

It was moved by Councillor McInroy, seconded by Councillor Mont:

"THAT approval be recommended for a capital loan to a sum of \$1.5 million for the purpose of construction of the fire station; and that staff be authorized to purchase the subject site for the Westphal/Cole Harbour and District Fire Station."

Councillor Mont stated that this project will be paid for entirely by the community through the area rate levied by the Cole Harbour/Westphal Service Commission. This has been reviewed by Gary Smith, Financial Controller, and he is confident that the community is in a position to repay this as they have done with all other loans. The Department of Engineering and Works and Mr. Meech have been involved in this project from the beginning and have been part of the negotiations for the land subject to Council's approval. It has received approval from the staff level.

Councillor Lichter stated that he does not have any objection to the recommendation, but such recommendations usually specify a time period, an interest clause, and the right to levy an area rate. He felt these specifications should be incorporated into the motion. He then commented on a legal stand in this situation should the County decide to break up. Warden MacKenzie felt it would be a commitment that the area annexing or incorporating would be responsible for. Mr. Cragg stated that the Municipal Board in determining any such application in the future is able to adjust assets, liabilities, debts, obligations, etc. Adjustments have been made in the past and can be made in the future. Mr. Cragg agreed with Councillor Lichter that the specifications he outlined should be included in the motion. Councillor Mont stated it would be his intent in the motion to include the annual principal and interest payments relating to the loan would be recovered Westphal/Cole Harbour area through the levying of an area rate on the community with the intention that the rate will be levied by the Service Commission, and if the Service Commission does not levy the rate, this Council will do so. He added that it is the Service Commission's intention to levy the rate as they run fire protection in Westphal/Cole Harbour, and the matter would be done in the same manner as when the money was borrowed originally to build Scotia Stadium.

Councillor DeRoche commented that the Cole Harbour/Westphal Service Commission is a legally constituted body, whereby it sets its own budget, although it does have to resort to Council for setting the area rate to realize the dollars to meet the budget. He clarified a difference between this project and the Scotia Stadium project. Councillor DeRoche further stated that included in this would be that upon completion of the project, the present lands and buildings would be turned over to the Municipality for disposal with the funds realized from that disposal being credited against this project. Ownership of the land would be held in the name of the Municipality as a security with respect to payment of the bonds. He expressed a difficulty in a bond issuance which would lock the residents into a time frame.

MOTION CARRIED.

METROPOLITAN AUTHORITY REPORT

Councillor McInroy advised that a copy of the report had been circulated to Council. He stated that Halifax County and the City of Dartmouth approved of the four recommendations for proposed amendments to the Metropolitan Authority Act. The matter was delayed for a considerable period of time while the City of Halifax decided what they would like to do, and they finally decided to approve three of the four. At the Metropolitan Authority meeting a motion passed that the three proposed amendments be submitted to the Province for legislative action. He advised that representatives from Halifax County voted against this motion because they felt the courage of the convictions should be sent to the Province, and the final decision could be theirs.

Councillor McInroy concluded that the remainder of the report is self-explanatory.

It was moved by Councillor McInroy, seconded by Councillor MacDonald:

"THAT the Metropolitan Authority report be approved as presented."

Councillor Deveaux commented on Transit Cost Sharing, page 2 of the report. He felt when the system is changed and if anybody is going to be paying more, the City of Halifax would be benefitting. Councillor McInroy responded that Halifax County and Town of Bedford costs would increase substantially under the new formula. The purpose of his request to have this implemented over a three year period was to phase in the increased costs and to monitor any improvements or deterioration in service. The County will not want to contribute a significant increase in funding without any assurances that the level of service is going to be improved. He felt if this is implemented over three years, whoever is responsible will be accountable with respect to improving service and increasing routes in the Municipality, etc.

Councillor Eisenhower asked if anybody has seen the impact of the equalized assessment and the credit of each municipal per capital allowance offsetting the deficit. Councillor McInroy did not recall that this has been applied to the deficit at the Metropolitan Authority. Councillor Eisenhower suggested that Halifax County insist on seeing the equalized assessment, and that it be attributed to each municipal deficit. He felt this would work out fair for all concerned.

Warden MacKenzie stated that he did not support the recommendations before members of the Authority because the fourth recommendation was not included. However, the majority carries, and it was the majority vote of members to ask the Minister of Municipal Affairs to present the legislation covering those three items but not to cover the fourth. Warden MacKenzie further advised that he had been approached by the Executive Director of the Metropolitan Authority to sign a form in support of the three recommendations, and he would not sign it because he was not supportive of it at the meeting. He felt he should not support a document for something he did not believe in. He advised he

would be prepared to sign it if there was some manner in which it can be added to the legislation that there will be enabling legislation for the County to go with a line department of Metro Transit within the next five or six weeks. He confirmed that he is not supportive of the legislation if it means waiting another year for provincial legislation to have Transit "on line".

Councillor McInroy felt that the four proposed amendments should have been sent to the province, and if the Minister of Municipal Affairs opted to run with three or have all amendments made but only proclaim three subject to the fourth one being proclaimed at a future date, it would have been satisfactory.

Councillor MacDonald stated that another reason why representatives of Halifax County did not vote in favour was because of the reasons the City of Halifax gave for not approving of putting the Metropolitan Transit Commission on line. The reasons did not appear to be legitimate.

MOTION CARRIED.

AGENDA ITEMS

Former County-Owned Lands - Councillor P. Baker

Councillor P. Baker advised that he had read articles in the newspaper with regard to the City of Halifax putting a 250+ acre golf course on lands annexed for industrial purposes. He stated that residents of his district do not want to play golf. He also advised of a small portion of land at the extreme end of the City of Halifax industrial park lands. There were previous indications by the Public Service Commission that these lands would go back to the residents of at some point in time. The residents of Goodwood have no recreation area, although they were given approval by the Public Service Commission to use the lands with no lease. Approximately \$8,000 was spent on improving this area of land, which is not required by the City of Halifax at the present time. Two responses from the City's Industrial Commission stated that the residents of Goodwood can use the land, but they would not consider a lease because they may need it. Therefore,

It was moved by Councillor P. Baker, seconded by Councillor Fralick:

"THAT appropriate officials of the City of Halifax be approached again requesting that a small area of land be made available on a short term lease (five years) for the purpose of parkland for the children of the area."

Councillor P. Baker advised that his motion is to provide the children of the area with an opportunity to get off the street and play in an area designated for play. He also commented that the County of Halifax provides fire protection to this Industrial Park, and if they ever want a fire extinguished by the County, they should cooperate now.

Warden MacKenzie clarified that Councillor P. Baker would be willing to spend some money on this land to make it suitable as a parcel of parkland.

Councillor Fralick asked how long the ballfield has been in existence. Councillor P. Baker advised it has been in use for approximately eight to ten years.

MOTION CARRIED.

Summer Assistance - Councillor Lichter

Councillor Lichter advised that some senior citizens in his district have approached the MLA indicating a need for some physical assistance in fixing up their homes. He informed that a few days ago a document was received by at least one of these senior citizens indicating that the province is allocating 30 positions in May and 18 in June to Halifax and Hants Counties. These summer positions would be to assist seniors in fixing up their homes, mowing their lawns, etc. Councillor Lichter advised he has never seen anything with regard to this in writing and he has never heard about it from Council. He asked for clarification that this employment program would be in existence and if it is designed to assist seniors in fixing their homes.

Warden MacKenzie advised that such programs have been in place in the past, but he did not know if it would be this year or not.

Upon request from Councillor Lichter, Members of Council agreed to have Mr. Kelly prepare a report on this matter and have it circulated to all Members of Council.

Lands and Forests - Councillor C. Baker

Councillor C. Baker expressed a need for parking facilities at Hayes Gardens, the look-off at Herring Cove. He also stated there is a need for leveling of the ground, picnic tables and other park facilities.

It was moved by Councillor C. Baker, seconded by Councillor Deveaux:

"THAT the Department of Lands and Forests be requested to level the ground at Hayes Garden, the look-off at Herring Cove, and that parking facilities and picnic tables be provided here."

MOTION CARRIED.

NOTICE OF RECONSIDERATION, STREET LIGHTING REPORT, COUNCILLOR WALKER

Councillor Mont asked who can vote on this matter as four Councillors were not in attendance for the original discussion on this matter. Mr. Cragg advised that those who were not present for the discussion on the main subject matter would be precluded from voting on the motion to reconsider.

Councillor Lichter commented that the notice of reconsideration was because there were four Councillors absent, and it would not be fair to make a decision without the input of those four Councillors. Councillor Lichter also pointed out that a conclusion may be reached, but nothing can be done for 1986 because the tax rate has already been set. He suggested that the matter be deferred until the fall of 1986 and then determine a solution before the 1987 tax rate is set.

Councillor Walker withdrew the notice of reconsideration.

ADDITION OF ITEMS TO THE JUNE 3, 1986 COUNCIL SESSION

None.

ADJOURNMENT

It was moved by Councillor Walker, seconded by Councillor Poirier:

"THAT this Session of Council adjourn."
MOTION CARRIED.

COMMITTEE OF THE WHOLE
SCHOOL BOARD BUDGETING FORMULA

MAY 26, 1986

PRESENT WERE: Warden MacKenzie
Councillor Poirier
Councillor Fralick
Councillor P. Baker
Councillor C. Baker
Councillor Deveaux
Councillor Adams
Councillor Randall
Councillor Bayers
Councillor Reid
Councillor Lichter
Councillor Snow
Councillor Merrigan
Councillor McInroy
Councillor MacDonald
Deputy Warden Wiseman
Councillor Mont
Mayor Roberts
Councillor Short
Councillor Lugar
Councillor Kelly
Councillor Roy
Councillor Christie

ALSO PRESENT: Mr. K.R. Meech, CAO, County of Halifax
Mr. D. English, CAO, Town of Bedford
Mr. K. Wilson, Director of Finance

SECRETARY: Glenda Higgins

Warden MacKenzie called the meeting to order at 4:20 p.m., advising that the meeting was a result of a motion made at the Joint Council Session of April 22, to discuss the "Roberts Formula" and any others that may solve the problem of school board budgeting annually. Warden MacKenzie read a portion of the minutes of the April 22 meeting.

Mr. Meech advised he had circulated a memorandum with regard to Excess Contributions and the recommendations contained in the Report of the Joint Ad Hoc Committee (November, 1985). He stated that both these items should be discussed at this meeting.

Councillor Roy spoke about the recommendations and the background of the report of the Joint Ad Hoc Committee, formula funding being one of the recommendations. He advised that Councillor Larsen, Councillor DeRoche, and Councillor Roy made up the Ad Hoc Committee to work at

solving this annual problem. With regard to recommendation no. 1, he advised there is always discrepancy as to what the core level will be. In 1986 a core level was identified and extra funding was identified so everybody knew what was being asked for and why. Councillor Roy stated that recommendation nos. 1 and 2 were approved at the last Joint Council Session.

Councillor Poirier objected. She stated that approval of these recommendations may have been given in principle, but not in standing unless there was further action.

Councillor Roy agreed with Councillor Poirier.

Councillor Lichter stated that he understood that the only thing approved at the last Joint Council Session was this meeting. He stated that if this Joint Council Session is heading towards the establishment of another committee to do the job, the ground rules should be clarified.

Councillor Deveaux did not recommend approval of anything to do with recommendation no. 1. He understood that at the Joint Council Session this meeting was arranged to deal with excess funding as put forth by Mayor Roberts on April 22.

Mr. Meech clarified that Councillor MacKay had put forth a resolution supporting the establishment of a formula, but it was withdrawn because it was decided to hold this meeting, and there would be further examinations into this problem.

Councillor Kelly stated that excess funding is the most major evil in School Board funding. He commented that specialized teaching was once part of the education system. The Department of Education cannot come up with the essentials. It all depends on how the specialized subjects are taught - by full time teachers, by part time teachers, or by full time teachers in other subjects. He stated that he would like to see agreement before the end of October or early November in order to make next years budget much easier, and it will be known what is going on seven months later in a tax break.

Mayor Roberts commented that the problem with recommendation no. 1 is that the two Councils are trying to set a base level of services. He felt this should be left to the School Board. Recommendation no. 2 is where the Councils come in. They can only assume there are the desired programs and know what they are costing. Then the Councils can work on recommendation no. 2. The Councillors are in a balance position trying to make sure the province does not take away any funding.

Councillor Merrigan informed that he does not know what is being provided and what the two Municipalities are paying for. He felt a need to look at the programs and see what has happened. He did not feel there is a need for all the specialized education in the schools. He stated the Councils should be working with the School Board, and the School Board should be justifying why these specialized programs are needed. He stated the base level could be made from the necessary programs.

Mayor Roberts stated that he did not disagree with Councillor Merrigan, but the School Board system has been studied many times, and they have convinced the two Councils that what they are supplying is needed and justified. There is a need for a formula that will allow for growth and increased costs, and if everything else is equal, the school board may be able to maintain the present level of service.

Warden MacKenzie informed it was his idea that there would be a committee formulated to look into this matter and investigate with the School Board to come up with a funding formula.

Councillor P. Baker expressed agreement with Mayor Roberts about recommendation no. 1. He stated it should be the job of the School Board. He also expressed agreement with comments made by Councillor Merrigan, stating it would be beneficial to have a meeting with the School Board. He felt anything about the School Board should not be discussed when they are not in attendance to defend themselves.

Councillor Roy stated that this was the first year the Board had gone through a zero base budget exercise. He stated it was put there to come up with a budget that both the Town of Bedford and the County of Halifax could afford. It was circulated and presented to the two Councils, what the extra funding was, and why the programs are all necessary. If the establishing formula depends on funding from the province, and if the province changes their funding in any way, the formula is gone. He felt this year's meeting was the best, and he did not know what more could be asked for.

Councillor McInroy stated that until this year, the School Board budget meeting has been a real ordeal, and year after year the same basic programs are continuously funded. He stated that the two Councils do not want to set up a committee to determine whether or not these programs are worthwhile - they have been proven to be worthwhile. The issue is whether or not the two Councils can come up with a formula, and the ground rules should be determined. He felt this would be a start, and the two Councils should not get into the background behind the formula. He believed this had already been decided upon at the last meeting.

Councillor Deveaux expressed agreement with Mayor Roberts. He stated that the two Councils cannot make a decision on a core program without consulting with School Board staff.

It was moved by Councillor Deveaux, seconded by Councillor Kelly:

"THAT Warden MacKenzie and Mayor Roberts set up a committee to deal with recommendation nos. 1 and 2 of the report of the Ad Hoc Committee, that this committee consult staff (both Municipal and School Board) if necessary, and that the recommendations be brought back to a joint session of Council prior to September of 1986."

Mr. Meech stated there must be specifics as to what this committee will do because the two Councils have been through this several times and he could not see what good this committee would do. He added that the two Councils are at a point where they have to see if there will be a formula or not. They expect the School Board to come forward and provide leadership, and the School Board have been looking for a formula. If a committee is to be established, a specific formula should also be established so the matter can be dealt with.

Councillor Fralick informed that the report of the Ad Hoc Committee was in the Bay News before the election last year, and many people did not agree with it. Councillor Fralick stated that he did not agree with it. He stated that until the School Board justifies everything to him, he will not vote or support the report. He stated he needs to understand everything in order to determine what will be done.

Councillor Merrigan stated that there is a need to determine which programs are acceptable and which are not before a formula can be established.

Councillor Lichter asked if this meeting is heading towards establishing a committee. He advised it will not be acceptable to come back with more recommendations, and the School Board will say the same things they always say. In 1979, 1980, and 1981 the two Councils got far more details than now. He advised Council used to get the instructional supply list, giving details of how school board money was being spent. However, this kind of report has disappeared, and the two Councils no longer see how the instructional dollars are spent except for \$30 per student. He expressed difficulty with the kind of information that is received from the School Board, although he was more concerned that the Joint Session of Council had agreed to two motions quite quickly, when in other years it took much longer. He felt this is because the Councillors who have been around for some time have finally decided to give up on asking questions. The Joint Session went very quickly also because the School Board initially presented their budget without the \$181,000 in extra funding, and when this money was presented, Councillors accepted it very quickly - as part of the budget. Councillor Lichter felt the school board is asking for a formula to make for easier budgeting. However, he felt a formula will mean the excess cost will continue to grow, however, there is discussion every year about getting the excess costs cut down.

Councillor Short stated that the School Board had worked very hard this year, making presentations to the two Councils that enabled them to make a quicker decision. He felt a formula would help in budgeting. However, he felt a need to get away from the word "core" because it is associated with the mandatory aspects of the education system. He suggested another word, such as excess or above-core, be used instead.

Councillor Poirier informed that Mrs. Karen Duerden, a member of the Halifax County-Bedford District School Board, has been elected to the Nova Scotia Teachers Union. She felt that Mrs. Duerden sitting on both the School Board and the Nova Scotia Teachers Union would be detrimental to the County, and she stated that she could not allow Mrs.

Duerden to do so, as much as she has represented the County very well in the past.

Councillor Roy informed that this would be questioned by the School Board.

Warden MacKenzie suggested that this matter be discussed at the end of the meeting.

Councillor McInroy asked if the two Councils are expected to work out with the School Board what is an acceptable level of service. He commented that this was done when last year's budget was approved, but it could change in the future.

Councillor Fralick advised there are great people on the School Board, but he wants input into what is being approved. He stated that he would not vote for a budget that he cannot have a say in.

Councillor Deveaux stated that the reason behind his motion was not to necessarily establish a formula, but to get something done in the near future. He stated that many recommendations and formulas may be turned down, but perhaps when one comes forward it may be decided the hassle is worth more than a formula; this will be determined as per the committee's recommendation.

Councillor Reid advised that he would like to amend the motion.

It was moved by Councillor Reid, seconded by Councillor Fralick:

"THAT a committee of three Councillors (one from Bedford and two from Halifax County), the two Chief Administrative Officers, the School Board Superintendent, and two members of the Halifax County-Bedford District School Board be established to determine a formula to establish the municipal contribution per student, not based on any excess funding."

Councillor Bayers expressed disagreement with any formula based on a level of service because it is more difficult in some areas than others.

Deputy Warden Wiseman felt that if a formula is established, it should be a very diverse one to serve the needs of the entire Municipality of the County of Halifax. It should also be a flexible formula that can be changed annually to meet the needs of everybody. She commented that this will be difficult, but something is needed that will make this situation easier to deal with annually.

Councillor Short agreed with Deputy Warden Wiseman. He questioned the need for Councillor Reid's amendment to the motion because Council has no jurisdiction over the per pupil costs which is laid down by the province, and this cannot be changed. He stated that if a committee is appointed, they will surely address this.

Councillor Deveaux stated that he was not opposed to the amendment to his motion, but he understood Councillor Reid's amendment to deal with a per student rate in lieu of excess contribution or mandatory contribution. Councillor Deveaux felt this was covered in item no. 2.

Mr. Meech understood Councillor Reid's amendment intended to develop a formula looking at the gross cost instead of excess cost per student. Mr. Meech agreed with Councillor Reid's amendment.

Councillor Mont pointed out that an amendment that changes the intent of the original motion is not permitted. Since part of the original motion was being taken out with the amendment, Councillor Mont felt the amendment was not in order.

Mayor Roberts stated that the amendment may not be legal, but he favoured it. He felt removing recommendation no. 1 from the motion was best because if a core program or base level is established, it does not leave Council flexibility if one of the programs goes way up in cost. He expressed difficulty with tying recommendation nos. 1 and 2 together.

Councillor Merrigan expressed hope that any committee that is established will not think that anything that is there must be accepted. He hoped the committee will look at what is necessary, and if the province had to cut back educational funding, it may not always be possible to keep all the programs. Perhaps it may be necessary to bring more costs in the future and to change the level of service to the education system. He stated that a mandatory program must be established.

Councillor Lugar felt the Councils should have faith in the committee as it is established. He also commented that he could not support the amendment to the motion. He stated that the two Councils will be together again in August or September to deal with a formula that has been recommended by the committee. Weaknesses will be identified in that formula within the first year; the formula can only be used on a trial basis at first.

Warden MacKenzie advised that the two Councils would be voting on the original motion made by Councillor Deveaux.

MOTION CARRIED.

Mayor Roberts suggested that the two Councils should look at recommendation nos. 3 and 7 before the Union of Nova Scotia Municipalities. He stated if these recommendations are approved before this meeting, they could go to the union for approval.

It was moved by Councillor Roy, seconded by Councillor Lugar:

"THAT the two Councils go on record of supporting recommendation nos. 3, 4, 5, 6, 7, and 8, and that they be referred to the Union of Nova Scotia Municipalities for approval."

Councillor C. Baker commented that the area rates for having schools is getting to be out of hand. He stated that recommendation no. 3 is a recommendation from the School Board for the trustees.

Councillor Mont stated that he was supportive of recommendation no. 6, but not supportive of recommendation no. 7. He felt each recommendation should be voted upon separately.

MOTION CARRIED.

Councillor Lichter expressed agreement with Councillor Mont. He did not know how anybody could vote in favour of such a "package deal". Councillor Lichter gave notice of reconsideration.

After discussion about when the matter should be discussed again,

It was moved by Councillor Lichter, seconded by Councillor Mont:

"THAT this matter be reconsidered."

MOTION CARRIED.

It was moved by Councillor Deveaux, seconded by Councillor C. Baker:

"THAT recommendation no. 3 be supported and recommended to the Union of Nova Scotia Municipalities."

MOTION CARRIED.

It was moved by Councillor Mont, seconded by Councillor Deveaux:

"THAT recommendation no 6 be supported and recommended to the Union of Nova Scotia Municipalities."

MOTION CARRIED.

It was moved by Councillor Kelly, seconded by Councillor Adams:

"THAT recommendation no. 7 be supported and recommended to the Union of Nova Scotia Municipalities."

MOTION CARRIED.

*Recommendation nos. 4 and 5 had already been put forth.

Councillor Mont suggested that Mr. Meech review recommendation no. 8 with regard to representation on the School Board.

Mr. Meech advised that one-half of the elected could be Council Members elected to the School Board.

Councillor Roy informed the intent of the recommendation was to get maximum accountability back to the School Board so it would feel accountable to somebody because the provincial appointees are not accountable to anybody.

It was moved by Councillor Roy, seconded by Councillor Snow:

"THAT the two Councils solicit the support of the Union of Nova Scotia Municipalities with regard to School Board representation (recommendation no. 8)."

MOTION CARRIED.

There being no further business, the meeting adjourned.

PUBLIC HEARING

MAY 26, 1986

PRESENT WERE: Warden MacKenzie
Councillor Poirier
Councillor P. Baker
Councillor C. Baker
Councillor Deveaux
Councillor DeRoche
Councillor Adams
Councillor Randall
Councillor Reid
Councillor Lichter
Councillor Snow
Councillor Merrigan
Councillor MacKay
Councillor McInroy
Councillor Eisenhauer
Councillor MacDonald
Deputy Warden Wiseman
Councillor Mont

ALSO PRESENT: Mr. K.R. Meech, Chief Administrative Officer
Mr. R.G. Cragg, Municipal Solicitor
Ms. Valerie Spencer, Manager, Policy Division
Mr. J. M. Hanusiak, Planner

SECRETARY: Glenda Higgins

Warden MacKenzie called the Public Hearing to order with the Lord's Prayer.

APPOINTMENT OF RECORDING SECRETARY

It was moved by Councillor McInroy, seconded by Councillor Adams:

"THAT Glenda Higgins be appointed as Recording Secretary."
MOTION CARRIED.

APPLICATION NO. DA-SA-37A-85-16 - PROPOSED DEVELOPMENT AGREEMENT
BETWEEN THE COUNTY OF HALIFAX AND RIVER FRONT PROPERTIES LTD. TO PERMIT
CONSTRUCTION OF A COMMERCIAL/OFFICE BUILDING ON LOT "A" OF THE LANDS OF
T.L. COOK, LOCATED ON SACKVILLE CROSS ROAD AT LOWER SACKVILLE.

APPLICATION NO. DA-SA-37B-85-16 - PROPOSED DEVELOPMENT AGREEMENT
BETWEEN THE COUNTY OF HALIFAX AND RIVER FRONT PROPERTIES LTD. FOR THE
CONSTRUCTION OF AN APARTMENT BUILDING ON LOT AF-4 OF THE LANDS OF
ARCHIBALD D. AND FERN P. FADER, LOCATED OFF SACKVILLE CROSS ROAD AT
LOWER SACKVILLE

Councillor MacKay declared a conflict of interest.

Mr. Hanusiak identified the two applications and outlined each of the staff reports. He stated that the requirement for the development agreement stems from Policy P-87 of the Municipal Planning Strategy for Sackville which requires that any new use within 100 feet of the Little Sackville River be considered by Development Agreement.

QUESTIONS FROM COUNCIL

Councillor MacDonald asked if any construction has taken place on this property.

Mr. Hanusiak advised there has not been any in the last two weeks; although something may have occurred within the last week. Mr. Hanusiak advised he had not visited the site within the last week. He further advised there are existing single family dwellings on each of the properties which will be removed prior to construction.

Councillor MacDonald asked how the river is being protected during the development.

Mr. Hanusiak advised that development agreements cannot control this. The proposed development agreements do contain a clause that prior to any construction a siltation fence will be built along the river's edge to protect the river from any siltation. At the present time, developers have the luxury of filling the property and tearing it up; there is nothing to protect against this.

SPEAKERS IN FAVOUR OF THESE APPLICATIONS

None.

SPEAKERS IN OPPOSITION TO THESE APPLICATIONS

None.

It was moved by Councillor MacDonald, seconded by Deputy Warden Wiseman:

"THAT the Development Agreement between the Municipality of the County of Halifax and River Front Properties Ltd., to permit construction of a commercial and/or office building on Lot "A" of the Lands of T.L. Cook, located on Sackville Cross Road at Lower Sackville be approved."

MOTION CARRIED UNANIMOUSLY.

It was moved by Deputy Warden Wiseman, seconded by Councillor MacDonald:

"THAT the Development Agreement between the Municipality of the County of Halifax and River Front Properties Ltd., to permit construction of a multi-unit dwelling on Lot "AF-4" of the Lands of Archibald D. Fader and Ferne P. Fader, located off the Sackville Cross Road at Lower Sackville be approved."
MOTION CARRIED UNANIMOUSLY.

APPLICATION NO. RA-EP/CB-02-85-06 - APPLICATION BY MacWILLIAMS ENGINEERING LTD. TO REZONE A PORTION OF THE FLANDRUM HILL SUBDIVISION, LOCATED OFF PATTERSON ROAD AT COW BAY, FROM R-7 (RURAL ESTATE) ZONE TO R-6 (RURAL RESIDENTIAL) ZONE

Mr. Hanusiak outlined the staff report as presented to Council dated February 20, 1986. He advised the purpose of this application is to allow the development of lots at a size as dictated by the Department of Health and the Department of Environment, rather than the minimum lot size of 80,000 square feet. The Municipal Development Plan for Eastern Passage/Cow Bay requires that an application for rezoning be accompanied with a tentative plan of subdivision, which has been submitted and recommended for approval by the Department of the Environment, the Department of Transportation, and the Department of Health. They have indicated that lot sizes in the area would be appropriate if they range between 30,000 and 50,000 square feet, which is significantly higher than the possible 20,000 square feet which could be permitted by the R-6 zone. This density is in keeping with the plan's intent.

QUESTIONS FROM COUNCIL

Councillor Deveaux asked if there is much difference between what can be constructed in an R-6 zone and a R-7 zone. Mr. Hanusiak replied that under the R-6 zone single family dwellings, two unit dwellings, and mobile homes are permitted. Under the R-7 zone single family dwelling units are the only permitted residential activity. Rezoning to R-6 provides more in terms of land use.

Councillor Deveaux asked what the feasibility would be that duplexes would be constructed on this property. Mr. Hanusiak advised it is entirely possible for R-2 units to be built on this property; however, he suggested that the applicant would not build two unit dwellings here since the whole idea of constructing a side-by-side duplex is to be able to sell both sides on an individual basis. Under the R-6 zone this is not permitted because these lands would have to rely on a well and septic system. The only place that can be subdivided is when there are central water and sewer facilities to allow the traditional 6,000 square foot lot to be split through the common wall of the building. Taking this marketing advantage away from the developer, Mr. Hanusiak advised he could see no way in which the developer would build this large number of two unit dwellings on the property.

SPEAKERS IN FAVOUR OF THIS APPLICATION

Mr. Malcolm Williams, MacWilliams Engineering Ltd., advised he is the applicant for this rezoning. He stated that the overall long-range plan for this development entails the area for rezoning. On the overhead projector, he pointed to a parcel of 80,000 square feet where nothing could be built because there is no road and there is not sufficient room to build. He advised it is the intention of his company to come back and ask for the remainder of the land to be rezoned. They did not apply for the entire parcel at this point in time because there are some drainage problems associated, which had to be approved.

QUESTIONS FROM COUNCIL

Councillor Deveaux asked Mr. Williams if he would be the person developing the lands in question. Mr. Williams informed he is part owner of the land, and it is the company's intention to sell single family dwellings, and to restrict land from mobile homes, etc., because of the existing properties on the Dyke Road. These properties did have a covenant in their deeds that did require a certain quality home, and it is the intention of MacWilliams Engineering Ltd. to maintain that same quality home. Councillor Deveaux commented that he hoped MacWilliams Engineering Ltd. would try to conform with the surrounding area. He asked if the rezoning of the remaining lands will depend on the success of this first portion. Mr. MacWilliams advised that Mr. Hanusiak had suggested to him that the entire parcel be applied for at this point in time. However, it did not seem to be economical until the problems with this portion were solved.

SPEAKERS IN OPPOSITION TO THIS APPLICATION

None.

It was moved by Councillor Deveaux, seconded by Councillor DeRoche:

"THAT Application No. RA-EP/CB-02-85-06 to rezone a portion of the lands of the Flandrum Hill Subdivision, located off the Patterson Road at Cow Bay from R-7 (Rural Estate) Zone to R-6 (Rural Residential) Zone be approved by Municipal Council."
MOTION CARRIED UNANIMOUSLY.

APPLICATION NO. RA-CH/W-23-86-17 - APPLICATION BY THE MUNICIPALITY OF THE COUNTY OF HALIFAX TO REZONE LANDS BEING OCCUPIED BY THE COLE HARBOUR BOYS CLUB, LOCATED OFF ATHOLEA DRIVE, COLE HARBOUR FROM R-2 (TWO UNIT DWELLING) ZONE TO P-2 (COMMUNITY FACILITY) ZONE

APPLICATION NO. RA-EP/CB-24-86-17 - APPLICATION BY THE MUNICIPALITY OF THE COUNTY OF HALIFAX TO REZONE A PORTION OF THE LANDS OF CHARLES REARDON, LOCATED OFF ATHOLEA DRIVE AT COLE HARBOUR, FROM P-2 (COMMUNITY FACILITY) ZONE TO R-2 (TWO UNIT DWELLING) ZONE

Mr. Hanusiak advised that recently the Department of Planning and Development came across an error in the zoning plans for the Cole Harbour/Westphal area. He advised that lands now occupied by the Boys Club is zoned R-2, and it was fully intended at the time of the adoption of the by-law that this property be appropriately zoned P-2 (Community Facility) Zone. The second portion of this application is to amend the zoning on a portion of the property directly abutting the Boys Club property, owned by Mr. Charles Reardon. He advised this property was inadvertently zoned P-2 (Community Facility) Zone instead of R-2 (Two Unit Dwelling) Zone. These lands were supposed to be zoned R-1 (Single Unit Dwelling) Zone because this land does not have central water and sewer services. The application is to rezone this property from P-2 (Community Facility) Zone to R-2 (Two Unit Dwelling) Zone. When this application was before the Planning Advisory Committee there was representation by the property owner indicating his desire to have the property considered for R-2 zoning. Staff, at that time, indicated that the property cannot be serviced with central water and sewer facilities; however, in order to allow for formal consideration of the R-2 zone at this public hearing, it was advertised for R-2. He advised that Council is in the position to deal with rezoning this property to R-2 (Two Unit Dwelling) Zone or to R-1 (Single Unit Dwelling) Zone as is recommended by staff. Mr. Hanusiak added that at the Planning Advisory Committee meeting, it was recommended that the property owner of the property presently zoned P-2 contact the Department of Engineering and Works to try and work out some resolution regarding services. To this date no contact has been made with the Department of Engineering and Works on this matter. Two letters were sent to the property owner advising him of that situation. Mr. Hanusiak advised he was in receipt of a letter from Mr. Ted Tam, Assistant Director of Engineering and Works, reiterating the fact that this property cannot be serviced with central water and sewer facilities, and the only possible way in which the Department of Engineering and Works would change its opinion on this matter is that the property fall within the serviceable boundary as being reviewed by Council at the present time. This matter has been reviewed, and the property still sits outside the serviceable area.

Mr. Hanusiak clarified that the first part of the application is to take the Boys Club property, remove the R-2 zone and put a P-2 (Community Facility) Zone on it. The second portion of the application, as was advertised, was to rezone the lands immediately adjacent to the Boys Club from P-2 to R-2 (Two Unit Dwelling) Zone. However, it is staff's recommendation that the property be rezoned from P-2 to R-1 (Single Unit Dwelling) Zone.

QUESTIONS FROM COUNCIL

Councillor P. Baker asked about ownership of the property where the Boys Club sits. Mr. Hanusiak advised that he thought Mr. Reardon, the adjacent property owner, also owns the property on which the Boys Club sits.

SPEAKERS IN FAVOUR OF THESE APPLICATIONS

None.

SPEAKERS IN OPPOSITION TO THESE APPLICATIONS

Mr. Charles Reardon, advised that he almost did not attend the public hearing because he thought the Department of Planning and Development was going to recommend the zoning of his property be R-2 instead of R-1. He stated he would like to see this property zoned R-2 - not R-1 as proposed. He also stated he would like to see the Boys Club property remain zoned R-2 because he felt the Boys Club would not be on this property for much longer. He advised the Boys Club has already been offered another parcel of land by himself, should they feel the present parcel is too small. Mr. Reardon added that he feels the present parcel of land occupied by the Boys Club is too small because they have no room to expand.

QUESTIONS FROM COUNCIL

Councillor DeRoche asked about ownership of the property where the Boys Clubs sits. Mr. Reardon replied that he owns this property. He advised he gave it to them for use as long as the Boys Club is there.

Councillor P. Baker asked Mr. Reardon if he is leasing this property to the Boys Club and if the lease is long-term or short-term. Mr. Reardon advised he has a written agreement with the Boys Club that as long as they operate the Boys Club on that property, they can have it for that use. If they discontinue use of this property, it is reverted back to Mr. Reardon, and he would like to have it zoned R-2 at that time.

Councillor MacDonald asked of Mr. Hanusiak the reason why the Department of Planning and Development want to have Mr. Reardon's property zoned R-1. Mr. Hanusiak advised the Boys Club property is required to be zoned P-2 in recognition of the existing use. It is presently zoned R-2, but it was intended to have P-2 zoning on this property. Presently, it could be argued that the use is non-conforming, but P-2 zoning will give the use full property rights. That is the intention being served at this public hearing, and it was the intention when the by-law was adopted. Mr. Hanusiak further advised that R-1 zoning is recommended on Mr. Reardon's property next to the Boys Club. Councillor MacDonald clarified that if the zoning is approved tonight and the Boys Club relocated in the future, Mr. Reardon would have this parcel of land zoned P-2. Mr. Hanusiak advised that this is true, but if there was ever a rezoning application before the Department of Planning and Development for the purpose of rezoning this property to R-1 or R-2 it would be supported.

Councillor Lichter asked Mr. Hanusiak if the Department of Planning and Development were able to determine if this property was meant to be P-2. Mr. Hanusiak advised that this was discussed within the

Department of Planning and Development, as well as with the planner who prepared the plan in this area. Evidence of the effort is present with the P-2 being on the property immediately adjacent to it. The P-2 zone is there to reflect the Boys Club use. The difficulty was that the plans used during the planning process were faint, and it was difficult to determine if there are two properties here. Councillor Lichter asked what could happen to the Boys Club with regard to this use being non-conforming. Mr. Hanusiak advised the original intent was to have this property zoned P-2. This public hearing has cost certain dollars on the Municipality's part to get it to this point. The P-2 is appropriate given the existing land-use, and it should be there to reflect the appropriateness of the activity. It is non-conforming now, and if the use is terminated, the Department of Planning and Development would be happy to support R-1 zoning on this property, or if deemed appropriate, an R-2 zone. This seems to be the best way to handle the situation given the existing use. It is also a measure of security until the plan is reviewed.

Councillor Deveaux asked for clarification on the reasoning for rezoning Mr. Reardon's property from P-2 to R-1. Mr. Hanusiak advised that if this property is left as P-2, its potential for development from a residential point-of-view is negated - there is no possibility. The applicant wishes the property to be zoned R-2 in order to allow development of a two unit dwelling here. However, the property lies beyond existing service lines, and the Department of Engineering and Works will not permit service lines to go any further, and it was indicated that the land was supposed to be zoned R-1 at the time of the adoption of the plan. Councillor Deveaux clarified that if the Boys Club ever vacates, this property could be rezoned to R-1 or R-2, if deemed appropriate.

Mr. Reardon added that the property on which the Boys Club sits has been non-conforming for over 15 years, and he did not understand why it had to be zoned P-2 now. As far as the R-1 zone being to the immediate right, he advised the zoning is all R-2 to the immediate left.

Councillor MacKay asked where it was duly authorized to have the property zoned R-1, would Council have the ability to rezone this property to R-2. Mr. Cragg clarified that this property was advertised as being rezoned to R-2; therefore, Council has the ability to rezone this property to either R-2 or R-1, because R-1 is more restrictive.

Councillor P. Baker commented that Mr. Reardon put himself in jeopardy by leasing this land to the Boys Club. He asked if Mr. Reardon could have this property rezoned to R-2 without paying the required \$500 fee if the Boys Club ever decided to relocate. Mr. Hanusiak informed that Mr. Reardon would have to pay the fee. No guarantees can be made that a building permit will be issued for an R-2 development on this property. It would depend on the Department of Engineering and Works. Although this property may have R-2 zoning, the services may or may not be there to handle a side-by-side duplex. This question has not been asked of the Engineering Department, although it has been asked of the property adjacent to the Boys Club, which Mr. Reardon owns.

Mr. Reardon added that he would be prepared to wait until he can obtain a permit for R-2. An R-1 use can always be built on an R-2 zone, so if it was ever decided to develop this lot before a two unit dwelling permit could be obtained, he would go ahead with an R-1 use.

It was moved by Councillor McInroy, seconded by Councillor Mont:

"THAT Application No. RA-CH/W-23-86-17 - by the Municipality of the County of Halifax to rezone lands being occupied by the Cole Harbour Boys Club, located off Atholea Drive, Cole Harbour from R-2 (Two Unit Dwelling) Zone to P-2 (Community Facility) Zone be approved by Municipal Council."

Councillor McInroy informed that he spoke with one of the directors of the Boys and Girls Club and was advised there are plans to upgrade the existing building. Councillor McInroy did not feel the Boys and Girls had any intentions within the next few years of not having the operation continue at its present location. He felt the interest of everybody involved would be best served by rezoning this land to the proper designation. He agreed with Mr. Hanusiak in that there would probably not be any difficulty at all if the owner was desirous of having it rezoned for residential use. If this property were restricted to its present zone, Council would be jeopardizing the use of the club, and they may be forced to relocate.

Councillor Deveaux informed he would vote against the motion with respect to Mr. Reardon. He felt because this is Mr. Reardon's land, and he cannot build a duplex here while the Boy's Club is located here. He did not think that Mr. Reardon should have to go through the rezoning process again once the Boys Club did desert this property.

Councillor Lichter informed that he also would not support the motion. He commented that the Boys Club has been in this location for 15 years, and there has been no attempt to expand. He suggested that the best solution for this particular application would be to have the public hearing closed and Council not make a decision for six months awaiting an application for expansion to the Boys Club. If there is an application, Council will know of their serious intention to have the Boys Club become more permanent than Mr. Reardon feels they are now. There would then be no difficulty in rezoning this property to P-2. If no building permit application is not received in this period of time, it would be quite proper to have this property zoned at R-2. Mr. Reardon could not develop a two unit dwelling here until the services are provided. Councillor Lichter felt this would be the solution for both problems.

Councillor MacKay asked if this property were left with R-2 zoning, and a building permit was applied to expand the Boys Club, would the permit be issued. He felt it would not be issued because the Boys Club would be a non-conforming use. Mr. Hanusiak advised at the present time, if the Boys Club did apply for a permit to expand the building, the permit would not be granted because the property is in a non-conforming situation. If the Boys Club do have plans for expansion it would be more appropriate to have the P-2 zoning in place.

Councillor McInroy advised that he did not have much difficulty with Councillor Lichter's suggestion. If there is some way in which Council could get some indication as to the intention of the Boys Club that may clarify the situation, it should be taken.

Councillor Deveaux informed he would have no trouble supporting the recommendation brought forward by Councillor Lichter. If it is intended to expand, and they want to apply for a building permit, it would make more sense to have the rezoning looked at then.

Councillor P. Baker expressed concern about the cost to the present owner should he want to rezone this property back to R-2 at a later date.

It was moved by Councillor Lichter, seconded by Councillor Snow:

"THAT a decision on rezoning application no. RA-CH/W-23-86-17 be deferred for a period of time up to six months."
MOTION CARRIED.

It was moved by Councillor McInroy, seconded by Councillor C. Baker:

"THAT Application No. RA-EP-CB-24-86-17 by the Municipality of the County of Halifax to rezone a portion of the Lands of Charles Reardon, located off Atholea Drive at Cole Harbour, from P-2 (Community Facility) Zone to R-1 (Single Unit Dwelling) Zone be approved by Municipal Council."

Councillor McInroy advised the original plan for Cole Harbour/Westphal (1982) fully intended for R-1 zoning on this property. The Engineering and Works Department have been asked if they would support R-2 zoning here, and they have replied negatively. The staff recommendation that this property be rezoned to R-1 went to the Planning Advisory Committee in an effort to find a way to accommodate Mr. Reardon's request. The Planning Advisory Committee suggested this be sent to a public hearing and in the meantime if there can be some resolution to the servicing inadequacy, it could be deemed feasible to have this rezoned to R-2. Councillor McInroy pointed out there has been no change in the servicing circumstances. The Engineering and Works Department, the Department of Planning and Development, and the people of the area who have spoken to Councillor McInroy about the issue do not recommend R-2 zoning on this property. Councillor McInroy felt because of the feelings of staff and the community, staff's recommendation should be supported.

Councillor DeRoche advised he was not in opposition to the motion. He clarified that when this first came to the Planning Advisory Committee and when the plan was first being developed, R-2 zoning was in place in the area, and it was intended that the property designated with the Boys Club on it be a P-2 site. However, the zoning was inadvertently placed on the wrong property. Councillor DeRoche informed when he first became aware of this mistake was with the staff report to the Planning Advisory Committee. It is intended to simply correct the

oversites and to impose on the properties in question, the zoning which was intended at the time of adoption of the plan. He stated once again he had no objection to R-1 zoning.

Councillor Deveaux asked if this property was ever R-2. Councillor DeRoche advised it was his understanding that right along the street all the properties were zoned R-2. Ms. Spencer advised that Councillor DeRoche's comments were correct. She recalled the R-2 zoning going to the end of the street. She pointed out on the overhead projector that the heavy line showing the street ends shortly after the beginning of the P-2 property, at which point appear the words "proposed road." The end of the existing street and the end of the lots in the subdivision actually end at the Boys Club. All of the lots in this subdivision were zoned R-2. One of the reasons the R-1 zone is recommended here is because the P-2 parcel is not an approved parcel of land; it is not part of the approved subdivision; it is part of remaining parcels that have yet to be subdivided or developed.

Councillor Reid commented that it appears to be reasonable that this parcel of land would have been intended to have been zoned R-2. He felt it peculiar that one small corner of a large parcel of land would be zoned R-1 two years after the fact. He felt since it was intended to have this zoned R-2, it should now be zoned R-2. He stated he could not support the motion.

Warden MacKenzie clarified the vote would be on rezoning this parcel of land to R-1.

MOTION DEFEATED.

It was moved by Councillor Lichter, seconded by Councillor Snow:

"THAT Application No. RA-EP/CB-24-86-17 by the Municipality of the County of Halifax to rezone a portion of the Lands of Charles Reardon, located off Atholea Drive at Cole Harbour, from P-2 (Community Facility) Zone to R-2 (Two Unit Dwelling) Zone be approved by Municipal Council."

MOTION CARRIED

18 - FOR

1 - AGAINST

APPLICATION BY THE MUNICIPALITY OF THE COUNTY OF HALIFAX TO REZONE
LANDS IN THE VICINITY OF THE HALIFAX INTERNATIONAL AIRPORT TO I-3
(LIGHT INDUSTRIAL) ZONE

Ms. Spencer advised this application is for interim zoning of lands in the vicinity of the Halifax International Airport as shown on the plan circulated with the report. She informed this item was staff initiated through discussions with staff from the Industrial Commission and staff from the Planning Department. There are two processes on-going - the District 14 planning strategy process and the work being undertaken by the Industrial Commission and its Site Standards Review Committee. She advised these two groups would be eventually forward with final zoning for the lands of the Aerotech Park and surrounding lands. There was a

request for something in the meantime. Lands in the vicinity are generally zoned, unzoned, and also have a general industrial zone. The zone suggested to be placed on the property is the I-3 zone which is a light industrial zone recently added to Zoning By-law No. 24. She advised there were two letters of objection to this interim zoning - one from Mr. David Barrett and the other from Mr. Stefan Jachimowicz, owner of the Airport Hotel. She pointed out each of these properties on the overhead projector, Mr. Jachimowicz's objection being to only an eight acre parcel of land on which the hotel sits, although his cooperation owns more land than this. Mr. Jachimowicz was looking to make certain that the site of the present hotel is not turned into a non-conforming use, which it would be if the I-3 zone were applied to his lands.

QUESTIONS FROM COUNCIL

Councillor Snow asked Ms. Spencer if she knew the reason why Mr. Barret has objected to this interim zoning. Ms. Spencer advised she did not know in terms of any specific development plans. She advised Mr. Barrett is active in the planning processes for District 14 and an adjacent district. It appears he would like to see the job completed. She did not believe that Mr. Barrett had built any buildings on the property, although there may be a gravel pit or quarry operation here.

Councillor Snow asked if this were not zoned at this public hearing if Mr. Barrett could put a crusher operation on his lands. Ms. Spencer advised it would depend on the zoning of the land. Councillor Snow advised these lands are zoned General. Ms. Spencer advised if the lands are zoned General, the building inspector, who administers By-law No. 24, has determined that an I-1 zone and some form of a Planned Unit Development is required for a crusher operation. However, the existing zoning boundaries are difficult to interpret.

Councillor MacKay asked if the Department of Planning and Development have any projections as to when the District 14 Municipal Development Strategy would be complete and at the public hearing stage. Ms. Spencer informed it is hoped to be at the public hearing stage this fall, although it is difficult to determine. In terms of the time at the end of the planning process many individual requests must be dealt with, and it is hard to say what the PPC will be doing over the summer months.

Councillor MacKay asked for clarification on which lands were being considered and where the Industrial Commission lands are. Ms. Spencer outlined the lands on the overhead projector. Councillor MacKay next commented that this interim zoning was proposed by members of the Planning Department and the Industrial Commission staff. He asked if it was considered that Mr. Jachimowicz's hotel would be non-conforming. Ms. Spencer advised she did not know this; the matter was handled by the former director of Planning and Development at the request of the Executive Director of the Planning Commission, and no other member of staff was party to these discussions. Councillor MacKay felt there had been prompting by or consultations made by the District 14 Municipal

D19


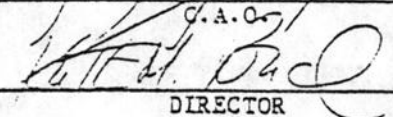
STAFF REPORT

TO: The Planning Advisory Committee

FROM: Dept. of Planning & Development

APPLICATION NO.: DA-SA-37A-85-16

DATE: March 10, 1985


C.A. O'Connell

DIRECTOR

RECOMMENDATION

THAT THE DEVELOPMENT AGREEMENT BETWEEN THE MUNICIPALITY OF THE COUNTY OF HALIFAX AND RIVER FRONT PROPERTIES LTD., TO PERMIT CONSTRUCTION OF A COMMERCIAL AND/OR OFFICE BUILDING ON LOT "A" OF THE LANDS OF T.L. COOK, LOCATED ON SACKVILLE CROSS ROAD AT LOWER SACKVILLE BE APPROVED.

Information

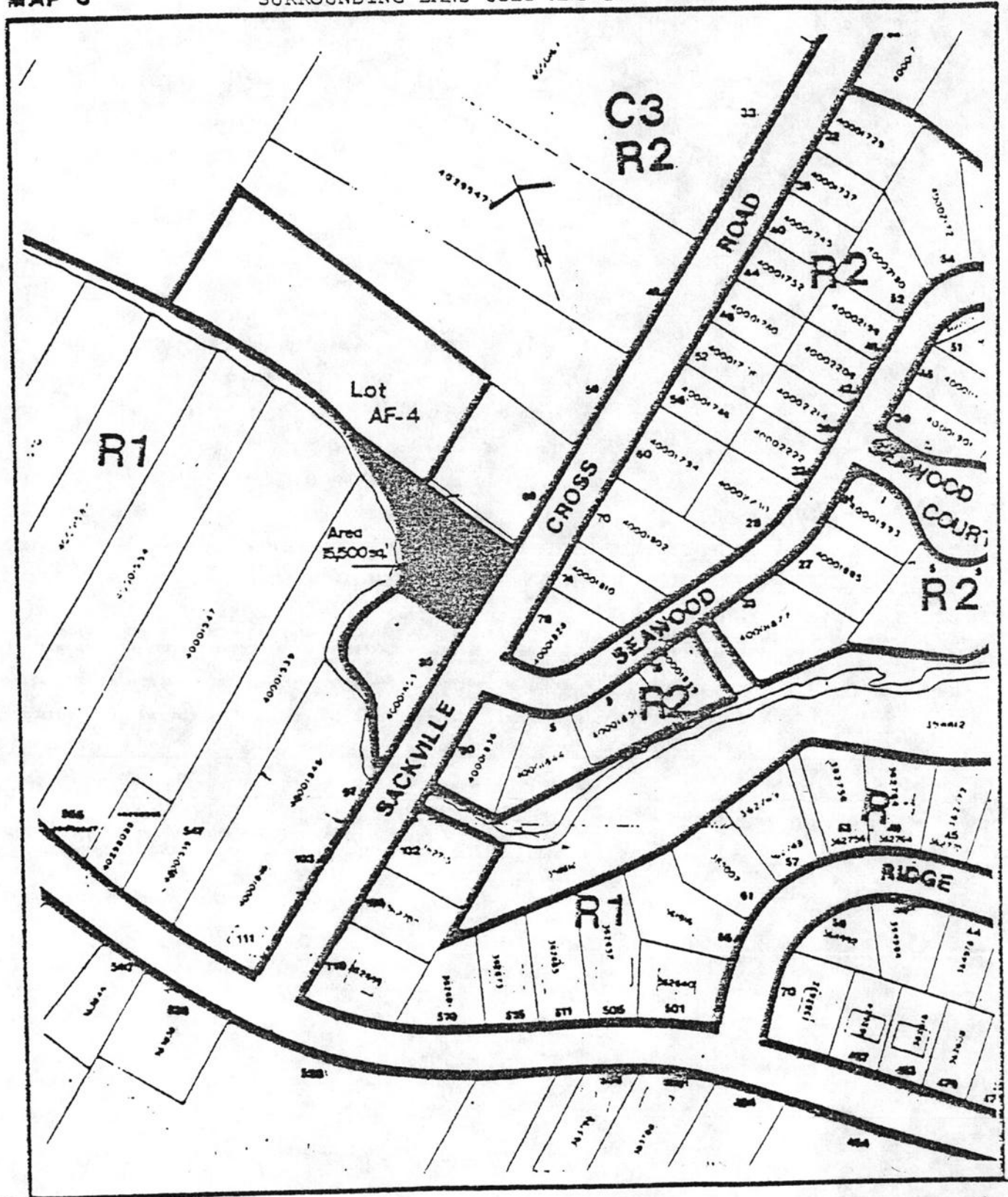
Attached is a proposed development agreement between the Municipality and River Front Properties Ltd., for the construction of a commercial and/or office building on lands identified on Map No. 3 (p4) of this report. The necessity for a development agreement stems from Policy P-87 of the Sackville planning strategy, which permits consideration of new uses within 100 feet of the Little Sackville River. The property presently contains a single unit dwelling, which will be demolished prior to construction of the new building.

The general objectives of this agreement are to protect the proposed development from flooding and to prevent siltation and erosion along the Little Sackville River. Municipal staff and the applicant have determined an appropriate method for development based on the site's physical and topographic features and the proximity of the proposed building to the Little Sackville River. The agreement sets out specific instructions on a wide variety of matters including floor elevations, parking, general landscaping and environmental protection measures.

The agreement also requires that a portion of the property be deeded to lands lying immediately northeast of the subject site. This landlocked parcel belongs to the applicant and is being considered for an apartment building under a separate development agreement. The purpose of the land transfer is to provide road frontage to the apartment building lot, thereby enabling independent ingress and egress.

MAP 3

SURROUNDING LAND USES AND ZONING



THIS AGREEMENT MADE THIS DAY OF A.D., 1986

BETWEEN:

RIVER FRONT PROPERTIES LTD., a body corporate of Lower Sackville, Province of Nova Scotia, hereinafter called the "Developer"

OF THE FIRST PART

-and-

THE MUNICIPALITY OF THE COUNTY OF HALIFAX, a body corporate, hereinafter called the "Municipality"

OF THE SECOND PART

WHEREAS the Developer has good title to lands and premises known as Lot "A" of the lands of T.L. Cook, located on the Sackville Cross Road at Lower Sackville, in the County of Halifax, Province of Nova Scotia, said lands (hereinafter called the "Property") being more particularly described in Schedule "A" of this Agreement;

AND WHEREAS the Developer has requested that it be permitted to erect, construct or otherwise locate a commercial and/or office building (hereinafter called the "Building") on the Property;

WITNESS that in consideration of the sum of One Dollar (\$1.00) now paid by the Developer to the Municipality (the receipt of which is hereby acknowledged), the request to erect, construct or otherwise locate the Building is agreed upon between the Developer and the Municipality pursuant to Section 3.6 (c) of the Zoning By-law for Sackville and subject to the following terms and conditions:

1. That the Building and Property shall be used solely for those "Commercial Uses" activities identified in Section 14.1, PART 14 of the Zoning By-law for Sackville.
2. That the Building conform with all applicable regulations as set forth in the NATIONAL BUILDING CODE OF CANADA 1980 and any amendments made thereafter.
3. That the Building be confined to an area on the Property defined by the following yard requirements and as illustrated in Appendix "B" of this Agreement.

Minimum Front Yard (Property Line "A")	30 feet
Minimum Side Yard (Property Line "B")	15 feet
Minimum Side Yard (Property Line "D")	6 feet
Maximum Rear Yard (Property Line "C")	15 feet

4. That the gross floor area of the Building shall not exceed five thousand (5000) square feet nor exceed thirty-five (35) feet in height.
5. That no accessory buildings or structures shall be erected, constructed or otherwise located on the Property.
6. That the Developer shall construct and maintain in good repair a parking lot, loading space and pedestrian walkway as per the specifications identified in Appendix "B" of this Agreement. It is agreed that the parking lot and loading space shall be paved with asphalt wherein the limits of the said parking lot and loading space shall be defined by a concrete or asphalt curb measuring at least six (6) inches in height.
7. That prior to the signing of this Agreement by the Parties, the Developer shall supply to the Municipality all necessary plans and written materials to accurately show and explain the following:
 - the proposed location of the Building;
 - the manner in which the Property is to be serviced, including storm water drainage;
 - the existing grade of the Property;
 - the proposed grade of the Property upon completion of the Building;
 - the manner in which siltation of the Little Sackville River is to be prevented during any land filling operation and during construction of the Building;
 - the manner in which erosion of the Property is to be prevented upon completion of the Building.
8. That all plans and written materials required under Section 3 of this Agreement shall meet with the approval of the Development Officer for the Municipality, wherein said plans and written materials shall form an appendix(s) to this Agreement.
- 9(a) That in order to facilitate development on adjacent lands, the Developer shall within thirty (30) days of signing this Agreement by the Parties, cause to be conveyed that portion of the Property identified in Appendix "A" of this Agreement, to Lot "AF-4" of the lands of Archibald D. Fader and Ferne P. Fader.
 - (b) That the said conveyance shall be in accordance with all Municipal and Provincial regulations concerning the subdivision and transfer of land, including the Municipality's Subdivision By-law and the terms and conditions of this Agreement.
 - (c) That this Agreement shall have no effect until such time as the Development Officer for the Municipality has endorsed a Final Plan of Subdivision relating to the said conveyance and is in receipt of a duly recorded Indenture.
 - (d) That failure on the part of the Developer to comply with the requirements of sub-clause (a) shall render this Agreement null and void.
10. That the Developer shall supply the Municipality with proof of compliance to the agreed, when basement elevation of the Building prior to the issuance of the "Building Permit" for the Building by the Municipality.
11. That within thirty (30) days of the issuance of an "Occupancy Permit" for the Building, the Developer shall bring the Property to its agreed upon final grade and condition and upon the issuance of the said Occupancy Permit, shall not from that point onward alter the final grade or condition of the Property without consent of the Municipality.

