

## FINAL STAFF REPORT

<b>Prepared For:</b>	Town Council
<b>Submitted by:</b>	Jason Fox, Director of Planning & Development
<b>Date:</b>	September 28, 2017
<b>Subject:</b>	Municipal Planning Strategy and Land Use By-law Amendments to establish the Neighbourhood Institutional (P4) Zone and apply it to several institutional uses located in established residential neighbourhoods.

### Recommendation

**That Council approve amendments to the Municipal Planning Strategy and Land Use By-law as presented in this report that will establish the Neighbourhood Institutional (P4) Zone and apply it to several institutional uses located in established residential neighbourhoods.**

### Background

There are currently eleven churches within the Town of Truro that are located in established low density residential neighbourhoods. For the most part, these churches have been operating in their current locations for several years and they coexist with the surrounding residential uses with very little land use conflict. These churches are mostly zoned Institutional (P3). The P3 Zone, which lists *places of worship* as a permitted use, was applied to these churches to recognize the existing use of these lands and to ensure their ongoing operation is permitted by their zoning.

In addition to churches, the P3 Zone also permits far more intensive uses such as correctional facilities, hospitals, nursing homes, government, and emergency services. These uses pose a much greater risk of creating land use conflicts with neighbouring residential uses. A recent application by the Truro Alliance Church to rezone their existing building on Philip Street from the General Residential (R3) to the P3 Zone has highlighted an issue with the Town's approach of applying the P3 Zone to churches located in established residential neighbourhoods. Like many of the smaller churches in Town, the church on Philip Street is situated very close to neighbouring residential uses. As long as the church continues to operate, this arrangement may not cause a land use conflict. If the church relocates, however, the former church property is then able to be reused or redeveloped as any of the broad range of institutional uses permitted in the P3 Zone. Understandably, there was some concern among residents in the Philip Street neighbourhood about the potential reuse of the Truro Alliance Church.

In addition to concerns about potentially incompatible P3 Zone uses, residents of the Philip Street neighbourhood also expressed a concern that the existing P3 Zone does not permit residential uses. Area residents noted that having the church property redeveloped as a residential use would be ideal. This outcome, however, is precluded by the existing P3 Zone.

The broad range of institutional uses permitted in the P3 Zone and the potential for land use conflicts with surrounding residential uses suggests that the P3 Zone is not well suited for churches located in established residential areas. Also, the P3 Zone's restriction on residential uses unnecessarily limits opportunities for reuse and redevelopment of these church properties. To address these issues, Planning Staff have drafted the Neighbourhood Institutional (P4) Zone. This zone is intended to respond more to the unique challenges and redevelopment opportunities posed by churches located in established residential neighbourhoods.

The proposed amendments to create the new Neighbourhood Institutional (P4) Zone were presented to the Town's Planning Advisory Committee (PAC) on May 8, 2017. At that meeting, PAC heard from a number of residents in the Philip Street area who expressed concern about the proposed P4 Zone and the broad range of institutional uses that it would permit. In light of the residents' concerns, PAC members deferred making a decision and requested that Planning Staff report back to the Committee at a later date after investigating how other Nova Scotian municipalities regulate institutional uses. PAC also requested that all property owners included in the new P4 Zone be notified of the proposed amendments and invited to participate in the amendment process.

On June 26, 2017, Planning Staff presented a supplemental report to PAC that included a review of how other communities regulate institutional uses. Prior to that meeting, Planning Staff also mailed out notification to the 14 property owners affected by the proposed P4 Zone. At the June meeting, PAC members agreed with a request from residents of the Philip Street neighbourhood that "societies" should be regulated like "health care" or "homes for special care" and only be permitted in the P4 Zone through a development agreement process.

## Proposed Amendments

Staff are proposing amendments to the Municipal Planning Strategy (MPS) that will introduce policy support for the creation of the Neighbourhood Institutional (P4) Zone. This new zone will allow for a limited range of institutional and residential uses that are unlikely to generate land use conflicts with surrounding low density residential uses. The draft amendments also include policies allowing for more intensive institutional and residential uses by development agreement. Staff are also proposing amendments to the Land Use By-law (LUB) that will establish the proposed P4 Zone along with a list of permitted uses and zone requirements. LUB amendments will include changes to the Zoning Map to have several properties rezoned to the new P4 Zone. A complete list of MPS amendments are attached to this report at Appendix A while a complete list of LUB amendments, including zoning map changes, are attached to this report as Appendices B and C respectively.

## Analysis

Amendments to the Municipal Planning Strategy (MPS) are generally only considered by Council when it can be demonstrated to Council's satisfaction that the current planning policies need to be reevaluated. MPS Policy IM-8 states that it shall be a policy of Council to only consider amendments to the MPS when: there is an apparent need to change policy due to changing circumstances; additional information is identified or studies have been undertaken which identify the need for an amendment to the strategy; or a Provincial Policy change requires a change in policy by the Town. In this instance, it has come to the attention of Planning Staff that the current Institutional (P3) Zone does not adequately address potential compatibility issues between institutional uses and neighbouring residential uses. This is particularly true where these institutional uses are situated in established residential neighbourhoods and in situations where these lands are to be redeveloped. The P3 Zone also precludes the possibility that these institutional uses may be redeveloped or reused as residential uses. By restricting residential uses, the existing P3 Zone fails to respond to market pressures that would see these institutional uses redeveloped as housing. This new information and changing circumstances warrants Council's consideration of a MPS amendment to redesignate these lands General Residential in accordance with Policy IM-8.

The proposed Neighbourhood Institutional (P4) Zone is to be applied to institutional uses located in established residential areas that are designated as Residential on the Town's Future Land Use Map. Given that the long term expectation is that these lands will remain places of worship or be redeveloped as residential, it is the intent of the P4 Zone to accommodate their current use but also provide for the reuse and redevelopment of these lands as residential. The P4 Zone will also permit these lands to be redeveloped as less intensive institutional uses that are unlikely to generate land use issues with surrounding homes. The proposed P4 Zone, therefore, permits a range of low density residential uses and less intensive institutional uses as-of-right (i.e. without any special conditions or planning application required). The proposed P4 Zone will also accommodate a variety of more intensive reuse and redevelopment proposals by development agreement. This would include multiple unit residential proposals and institutional uses that have a higher potential for generating land use conflicts with neighbouring residential uses such as health care uses (medical centres), societies, governmental uses, or residential care facilities (nursing homes).

## Public Participation

The Planning Advisory Committee (PAC) and Council typically deal with planning applications that involve a specific development proposal on a specific property. For these applications it is appropriate, and required by policy, that area property owners are notified and that a sign be posted on the subject property. The proposed amendments to create the new Neighbourhood Institutional (P4) Zone involve 22 properties with 14 different property owners and there is no specific development proposal. Planning Staff have not, therefore, processed this amendment as a typical site specific application. Affected property owners were notified, but signs were not posted on each property and residents in the vicinity of each property were not notified. Instead, Staff have followed the standard public participation process for MPS amendments as set out in the Municipal Government Act (MGA). The MGA requires that PAC hold an advertised public information meeting to present the proposed amendments. This public information meeting was held on May 8<sup>th</sup>, 2017. The MGA also requires that Council hold an advertised public hearing. This hearing has been scheduled and advertised for October 2<sup>nd</sup>, 2017 at 7:00 pm. An evening hearing was scheduled at the request of PAC in light of the amount of public interest in the proposed amendments.

## Conclusion

Planning Staff have completed a review of the proposed amendments and conclude that the creation of a new zone, the Neighbourhood Institutional (P4) Zone, is consistent with the overall intent of the Town's development policies. This new zone will also address potential land use conflicts that are likely to arise from the redevelopment and reuse of institutional uses that are situated in low density residential areas throughout Truro. Staff are, therefore, recommending approval of the proposed amendments.

Respectfully Submitted

Jason H. Fox, MCIP, LPP  
Director of Planning & Development

## Appendix A

### Proposed Municipal Planning Strategy Amendments

It was moved by Councillor \_\_\_\_\_, and seconded by Councillor \_\_\_\_\_, to approve the following amendments to the *Municipal Planning Strategy*.

1. Amend Policy I-6 by deleting the text shown stricken so that the Policy reads as follows:

#### **Policy I-6**

It shall be a policy of Council to establish the Institutional (P3) Zone and apply it to lands within the Institutional Designation ~~and all large institutional uses~~ outside of the Downtown Commercial Designation. The P3 Zone will permit a range of institutional uses such as education, health care, corrections, religious, and government. The P3 Zone will also permit commercial and other uses clearly accessory to the principal use.

2. Amend Section 7.4 by deleting Section 7.4.2 entitled *Institutional Uses in Residential Zones* in its entirety.
3. Amend Section 7.4 by deleting Policy I-11 in its entirety.
4. Amend Section 7.4 by inserting a new subsection 7.4.2 entitled *Neighbourhood Institutional (P4) Zone* that reads as follows.

#### **7.4.2 Neighbourhood Institutional (P4) Zone**

The Neighbourhood Institutional (P4) Zone is intended to be applied to existing institutional uses that currently exist in established residential areas. The P4 Zone will permit a range of institutional uses which are compatible with neighbouring residential uses. More intensive institutional uses such as correctional facilities, hospitals, long-term care facilities, and emergency services may be incompatible with established low density residential neighbourhoods and these uses will not be permitted in the P4 Zone or will be permitted only by development agreement.

Council also wants to permit lands within the Neighbourhood Institutional (P4) Zone to be reused or redeveloped as residential, thereby allowing these lands to integrate with the surrounding established neighbourhood. The P4 Zone, therefore, will also permit a range of residential uses including a provision allowing multiple unit residential development proposals by development agreement.

5. Amend Section 7.4 by inserting the following new policies I-11 to I-14 in the new subsection 7.4.2 after the preamble .

#### **Policy I-11**

It shall be a policy of Council to establish the Neighbourhood Institutional (P4) Zone and apply it to existing institutional uses that currently exist in established residential neighbourhoods.

#### **Policy I-12**

It shall be a policy of Council to permit low intensity institutional uses such as places of worship, commercial schools, community centres, day care centres and office and professional uses in the Neighbourhood Institutional (P4) Zone.

**Policy I-13**

It shall be a policy of Council to permit a range of low density residential uses in the Neighbourhood Institutional (P4) Zone.

**Policy I-14**

It shall be a policy of Council to establish minimum lot sizes, frontage requirements, setback requirements, and height restrictions for the Neighbourhood Institutional (P4) Zone in order to maintain the traditional residential character of the surrounding neighbourhood.

6. Amend Section 7.4 by inserting a new subsection 7.4.3 entitled *Rezoning to the Neighbourhood Institutional (P4) Zone* which reads as follows:

**7.4.3 Rezoning to the Neighbourhood Institutional (P4) Zone**

It is Council's intention to allow new low intensity institutional uses within established residential areas in the General Residential Designation provided appropriate consideration is given to how the proposed use will fit into the surrounding neighbourhood. In some cases, a limited range of more intensive institutional uses may be considered but, in addition to a rezoning, will require a concurrent development agreement application.

7. Amend Section 7.4 by inserting the following new policies I-15 to I-16 in the new subsection 7.4.3 after the preamble.

**Policy I-15**

It shall be a policy of Council to permit lands within all land use designations to rezone to the Neighbourhood Institutional (P4) Zone with the exception of lands within the Limited Residential and Downtown Residential Designations.

**Policy I-16**

When considering applications to rezone lands to the Neighbourhood Institutional (P4) Zone in accordance with Policy I-14, it shall be a policy of Council to:

- a) require that the proposal be reviewed using the evaluative criteria for rezonings as outlined in Part 11: Implementation of this Strategy; and
- b) require that the applicant submit a detailed site plan drawn to scale that identifies the location of any parking, landscaping, lighting, and signage.

8. Amend Section 7.4 by inserting a new subsection 7.4.4 entitled *Intensive Uses in the Neighbourhood Institutional (P4) Zone* which reads as follows:

**7.4.4 Intensive Uses in the Neighbourhood Institutional (P4) Zone**

Where the potential for land use conflicts with surrounding residential uses is low, it is the intent of Council to have the option of considering a limited range of more intensive institutional uses by development agreement. In some cases this may include a concurrent rezoning to the Institutional (P4) Zone.

Council also wants to permit lands within the Neighbourhood Institutional (P4) Zone to be reused or redeveloped as residential, thereby allowing these lands to become part of the surrounding established neighbourhood. Accordingly, Council may consider multiple unit residential development proposals by development agreement in the P4 Zone.

9. Amend Section 7.4 by inserting the following new policies I-17 to I-18 in the new subsection 7.4.4 after the preamble.

**Policy I-17**

It shall be a policy of Council to permit a limited range of more intensive institutional uses and Multiple Unit Residential proposals by development agreement in the Neighbourhood Institutional (P4) Zone.

**Policy I-18**

When considering development agreement applications pursuant to Policy I-17, it shall be a policy of Council to require the following:

- a) that the proposal be reviewed using the evaluative criteria for development agreements as outlined in Part 11: Implementation of this Strategy;
- b) that the proposal be compatible with adjacent uses in terms of height, bulk, scale, and lot coverage;
- c) that the proposal be compatible with adjacent uses in terms of architectural design, including roof pitch, roof type, materials, and fenestration;
- d) that the proposal does not detract from an established or developing streetscape by significantly varying from the typical height and setback of abutting structures or by having a building that is oriented away from the street; and
- e) that the parking area be suitably landscaped or fenced and situated where it will not be readily visible from neighbouring properties and the public right-of-way.

10. Amend existing Policy I-12 by renumbering it Policy I-19 and deleting the text shown stricken as so that it reads as follows:

**Policy I-19**

It shall be a policy of Council to consider ~~and permit~~ institutional uses in the Single Unit Residential (R1), Two Unit Residential (R2), Mixed Use Residential (R6), and Heritage Residential (R7) Zones by development agreement only.

11. Amend Section 7.4 by: renumbering existing subsection 7.4.3 to subsection 7.4.5; renumbering existing Policy I-13 to Policy I-20; renumbering existing subsection 7.4.4 to 7.4.6; renumbering existing Policy I-14 to Policy I-21; and renumbering existing Policy I-15 to Policy I-22 .

## Appendix B

### Proposed Land Use By-law Amendments

It was moved by Councillor \_\_\_\_\_, and seconded by Councillor \_\_\_\_\_, to approve the following amendments to the *Land Use By-law*.

1. Amend Section 2.2 Zone Symbols by adding 'Neighbourhood Institutional (P4) Zone' to the table listing the zones on the *Land Use By-law* Zoning Map.
2. Amend subsection 4.1.38 by adding the following new clauses after clause (u):
  - v) Institutional (P3) Zone uses not included in the list of permitted uses in the Neighbourhood Institutional (P4) set out in Tables 8.7 and 8.8, excluding Correctional Facilities and Emergency Services, in accordance with Policy I-17 of the Municipal Planning Strategy.
  - w) Multiple Unit Dwellings (three or more units) in accordance with Municipal Planning Strategy Policies R-37 and I-17; and
  - x) Townhouses in accordance with Municipal Planning Strategy Policies R-37 and I-17.
3. Amend Section 4.3 Signage by adding 'Neighbourhood Institutional (P4) Zone' to the third row in Table 4.9 Facial Wall Signs.
4. Amend Section 4.3 Signage by adding 'Neighbourhood Institutional (P4) Zone' to the third row in Table 4.10 Projecting Wall Signs.
5. Amend Section 4.3 Signage by adding 'Neighbourhood Institutional (P4) Zone' to the fourth row in Table 4.11 Ground Signs.
6. Amend Section 4.3 Signage by adding 'Neighbourhood Institutional (P4) Zone' to Table 4.13 Awning Signs.
7. Amend Section 4.3 Signage by adding 'Neighbourhood Institutional (P4) Zone' to the second row in Table 4.14 Temporary Signs.
8. Amend Section 4.5 Stormwater Management by adding a new row to Table 4.16 Maximum Impermeable Surface Area By Zone under Public Use Zones which reads as follows:

Neighbourhood Institutional (P4) Zone	50 percent
---------------------------------------	------------

9. Amend the Permitted Uses Table in Part 8: Public Use Zones by adding symbols for the Neighbourhood Institutional (P4) Zone so that the table reads as follows:

### Public Use Zones

<b>P1</b>	Parks and Open Space	<b>P3</b>	Institutional
<b>P2</b>	Commercial Recreation	<b>P4</b>	Neighbourhood Institutional

### Permitted Uses Table<sup>1</sup>

Use	Zones Permitted	Development Agreement Only
Amusement Parks	<b>P2</b>	
Campgrounds	<b>P2</b>	
Cemeteries	<b>P1</b>	
Community Centres	<b>P3</b> <b>P4</b>	

Community Gardens	P1 P4	
Community Homes	P3 P4	
Correctional Facilities	P3	
Cultural Facilities	P1	
Day Care Centres	P3 P4	
Educational	P3 P4	
Emergency Service	P3	
Entertainment Parks	P2	
Golf Courses	P2	
Governmental	P3	P4
Health Care	P3	P4
Homes for Special Care	P3	P4
Memorial Parks	P1	
Multiple Unit Residential		P4
Municipal Campgrounds	P1	
Parks	P1 P2	
Office and Professional Uses	P4	
Picnic Parks	P1	
Places of Worship	P3 P4	
Playgrounds	P1 P2 P3 P4	
Recreational Facilities	P1 P2 P3	P4
Residential Care Facilities	P3	P4
Single Detached Dwellings	P4	
Societies	P3	P4
Sports Fields and Courts	P1 P2 P3 P4	
Stadia and Auditoria	P2	
Two Unit Dwellings	P4	
Walkways and Trails	P1 P3 P4	
Wilderness Education	P1	

1. This permitted uses table is intended to provide a general list of permitted uses in each zone. This table is provided for convenience only and reference should be made to the section and policies corresponding to each zone for a complete list of permitted uses, uses permitted only by development agreement, and uses that are subject to special requirements.

10. Amend the Part 8: Public Use Zones by adding a new Section 8.4 Neighbourhood Institutional (P4) Zone which reads as follows:

## 8.4 Neighbourhood Institutional (P4) Zone

### 8.4.1 Permitted Uses

Table 8.7 lists uses that are permitted in the Neighbourhood Institutional (P4) Zone subject to all applicable requirements of this By-law.

### 8.4.2 Uses Permitted with Special Conditions

Table 8.8 lists uses that are permitted in the Neighbourhood Institutional (P4) Zone that are, in addition to all other applicable requirements of this By-law, subject to special requirements set out in this Section.

**Table 8.7: P4 Zone Permitted Uses**

Community Centres	Places of Worship
Community Gardens	Playgrounds
Commercial School	Single Detached Dwellings
Day Care Centres	Sports Fields and Courts
Educational	Two-unit Dwellings
Office & Professional Uses	Walkways and Trails

**Table 8.8: P4 Zone Conditional Uses**

Community Homes

### 8.4.3 Zone Requirements

The following requirements apply to the Neighbourhood Institutional (P4) Zone:

**Table 8.9: P4 Zone Requirements**

Minimum Lot Area	500 m <sup>2</sup>	5,382 ft <sup>2</sup>
Minimum Lot Frontage	15.25 m	50 ft
Minimum Front Yard	6.0 m	20 ft
Minimum Rear Yard	7.5 m	25 ft
Minimum Side Yard	3.5 m	12 ft
Minimum Flanking Yard	6.0 m	20 ft
Maximum Building Height	11 m	36 ft
Maximum Impermeable Surface Area	50 percent	

### 8.4.3 Uses Permitted only by Development Agreement

The following uses may be considered only by development agreement in the Neighbourhood Institutional (P4) Zone

- Institutional (P3) Zone uses not included the list of permitted uses in the Neighbourhood Institutional (P4) set out in Tables 8.7 and 8.8, excluding Correctional Facilities and Emergency Services, in accordance with Policy I-17 of the Municipal Planning Strategy.
- Multiple Unit Dwellings (three or more units) in accordance with Municipal Planning Strategy Policies R-37 and I-17; and
- Townhouses in accordance with Municipal Planning Strategy Policies R-37 and I-17

### 8.4.4 Community Homes

A development permit may be issued for a community home in the Neighbourhood Institutional (P4) Zone subject to the following requirements:

- the community home is located at least 250 m (820 ft) from any other community home or residential care facility;

- b) there is a minimum of 150 m<sup>2</sup> (1615 ft<sup>2</sup>) or 18 m<sup>2</sup> (194 ft<sup>2</sup>) per resident, whichever is greater, of outdoor amenity space in the rear or side yard of the community home;
- c) there shall be 18 m<sup>2</sup> (194 ft<sup>2</sup>) of floor area per resident including staff and/or receiving family;
- d) the entire structure shall be occupied by the community home; and
- e) a dwelling unit operated in conjunction with and accessory to the community home may be permitted within the same structure as the community home where:
  - i) the accessory dwelling unit is operated in conjunction with the community home; and
  - ii) the accessory dwelling unit contains no more than two bedrooms.

11. Amend the *Land Use By-law Zoning Map* by rezoning the following properties Neighbourhood Institutional (P4):

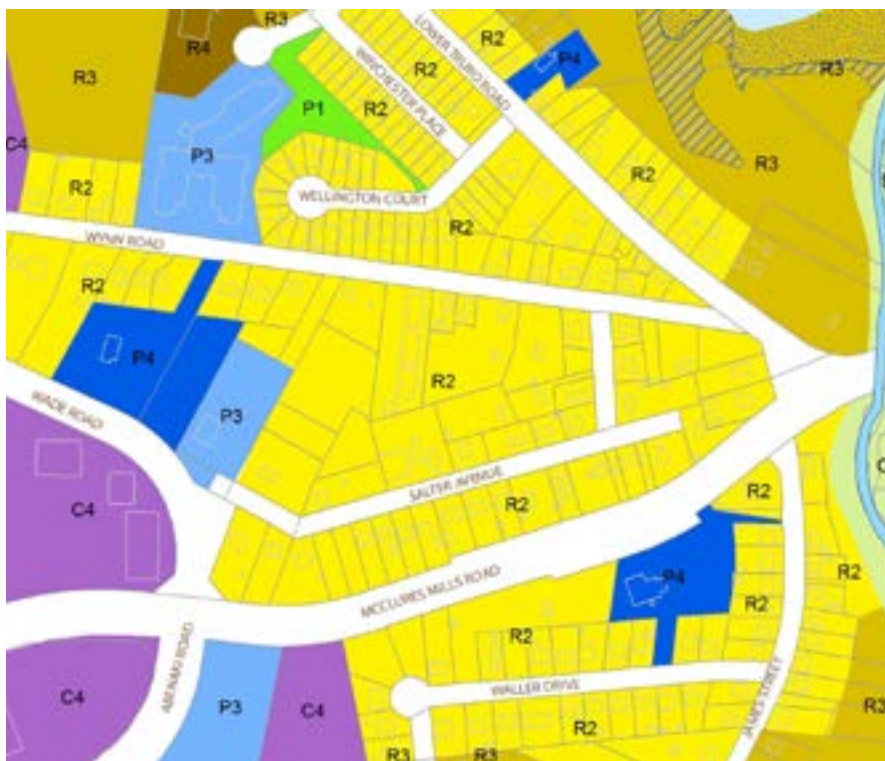
- a) PID No. 20144325 located at 5 Elm Street;
- b) PID No. 20162160 located at 55 King Street
- c) PID No. 20181798 located at 38 Pleasant Street
- d) PID No. 20361176 located at 195 Wade Road
- e) PID No. 20361168 located at 32 Wynn Road
- f) PID No. 20240289 located at 183 Waller Drive
- g) PID No. 20243200 located at 387 Lower Truro Road
- h) PID No. 20147310 located at 37 Philip Street
- i) PID No. 20147328 located at 29 Philip Street
- j) PID No. 20175444 located at 60 Edgewood Drive
- k) PID No. 20175436 located south of 60 Edgewood Drive
- l) PID No. 20175295 located at 295 Glenwood Drive
- m) PID No. 20303137 located at 379 Prince Street
- n) PID No. 20145702 located at 373 Prince Street
- o) PID No. 20165619 located at 20 Curtis Drive
- p) PID No. 20165601 located at 20 Curtis Drive
- q) PID No. 20165668 located at 17 Manor Drive
- r) PID No. 20165593 located at 28 Curtis Drive
- s) PID No. 20165585 located at 34 Curtis Drive
- t) PID No. 20165577 located at 38 Curtis Drive
- u) PID No. 20165569 located south of 38 Curtis Drive
- v) PID No. 20186144 located at 250 Brunswick Street

## Appendix C

### Proposed Zoning Map Amendments



Excerpt from the Town's Existing Zoning Map



Excerpt from the Town's Proposed Zoning Map



Excerpt from the Town's Existing Zoning Map



Excerpt from the Town's Proposed Zoning Map



Excerpt from the Town's Existing Zoning Map



Excerpt from the Town's Proposed Zoning Map



Excerpt from the Town's Existing Zoning Map



Excerpt from the Town's Proposed Zoning Map

