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MEMORANDUM

TO: Chair and Members of St. Margaret's Bay Coastal Planning Advisory Committee
FROM: Paul Sampson, Planner, Development Approvals
DATE: March 17, 2015

SUBJECT: Case 19430 - Application by Iain Jack and Peter Bojanic to enter into a Development Agreement to allow for the construction and operation of a greenhouse for a home business (small-scale plant nursery) at 215 Conrads Rd, Hubbards.

Proposal

An application has been received from Iain Jack and Peter Bojanic to enter into a development agreement for a small-scale plant nursery business at their residence at 215 Conrads Road, Hubbards. This home-based business is proposed to include the construction of a greenhouse in the rear yard of the property, in addition to a potting shed and additional business activities within the house.

The property owners/applicants currently operate a mail-order nursery business from a sunroom space within their residence. The owners have proposed to construct a 25' x 48' (1200 sq. ft.) greenhouse with an attached potting shed, for the continued operation of the mail order business.

Location and Surrounding Area

The lot is 2.246 acres, with approximately 188 feet of frontage on Conrads Road. The neighbourhood is comprised primarily of single detached dwellings on large lots, and vacant properties. Adjacent lots to the west and north are vacant, and there is a single detached dwelling to south which is buffered by a significant amount of forest cover.

Zoning and Planning Policy

The property is zoned R-2 (Two Unit Dwelling) Zone under the Planning Districts 1&3 Land Use Bylaw (LUB), and designated Residential under the Planning Districts 1&3 Municipal Planning Strategy (MPS). The current zoning allows home business uses insofar as they are "wholly contained within the dwelling".

Pursuant to Policies RD-5 and IM-9, Halifax and West Community Council may consider larger home businesses and/or businesses in an accessory building by development agreement (Attachment).

Planning & Development

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Input Sought from the Committee

Pursuant to the Committee's Terms of Reference, feedback is sought from the Committee relative to the criteria of MPS policy RD-5. The recommendation will be included in the staff report to Halifax and West Community Council.

Attachments

- MPS for Planning Districts 1&3 – Policies RD-5 and IM-9
- Proposal Information Sheet
- Applicant's Proposal Outline and Analysis
- Site Plan
- Property Plan
- Property Section

MUNICIPAL PLANNING STRATEGY FOR PLANNING DISTRICTS 1 AND 3

Most Relevant Policies for Case #19430

SECTION II - Residential Designation

Given the relatively large lot sizes in residential areas and the distances between dwellings, there are instances where less stringent controls on a home business, either in a dwelling or an accessory building, would be appropriate and could be accommodated without interfering with neighbouring uses. At the same time, a proliferation of larger business uses throughout residential areas would not be in keeping with established land use patterns.

Therefore, in order to allow for the expansion of home business uses in a controlled manner, they will be permitted by development agreement only.

RD-5 Notwithstanding Policies RD-2 and RD-3, within the Residential Designation, Council shall only consider permitting larger home business uses in a dwelling and/or an accessory building according to the development agreement provisions of the Planning Act. In considering such an agreement, Council shall have regard to the following:

- (a) that the property which is being used for the home business purpose contains the principal residence of the operator of the business;
- (b) that no mechanical equipment is 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 or odour;
- (c) that there is no open storage or outdoor display;
- (d) the provision of adequate parking facilities;
- (e) signage; and
- (f) the provisions of Policy IM-9.

SECTION IV – Implementation

IM-9 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 strategy, Council shall have appropriate regard to the following matters:

- (a) that the proposal is in conformity with the intent of this 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 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 destruction of designated historic buildings and sites.

(c) that in development agreement 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 with respect to the steepness of grades, soil and geological conditions, locations of watercourses, marshes or bogs and susceptibility to flooding; and

(e) any other relevant matter of planning concern;

(f) Within any designation, where a holding zone has been established pursuant to “Infrastructure Charges - Policy p-79F”, 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-Jul 2/02;E-Aug 17/02)

PROPOSAL INFORMATION – PLANNING APPLICATION CASE #19430

APPLICANT: Iain Jack and Peter Bojanic

REQUEST: To allow for the construction and operation of a greenhouse for a home business use at 215 Conrads Road, Hubbards, by Development Agreement.

PROPOSAL: Under the current zoning, home business uses are permitted provided they are “wholly contained within the dwelling”. The property owners/ applicants currently operate a mail-order nursery business from a sunroom space within their dwelling. For the continued operation of their business, the owners have proposed to construct a 25' x 48' (1200 sq. ft.) greenhouse with an attached potting shed in the rear yard of their property, which is considered an accessory building that is separate from the dwelling.

PROCESS: The proposal is being considered under Policy RD-5 of the Planning Districts 1&3 Municipal Planning Strategy, which allows Council to consider a home business in an accessory building by development agreement. A development agreement is a contract between the municipality and the property owner that establishes specific land use and building requirements for the property.

At this time, Planning Staff are seeking comments from the public regarding the proposal.

DISTRICT: 13 (Hammonds Plains – St. Margarets) – Councillor Matt Whitman

SITE INFORMATION: 215 Conrads Road, Hubbards (See attached proposed Site Plan)

PLAN AREA:

- ☐ Planning Districts 1&3 Municipal Planning Strategy and Land Use Bylaw

LAND USE DESIGNATION:

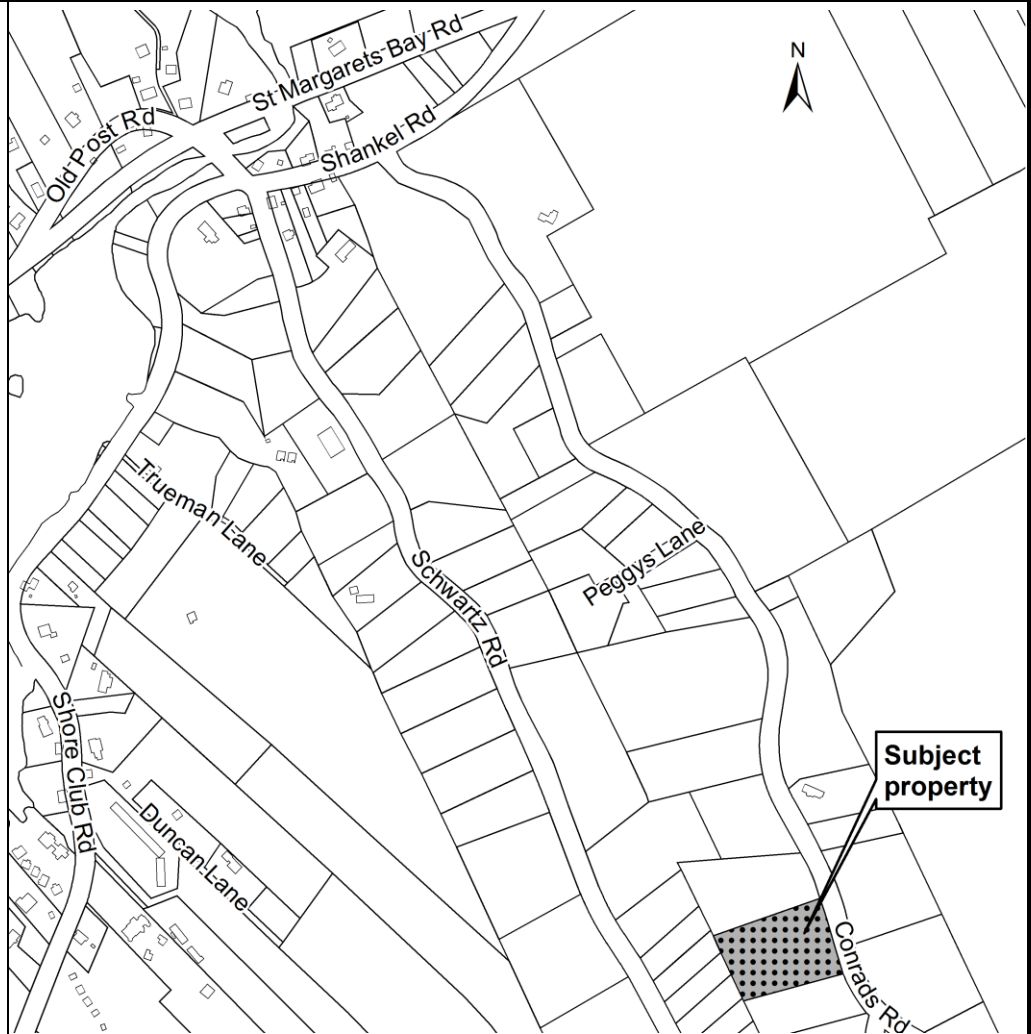
- ☐ Residential

CURRENT ZONING:

- ☐ R-2 (Two Unit Dwelling) Zone

PROPERTY DESCRIPTION:

- ☐ Lot Area: Approx. 2.5 acres
- ☐ Surrounding Area: Single detached dwellings and vacant lots, forested buffering



For further information, please contact **Leah Perrin**, Planning Intern, (902) 490-4398, perrinl@halifax.ca; or visit <http://www.halifax.ca/planning/applications/Case19430Details.php>

**Halifax Regional Municipality
Planning Application
Development Proposal Pre-Application**

Submitted by
Iain Jack, property owner
215 Conrads Road
PO Box 360
Hubbards, Nova Scotia B0J 1T0
iainjack@fernwoodplantnursery.ca

Included with this pre-application

- ☐ Development proposal (pp. 1-3)
- ☐ Appendix A - Planning Districts 1 & 3 Municipal Planning Strategy: Relevant sections of that support this proposal (pp. 4-5)
- ☐ Appendix B - Business description - Fernwood Plant Nursery (p. 6)

Property information

- ☐ 215 Conrads Road, Hubbards, Nova Scotia
- ☐ PID - 40217895
- ☐ 2.246 acres (from: Schedule "A")
- ☐ Zone R-2 (Two Unit Dwelling) under Planning Districts 1 & 3 Land Use Bylaw
- ☐ Residential Designation under Planning Districts 1 & 3 Municipal Planning Strategy

Development Proposal

- ☐ The use of a greenhouse for the operation of a small-scale mail-order nursery business at 215 Conrads Road.

Proposal summary

- ☐ Under municipal allowances, the property owner currently operates a mail-order nursery business from a sunroom space within his residence. The owner is proposing a 25' x 48' accessory greenhouse with attached potting shed on the property for the continued operation of the mail order business. There will be no retail sales, bulk deliveries, signage, or outdoor storage of supplies on site. The proposed greenhouse site will not be viewable from outside the property.

Proposal Rationale

- ☐ The property at 215 Conrads Road and the proposed business use fits within current municipal planning and land-use policies, meeting all the criteria in Planning Districts 1 and 3 Municipal Planning Strategy, including that:

Source	Policy
Page 29	"Given the relatively large lot sizes in residential areas and the distances between dwellings, there are instances where less stringent controls on a home business, either in a dwelling or an accessory building, would be appropriate and could be accommodated without interfering with neighbouring uses."
RD-5	"...in order to allow for the expansion of homes business uses in a controlled manner, they will be permitted by development agreement only."
RD-5(a)	"...the property which is being used for the home business purpose contains the principal residence of the operator of the business;"
RD-5(b)	"...no mechanical equipment is 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 or odour;"
RD-5(c)	"...there is no open storage or outdoor display;"
IM-9(d)	"...the proposed site is suitable with respect to the steepness of grades, soil and geological conditions, locations of watercourses, marshes or bogs and susceptibility to flooding;"

Onsite Business Activities

The main activity associated with this business use involves the small-scale commercial production of hardy ferns in a 25'x48' greenhouse heated in spring and autumn.

- 1) Human Resources - The property owner is the only person involved in operating the nursery business.
- 2) Production - Ferns are grown from spore to a 4-inch pot size. This small container size means larger numbers can be produced in a smaller space and also allows for reasonable shipping costs.
- 3) Sales - Fernwood is not open to retail sales. Fernwood is first-and-foremost a mail-order business. This is the owner's home and there is no interest or intent to open to the public. Plants are shipped once per week in late spring-early summer and again in late summer-early autumn using Canada Post. Occasionally additional sales take place offsite at local farmers markets and regional plant sales.

Permits, Codes and Standards

Construction of an approved greenhouse and potting shed will follow application and approval of relevant permits, comply to all applicable building codes and standards, and be completed by qualified professional installation companies.

Structures & Facilities

Proposed structure - greenhouse with attached potting shed:

A 25-foot wide by 48-foot long gothic arch style greenhouse covered with a double layer of plastic poly sheeting and roll-up sides for natural ventilation during warm weather. The length of the greenhouse will face south-southeast to take best advantage of early morning sun. In summer the greenhouse will be covered with shade cloth. A 16'x10' "garden shed" styled potting shed connected to the front (road side end) of the greenhouse and built on a concrete pad will function as a space for potting plants and the storage of supplies.

The Greenhouse:

The greenhouse will be placed a minimum 20 feet from the closest potential tree fall. The greenhouse structure will be on concrete posts to manufacturer's standard and set below frost level. The greenhouse floor will be a well-draining gravel base covered with landscape fabric to prevent weed growth. The crop will be grown in their containers directly on the floor.

The greenhouse will require the following:

Electricity: Electricity will be run from the owner's home to power ventilation and circulation fans in the greenhouse, and task lighting in the header house.

Lighting: No supplemental lighting is needed in the greenhouse for this foliage crop. Task lighting will be required in the header house.

Heating: The greenhouse and header house will share the same forced air propane furnace.

Irrigation: The crop is irrigated from late March thaw until November freeze. Water will be drawn from the property's existing well. Water run-off is eliminated through the use of a capillary mat watering system. In addition to eliminating run off, these new high-tech watering systems reduce water usage by up to 70% of traditional overhead watering systems (Southwest Horticulture (2006) 23(5):24-25).

Fertilization: Ferns are a low-nutrient greenhouse crop with one-half strength application rates (or less) compared to other greenhouse crops being the standard. Concerns of leachate are mitigated by the use of slow release fertilizers and capillary mat watering system. Unlike with traditional "constant feed" methods of regularly applying fertilizer in irrigation water, slow release fertilizers are mixed with the potting soil and are designed to release very small amounts of nutrients to the plants across an entire season. Further, capillary mat watering systems are sealed, not allowing nutrients to enter the ground.

Proposed Site Plan

Current conditions:

The location of the proposed greenhouse and attached potting shed is already almost level and cleared of trees.

Site preparation:

The entire site will be graded to the 2-3% slope needed to ensure proper drainage and for the proper functioning of a capillary mat watering system.

Buffers and site lines:

The greenhouse will not be seen from off the property. The property drops approximately 5 metres from front/road-side to its backside. The proposed greenhouse will be sited about halfway towards the back of the property.

Street views - A six foot tall fence across the uphill (street level) portion of the driveway running parallel to the street across the yard will obscure any view of the greenhouse.

Neighbours perspectives - A natural buffer of evergreen and deciduous trees and shrubs currently borders the property on all sides. In addition to the buffer this creates to the movement and drainage of water, these wooded areas creates a visual barrier measuring:

- ☐ 150 feet from the proposed greenhouse to the property line to the south-west ("back" of the property),
- ☐ 30 feet from the proposed greenhouse to the adjacent property to the north-west,
- ☐ 50 feet (plus) from the proposed greenhouse to the adjacent property to the south-east.

Landscape Plan:

Fenced areas and any other areas viewable from the street will be landscaped with shrub borders to further screen the site and to maintain and enhance the residential look of the property.

Appendix A
Planning Districts 1 & 3 Municipal Planning Strategy:
Relevant sections of that support this proposal

Municipal Planning Strategy Context:

Land Use Policy

(P.28)

The changing economy, gasoline costs and new technology have worked to change the traditional activities that were normally associated with a home. For example, many people are using a portion of their own home for business uses, including offices, or for combined business/hobby purposes. In most instances, these activities are unobtrusive and, as long as they remain so, shall be permitted.

However, the primary purpose of the designation is to remain residential in nature. Therefore, businesses that cause noise, glare, obnoxious odours or vibration will not be permitted. As well, home business uses will be limited in size, shall not involve outdoor display or storage and shall be entirely contained within the dwelling. These conditions will serve to ensure that home businesses will remain compatible with the residential environment in which they exist.

(P.29)

Given the relatively large lot sizes in residential areas and the distances between dwellings, there are instances where less stringent controls on a home business, either in a dwelling or an accessory building, would be appropriate and could be accommodated without interfering with neighbouring uses. At the same time, a proliferation of larger business uses throughout residential areas would not be in keeping with established land use patterns.

Therefore, in order to allow for the expansion of homes business uses in a controlled manner, they will be permitted by development agreement only.

RD-5

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- (d) the provision of adequate parking facilities;*
- (e) signage; and*
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IM-9

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 - (ii) the adequacy of on-site sewerage and water services;*
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- and*
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reduce conflict with any adjacent or nearby land uses by reason of:

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Appendix B
Business description - Fernwood Plant Nursery

Introduction

Fernwood Plant Nursery is a specialty mail-order nursery dedicated to offering Canadian gardeners high quality, hard to find, hardy ferns grown in a sustainable manner.

Mission statement:

To make a unique collection of hardy ferns available to Canadian gardeners regardless of their proximity to a garden centre. Objectives include:

- ☐ Source rare and unusual varieties of hardy garden ferns
- ☐ Grow and test unique varieties of ferns for suitability to nursery production and Canadian garden conditions
- ☐ Promote the diversity and landscape value of native and hardy exotic ferns

Business background:

Fernwood Plant Nursery currently exists as a website, and in an 18.5' x 12.5' room in the owner's home that provides the sanitary environment required for spore production. It takes at least 2 years to produce a fern from spore to a salable size. Ferns propagated from spore are held (for usually for 12-18 months) in 72 cell trays until plants are large enough to transplant to 4" pots and harden off out doors. The ferns are ready for sale at this point. In Nova Scotia's climate plants can be hardened off outdoors without protection in late April-early May. This negatively impacts our ability to have plants ready early enough without the use of a protective structure.

Sales:

Fernwood is owned and operated solely by Iain Jack. Sales volumes are small and plans are not to exceed what's manageable by one person. This, and the physical size of the site, necessarily keep the business modest and at a family-size scale traditional for the area.

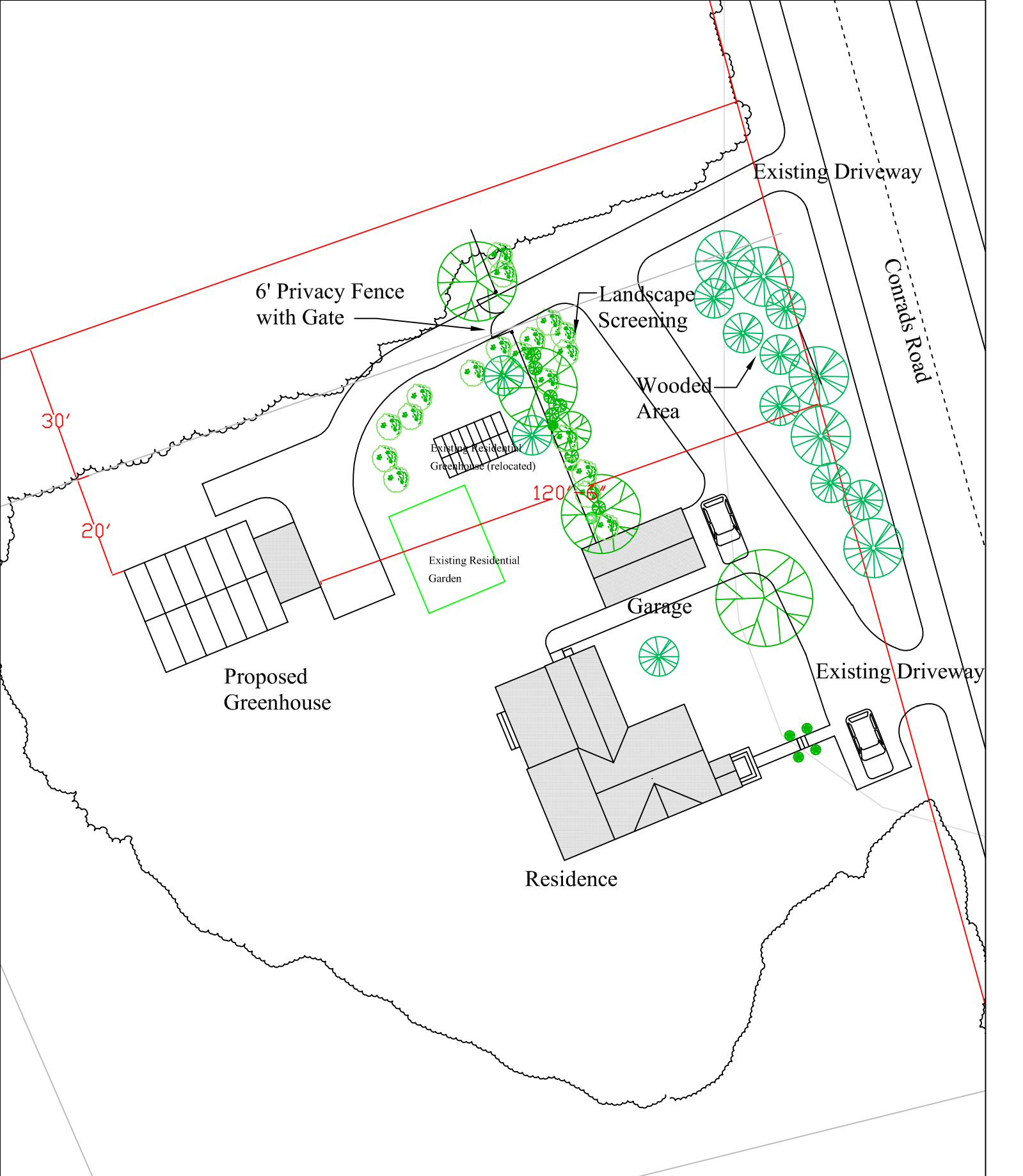
Owner:

Fernwood owner Iain Jack has post secondary training in the field of commercial greenhouse production, and has worked in various areas of the horticulture industry, including garden centre operations and management. Based on positive visits to several small-scale fern-focused nurseries in the US, he registered Fernwood Plant Nursery in 2009. Production at Fernwood began in 2010 with first sales in 2012. To our knowledge, Fernwood is the only specialty nursery in Canada dedicated to spore production of ferns.

Motivation For this Development Agreement Proposal:

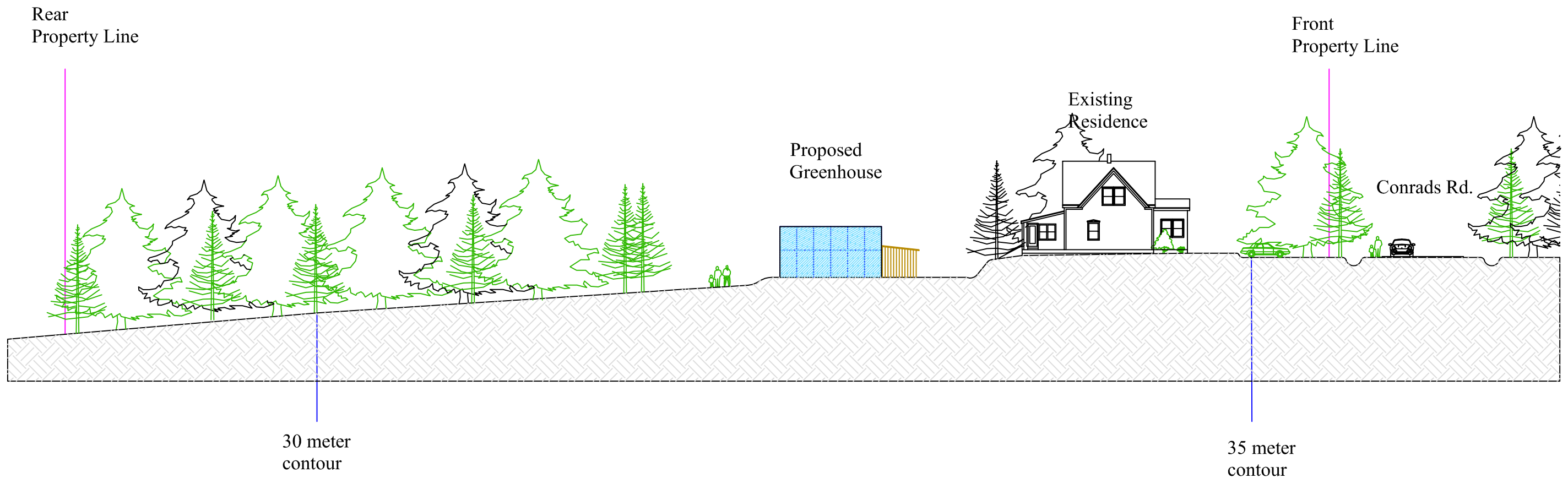
Several things have influenced the current need for a larger growing structure on this site:

- 1) Product interest and demand has increased need for production space. A very limited number of plants can currently be grown in the indoor space available, affecting selection and volume offered, and the viability of the nursery.
- 2) The early start of the spring perennial season requires plants be sale-ready by the end of April/beginning of May. This is only possible if forcing of a spring crop in a heated greenhouse can begin by late March including: 1) lab-grown plugs newly potted into 4" pots, and 2) 4" potted plants being overwintered in cold dormancy. From December until March the greenhouse will be kept at freezing to protect overwintering crop.
- 3) Like other agricultural activities involving live products, constant surveillance of temperature and water regimes is required to maintain health and quality. Therefore, like many other agricultural activities, this requires the farmer/grower to live on or next to their business to respond to weather extremes or the interruption of utility services by power outage.



<p>G.V.Young CSLA 2014</p>	<p>215 Conrads Rd. Landscape Plan</p>	<p>Dwg No. L2</p> <p>Scale: N.T.S.</p>	
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G.V.Young CSLA 2014	215 Conrad Rd. Section (through new greenhouse)	Dwg No. S-1	
		Scale: N.T.S.	