdivision By-law (Map 3). The site can be serviced with municipal water and partially serviced with sewer.

The Land Use By-law permits the long term care facility in the R-6 Zone as a "Residential Care Facility" under the provisions of the P-2 (Community Facility) Zone (Attachment G), however the land use must be operated by a public housing authority.

The BP-1 Zone does not permit residential care facilities as-of-right but they may be considered by development agreement in any designation in the Sackville MPS (Attachment G). Assisted living facilities, are not defined as a land use in the Sackville MPS and LUB and currently not permitted.

DISCUSSION

As a means of accommodating the Scotia Nursing Homes proposal and future private residential care facilities and assisted living facilities the following changes, which are the jurisdiction of North West Community Council, are being considered under a separate report:

- Revising the definition of Residential Care Facilities to include Assisted Living Facilities in the Sackville LUB.
- Removing the requirement that Residential Care Facilities be operated by a public housing authority in the P-2 Zone of the Sackville LUB.

The following changes, which are the jurisdiction of Regional Council, are required to enable the proposal and are subject to this report:

- Amend the Sackville MPS to permit a broader range of institutional uses in the BP-1 Zone including residential care facilities.
- Amend the Regional Subdivision By-law to include the remainder of PID#41233388 in the Urban Service Area Map to permit municipal sewer and water service.

MPS Amendments

In order for Planning Services to recommend considering a change to the Sackville MPS, there must be a change in circumstance or a significantly different situation from what the plan policies anticipated. A review has identified the following:

- There is a lack of housing for persons in need of specialized assistance in the Sackville area.
- There is a lack of land of sufficient size to house such a facility currently available in Sackville.
- While the site is partially zoned for light industrial development, the site is proximate to existing residential development and community facilities.
- The proximity of the site to the Cobequid Health Centre makes it extremely attractive for the proposed development. The MPS never contemplated the location of the new Cobequid Health Centre and the impacts the Centre would have on related commercial and institutional development.
- Recent changes in the transportation network connecting Glendale Drive with Highway 102 has created a new focal point for the community in the Cobequid Road area.

Based on these factors, it is reasonable to consider a change. Further, the following issues have been identified for discussion in relation to the addition of institutional uses to the BP-1 Zone:

1. **Should institutional uses be permitted in the BP Designation?**- The current BP Designation and BP-1 Zone initially excluded institutional uses. Denominational institutional uses were added in 2004 at the request of a local church. Staff wish to identify that some plan areas may permit institutional uses to be established within light industrial areas or in any area where deemed appropriate through a planning process. Given the limited scale and mixed use nature of the lands in the vicinity of the BP-1 Zone, staff see no reason not to consider institutional uses in the Business Park 1 Zone, specifically since this area now is a new gateway to the Sackville area.
2. **Which institutional uses should be permitted?** - The BP Designation permits a variety of commercial and light industrial uses as well as denominational institutional uses. Staff has reviewed which additional institutional uses would be appropriate in this designation. Given the designations new found focus as a main gateway to Sackville, staff are of the opinion that a broader range of institutional uses may be appropriate. Staff are suggesting educational institutions, day care facilities, fire and police stations, government offices, hospitals and medical clinics, private clubs, community centres and residential care facilities are suitable uses as well. Staff have specifically excluded single unit dwellings in conjunction with a daycare facility, which is a typical institutional use. Staff are suggesting that this use is inappropriate.
3. **Zone Requirements for Institutional Uses** - The existing institutional uses permitted in the BP-1 Zone are required to meet the general standards for the BP-1 Zone (Attachment D). These standards are similar to the standards of the P-2 Zone which institutional uses typically must comply. The one significant difference between the BP-1 Zone and the P-2 Zone requirements is the side and rear yard setback. The BP-1 Zone requires 4.5 meter (15 feet) and the P-2 Zone requires 4.5 meter (15 feet) or one-half the height of the building, whichever is greater. Staff are of the opinion that the existing requirement of 4.5 meter (15 feet) is adequate given the surrounding commercial and light industrial uses.

Staff are recommending that Regional Council amend the Sackville MPS and LUB to permit the inclusion of a range institutional uses within the Business Park Designation through the BP-1 (Business Park 1) Zone as identified in Attachments A and B.

Regional Subdivision By-law Amendments

Expansions to the Urban Service Area are generally not viewed in a favourable manner, however the Regional MPS contemplates situations in which a change to the Urban Service area may be appropriate (Attachment H). Policy SU- 5 requires the consideration of several issues when considering such a change. In this instance the relevant criteria are:

- the financial ability of HRM to absorb any costs relating to the extension;
- the lands are within a reasonable distance of existing infrastructure;
- sufficient capacity exists within the system;
- availability of existing or committed infrastructure,
- impacts on density targets;
- pollution problems; and
- the lands are adjacent to an existing subdivision serviced with municipal services.

Further, the following specific issues have been identified for discussion in relation to the proposed expansion of the Urban Service Area:

1. **Costs of Extension/ Availability and Proximity of Infrastructure:** A portion of the site currently is within the Urban Service Area and has existing laterals to the sanitary sewer. No extension of Halifax Water sewer and water infrastructure is anticipated with the proposed Urban Service area boundary extension. Minor upgrades to these laterals and Halifax Water infrastructure may be required at the developers cost.
2. **Capacity, Density and Pollution Problems:** Sewer capacity has been a problem in the Sackville area for several years. The issues surrounding the sewer capacity can be attributed to inflow and infiltration within the watershed as well as increased development in the area. As a result, during peak wet weather flows the trunk sewer overflows into the Sackville River. In an attempt to manage this situation, staff have suggested that no discretionary development proceed if it exceeds the rights that can take place under existing zoning.

Approximately one-half of the proposed site is within the existing Urban Service area. Within this area, the existing BP-1 Zone permits a variety of land uses (Attachment D) which could generate significant sewer flows. The applicant has submitted conceptual sewage calculations for uses which would be permitted under the current zone. These calculations indicate that the sewage generated by permitted uses on the portion of land currently within the Urban Service Area could easily exceed the anticipated sewage flows for the proposed land uses. In other words, the flows from a residential care facility and assisted living facility (proposed development on the entire site) would generate less sewage than an "as-of-right" development on one-half of the site. Development Engineering and Halifax Water staff have reviewed these calculations and concur the proposed development is consistent with the

density of development permitted on the portion of the property currently within the Urban Service Area.

3. **Risk** - Due to the capacity issue, there is always a concern when considering an expansion to the Urban Service area. In this instance, the risk is related to alternate land uses on the portion of the property being proposed for inclusion in the Urban Service Area. Staff have looked at this issue and have identified that the risk is low. If the applicant does not choose to build the proposed residential care facility and assisted living facility, single unit dwellings, small scale day cares, bed and breakfasts, institutional uses, as well as agricultural and forestry uses could be established. Given the portion of the site to be considered for inclusion in the Urban Service area is approximately 2.5 acres, and that the proposed uses is one of the highest potential generators of sewage, the risk is low.

Staff are of the opinion that the proposal generally complies with the intent of Policy SU-5 of the Regional MPS which permits Council to consider additions to the Urban Service Area Map. Further that the proposed amendment and land use should not put additional demands on the sewer system which are greater than the existing zoning permits. To implement the request, Council needs to amend the Regional Subdivision By-law as outlined in Attachment C of this report.

Public Participation Program

The Public Participation Program included one Public Meeting chaired by the North West Planning Advisory Committee on April 28, 2008. Minutes of this meeting are included as Attachment H. In general, there was much support for the proposed use and proposed changes required to enable the use. Notification for the Public Meeting was distributed by standard mail to owners of properties as shown on Map 2. The same notification area will be utilized for any future Public Hearing unless Council recommends changes to the notification area at First Reading.

Summary

The proposed Regional Subdivision By-law amendments to include the entire subject property within the Urban Service area would permit a logical expansion of the existing boundary. The proposed MPS amendment to add appropriate institutional uses within the BP-1 Zone would facilitate a long term care facility which is desperately needed within the community and does not appear to have any negative impacts. Therefore, staff recommend that Council approve the proposed Regional Subdivision By-law amendment to expand the Urban Service Area and the addition of institutional uses in the BP-1 Zone of the Sackville MPS as outlined in Attachments A, B and C of this report.

BUDGET IMPLICATIONS

The HRM costs associated with processing this planning 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

Regional Council:

1. Council approve the request to amend the Sackville MPS and LUB and the Regional Subdivision By-law as outlined in Attachments A, B and C. This is staff's recommended course of action.
2. Council may choose to amend the proposed Sackville MPS and LUB and the Regional Subdivision By-law amendments as outlined in Attachments A, B and C. Substantive amendments may require a second public hearing.
3. Council may choose not to adopt the proposed Sackville MPS and LUB and the Regional Subdivision By-law amendments as outlined in Attachments A, B and C.

ATTACHMENTS

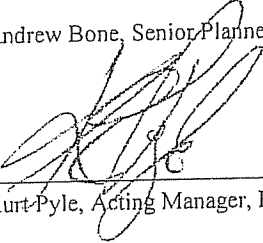
Map 1	Generalized Future Land Use Map
Map 2	Zoning Map
Map 3	Regional MPS Generalized Future Land Use Map
Map 4	Service Requirement Map (Regional Subdivision By-law)
Map 5	Site Plan
Attachment A	Proposed Amendments to the Sackville MPS
Attachment B	Proposed Amendments to the Sackville LUB
Attachment C	Proposed Amendments to the Regional Subdivision By-law
Attachment D	Sackville LUB - BP-1 Zone Requirements
Attachment E	Sackville LUB - R-6 Zone Requirements
Attachment F	Sackville LUB - P-2 Zone Requirements
Attachment G	Sackville MPS - Relevant Policies
Attachment H	Regional MPS - Relevant Policies
Attachment I	Minutes from Public Meeting - April 28, 2008

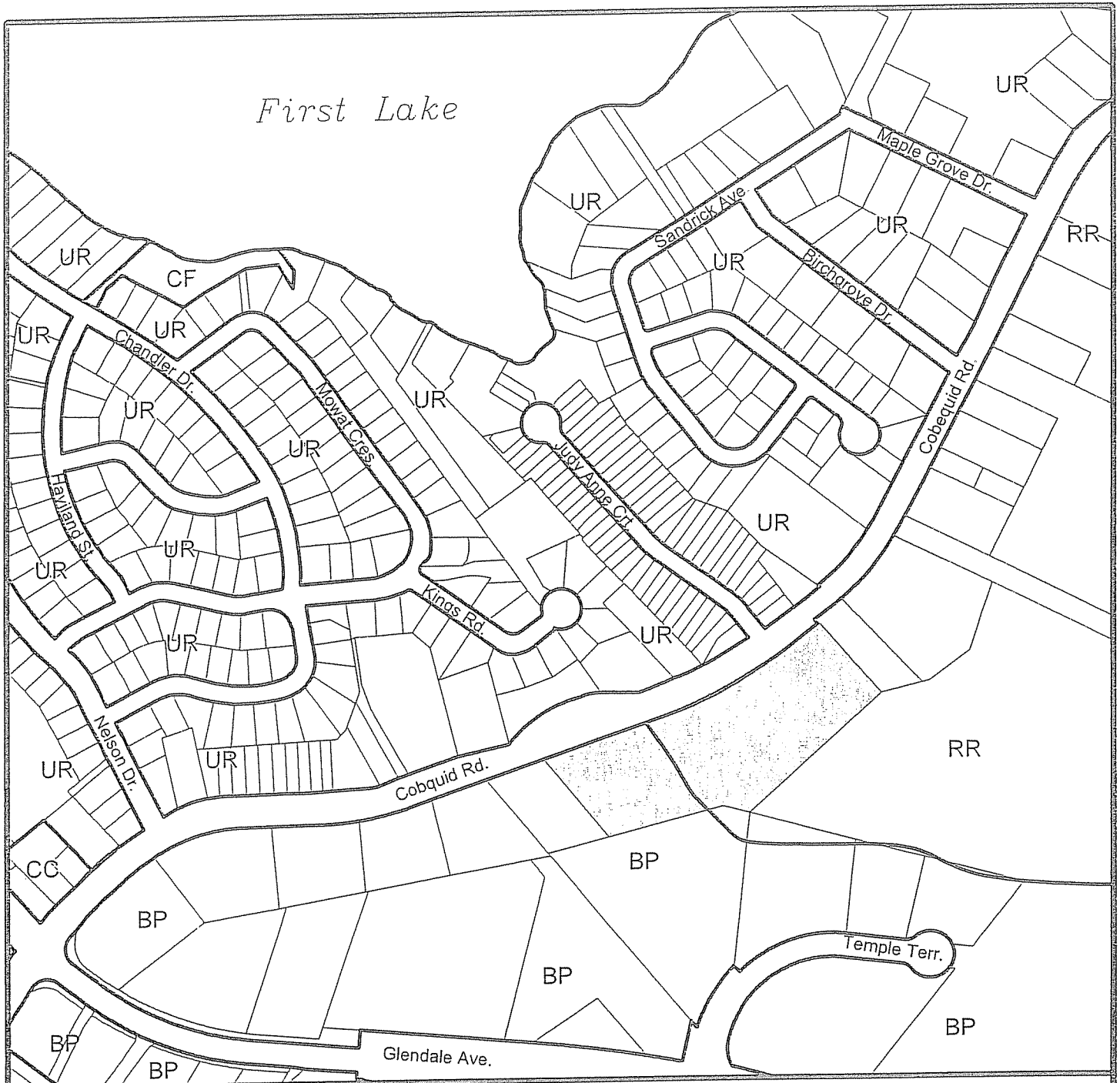
Available Upon Request:

- Case 01136: Amendment to the Sackville LUB - March 19, 2008
- Case 01136: Amendment to the Sackville MPS and LUB and Regional Subdivision By-law Service Requirement Map - Initiation Report - March 14, 2008

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

Report Prepared by: Andrew Bone, Senior Planner, Community Development, 869-4226

Report Approved by: 
Kurt Pyle, Acting Manager, Planning Services, 490-7066



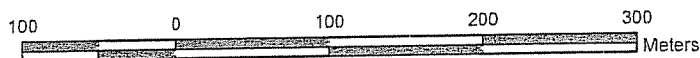
Map 1
Generalized Future Land Use



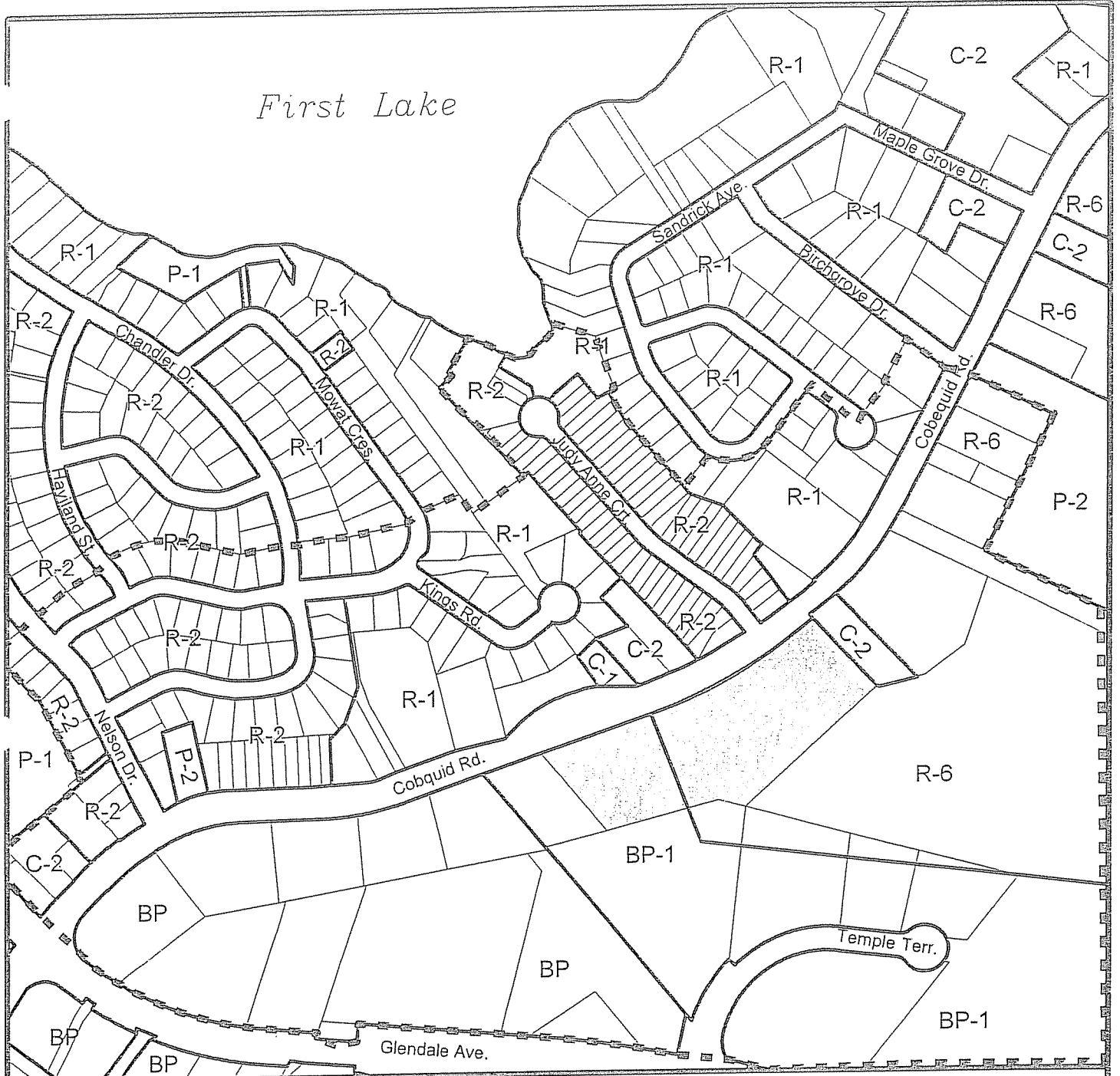
Subject Property

HALIFAX
REGIONAL MUNICIPALITY
Community Development
Planning Services

- UR Urban Residential Designation
- RR Rural Residential Designation
- CF Community Facility Designation
- CC Community Commercial Designation
- BP Business Park Designation



First Lake



Map 2
Zoning



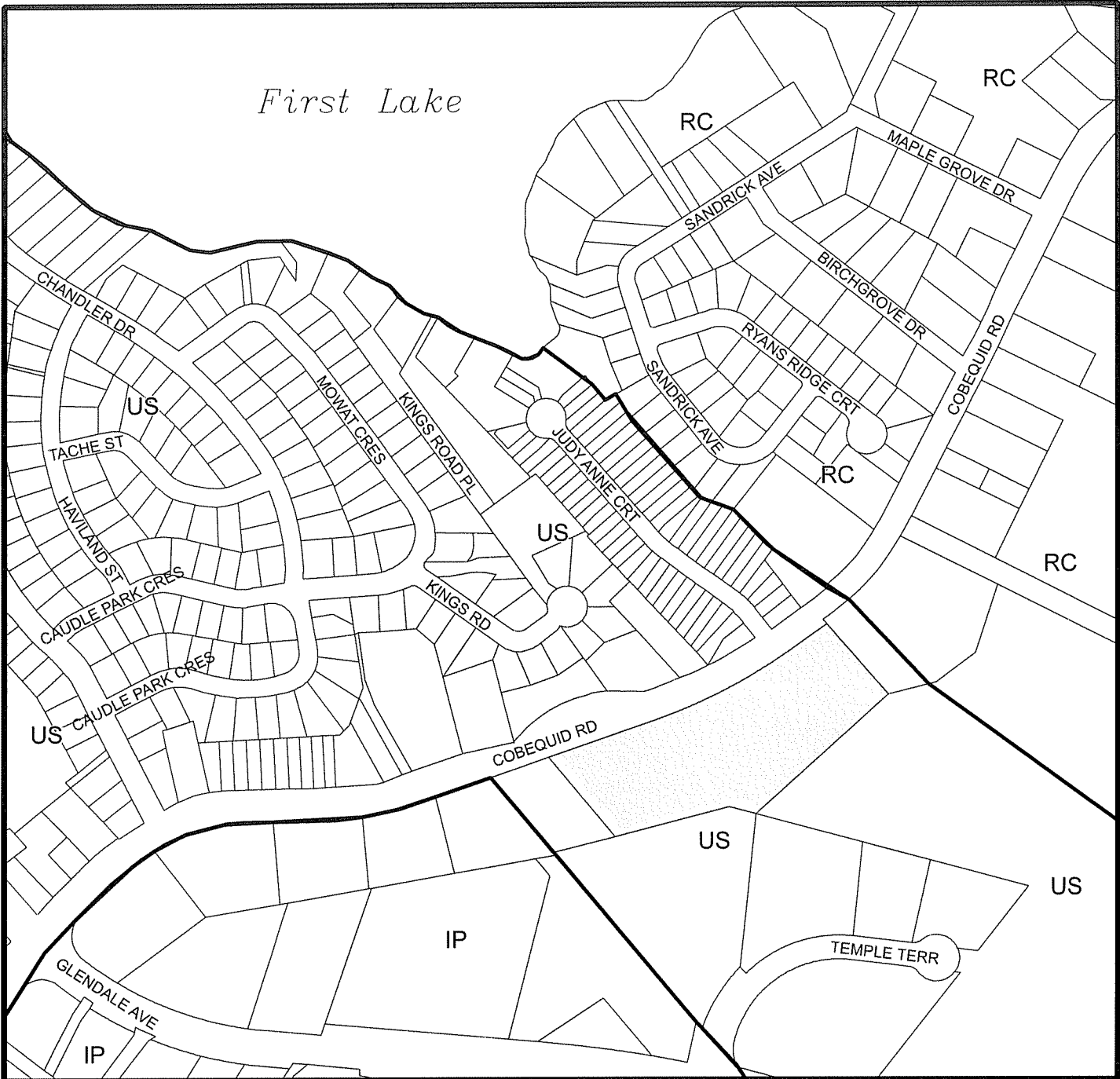
Subject Property

HALIFAX
REGIONAL MUNICIPALITY
Community Development
Planning Services

- R-1 Single Unit Dwelling Zone
- R-2 Two Unit Dwelling Zone
- R-6 Rural Residential Zone
- P-1 Open Space Zone
- P-2 Community Facility Zone

- C-1 Local Business Zone
- C-2 Community Commercial Zone
- BP-1 Business Park - 1 Zone
- BP Business Park Zone



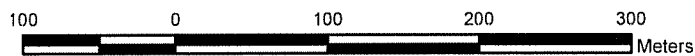


**Map 3
Regional MPS Generalized Future Land Use**

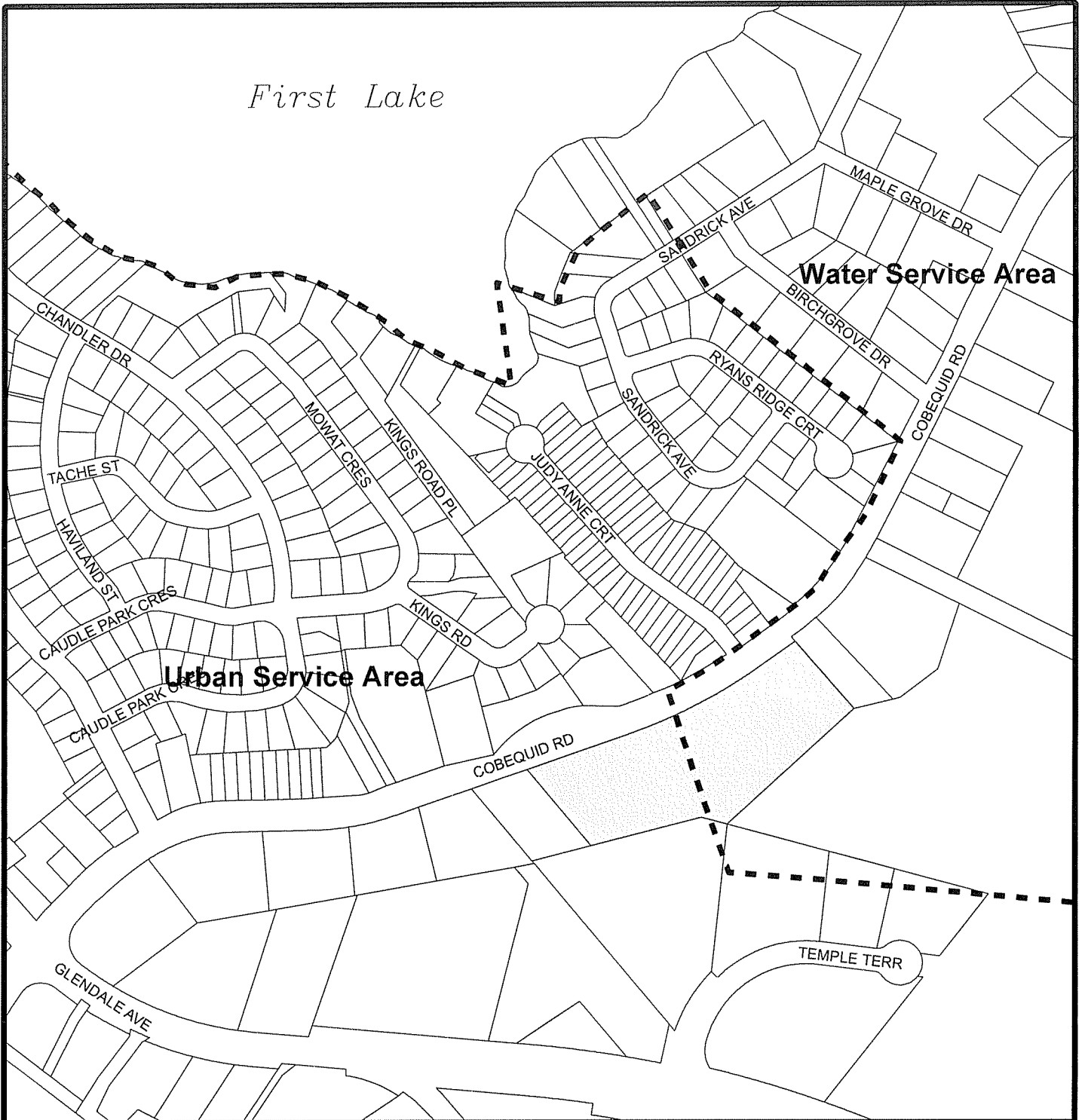
- US Urban Settlement Designation
- RC Rural Commuter Designation
- IP Industrial Parks Designation

 Subject Property

HALIFAX
REGIONAL MUNICIPALITY
Community Development
Planning Services



First Lake



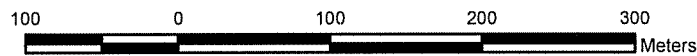
Map 4



Subject Property



Service Boundary

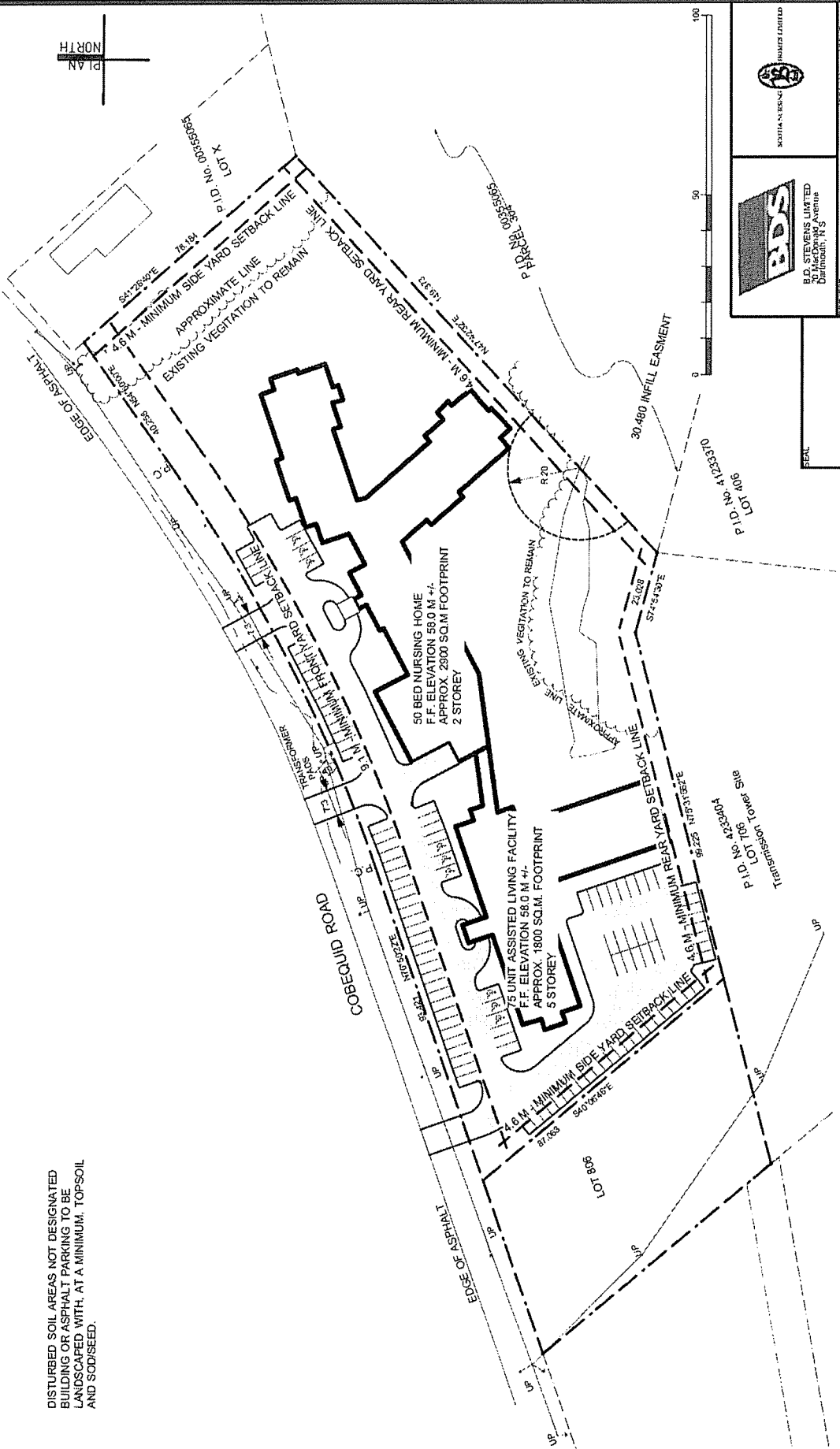


HALIFAX
REGIONAL MUNICIPALITY
Community Development
Planning Services



DISTURBED SOIL AREAS NOT DESIGNATED
BUILDING OR ASPHALT PARKING TO BE
LANDSCAPED WITH, AT A MINIMUM, TOPSOIL
AND SOD/SEED.

NORTH
PLAN



 B.D. STEVENS LIMITED 20 MacDonald Avenue Dartmouth, N.S.	 SCOTIA NURSING HOMES LIMITED	PROJECT: BROWN DRAWN: M.V.Z. CHECKED: S.P. DATE: FEBRUARY 2008	ISSUE: A FIGURE NO: F-3
	TITLE: PROPOSED LAYOUT SCALE: 1:1000		

Attachment "A"
Proposed Amendments to the Sackville MPS

The Municipal Planning Strategy for Sackville is hereby amended as follows:

1. Section III, Business Park Expansion preamble, paragraph four shall be amended to replace the words, "denominational institutions and uses" with the words, "limited institutional uses".
2. Section III, Policy BP-4 shall be amended to replace the words, "denominational institutions and uses" with the words, "limited institutional uses".

THIS IS TO CERTIFY that the Municipal Planning Strategy of Sackville which this is a true copy was duly passed at a duly called meeting of the Halifax Regional Council on the _____ day of _____, 2008.

GIVEN under the hands of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this _____ day of _____, 2008.

Julia Horncastle
Acting Municipal Clerk

Attachment "B"
Proposed Amendments to the Sackville LUB

The Land Use By-law for Sackville is hereby amended by amending as follows:

1. Part 18, Section 18.1 shall be amended by adding the following after the words "Denominational institutions and uses":

"Educational institutions and uses
Day care facilities
Fire and police stations
Government offices and public works
Hospitals and medical clinics
Private club and lodge
Community centres and halls
Residential care facilities"

THIS IS TO CERTIFY that the Land Use By-law of Sackville which this is a true copy was duly passed at a duly called meeting of the Halifax Regional Council on the _____ day of _____, 2008.

GIVEN under the hands of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this _____ day of _____, 2008.

Julia Horncastle
Acting Municipal Clerk

Attachment "C"
Proposed Amendments to the Regional Subdivision By-law

The Regional Subdivision By-law is hereby amended by amending as follows:

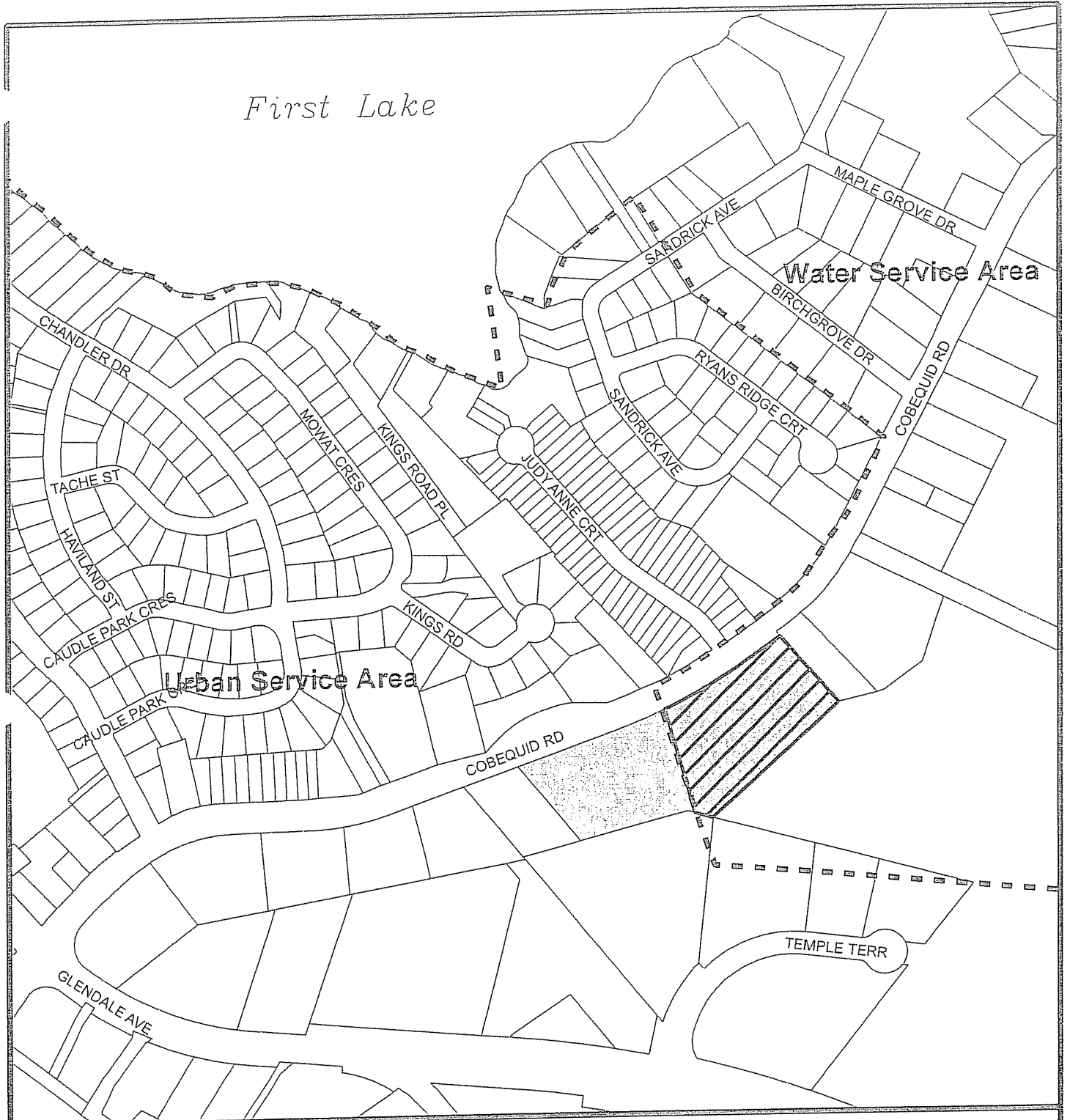
1. Schedule B, The Service Requirement Map, shall be amended as shown in the attached Schedule A to include the entirety of PID# 41233388 within the Urban Service Area.

THIS IS TO CERTIFY that the Regional Subdivision By-law which this is a true copy was duly passed at a duly called meeting of the Halifax Regional Council on the _____ day of _____, 2008.

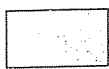
GIVEN under the hands of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this _____ day of _____, 2008.

Julia Horncastle
Acting Municipal Clerk

First Lake



Schedule A



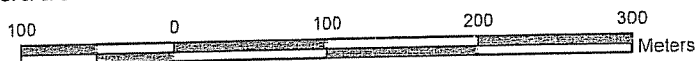
Subject Property



Existing Service Boundary



Area to be added to the Urban Service Area



HALIFAX
REGIONAL MUNICIPALITY
Community Development
Planning Services



Attachment D
Sackville LUB - BP-1 Zone Requirements

PART 18: BP-1 (BUSINESS PARK-1) ZONE

18.1. BP-1 (BUSINESS PARK-1) USES PERMITTED

No development permit shall be issued in any BP-1 (Business Park-1) Zone except for the following:

Commercial Office/Retail Uses

Retail stores
Food stores
Service and Personal Service Uses
Commercial shops
Offices including government offices
Banks and financial institutions
Restaurants including drive-in and take-out restaurants
Hotels
Entertainment uses in conjunction with a hotel
Shopping plazas and malls
Theatres
Daycare facilities

Light Industrial/Office Uses

Warehousing and warehouse sales
Wholesaling and wholesale sales
Service industries
Service shops
Service stations
Industrial training facilities
Research facilities
Postal and commercial courier and distribution facilities
Greenhouses and nurseries
Support services
Machinery sales and services
Vehicles sales
Outdoor display courts
Motels
Cinemas
Restaurants including drive-in and take-out restaurants
Veterinary hospitals and kennels
Commercial recreation uses
Office and retail uses accessory to permitted uses

Light manufacturing operations
Food and beverage processing and packaging
Assembly operations
Recycling depots
Transport facilities and maintenance yards
Local fuel distribution facilities
Automotive repair outlets
Funeral parlours and undertaker establishments

Taxi and bus depots
Parking lots
Existing uses
Any commercial office retail uses
Composting operations (see section 4.30) (MC-February 26, 1996 / M-March 28, 1996)

Institutional Uses

Denominational Institutional and Uses (RC-Dec 16/03;E- Jan 24/04)

Open Space Uses

Any use permitted in the P-1 (Open Space) Zone

18.2 **BP-1 ZONE REQUIREMENTS**

Where light industrial/office uses and commercial office/retail uses are permitted in any BP-1 Zone, no development permit shall be issued except in conformity with the following:

Minimum Lot Area	10,000 square feet (929.0 m ²)
Minimum Frontage	100 feet (30.5 m)
Minimum Front or Flankage Yard	30 feet (15.2 m)
Minimum Rear or Side Yard	15 feet (4.6 m)
Maximum Lot Coverage	50 percent

18.3 **OTHER REQUIREMENTS: COMMERCIAL OFFICE/RETAIL USES AND LIGHT INDUSTRIAL/OFFICE USES**

- (a) Where commercial office/retail uses and light industrial/office uses are permitted in any BP-1 Zone, the following shall apply:
- i) No hotel shall contain fewer than one hundred and twenty-five (125) guest accommodation rooms.
 - ii) No walls of any building shall be erected within forty (40) feet (12.2 m) of any public street or road reserve.
 - iii) The exterior surface of all exterior walls of any building or structure shall consist of one or more of the following materials:
glass

- pre-engineered steel
brick
cast-in-place concrete
precast concrete
stone (NWCC-May10/07;E-May26/07)
- iv) All yard areas not utilized for parking, manoeuvring aisles, driveways, walkways, loading areas or refuse storage shall be landscaped. For the purposes of this section, landscaping shall mean sod and a minimum of one tree or shrub for each four hundred (400) square feet (37.2 m²) of landscaped area. Tree plantings shall be groups of mixed deciduous and coniferous types, with at least one-third of the trees being coniferous.
 - v) Within the front yard setback area, the first six (6) feet (1.8 m) shall be landscaped except for exits and entrances. Where a building is constructed on a corner lot, the first six (6) feet (1.8 m) of the required setback area at the side of the building adjacent to the street shall also be landscaped.
 - vi) No landscaping area shall be used for parking or developer in any other manner.
 - vii) All landscaping shall be completed within six (6) months of the completion of the building on the lot.
 - viii) All landscaping shall be kept neat, tidy and well-trimmed, and generally in such a manner as to be in keeping with the general appearance of the surrounding lands. Any dead or damaged vegetation shall be promptly replaced, repaired or restored.
 - ix) No waste material of any kind shall be dumped or spread or allowed to remain on any lot except only clean earth, rocks or gravel used for grading or landscaping purposes.
 - x) All parking areas, loading and unloading areas and storage areas shall be hard-surfaced and shall be separated from the landscaped areas by concrete curbing. For hard-surfaced parking lots, one raised landscaped island shall be provided for every twenty-five (25) parking spaces. Each island shall be a minimum of five (5) feet (1.5 m) in width and ninety (90) square feet (8.4 m²) in area. Islands shall be separate from any other landscaped areas.
 - xi) No loading or unloading areas shall be located at the front of any building. Where a building is constructed on a corner lot, no loading or unloading area shall be located at the side of the building adjacent to the street.
 - xii) No outdoor storage or display shall be permitted.

18.4 OTHER REQUIREMENTS: OPEN SPACE USES

Where open space uses are permitted in any BP-1 Zone, no development permit shall be issued except in accordance with the provisions of Part 19.

Attachment E
Sackville LUB - R-6 Zone Requirements

PART 12: R-6 (RURAL RESIDENTIAL) 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.

12.1 R-6 USES PERMITTED

No development permit shall be issued in any R-6 (Rural Residential) Zone except for the following:

Residential Uses

Single unit dwellings

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

Bed and breakfasts in conjunction with permitted dwellings

Business uses in conjunction with permitted dwellings

Resource Uses

Agricultural uses

Forestry uses

Fishing and fishing related uses

Community Uses

Open space uses

Institutional uses except day care facilities, medical clinics and fraternal centres and halls

12.2 R-6 ZONE REQUIREMENTS: RESIDENTIAL AND RESOURCE USES

In any R-6 Zone, where uses are permitted as residential uses or Resource Uses, no development permit shall be issued except in conformity with the following:

Minimum Lot Area:	central services	6,000 square feet (558 m ²)
	on-site services	20,000 square feet (1858.1 m ²)
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)

12.3 OTHER REQUIREMENTS: BUSINESS USES

- (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 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 m²).
- (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 (1) sign shall be permitted for any business and no such sign shall exceed two (2) square feet (0.2 m²) in area.
- (f) One (1) off-street parking space, other than that required for the dwelling, shall be provided for every one hundred and fifty (150) square feet (14 m²) 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.

12.4 OTHER REQUIREMENTS: DAY CARE FACILITIES

Where day care facilities are permitted in any R-6 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 facility and no such sign shall exceed two (2) square feet (0.2 m²) in area.
- (d) One (1) off-street parking space, other than that required for the dwelling, shall be provided.

12.5 OTHER REQUIREMENTS: AGRICULTURAL USES

Notwithstanding the provisions of Section 11.2, where any barn, stable or other building intended for the keeping of more than ten (10) animals is erected in any R-6 Zone, no such structure shall:

- (a) be less than fifty (50) feet (15.2 m) from any side lot line;
- (b) be less than one hundred (100) feet (30.5 m) from any dwelling or potable water supply except a dwelling or supply on the same lot or directly related to the agricultural use; and
- (c) be less than three hundred (300) feet (91.4 m) from any watercourse or waterbody.

12.6 OTHER REQUIREMENTS: BED AND BREAKFASTS

Where any bed and breakfasts are permitted in any R-6 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 m²) 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.

12.7 R-6 ZONE REQUIREMENTS: COMMUNITY USES

In any R-6 Zone, where uses are permitted as community uses, no development permit shall be issued except in conformity with the provisions of Parts 19 and 20.

Attachment F
Sackville LUB - P-2 Zone Requirements

PART 20: 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

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 ²)
	on-site services	20,000 square feet (1858.1 m ²)
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		½ the height of the main
Maximum Lot Coverage		50 per cent

- 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.

Attachment G
Sackville MPS - Relevant Policies

BUSINESS PARK DESIGNATION

Business Park Expansion

The 1982 Municipal Development Plan for Sackville recognized the availability of land to the northeast of the Sackville Business Park and identified this area for future park expansion once lands within the existing park had been fully utilized. The Municipal Development Plan did not include this area within the Industrial Designation, but rather included a policy which called for its redesignation when the lands were eventually needed for park expansion.

The development of the Sackville Business Park did not, however, proceed at the rate anticipated in the 1982 Plan. As a result, no additional land to the northeast was ever redesignated and rezoned for new industrial development. However, with the major improvements which are now planned for the regional transportation system, access to the business park will be substantially improved. While the demand for additional industrial lands has not occurred to date, it is anticipated that this will change when the park is directly connected to Highway No. 102 and Highway No. 107 in the near future (see Transportation section).

In the Spring of 1992, the issue of future park expansion received renewed interest when a large residential subdivision was proposed on lands immediately adjacent to the business park. Both residents and elected representatives felt a sense of urgency in halting plans for residential development and placing greater priority on these lands for future commercial and industrial development. It was recognized that if low density residential development was to occur on these lands, an important opportunity for future expansion of the business park and for overall commercial/industrial growth in Sackville would be lost.

Land to the northeast of the Sackville Business Park remains under private ownership. It is felt, however, that a similar approach to that being used in the existing business park would be appropriate for future development. In this regard, approximately sixty-five (65) acres of land to the northeast of the park are included within the Business Park Designation and will be zoned in a manner which is consistent with the objectives of promoting the development of the Business Park. Uses permitted in this area shall be limited to light industrial and office uses and commercial office and retail uses **and denominational institutions and uses.** (RC-Dec 16/03;E-Jan 24/04)

BP-3 In support of the continued development and expansion of the Sackville Business Park and further, in support of future industrial/commercial growth in Sackville, it shall be the intention of Council to include lands to the northeast of the Sackville Business Park within the Business Park Designation.

BP-4 With reference to Policy BP-3, it shall be the intention of Council to establish a business park-1 zone which permits light industrial and office uses and commercial office and retail

uses and denominational institutions and uses. (RC-Dec 16/03;E-Jan 24/04) This zone shall be applied to lands to the northeast of the Sackville Business Park.

URBAN RESIDENTIAL DESIGNATION

Residential care facilities must be permitted to locate within the community in order to facilitate the client group's social and physical integration. In many instances, such uses have special requirements in terms of location and building design. In order to permit the design and location of residential care facilities in a manner which will aid integration into surrounding neighbourhoods, such uses shall be permitted by specific development agreements within any of the land use designations.

- UR-16 Notwithstanding Policy UR-2, within any designation, it shall be the intention of Council to consider permitting residential care facilities according to the development agreement provisions of the Planning Act. In considering such agreements, Council shall have regard to the following:
1. the design and scale of buildings and structures relative to the surrounding residential neighbourhood;
 - (b) the guidelines of provincial licensing requirements; and
 - (c) the provisions of Policy IM-13.

Attachment H
Regional MPS - Relevant Policies

CHAPTER 7: WATER, WASTEWATER, UTILITIES AND SOLID WASTE

7.2 URBAN SERVICE AREAS

This Plan seeks to focus development in areas where water distribution and wastewater systems can be provided in a cost-effective manner with consideration given to both capital and operating costs. HRM also seeks to support a competitive housing market by maintaining a 15 year supply of serviced lands.

SU-2 HRM shall establish an Urban Service Area under the Subdivision By-law to designate those areas within the Urban Settlement Designation and the Harbour Designation, or as otherwise determined under Policy IM-18, where municipal wastewater and water distribution systems are to be provided. The Area shall initially include all lands within existing service boundaries established under secondary planning strategies at the time of adoption of this Plan. Lands within the Urban Service Area shall only be developed with municipal wastewater and water distribution systems. Any service boundary established under existing secondary planning strategies shall be replaced by the Urban Service Area boundary.

SU-5 Further to Policy IM-9, within the Urban Settlement designation, HRM shall consider requests to amend the Urban Service Area. When considering any expansion of the Urban Service Area, HRM shall have regard to the following:

- (a) that a Community Visioning exercise has been undertaken in accordance with Policy G-11 and a Secondary Planning Strategy for the lands to be included within the Urban Service Area has been adopted by HRM except that this requirement may be waived where, in the opinion of HRM, the proposed extension represents a minor adjustment to the Area;
- (b) the financial ability of HRM to absorb any costs relating to the extension;
- (c) that the lands are within a reasonable distance of existing infrastructure and sufficient capacity exists within the system;
- (d) the impacts on natural heritage and availability of existing or committed infrastructure, impacts on density targets, and agricultural capability;
- (e) compliance with buffer and distance separation policies and regulations for natural resource activities within the Urban Settlement Designation;
- (f) impacts on the natural environment and cultural features;
- (g) existing or potential drainage or pollution problems;
- (h) the interconnection of urban areas;
- (i) watershed or sub-watershed studies are completed as per Policy E-17;

- (j) that the lands are adjacent to an existing subdivision serviced with municipal wastewater and water distribution systems;
- (k) that an infrastructure charge area is established, if appropriate; and
- (l) the sufficiency of community services in the area and the ability to expand community services to meet future needs.

CHAPTER 8: IMPLEMENTATION

8.2 REGIONAL IMPLEMENTATION

The development of a single subdivision by-law to replace the four by-laws regulating the subdivision of land in the four former municipal units was almost finalized prior to the completion of the Regional Planning Project. The by-law is a general harmonization of all of the former regulations and serves to standardise the subdivision process across HRM. Given the timing of completion of this Plan and the need to implement some of the policies through a subdivision by-law, it is an appropriate occasion to also adopt a Regional Subdivision By-law.

Similarly, the notion of harmonizing the various existing land use by-laws to standardize regulations is worthy of consideration. However, such an undertaking would be lengthy and involve extensive consultation and could not be accomplished within the initial phase of the Regional Planning exercise.

IM-5 HRM shall adopt a Regional Subdivision By-law for the purpose of regulatory subdivision activity in HRM and in carrying out the intent of this Plan. This by-law shall replace and repeal all existing subdivision by-laws and applicable regulations and ordinances.

8.3 REGIONAL PLAN REVIEW AND AMENDMENTS

In the process of implementing this Plan, there may be a need for amendments to address emerging land use and regulatory issues. HRM will establish a Regional Municipal Planning Strategy process to enable the public, community groups, adjacent municipalities, boards, commissions, other government agencies, and others to propose changes to this Plan and its implementing by-laws. This process provides for continuous and systematic review of this Plan and associated regulations in response to changing conditions and circumstances impacting growth and development throughout HRM.

The Regional Municipal Planning Strategy amendment process includes an Annual Review and a Five-Year Review. The Annual Review generally is limited to those amendments resulting in non-substantive technical changes. The Five-Year Review is designed to address amendments which propose substantive changes. This amendment process, based on a defined cycle, provides sufficient time to measure the effects of new land use initiatives, and provides predictability to determine when new land use initiatives may be introduced. With the Annual Review, the amendment process also has sufficient flexibility to accommodate technical adjustments or minor amendments which do not

affect the overall intent of this Plan. The process requires early and continuous public involvement and public dialogue.

- IM-7 HRM shall adopt an amendment process that provides for review and evaluation of the policies contained in this Plan and development regulations. Through the amendment process, the policies of this Plan and supporting development regulations shall be subject to review, evaluation, and amendment on the basis of an Annual Review and a Five-Year Review.
- IM-8 Further to Policy IM-7, the Annual Review shall consider proposed amendments that do not require substantive changes to this Plan and development regulations.
- IM-9 Further to Policy IM-7, the Five-Year Review shall consider amendments:
- (a) that could be considered in the Annual Review as well as those outside the scope of the Annual Review;
 - (b) relating to substantive changes to this Plan and corresponding development regulations;
 - (c) to alter a Designation or Centre; and
 - (d) to Water Service Area or Urban Service Area boundaries.
- IM-10 Notwithstanding Policies IM-8 and IM-9, if a proposed amendment addresses unforeseen circumstances or are deemed appropriate by Regional Council, such amendments may be considered by Council at any time regardless of the schedule for reviews.
- IM-11 HRM shall establish public participation programs for amendments to this Plan which describe opportunities for public input based upon the scope and intent of the amendment.
- IM-12 Proposed amendments to this Plan shall be accompanied by any changes to Secondary Planning Strategies, Functional Plans or other planning documents required for implementation so that these documents are consistent with this Plan.

Attachment I
Minutes from Public Meeting - April 28, 2008

HALIFAX REGIONAL MUNICIPALITY

NORTH WEST PLANNING ADVISORY COMMITTEE
PUBLIC MEETING
MINUTES
April 28, 2008

PRESENT: Ms. Ann Merritt, Chair
Ms. Gloria Lowther
Ms. Jessica Alexander
Mr. Walter Regan
Councillor Bob Harvey

REGRETS: Mr. Lorne Piercey
Mr. Jim Sullivan
Mr. Warren Hutt

STAFF: Mr. Andrew Bone, Planner
Ms. Julia Horncastle, Acting Municipal Clerk

1. CALL TO ORDER

The meeting was called to order at 7:00 p.m. in the Fenerty Room, Sackville Library with approximately thirty people in attendance.

2. APPLICATION BY ANNAPOLIS GROUP INC. ON BEHALF OF SCOTIA NURSING HOMES TO PERMIT A RESIDENTIAL CARE FACILITY AND ASSISTED LIVING FACILITY AT PID #41233388 ON COBEQUID ROAD, SACKVILLE

Mr. Bone outlined the proposal to the Committee and members of the public.

Mr. Stephen Pace, representing the applicant addressed the Committee advising there is a need for such a facility in the community. He advised the facility will be licensed under the Department of Health regulations and will consist of two building; a five storey seventy five unit assisted living building and a two storey fifty bed long term care building. He noted that the proposed building will be located on 5.7 hectares of land and will have to meet the Department of Health criteria for such a facility.

Mr. Regan received clarification that there will be no on site retention for sewer overloads.

Ms. Merritt outlined the process to be followed with regards to presentations and submissions by members of the public.

Mr. Jack Brill, 92 Beaumont Drive, Lower Sackville, presented a letter of support from the Sackville/Cobequid PC Association.

Ms. Ruth Douglas, 3 Ridgeview Drive, presented a letter of support from the Outreach Committee, Knox United Church of Canada. She advised the Church Council was also in support of the proposal.

Ms. Maisie Douchane, presented a letter of support from the Sackville Legion Seniors Club.

A resident of 413 Cobequid Road, received clarification that a portion of the site is currently zoned to allow for a nursing home and this proposal is to add a use in the BP-1 zone to allow for nursing home development.

In response to a member of the public, Mr. Bone noted the traffic impact would be relatively low as the facility employees would be shift workers and visitors would be mainly during off peak hours. He advised there were no traffic issues identified as being created by the development.

In response to Ms. Merritt, Mr. Bone advised the zoning will remain the same noting, one side permits long term care and this is adding a use to the BP-1 zone that would enable development.

Mr. Bert Crandall, Birch Cove Drive spoke in support of the project and reiterated that he does not feel there will be any traffic concerns.

3. CLOSING COMMENTS

As there were no other speakers, Ms. Merritt thanked the residents for their input to the process and Mr. Bone outlined the process and timeline for the application as it proceeds to Regional Council.

4. ADJOURNMENT

The meeting was adjourned at 7:55 p.m.

Julia Horncastle
Acting Municipal Clerk