

**Item No. 1**  
**Halifax Regional Council**  
**March 9, 2010**

**TO:** Mayor Kelly and Members of Halifax Regional Council

**SUBMITTED BY:**   
Austin French, Acting Director of Community Development

**DATE:** February 11, 2010

**SUBJECT:** Case 01116 - 40 Sandy Lake Road and Fraternal Centres

**INFORMATION REPORT**

**ORIGIN**

- January 16, 2008 motion of Marine Drive, Valley & Canal Community Council:  
*Moved by Councillor Snow, seconded by Councillor Streach that staff initiate a planning process to allow Lions Club and other non profit fraternal centers to operate in the planning area - Beaverbank, Hammonds Plains, Sackville and to have staff look at the region and determine if this process should include the entire region. MOTION PUT AND PASSED.*
- April 29, 2008 Staff Report
- June 10, 2008 motion of Marine Drive, Valley & Canal Community Council:  
*MOVED BY Councillor Snow, seconded by Councillor Hendsbee that Marine Drive, Valley and Canal Community Council direct staff to proceed with an initiation report to Regional Council to consider amendments to the Beaver Bank, Hammonds Plains and Upper Sackville Municipal Planning Strategy and Land Use By-law to enable a fraternal centre at 40 Sandy Lake Rd, Beaver Bank. MOTION PUT AND PASSED*
- July 8, 2008 motion of Regional Council:  
*MOVED BY Councillor Snow, seconded by Councillor McCluskey that Halifax Regional Council:*
  - 1. Initiate a process to amend the Beaver Bank, Hammonds Plains and Upper Sackville Municipal Planning Strategy and Land Use By-law to enable the consideration of a fraternal centre at 40 Sandy Lake Road, Beaver Bank, and reconsider the definition of fraternal centres; and*
  - 2. Request that Staff follow the public participation program approved by Council in February 1997.*

## **BACKGROUND**

On July 8, 2008 Regional Council initiated a planning process to amend the Beaver Bank, Hammonds Plains and Upper Sackville Municipal Planning Strategy (MPS) and Land Use By-law (LUB) to enable the consideration of a fraternal centre at 40 Sandy Lake Road, Beaver Bank, and reconsider the definition of fraternal centre.

## **DISCUSSION**

### Definition of Fraternal Centre:

The Beaver Bank, Hammonds Plains and Upper Sackville Land Use By-law defines fraternal centres as follows:

*“means any lot or building operated by members of a fraternal organization and, without limiting the generality of the foregoing, may include such establishments as a Legion, Lion's Club, Knights of Columbus or Kiwanis.”*

Fraternal centres are currently only permitted under the Highway Commercial (C-4) Zone in the Beaver Bank, Hammonds Plains and Upper Sackville Plan Area. Fraternal centres are limited to this zone as they are perceived to have the same impact as a commercial club. The intent of the MPS is to limit fraternal centres due to the potential impact of the commercial club aspects of their operation.

In response to the MDVCCC motion of January 16, 2008 a staff report dated April 29, 2008 was prepared which stated that the definition of "fraternal centres" was based on ownership, not use. Therefore, any function or property operated by a fraternal organization is considered to be a fraternal centre regardless of the particular land use. Staff have since reconsidered this position and now believe that interpretation is incorrect.

It is the position of staff that a fraternal organization may operate any land use on a property provided the land use is permitted within the applied zone. For example, if a fraternal organization wished to develop a picnic park they may do so where a picnic park is permitted in the applied zone. However, if a fraternal organization wanted to operate a commercial club (Legion), this land use is considered to be a “fraternal centre” and is only permitted in the C-4 zone.

In summary, staff feel it is not necessary to amend the definition of “fraternal centre” as the present definition provides the direction prescribed in the MPS.

### 40 Sandy Lake Road

Prior to Council’s motion, HRM received a written request from a fraternal centre expressing their desire to establish a picnic park and meeting hall at 40 Sandy Lake Road, Beaver Bank on a Mixed Use 1 (MU-1) zoned property (Map 1). A picnic park is a permitted use in the MU-1 zone, however,

the meeting hall is not a permitted use and is considered to be a “fraternal centre”. Under current policy, 40 Sandy Lake Road would have to be rezoned to Highway Commercial (C-4) to permit a “fraternal centre”. Policy P-24 of the MPS provides the conditions under which Council can consider rezoning to the C-4 Zone (Attachment B). Under this policy, a property must have direct access to a collector highway. Sandy Lake Road is classified as a local road and as such, is not eligible for consideration. Consequently, Regional Council initiated a plan amendment process to consider a fraternal centre at 40 Sandy Lake Road.

Over the past year, staff and the area Councillor have made several attempts to contact and work with the owners of 40 Sandy Lake Road to obtain information on the proposed development of the site in order to evaluate the request. Specifically, a description of the development, a site plan and a traffic impact statement. To date, staff have not been successful in obtaining this information and, therefore, have been unable to evaluate the request. Consequently, the file has been closed.

If the owners of 40 Sandy Lake Road wish to pursue the development at a later date, then an application for a plan amendment can be submitted at that time.

### **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, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

### **ATTACHMENTS**

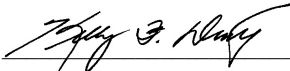
Map 1:	Location Map
Attachment A:	Relevant Policies from the Beaver Bank, Hammonds Plains and Upper Sackville Municipal Planning Strategy

Available Upon Request:

Staff Report dated April 29, 2008 for Case 01116 - Amendments to the MPS for Beaver Bank, Hammonds Plains and Upper Sackville - Fraternal Centres

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.

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Report Approved by:                   
Kelly Denty, Acting Manager, Planning Services, 490-6011



Map 1



Subject Property



**HALIFAX**  
REGIONAL MUNICIPALITY  
Planning Services

**Attachment A**  
**Relevant Policies from the**  
**Beaver Bank, Hammonds Plains and Upper Sackville**  
**Municipal Planning Strategy**

Community halls and centres are considered as community facilities and shall be encouraged. Fraternal centres, however, are considered to resemble more closely a commercial club than do traditional community centres located throughout the Plan Area. Such uses are more likely to have longer and more regular hours of operation as well as a regular clientele and will be considered through an amendment to the land use by-law to a C-4(Highway Commercial) Zone (P-24).

- P-24 Notwithstanding the provisions of Policy P-8, it shall be the intention of Council to establish a C-4(Highway Commercial) Zone in the land use by-law which will permit commercial uses to a maximum of ten thousand (10,000) square feet and shall include those more intensive uses which involve outdoor storage and display. Controls on outdoor storage and display as well as parking and loading areas will address compatibility concerns with adjacent development. In addition, special access requirements shall be established for service stations. This zone shall be applied to existing uses permitted within the highway commercial zone. When considering amendments to the schedules of the land use by-law to permit new highway commercial uses within the Mixed Use A and B Designations, Council shall have regard to the following:
- (a) preference for a location adjacent to or in close proximity to other commercial uses;
  - (b) the potential for adversely affecting adjacent residential and community facility uses;
  - (c) an evaluation of the impact which the site design and operational characteristics of the proposed use shall have on the surrounding community;
  - (d) that the use has direct access to a collector highway as shown on Map 2 - Transportation;
  - (e) the impact of the commercial use on traffic circulation and in particular sighting distances and entrance to and exit from the site;
  - (f) that no rezoning from a R-1(Single Unit Dwelling) Zone (Policy P-34) or R-6(Rural Residential) Zone (Policy P-13) to a highway commercial zone shall be considered; and
  - (g) the provisions of Policy P-137.