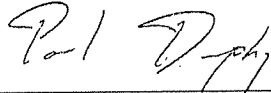




P.O. Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Item No.
North West Community Council
March 24, 2011

TO: Members of North West Community Council

SUBMITTED BY: 
Paul Dunphy, Director of Community Development

DATE: March 2, 2011

SUBJECT: Rezoning options for Hartland Village and Waterstone Village

INFORMATION REPORT

ORIGIN

January 27, 2011 motion of North West Community Council:

MOVED by Councillor Johns, seconded by Councillor Lund, that the North West Community Council direct staff to prepare a report outlining the options and implications of rezoning Hartland Village from an R6 zone to an R1 or R6A zone and rezoning Waterstone from an MU2 zone to an R1 zone to be provided for the next meeting.
MOTION PUT AND PASSED.

BACKGROUND

At the January 27, 2011 meeting of North West Community Council requesting that staff investigate the options and implications of rezoning Hartland Village from the Rural Residential Zone (R-6) to either the Single Unit Dwelling (R-1) or Rural Residential "A" Zone (R-6A) zone. As well as rezone Waterstone Village from the Mixed Use 2 (MU-2) Zone to the Single Unit Dwelling (R-1) zone. For clarification, Waterstone Village is currently zoned Mixed Use 1 (MU-1), not Mixed Use 2 (MU-2) as referenced in the motion above.

Following consultation with the area Councillor it was brought to staff's attention the concern prompting this request is with regard to limiting the range of uses permitted in these areas. Specifically, limiting the potential for group homes in the Hartland Village area and the wide range of mixed use in the Waterstone Village area.

DISCUSSION

Hartland Village

Hartland Village is a 43 lot subdivision that was established in the early 1990's in Sackville on the south side of the Old Sackville Road between Orchard Park Subdivision and Sunset Ridge (Map 1). The lands are designated Rural Commuter under the Regional Plan and Rural Residential (RR) under the Sackville Municipal Planning Strategy (MPS) and zoned R-6 under the Sackville Land Use By-law (LUB).

Council has requested that staff investigate the potential to rezone Hartland Village from the existing R-6 zone to either an R-1 or R-6A zone. There is no policy support in the MPS to enable a rezoning to the Single Unit Dwelling (R-1) zone as typically properties zoned R-1 are found in areas designated Urban Residential (UR). Therefore, to enable a rezoning to the R-1 zone it would require an amendment the MPS. The MPS does however support the consideration of the R-6A zone on lands designated Rural Residential (RR) according to Policy RR-4 (Attachment A).

The R-1, R-6 and R-6A zones are all very similar with respect to permitted uses and are virtually identical in terms of their development requirements (Attachment B). The table in Attachment C indicates the uses permitted in each of these zones and shows that the R-6 zone is less restrictive than either the R-6A or R-1 zones as it allows resource related uses and limited institutional uses. The only difference between the R-6A zone and the R-1 zone in terms of permitted uses is that the R-1 zone permits existing mobile home parks.

Group Homes

The Sackville LUB does not define group homes, but does define residential care facility (Attachment B). A residential care facility is considered an institutional use. The existing R-6 zone permits residential care facilities as institutional uses, but since the R-6A and R-1 zoned do not permit institutional uses, residential care facilities are not permitted on properties located within these zones (R-6A and R-1).

The licensing of residential care facilities is regulated by the provincial government under the Homes for Special Care Act. While it has been common practice for the Province to try to meet municipal zoning regulations it is not a requirement that can be imposed upon them by municipal government.

Waterstone Village

Waterstone Village is a 204 lot subdivision which has been established over the past decade with the first phase commencing in 1999 and more recent phases having been approved in 2007. The subdivision is located in Hammonds Plains with access from the Lucasville Road (Map 1). The lands are designated Rural Commuter under the Regional Plan and designated Mixed Use B (MU-B) under the Beaver Bank, Hammonds Plains and Upper Sackville MPS and zoned Mixed Use 1 (MU-1) under the Beaver Bank, Hammonds Plains and Upper Sackville LUB. The MU-1 zone permits a range of uses including single and two unit dwellings, open space uses, existing

mobile dwellings, boarding and rooming houses and bed and breakfast establishments, the limited use of residential properties for business purposes, small scale commercial and resource related activities and most institutional uses.

The MPS enables rezoning to the R-1 zone on lands designated MU-B according to Policy P-15 (Attachment D). The R-1 zone is more restrictive than the MU-1 zone as it only permits single unit dwellings, existing two unit dwellings, existing mobile dwellings, daycare facilities for not more than seven (7) children and in conjunction with permitted dwellings, offices in conjunction with permitted dwellings, bed & breakfasts and open space uses. Attachment E contains a table which displays the uses permitted in these zones and Attachment F contains the zoning requirements discussed in their entirety.

Potential Issues

In both of these subdivisions there is an option available in the community plan to rezone to a more restrictive zone. Hartland Village and Waterstone Village are developed residentially, however due to the existing zoning a detailed review of these areas and permit records would be necessary to determine if such rezoning would create non-conforming structures or uses.

The permitted uses under the existing zone in Hartland Village (R-6) are very similar to the uses permitted in the more restrictive zones (R-1A and R-1) as all three zones are classified residential zones. The types of non-conforming uses that a rezoning could potentially cause would be limited to resource uses and institutional uses.

Rezoning Waterstone Village however, would likely have a greater likelihood of non-conforming scenarios as the existing MU-1 zone is a mixed-use zone which permits many more uses than the R-1 zone, which is a residential zone. Also, in addition to the MU-1 zone having a greater number of permitted uses, the development standards for non-residential development are different, permitting up to 50% lot coverage and requiring greater setbacks among other things.

Conclusion

In summary, rezoning options are available for both areas discussed, however rezoning to a less permissive zone could create non-conforming structures and uses. Additional research will be required to determine the extent of any non-conformities that could be created in each area.

BUDGET IMPLICATIONS

There are no budget implications.

FINANCIAL MANAGEMENT POLICIES/BUSINESS PLAN

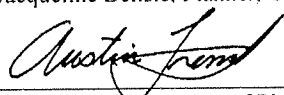
This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Project and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Project and Operating reserves, as well as any relevant legislation.

ATTACHMENTS

Map 1:	Subject Areas
Map 2:	Generalized Future Land Use (Hartland Village)
Map 3:	Generalized Future Land Use (Waterstone Village)
Map 4:	Zoning (Hartland Village)
Map 5:	Zoning (Waterstone Village)
Attachment A:	Excerpts from the Sackville Municipal Planning Strategy
Attachment B:	Excerpts from the Sackville Land Use By-Law
Attachment C:	Table comparing the R-6, R-6A and R-1 zones (Sackville)
Attachment D:	Excerpts from the Beaver Bank, Hammonds Plains and Upper Sackville Municipal Planning Strategy
Attachment E:	Table comparing the MU-1 and R-1 zones (15, 18, 19)
Attachment F:	Excerpts from the Beaver Bank, Hammonds Plains and Upper Sackville Land Use By-Law

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: Jacqueline Belisle, Planner, Community Development, 869-4262



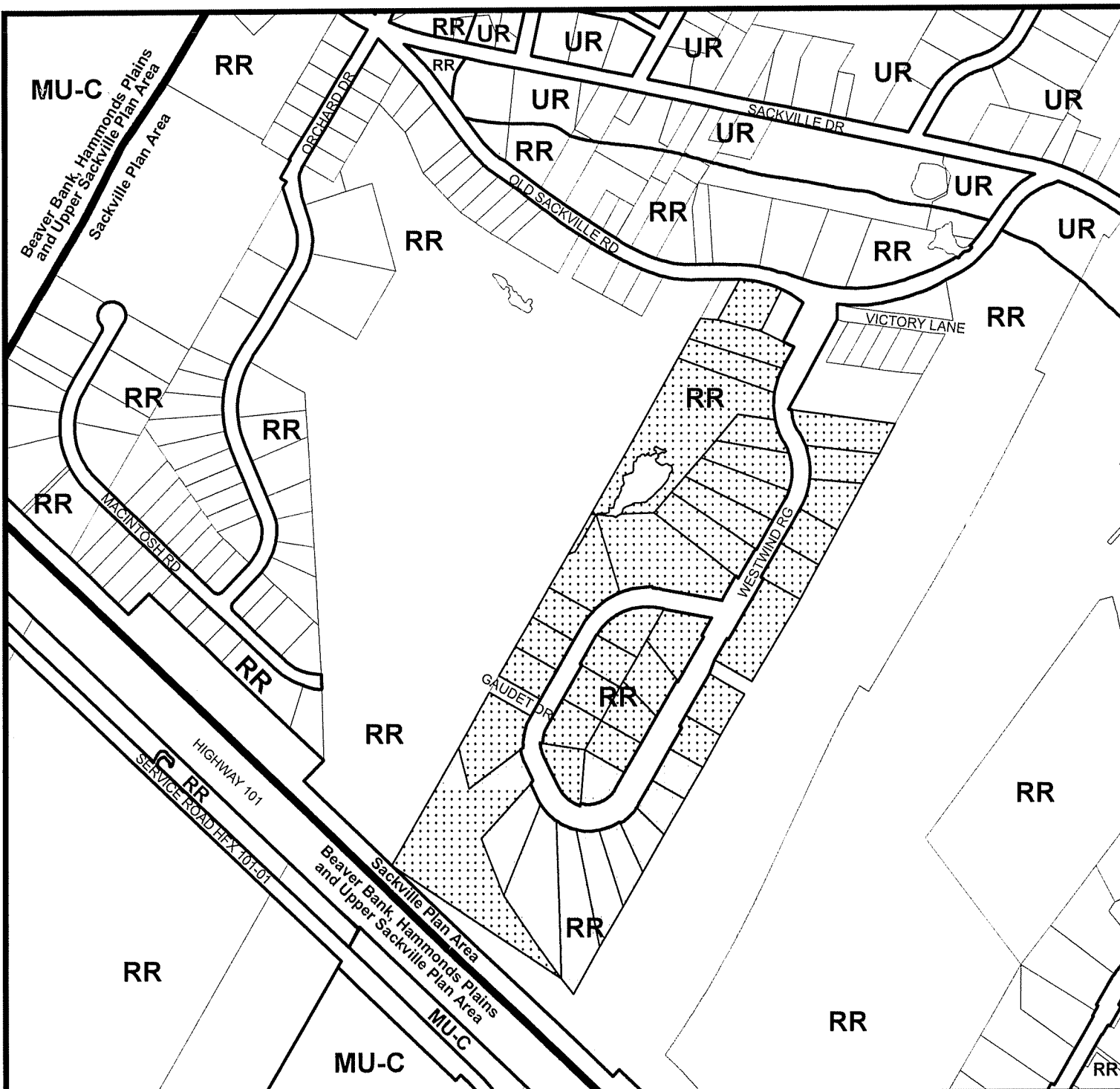
Report Approved by: Austin French, Manager of Planning Services, 490-6717



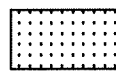
Map 1
Location Map

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Map 2
Generalized Future Land Use Hartland Village



Subject Area

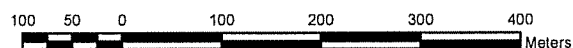
HALIFAX
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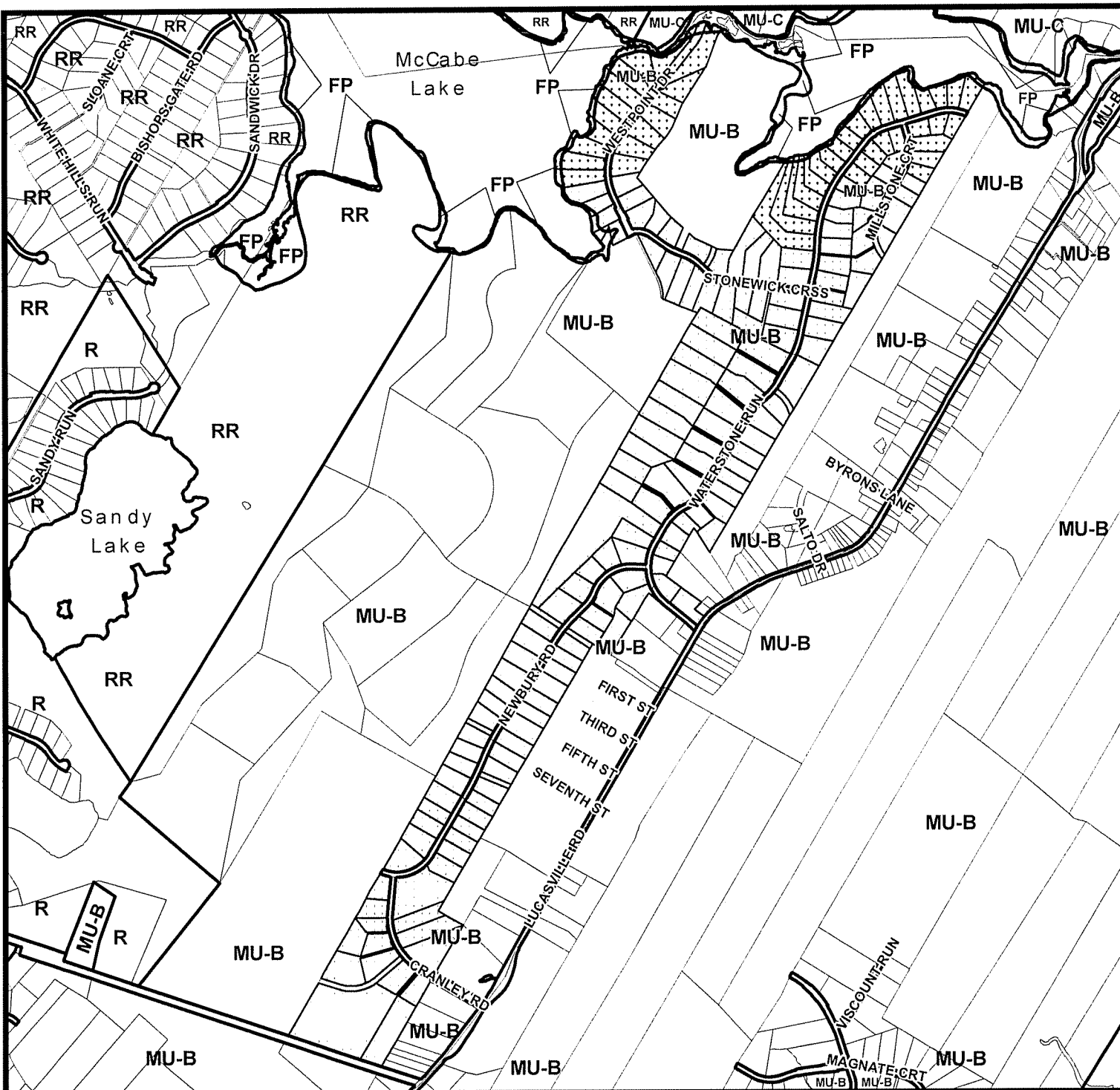
Sackville Plan Area

RR Rural Residential Designation
UR Urban Residential Designation

Beaver Bank, Hammonds Plains
and Upper Sackville Plan Area

RR Rural Resource Designation
MU-C Mixed Use C Designation

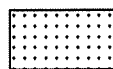




Map 3 Generalized Future Land Use Waterstone Village

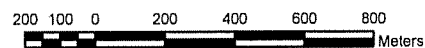
Beaver Bank, Hammonds Plains
and Upper Sackville Plan Area

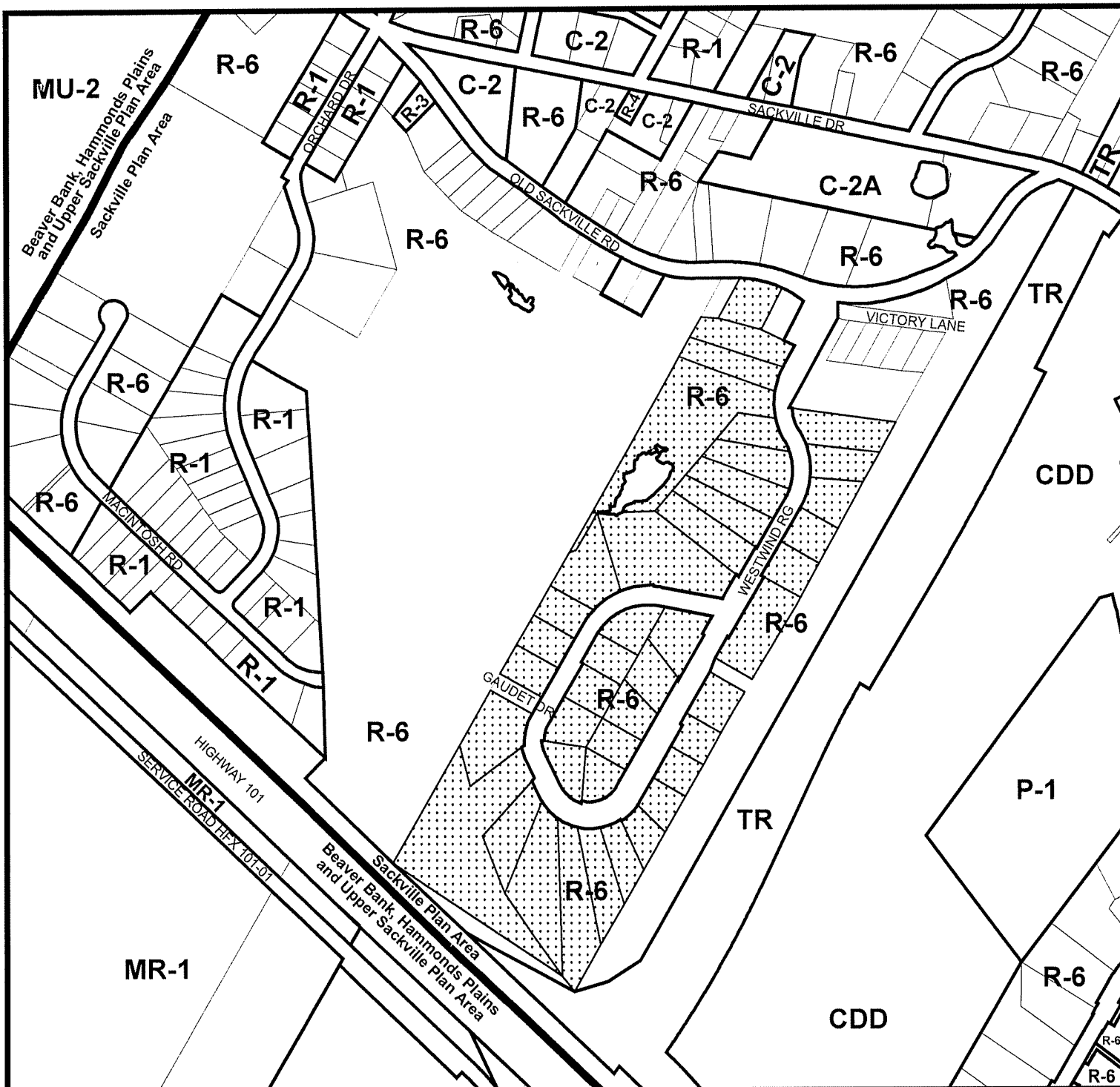
- R Residential Designation
- MU-B Mixed Use B Designation
- MU-C Mixed Use C Designation
- RR Rural Resource Designation
- FP Floodplain Designation



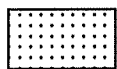
Subject Area

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Map 4 Zoning Hartland Village



Subject Area

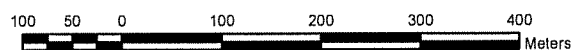
Sackville Plan Area

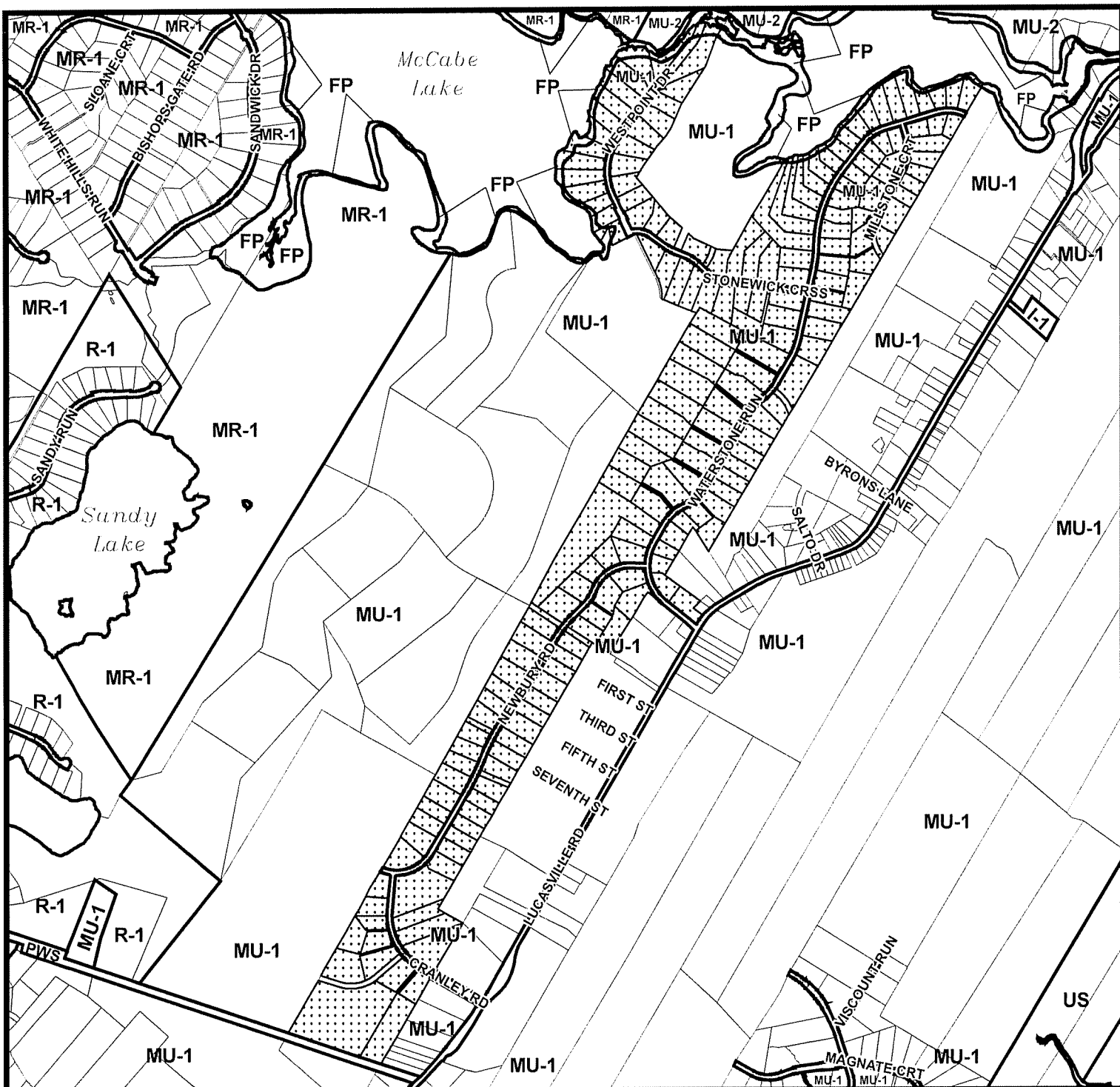
- R-1 Single Unit Dwelling Zone
- R-3 Mobile Dwelling Zone
- R-4 Multiple Unit Dwelling Zone
- R-6 Rural Residential Zone
- C-2 Community Commercial Zone
- C-2A Minor Commercial Zone
- CDD Comprehensive Development District
- TR Transportation Reserve

Beaver Bank, Hammonds Plains and Upper Sackville Plan Area

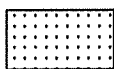
- MU-2 Mixed Use 2 Zone
- MR-1 Mixed Resource Zone

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Map 5 Zoning Waterstone Village



Subject Area

Beaver Bank, Hammonds Plains
and Upper Sackville Plan Area

- R-1 Single Unit Dwelling Zone
- MU-1 Mixed Use 1 Zone
- MU-2 Mixed Use 2 Zone
- MR-1 Mixed Resource Zone
- I-1 Mixed Industrial Zone
- FP Floodplain Zone
- PWS Protected Water Supply Zone
- US Urban Settlement Zone

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200 100 0 200 400 600 800
Meters

Attachment A
Excerpts from the Sackville Municipal Planning Strategy

Although the Rural Residential Designation is intended to support a semi-rural environment, it also recognizes there are areas where new suburban style residential development is taking place. In areas where this suburban transition has occurred, appropriate levels of protection will be provided so as to maintain a greater uniformity within residential environments.

RR-4 Notwithstanding Policy RR-2, within the Rural Residential Designation, it shall be the intention of Council to support the transition of certain areas to a more suburban residential environment through the application of a more restrictive rural residential "A" zone. In considering amendments to the land use by-law, Council shall have regard to the following:

- (a) the land to be rezoned consists of a minimum of five (5) acres;
- (b) the effect of the proposed amendment to the overall community form;
- (c) the effect upon the future use of any lands which may be accessed through the area to be rezoned;
- (d) that the existing use of surrounding lands is compatible with such a suburban environment; and
- (e) the provisions of Policy IM-13.

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:

- (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;
- (b) that the proposal is not premature or inappropriate by reason of:
 - (i) the financial capability of the Municipality to absorb any costs relating to the development;
 - (ii) the adequacy of sewer and water services;
 - (iii) the adequacy or proximity of school, recreation and other community facilities;
 - (iv) the adequacy of road networks leading or adjacent to, or within the development; and
 - (v) the potential for damage to or for destruction of designated historic buildings and sites.
- (c) that controls are placed on the proposed development so as to reduce conflict with any adjacent or nearby land uses by reason of:
 - (i) type of use;
 - (ii) height, bulk and lot coverage of any proposed building;
 - (iii) traffic generation, access to and egress from the site, and parking;
 - (iv) open storage;
 - (v) signs; and
 - (vi) any other relevant matter of planning concern.
- (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;

- (e) any other relevant matter of planning concern; and
- (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.**

Attachment B
Excerpts from the Sackville Land Use By-Law

PART 2: DEFINITIONS

- 2.60 RESIDENTIAL CARE FACILITY means a building or part of a building in which accommodation and nursing, supervisory and/or personal care is provided, or is made available for more than three persons with social, health, legal, emotional, mental or physical handicaps or problems, and includes such facilities as are licensed by the Homes for Special Care Act including extended care seniors facilities providing Level II and Level III care, the Children's Services Act, or by any other provincial legislation, **and may include an assisted living facility, (NWCC-May 26/08;E-Jun 14/08)** but does not include any public or private hospital or sanatorium, or a jail, prison or reformatory, or a hostel. (Section 2.60 Sackville LUB)

PART 6: 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 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)

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 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 one (1) sign shall be permitted for any business use and no such sign shall exceed two (2) square feet (0.2 m²) 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 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.

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 m2) 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 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.

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:

Civic Address	LRIS Index Number	Maximum Number of Dwellings
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.

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.

PART 13: R-6A (RURAL RESIDENTIAL SINGLE UNIT DWELLING) ZONE

13.1 R-6A USES PERMITTED

No development permit shall be issued in any R-6A (Rural Residential Single Unit Dwelling 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

Community Uses

Open space uses

13.2 R-6A ZONE REQUIREMENTS: RESIDENTIAL USES

In any R-6A 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 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 percent	
Maximum Height of Main Building	35 feet (10.7 m)	
Minimum Width of Main Building	20 feet (6.1 m)	

13.3 OTHER REQUIREMENTS: BUSINESS USES

Where home business uses are permitted in any R-6A 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 m²).
- (c) No mechanical equipment shall be used except that which is reasonably consistent with the use of a dwelling and does not create a nuisance by virtue of noise, vibration, glare, odour or dust or 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, which shall be permitted for any home 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 (13.9 m²) of floor area devoted to any home 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.

13.4 OTHER REQUIREMENTS: DAY CARE FACILITIES

Where day care facilities are permitted in any R-6A 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.

13.5 OTHER REQUIREMENTS: BED AND BREAKFASTS

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

13.6 OTHER REQUIREMENTS: COMMUNITY USES

In any R-6A Zone, where uses are permitted as Community Uses, no development permit shall be issued except in conformity with the provisions of Part 19.

Attachment C

Comparison of permitted use in the R-6, R-6A and R-1 zones (Sackville)

Permitted Uses	R-6 (Existing zoning)	R-6A (Enabled rezoning)	R-1 (MPS amendment)
Residential Uses			
Single unit dwellings	✓	✓	✓
Existing mobile home parks	X	X	✓
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	✓	X	X
Forestry uses	✓	X	X
Fishing and fishing related uses	✓	X	X
Community Uses			
Open space uses	✓	✓	✓
Institutional uses except day care facilities, medical clinics and fraternal centres and halls	✓	X	X
Commercial Motor Vehicles (Section 4.22)			
Number of commercial vehicles that can be kept in residential zone	No limit	1	1

✓ Uses permitted

X Uses not permitted

Attachment D
Excerpts from the Beaver Bank, Hammonds Plains and Upper Sackville Municipal Planning Strategy

- P-15 It shall be the intention of Council to recognize and support the continuation of residential subdivision activity and the resulting transition of portions of the Mixed Use Designations from a mixed use to a suburban residential environment, through the application of a R-1(Single Unit Dwelling) Zone to be applied in the Mixed Use A, B and C Designations. (Residential Designation, Policy P-34). Council may consider applying this residential zone subject to the following conditions:
- (a) lands to be rezoned contain a maximum of 20 lots per 4 year period shown on an approved tentative plan of subdivision;
 - (b) lots shown on a tentative plan of subdivision shall be capable of access to local subdivision streets or shall be adjacent to an existing R-1(Single Unit Dwelling) Zone;
 - (c) the effect on commercial or industrial development within the area to be rezoned; and
 - (d) the provisions of Policy P-137.
- P-137 In considering development agreements and amendments to the land use by-law, in addition to all other criteria as set out in various policies of this Plan, Council shall have appropriate regard to the following matters:
- (a) that the proposal is in conformity with the intent of this Plan and with the requirements of all other municipal by-laws and regulations;
 - (b) that the proposal is not premature or inappropriate by reason of:
 - (i) the financial capability of the Municipality to absorb any costs relating to the development;
 - (ii) the adequacy of central or on-site sewerage and water services;
 - (iii) the adequacy or proximity of school, recreation or other community facilities;
 - (iv) the adequacy of road networks leading or adjacent to or within the development; and
 - (v) the potential for damage to or for destruction of designated historic buildings and sites.
 - (c) that controls are placed on the proposed development so as to reduce conflict with any adjacent or nearby land uses by reason of:
 - (i) type of use;
 - (ii) height, bulk and lot coverage of any proposed building;
 - (iii) traffic generation, access to and egress from the site, and parking;
 - (iv) open storage;
 - (v) signs; and
 - (vi) any other relevant matter of planning concern.
 - (d) that the proposed site is suitable in terms of the steepness of grades, soil and geological conditions, locations of watercourses, marshes or bogs and susceptibility to flooding.

- (e) Within any designation, where a holding zone has been established pursuant to “Infrastructure Charges - Policy P-81”, Subdivision Approval shall be subject to the provisions of the Subdivision By-law respecting the maximum number of lots created per year, except in accordance with the development agreement provisions of the MGA and the “Infrastructure Charges” Policies of this MPS. (RC-July 2/02; E-Aug 17/02)**

Attachment E

Comparison of permitted use in the MU-1 and R-1 zones (15, 18, 19)

Permitted Uses	MU-1 (Existing zoning)	R-1 (Enabled Rezoning)
Residential Uses		
Single unit dwellings	✓	✓
Auxiliary dwelling units	NA	X
Two unit dwellings	✓	X
Existing two unit dwellings	NA	✓
Boarding and rooming houses	✓	X
Bed and breakfast	✓	✓
Senior citizens housing	✓	X
Existing mobile dwellings	✓	✓
Existing multiple unit dwellings	✓	X
Day care facilities for not more than seven (7) children and in conjunction with permitted dwellings	NA	✓
Day care facilities for not more than fourteen (14) children and in conjunction with permitted dwellings	✓	X
Offices in conjunction with permitted dwellings	NA	✓
Business uses in conjunction with permitted dwellings	✓	X
Other Uses		
Institutional uses except fire and police stations	✓	X
Open space uses	✓	✓
Commercial uses permitted in the C-2 (General Business) Zone	✓	X
Trucking, landscaping, excavating and paving services	✓	X
Agricultural uses	✓	X
Forestry uses and wooden furniture manufacturing	✓	X
Composting operations	✓	X
Commercial Motor Vehicles		
Number of commercial vehicles that can be kept in residential zone	No limit	1

Attachment F
Excerpts from the Beaver Bank, Hammonds Plains and Upper Sackville Land Use By-Law

PART 6: R-1 (SINGLE UNIT DWELLING) ZONE

6.1 R-1 USES PERMITTED

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

Single unit dwellings
Existing two unit dwellings
Existing mobile dwellings
Day care facilities for not more than seven (7) children and in conjunction with permitted dwellings
Offices in conjunction with permitted dwellings
Bed & Breakfasts
Open space uses

6.2 R-1 ZONE REQUIREMENTS

In any R-1 Zone, no development permit shall be issued except in conformity with the following:

Minimum Lot Area:	on-site services	29, 064 square feet	(2700 m2)
	central water	12,000 square feet	(1118 m2)
	central sewer	10,000 square feet	(929 m2)
	Sewer and water services	6,000 square feet	
Minimum Frontage:	on-site services	100 feet (30.5 m)	
	central sewer	75 feet (23 m)	
	Sewer and water services	60 feet	
Minimum Front or Flankage Yard		20 feet (6.1 m)	
Minimum Side or Rear Yard		8 feet (2.4 m)	
Maximum Lot Coverage		35 per cent	
Maximum Height of Main Building		35 feet (10.7 m)	

6.3 R-1 ZONE REQUIREMENTS: OPEN SPACE USES

In any R-1 Zone, where open space uses are permitted, no development permit shall be issued except in conformity with the provisions of Part 22.

6.4 OTHER REQUIREMENTS: OFFICE USES

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

- (a) Any office shall be wholly contained within the dwelling which is the principle residence of the operator of the office.
- (b) No individuals who are not residents in the dwelling shall be employed in the office.
- (c) No more than twenty-five (25) per cent of the gross floor area shall be devoted to any office, and in no case shall any office occupy more than three hundred (300) square feet (28 m).
- (d) No open storage or outdoor display shall be permitted.
- (e) 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. The height of the sign shall be restricted to eight (8) feet or less and not be attached to a dwelling. (RC-Jun 30/09;E-Sep 5/09)
- (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 m²) of floor area devoted to any office.

6.5 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 principle residence of the operator of the facility.
- (b) No open storage or outdoor display shall be permitted.
- (c) 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. The height of the sign shall be restricted to eight (8) feet or less and not be attached to a dwelling. (RC-Jun 30/09;E-Sep 5/09)
- (d) One off-street parking space, other than that required for the dwelling, shall be provided.

6.6 OTHER REQUIREMENTS: BED AND BREAKFASTS

Where a bed & breakfast is permitted in any R-1 Zone, the following shall apply:

- (a) The bed & breakfast shall be wholly contained within the dwelling which is the principle residence of the operator of the establishment;
- (b) Not more than three (3) rooms may be let;
- (c) 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; and
- (d) One off-street parking space in addition to that required for the dwelling shall be provided for each room to be let.

6.7 OTHER REQUIREMENTS: COMMERCIAL MOTOR VEHICLES

In any R-1 Zone, not more than one commercial vehicle shall be kept on any lot and no such commercial motor vehicle shall exceed a registered vehicle weight of five (5) tons nor be kept less than ten (10) feet from any front lot line.

6.8 EXISTING HOME BUSINESS USES

Notwithstanding Section 4.9 and 6.1, the existing home businesses identified in Appendix B shall be permitted to the extent they are in existence at the time the land use by-law is adopted.

6.9 EXISTING TWO UNIT DWELLINGS

Notwithstanding Section 4.9, any existing two unit dwellings shall not be permitted to convert into a multi-unit dwelling.

6.10 SENIOR CITIZENS HOUSING

Notwithstanding Section 6.1, senior citizens housing shall be permitted within the R-1 zone on the property in Uplands Park identified by LIC Property Number 420927.

6.11 FRONTAGE ON A STREET

No development permit shall be issued in an R-1 Zone unless the lot or parcel intended to be used or upon which the building or structure is to be erected abuts and fronts upon a public street or highway.

6.12 SUBDIVISION OF EXISTING TWO UNIT DWELLINGS - UPLANDS PARK

Notwithstanding Section 6.2, the minimum lot area per dwelling unit for existing two unit dwellings on the following properties shall be 3,000 square feet and the minimum lot frontage shall be 30 feet: Patricia Foran, LIC Number 420265; Lawrence Leslie, LIC Number 420224; Sarah Martin, LIC Number 420398.

PART 13: MU-1 (MIXED USE) 1 ZONE

13.1 MU-1 USES PERMITTED

No development permit shall be issued in any MU-1 (Mixed Use) Zone except for the following:

Residential Uses

Single unit dwellings

Two unit dwellings

Boarding and rooming houses

Bed and Breakfast

Senior citizens housing

Existing mobile dwellings

Existing multiple unit dwellings

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

Business uses in conjunction with permitted dwellings

Other Uses

Institutional uses, except fire and police stations

Open space uses

Commercial uses permitted in the C-2 (General Business) Zone

Trucking, landscaping, excavating and paving services

Agriculture uses

Forestry uses and wooden furniture manufacturing

Composting operations (see section 4.29)

13.2 MU-1 ZONE REQUIREMENTS: RESIDENTIAL USES

In any MU-1 Zone, no development permit shall be issued for residential uses except in conformity with the provisions of Section 11.2.

13.3 MU-1 ZONE REQUIREMENTS: OTHER USES

In any MU-1 Zone, no development permit shall be issued except in conformity with the following:

Minimum Lot Area	29,064 square feet (2700 m ²)
Minimum Frontage	100 feet (30.5 m)
Minimum Front or Flankage Yard	30 feet (9.1 m)
Minimum Rear or Side Yard	15 feet (4.6 m)
Maximum Lot Coverage for Structures and Storage	50 per cent
Maximum Height of Main Building	35 feet (10.7 m)

13.4 OTHER REQUIREMENTS: BUSINESS AND DAY CARE USES

- (a) With the exception of outdoor display provisions, where business uses and day care facilities in conjunction with a dwelling are permitted in any MU-1 Zone, the provisions of Section 11.3 and Section 11.4 shall apply.
- (b) Outdoor display shall not be permitted:
 - (i) within 10 feet of the front lot line or within the required side yard;
 - (ii) within any yard which abuts an adjacent residential use, except where a visual barrier is provided;
 - (iii) shall not exceed 200 square feet.

13.5 OTHER REQUIREMENTS: COMMERCIAL USES

Where commercial uses are permitted in any MU-1 Zone, the following shall apply:

- (a) The gross floor area devoted to all commercial uses on any lot shall not exceed two thousand (2,000) square feet.
- (b) No open storage or outdoor display shall be permitted.
- (c) The parking lot shall be demarcated and paved or otherwise maintained with a stable surface which is treated in a manner to prevent the raising of dust and loose particles.
- (d) Except where any commercial use abuts another commercial use in an MU-1 Zone, no portion of any parking space shall be located within any required side yard.
- (e) Where any commercial use abuts another commercial use in the MU-1 Zone, the abutting side yard requirement shall be eight (8) feet.

13.6 OTHER REQUIREMENTS: AGRICULTURE USES

- (a) Notwithstanding the provisions of Section 13.3, where any barn, stable or other building intended for the keeping of more than fifty (50) domestic fowl or ten (10) other animals is erected in any MU-1 Zone, no structure shall:
 - (i) be less than fifty (50) feet from any side lot line;
 - (ii) be less than one hundred (100) feet from any dwelling or potable water supply except a dwelling or supply on the same lot or directly related to the agricultural use;
 - (iii) be less than three hundred (300) feet from any watercourse or water body;
 - (iv) be less than five hundred (500) feet from any residential (R-1, RR-1) zone.
- (b) No more than two thousand (2,000) square feet of floor area of all structures on any lot shall be used for a retail use accessory to agriculture uses.

13.7 OTHER REQUIREMENTS: FORESTRY AND WOODEN FURNITURE MANUFACTURING

Where forestry uses and wooden furniture manufacturing are permitted in any MU-1 Zone, the following shall apply:

- (a) No more than two thousand (2,000) square feet of gross floor area of all structures on any lot shall be used for a sawmill, other industrial mill related to forestry, wooden furniture manufacturing, or retail use accessory to the above uses;
- (b) No sawmill or other industrial mill related to forestry shall be located less than fifty (50) feet from any lot line nor less than three hundred (300) feet from any dwelling except a dwelling located on the same lot or directly related to the above use;
- (c) Any area devoted to open storage shall not be permitted within any required front or side yard and shall not exceed twenty-five (25) per cent of the lot area.

13.8 OTHER REQUIREMENTS: INSTITUTIONAL USES

Where institutional uses are permitted in any MU-1 Zone, the provisions of Part 22 shall apply.

13.9 OTHER REQUIREMENTS: TRUCKING, LANDSCAPING, EXCAVATING AND PAVING SERVICES

Where trucking, landscaping, excavating and paving services are permitted in a MU-1 Zone, the following shall apply:

- (a) No development permit shall be issued for any use unless a dwelling is located on the lot.
- (b) The total gross floor area of all structures on any lot devoted to the above uses shall not exceed two thousand (2000) square feet.
- (c) No materials or mechanical equipment which is obnoxious or which creates a nuisance by virtue of noise, vibration, smell or glare shall be used on the lot.
- (d) With the exception of aggregate resources, any materials associated with the above uses shall be contained within a building or otherwise enclosed by a fence, vegetation, or other means which provide a visual and physical barrier.
- (e) Any area devoted to open storage shall not be permitted within any required front or side yard line and shall not exceed twenty-five (25) per cent of the lot area.
- (f) One off street parking space, other than that required for the dwelling shall be provided for every three hundred (300) square feet of floor area used by the above use.
- (g) No product stockpile or processing activity associated with the above uses shall be located within one hundred (100) feet of a watercourse.

13.10 EXEMPTION: EXISTING MOBILE HOME PARKS

Notwithstanding Section 13.1, Timber Trails Mobile Home Park, LIC Number 40203622, shall be a permitted use to the extent to which it is in existence on the effective date of this by-law.

13.11 EXEMPTION: EXISTING COMMERCIAL RECREATION USES

Notwithstanding Section 13.1, Woodhaven Campground, LIC Number 425389, and Pin-Hi Golf Course, LIC Number 425512, and Atlantic Playland, LIC Number 40203648 and 40203630, shall be permitted uses to the extent to which they are in existence on the effective date of this By-law.