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North West Planning Advisory Committee  
May 7, 2008

**TO:** Chairperson and Members of North West Planning Advisory Committee

**SUBMITTED BY:**

  
\_\_\_\_\_  
Paul Dunphy, Director of Community Development

**DATE:** March 19, 2008

**Subject:** Case 01136: Amendment to the Sackville LUB

### ORIGIN

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.

### RECOMMENDATION

It is recommended that North West Community Council:

1. Give Notice of Motion to consider the proposed amendments to the Sackville Land Use By-law as set out in Attachment A, and schedule a public hearing.
2. Approve the proposed amendment to the Sackville Land Use By-law to remove the requirement that Residential Care Facilities be operated by a public housing authority and amend the definition of Residential Care Facilities to include Assisted Living Facilities as shown in Attachment A.

## 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. 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 in to two types, 37 nursing home beds<sup>1</sup> and 13 residential care beds<sup>2</sup>. Further Scotia Nursing Homes would like to build a complementary 75 unit assisted living facility<sup>3</sup>.

### **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 and surrounded by light industrial, commercial and residential land uses and undeveloped land. The proposal includes a two floor long term care facility and a five floor assisted living facility (Map 4). 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) and zoned BP-1 (Business Park 1) Zone (Attachment B) and R-6 (Rural Residential) Zone (Attachment C) in accordance with the Sackville Municipal Planning Strategy (MPS) and Land Use By-law (LUB) (Map 2). 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.

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<sup>1</sup> "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.

<sup>2</sup> "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.

<sup>3</sup> 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.

Long Term Care Facilities are a permitted land use within the definition of “Residential Care Facility” and are permitted in the R-6 Zone under the provisions of the P-2 (Community Facility) Zone (Attachment D), however this 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. Assisted living facilities, are not defined as a land use in the Sackville MPS and LUB and thus are 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 to the LUB need to be considered:

- 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.

In order for Planning Services to recommend changes to the Land Use By-law, the proposal must meet the policies contained within the Sackville MPS (Attachment F). A review has identified the following for discussion:

#### **Permitting Assisted Living Facilities**

Assisted Living Facilities provides options for individuals who need some assistance with daily activities but do qualify for publically funded long term care. The Sackville MPS and LUB does not recognize Assisted Living Facilities as a land use. This is likely due to the fact that this type of land use did not exist at the time of the creation of the Sackville MPS and LUB in 1994.

However, the MPS encourages the development of Residential Care Facilities. As currently defined in the LUB, these facilities provide for long term care facilities funded and licenced by the Province of Nova Scotia. Policy UR-14 enables Council to add new community facility uses to the institutional zone such as Assisted Living Facilities. As the anticipated impacts of such a use is similar to a Residential Care Facility, staff are suggesting that it is appropriate to include Assisted Living Facilities under the definition of Residential Care Facilities. The inclusion will permit Assisted Living Facilities in all zones which currently permit Residential Care Facilities which are the P-2 (Community Facility) Zone and the R-6 (Rural Residential) Zone. Further, it will allow Council to consider Assisted Living Facilities under the definition of Residential Care Facilities by development agreement in all designations within the Sackville MPS.

Staff are of the opinion that the addition of Assisted Living Facilities as a land use will further enhance the intention of the Sackville MPS and LUB to provide for a broad range of housing to support community needs. Further the lack of this type of housing has created a shortage of housing

options in Sackville which needs to be addressed. Staff are of the opinion that the proposed addition of Assisted Living Facilities is consistent with the Sackville MPS and recommends the amendments to the Sackville LUB as shown in Attachment A.

#### **Who may operate a Residential Care Facility?**

Many HRM planning documents allow for the establishment of nursing homes, long term care facilities or residential care facilities, however they are required to be operated by public housing authorities or non-profit organizations. In the case of the Sackville LUB, Residential Care Facilities are required to be operated by a public housing authority.

The Province of Nova Scotia currently does not restrict the operators of these type of facilities to public housing authorities or non-profit organizations. The Nova Scotia Department of Health has stated that "contrary to the Halifax Municipality's definition of permitted uses in this area, the Province of Nova Scotia permits private companies and not-for-profit organizations to provide services under the "Homes for Special Care Act". Plan policy does not mention who is to operate this land use thus the proposal to amend the LUB is consistent with the intent of the MPS. As a result it is recommended that the reference to public housing authorities be removed from the definition of Residential Care Facilities as shown in Attachment A.

#### **MPS Amendments**

Staff wish to advise North West Community Council that several amendments to the Sackville MPS will be required in addition to the LUB amendments outlined above. These amendments (subject to another staff report) are the jurisdiction of Regional Council and include:

- expansion to the Urban Service Area to add a portion of the site to permit full sewer and water service to the site.
- the addition of institutional uses as permitted uses within the BP-1 Zone of the Sackville MPS and LUB, thus removing the need for a development agreement.

**Public Participation:** A public information meeting was not held for this proposal. Given the minor nature of this proposal, a public participation meeting was waived with the consent of the local Councillor. If Council should decide to hold a public hearing, notification, in addition to a newspaper ad will be sent to adjacent property owners within a specified notification area shown on Map 2.

#### **Summary:**

Staff recommend the proposed definition change to identify Assisted Living Facilities as a component of Residential Care Facilities. Further staff recommends the removal of the requirement that residential care facilities be operated by a public housing authority. Staff are of the opinion that both amendment shown in Attachment A are consistent with the Sackville MPS.

**BUDGET IMPLICATIONS**

None. The costs to process this application can be accommodated within the approved C310 operating budget.

**FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN**

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

**ALTERNATIVES:**

1. Council may choose to approve the proposed amendment to the Sackville Land Use By-law. This is the recommended course of action.
2. Council may choose to refuse the proposed amendment to the Sackville Land Use By-law, and in doing so, must provide reasons based on a conflict with MPS policies. This is not the recommended action.
3. Council may choose to alter the proposed amendment to the Sackville Land Use By-law. This may necessitate further report(s). In the event substantive revisions are requested subsequent to advertising for a public hearing, an additional public hearing may be required.

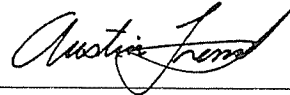
**ATTACHMENTS**

Map 1	Generalized Future Land Use Map
Map 2	Zoning Map
Map 3	Service Requirement Map (Regional Subdivision By-law)
Map 4	Site Plan
Attachment A	Proposed Amendments to the Sackville Land Use By-law
Attachment B	Sackville LUB - BP-1 Zone Requirements
Attachment C	Sackville LUB - R-6 Zone Requirements
Attachment D	Sackville LUB - P-2 Zone Requirements
Attachment E	Sackville LUB - Definition of Residential Care Facility
Attachment F	Sackville MPS - Relevant Policies

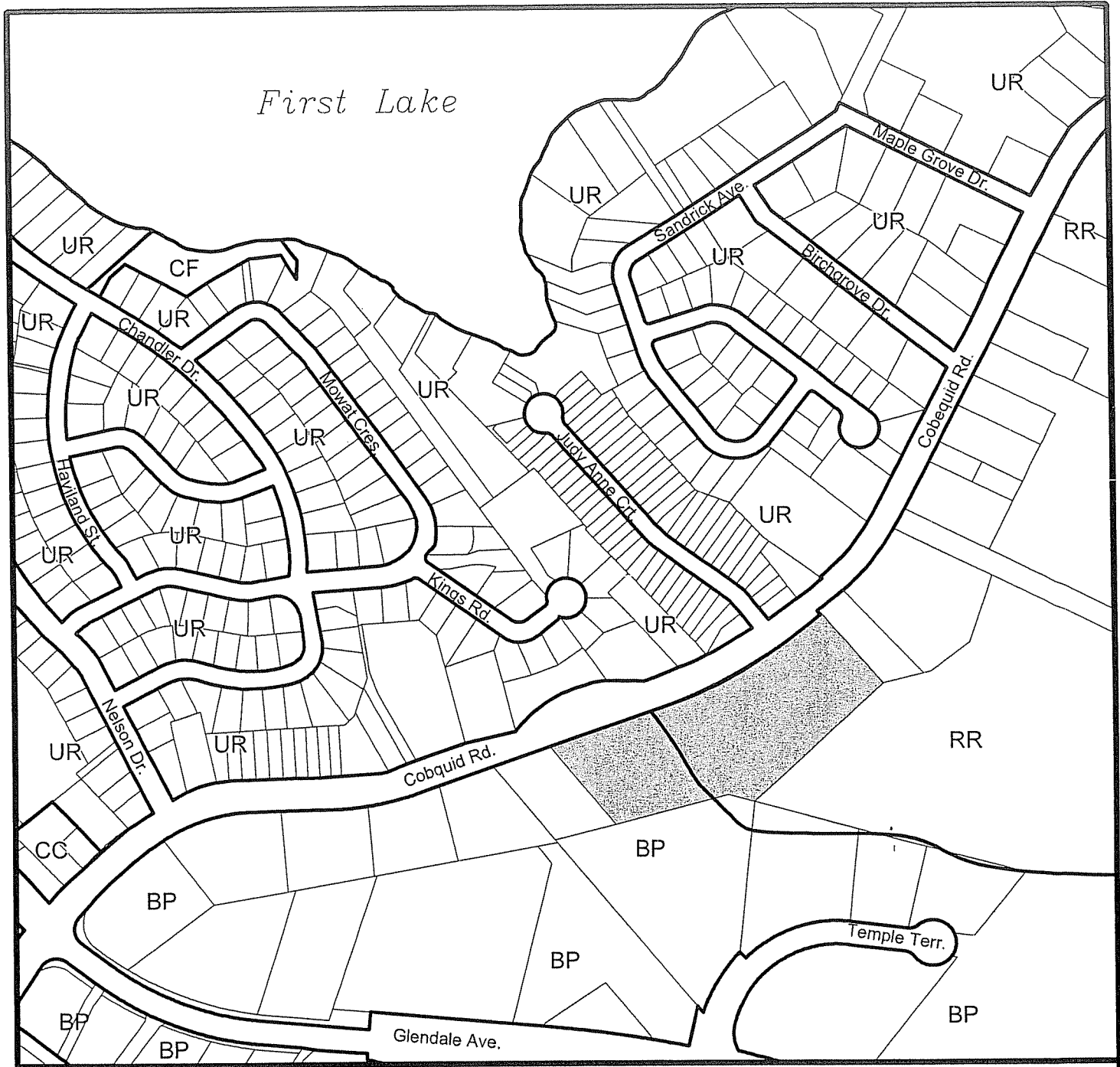
A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.html> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Andrew Bone, Sr. Planner- Planning Applications: Community Development 869-4226

Report Approved by:



Austin French, Manager of Planning Services, 490-6717



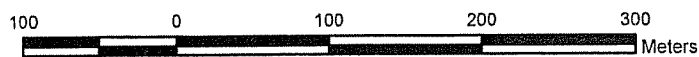
**Map 1**  
**Generalized Future Land Use**



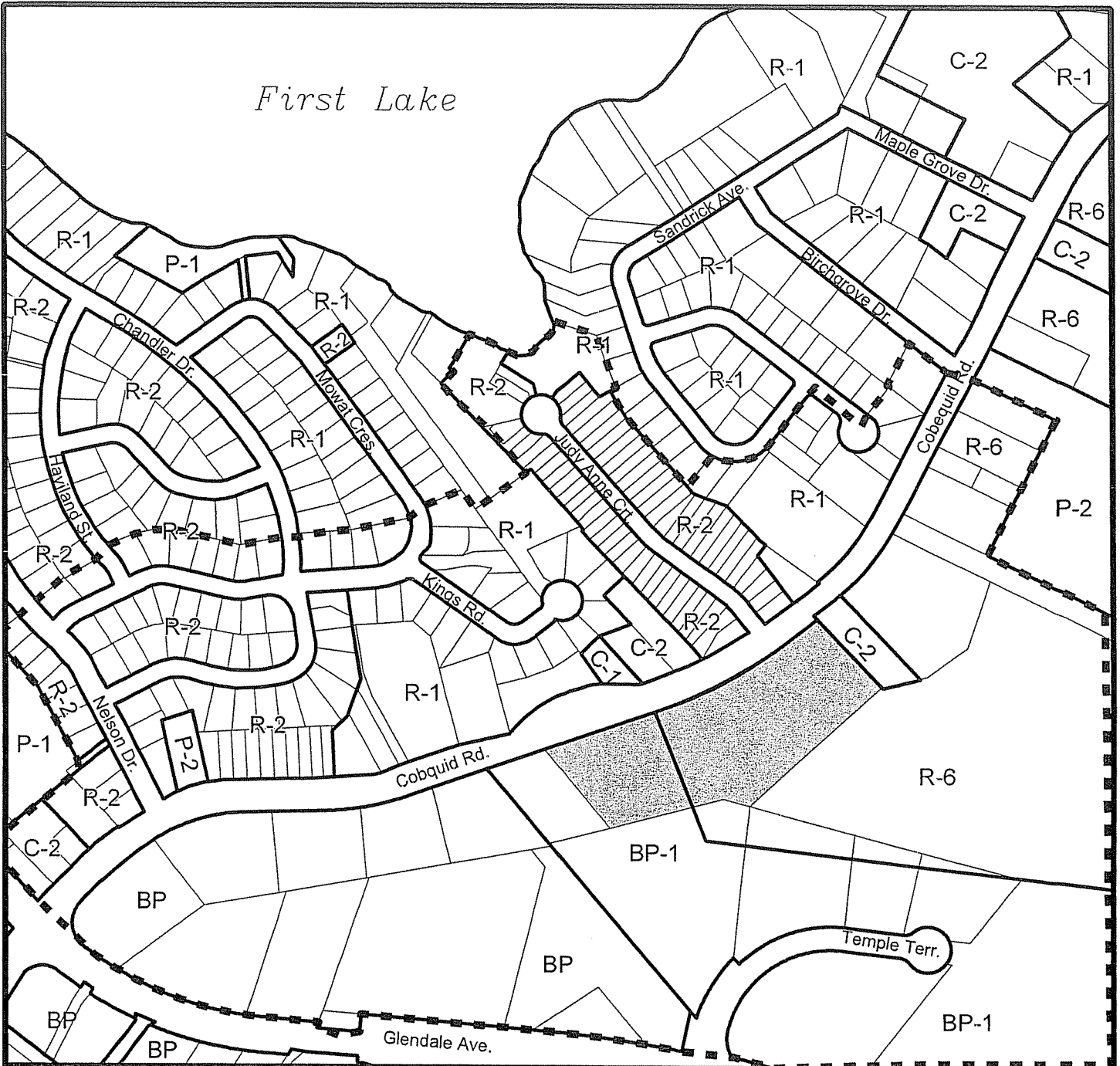
**Subject Property**

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

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First Lake



Map 2  
Zoning



Subject Property

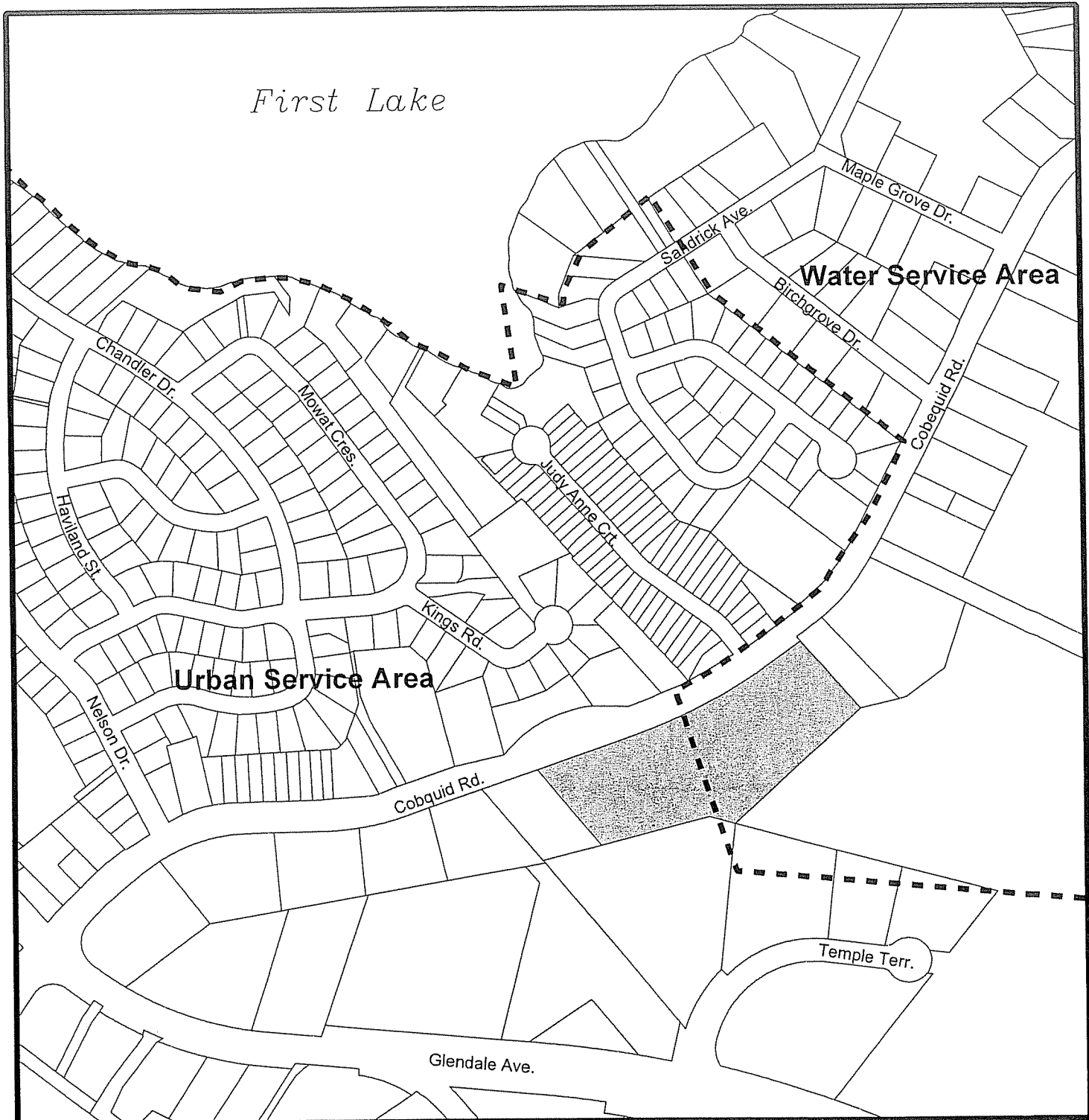
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- R-1 Single Unit Dwelling Zone
- R-2 Two Unit Dwelling Zone
- R-6 Rural Residential Zone
- P-1 Open Space Zone
- P-2 Community Facility Zone

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







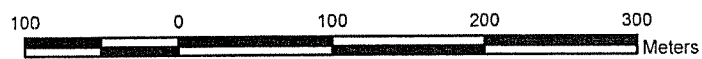
Map 3



Subject Property



Service Boundary

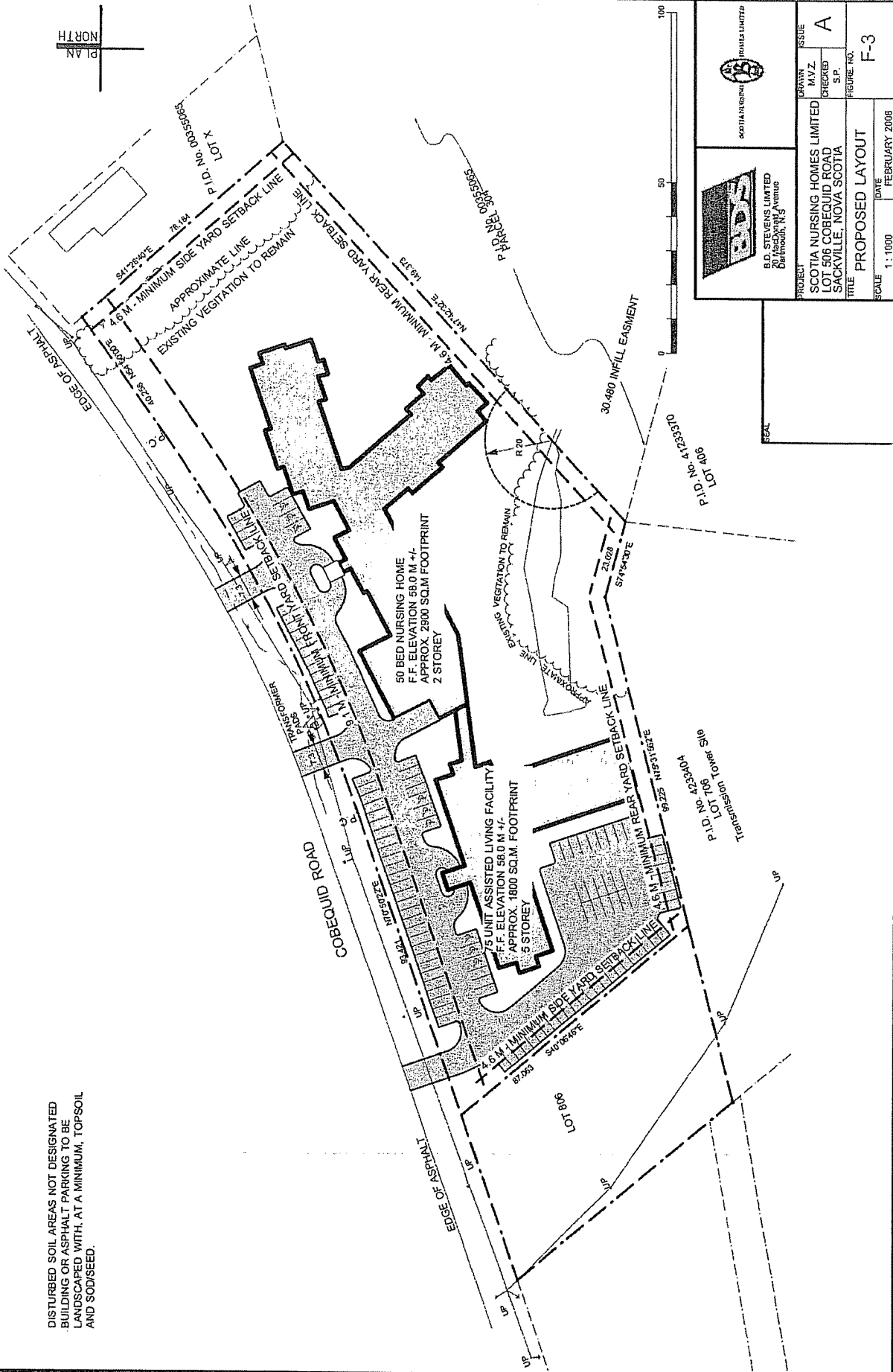


**HALIFAX**  
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 Community Development  
 Planning Services



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

PLAN  
 NORTH



 P.D. STEVENS LIMITED 20 Woodway Avenue Dartmouth, N.S.	 SCOTIA NURSING HOMES LIMITED 308 COBEQUID ROAD SACKVILLE, NOVA SCOTIA	PROJECT MAVZ CHECKED S.P.	ISSUE A
	TITLE PROPOSED LAYOUT FIGURE NO. F-3		
SCALE 1:1000		DATE FEBRUARY 2008	

Map 4  
 Site Plan

**HALIFAX**  
 Regional Municipality  
 Planning Services

Attachment A  
Proposed Amendments to the Sackville Land Use By-law

BE IT ENACTED by the North West Community Council of the Halifax Regional Municipality that the Sackville Land Use By-law as enacted by the former Halifax County Municipality on the 5th day of April, 1994 and approved by the Minister of Municipal Affairs on the 16th day of June, 1994 as amended, is hereby further amended as follows:

1. Part 2, Clause 2.60 shall be amended by adding the following text after the words “any other provincial legislation,”:

“and may include an assisted living facility,”

2. Part 2 shall be amended by adding the following text after clause 2.5:

“2.5A Assisted Living Facility - means a building or part of a building where assisted living arrangements are provided for individuals living in self contained units. Some or all of an individuals needs related to activities of daily living are a mandatory part of monthly accommodation costs and are incorporated in a lease, service agreement or some form of documented service plan negotiated between the resident and operator. The facility offers and coordinates 24 hour staff and facilities to provide oversight and meet scheduled and unscheduled needs for residents needs relating to personal care and supportive services such as security, health related services, meals, housekeeping and laundry, recreational activities, transportation and social services. All assisted living facilities shall include a common dining room, personal care, housekeeping and laundry facilities and services. Each unit shall consists of individual adaptable and accessible residential units with a lockable door, private bathroom, and kitchenette facilities which include a sink, refrigerator, and small cooking appliance. A maximum of 40 percent of the units may have an active stove. Stoves that are removed or disconnected by the operator are not considered active.”

3. Part 20, Clause 20.1 shall be amended by deleting the following text:

“constructed and maintained by a public housing authority”

I HEREBY CERTIFY that the amendment to the Land Use By-law for Sackville as set out above, was passed by a majority vote of the North West Community Council of the Halifax Regional Municipality at a meeting held 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**  
**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 <sup>2</sup> )
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 m<sup>2</sup>) 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 m<sup>2</sup>) 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 C**  
**Sackville LUB - R-6 Zone Permitted Uses**

PART 12: R-6 (RURAL RESIDENTIAL) ZONE

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

12.7 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 D**  
**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 <sup>2</sup> ) on-site services 20,000 square feet (1858.1 m <sup>2</sup> )
Minimum Frontage:	central services 60 feet (18.3 m) on-site services 100 feet (30.5 m)
Minimum Front or Flankage Yard	30 feet (9.1 m)
Minimum Rear or Side Yard building	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 E**  
**Sackville LUB - Definition of Residential Care Facility**

- 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, but does not include any public or private hospital or sanatorium, or a jail, prison or reformatory, or a hostel.

**Attachment F**  
**Sackville MPS - Relevant Policies**

UR-14 Notwithstanding Policies UR-2 and RR-2, within the Urban Residential and Rural Residential Designations, it shall be the intention of Council to establish a community facility zone which permits a variety of community related uses such as schools, churches, hospitals, government offices, community centres and recreation uses. Council may consider permitting new community facility uses by amendment to the land use by-law and with regard to the provisions of Policy IM-13.

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:

- a. 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.

RR-2 Within the Rural Residential Designation, it shall be the intention of Council to establish a rural residential zone, which permits single unit dwellings, most community facility uses, agricultural, fishing, forestry and open space uses. In addition, the land use by-law shall provide for limited business and day care uses within a dwelling where such is compatible with the rural nature of the area. In addition, the zone shall control parking and the number and size of signs, and prohibit open storage and outdoor display.

CF-2 Within the Community Facility Designation, it shall be the intention of Council to create a community facility zone which permits institutional, community facility and open space uses. The zone shall also permit single unit dwellings and caretaker units in conjunction with specific uses. In support of community facilities outside the Designation, this zone may be applied within the Urban Residential and Rural Residential Designations by amendment to the land use by-law.

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.**

