

MEMORANDUM

TO: Chair and Members of Halifax Watershed Advisory Board

FROM: Jacqueline Bélisle, Planner, Community Development

DATE: July 7, 2011

SUBJECT: Case # 16966: Application by Genivar, for the lands of Jason Hart, to rezone 1183 Fall River Road from R-1B (Suburban Residential) Zone to P-2 (Community Facility) Zone to permit a day care facility.

INFORMATION REPORT

An application has been received by Genivar for the lands of Jason Hart to rezone 1183 Fall River Road. The purpose of this report is to ensure that HWAB is aware of this proposal.

Synopsis of Proposal:

The applicant is proposing to rezone the property to permit a day care facility. If successful, the existing dwelling on the property will be demolished and a new 502 m² (5,400 sq.ft.) building for the day care will be constructed. An area of approximately 950 m² (10,226 sq.ft.) will be devoted to asphalt parking to accommodate the required number of spaces as per the Land Use By-law.

Site Features:

- Located on Fall River Road approximately 60m south of the intersection of Fall River Road and Snow Drive
- Approximately 2.93 acres in size
- Existing single unit dwelling to be demolished
- Serviced with on-site septic system and well
- There is a watercourse which runs in an eastward direction generally following the north boundary of the property

Planning Process:

The property is zoned R-1B (Suburban Residential Zone) under the Land Use By-law and designated residential under the Municipal Planning Strategy for Planning Districts 14 and 17. This designation enables Community Council to consider rezoning to the P-2 (Community

Facility) Zone. As this application involves a rezoning it is subject to the requirements of the Land Use By-law, specifically Section 4.17 (attached) which regulates watercourse setbacks and buffers.

While the purpose of this application is to permit a day care facility there are other uses that would be enabled if the P-2 zone is established on the property. The list of P-2 permitted uses is below. Please advise if there are any issues with respect to the following uses and impact they may have on the existing watercourse.

P-2 (COMMUNITY FACILITY) USES PERMITTED

Institutional Uses

Educational institutions and uses

Denominational institutions and uses

Day care facilities

A single dwelling unit in conjunction with a day care facility

Fire and police stations

Government offices and public works

Hospitals and medical clinics public libraries, museums and galleries

Community centres and halls

Recreation uses

Nursing homes

Residential care facilities

Open Space Uses

Public and private parks and playgrounds

Cemeteries

Historic sites and monuments

Attachments:

Section 4.17 of the Land Use By-Law for Planning Districts 14 and 17

Map 1 Site Plan

Map 2 Aerial Photo

4.17 WATERCOURSE SETBACKS AND BUFFERS

- (1) (a) No development permit shall be issued for any development within 20m of the ordinary highwater mark of any watercourse, except on lots zoned R-1C.

(b) Where the average positive slopes within the 20m buffer are greater than 20%, the buffer shall be increased by 1 metre for each additional 2% of slope, to a maximum of 60m.

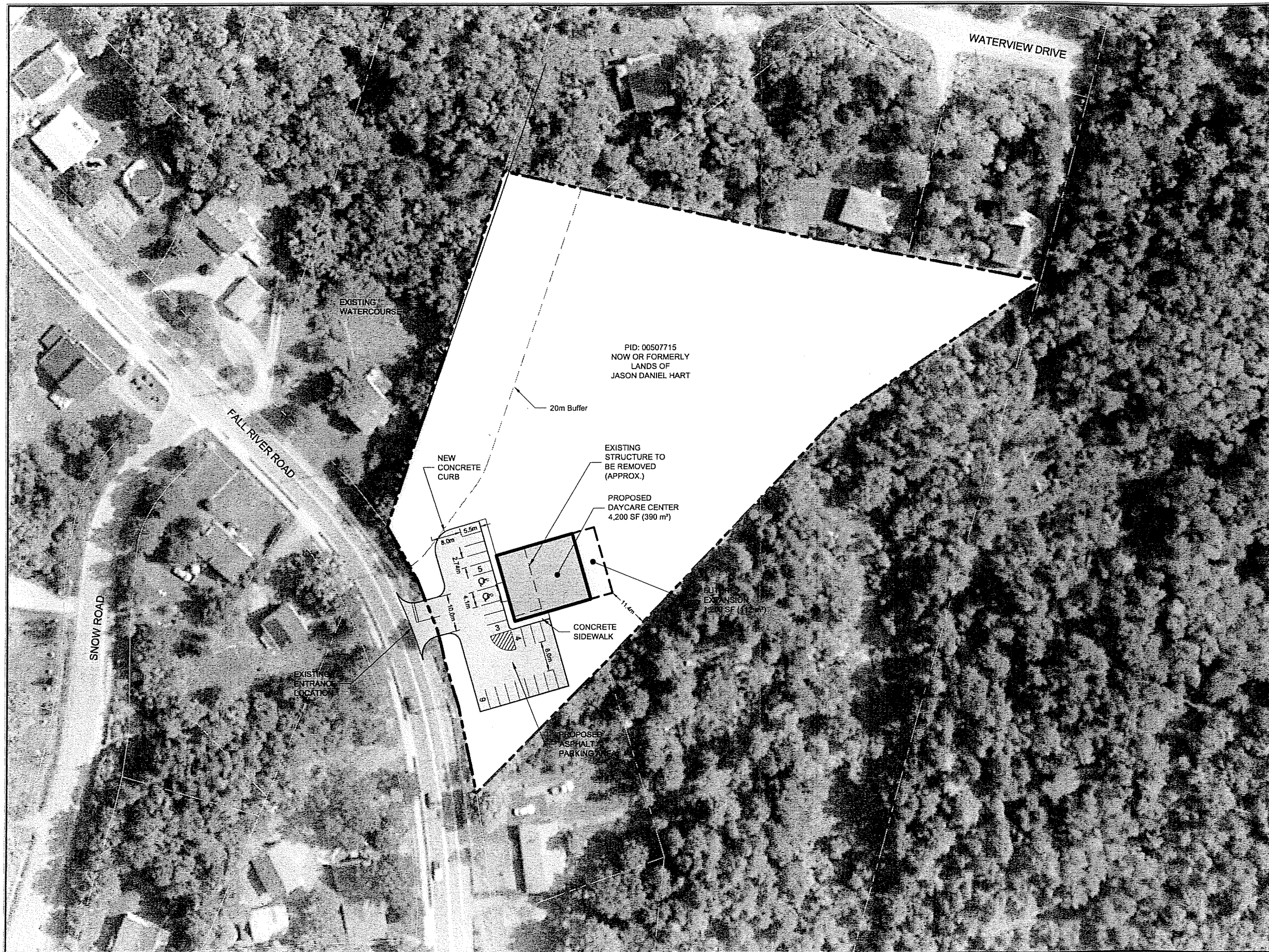
(c) Within the required buffer pursuant to clauses (a) and (b), no excavation, infilling, tree, stump and other vegetation removal or any alteration of any kind shall be permitted in relation to a development.

(d) Within the required buffer pursuant to clauses (a) and (b), activity shall be limited to the placement of one accessory structure or one attached deck not exceeding a footprint of 20 m² or a combination of an accessory structure and attached deck not exceeding 20 m², fences, boardwalks, walkways and trails not exceeding 3 metres in width, wharfs, boat ramps, marine dependent uses, fisheries uses, conservation uses, parks on public lands, historic sites and monuments, and public road crossings, driveway crossings and wastewater, storm and water infrastructure.

(e) Notwithstanding clause (a), the required buffer for construction and demolition operations shall be as specified under the applicable CD Zone.

(f) Within the buffer required pursuant to clause (e), no excavation, infilling, tree, stump and other vegetation removal or any alteration of any kind shall be permitted in relation to a development.
- (2) Notwithstanding subsection (1), where an existing residential main building is located within the required buffer, accessory structures, subject to meeting other requirements of this by-law, shall be permitted provided they are located no closer to the watercourse than the existing main building.
- (3) Where the configuration of any existing lot, including lots approved as a result of completed tentative and final subdivisions applications on file prior to the effective date of the Regional Municipal Planning Strategy, is such that no main building could be located on the lot, the buffer distance shall be reduced in a manner which would provide the greatest possible separation from a watercourse having regard to other yard requirements.
- (4) Notwithstanding subsection (1), nothing in this by-law shall prohibit the removal of windblown, diseased or dead trees, deemed to be hazardous or unsafe.
- (5) Notwithstanding subsection (1), the selective removal of vegetation to maintain the overall health of the buffer may be authorized by the Development Officer where a management plan is submitted by a qualified arborist, landscape architect, forester or forestry technician.

- (6) Every application for a development permit for a building or structure to be erected pursuant to this section, shall be accompanied by plans drawn to an appropriate scale showing the required buffers, existing vegetation limits and contours and other information including professional opinions, as the Development Officer may require, to determine that the proposed building or structure will meet the requirements of this section. (RC-Jun 27/06;E-Aug 26/06)**



KEY PLAN

LEGEND

- Site Boundary

SITE SUMMARY:

- Land Area - 13 244,8 m²

	BUILDING AREA	PARKING	
		REQUIRED	PROVIDED
DAYCARE	4200 SF	16	21

NOTES:

- Property lines approximate only. Site subject to survey.

SOURCES:

- Property lines from Provincial Mapping
- Topographic features from Mapping

Designer: KWATTERS
Planner: JMcGRATH

VERSION
1.8

DAYCARE CENTRE CONCEPT
FALL RIVER, NOVA SCOTIA

KAREN HART & CLAIRE HAYLEY

JULY 6, 2011DA11111100_V18

SCALE

NORTH

GENIVAR
1 SPECTACLE LAKE DRIVE
DARTMOUTH, NOVA SCOTIA
CANADA, B3B 1X7
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