

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

"THAT Application No. ZA-CH/W-38-86 be approved and that a public hearing be held on September 29, 1986 at 7 p.m."  
MOTION CARRIED

Application No.'s DA-SA-03-86-16, DA-SA-04-86-16, and DA-SA-05-86-16 - Development Agreements, Hardwick Properties, Riverside Estates Subdivision, Lower Sackville

Mr. Kelly reviewed the report and the recommendation of the Planning Advisory Committee.

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

"THAT Application No.'s DA-SA-03-86-16, DA-SA-04-86-16 and DA-SA-05-86-16 be approved and that a public hearing be held on September 29, 1986 at 7 p.m."  
MOTION CARRIED

Application No. RA-CH/W-35-86-17 - Rezoning of Lot A2A and the Rezoning of Lot A2B of the Charles Settle Subdivision, Cole Harbour Road

Mr. Kelly read the report of the Planning Advisory Committee respecting this matter.

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

"THAT an application No. RA-CH/W-35-86-17 to rezone Lots A2A and A2B from R-1 to C-2 be approved, and that a public hearing be held on Wednesday, October 1, 1986 at 7 p.m."

Councillor DeRoche advised this matter and the second item on the supplementary agenda respect the same application. He advised it has come to the attention of the Planning Advisory Committee that it is possible to accomodate this application on September 29, 1986. Therefore,

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

"THAT the motion be amended to approve of the application to zone both Lots A2A and A2B from R-1 to C-2 and that a public hearing be held on September 29, 1986 at 7 p.m."

Councillor Adams pointed out that October 1, 1986 is the date for the School Board meeting.

Councillor McInroy spoke against both the amendment and the motion. He informed this property is located adjacent to the 96 unit apartment complex, which is the most controversial planning issue in District 17. He expressed concern that the C-2 zone would allow the construction of another high-rise apartment complex adjacent to the three presently there, and many have conceded that these units are an aesthetic mistake

because the density and concentration is too severe for the impact on the abutting residential areas. He advised he had spoken to the applicant respecting this, and he understands and appreciates Councillor McInroy's concerns because he knows the impact of living in a single family dwelling amongst apartment buildings. The reason for the rezoning is to obtain a better market value when the land is sold. Councillor McInroy felt the applicant deserves the right to rezone the property to obtain a better market value. However, he expressed concern about approving the rezoning without any development plans or proposals for the site. He stated nothing can be done unless there are some amendments made to the plan or the zone or develop a development agreement to have control over what is constructed on this site. Councillor McInroy concluded he could not support the amendment or the original motion because of the possibility that approval of this application could lead to undesirable development.

Councillor Mont also spoke against the amendment and the motion. He stated this application is for property next to the two most controversial developments in Cole Harbour. He stated the same people who were affected by that development will again be affected by the approval of this application. He pointed out the recommendation of the Planning Advisory Committee was not unanimous passing by a 6 to 4 vote. If a public hearing is held it will be very lengthy, and holding it on a Monday night with several other public hearings will not be wise. He urged Members of Council to vote against holding the public hearing at all.

Councillor MacDonald informed at the Planning Advisory Committee meeting he said Councillors should be learning from their mistakes, and after seeing the previous development of the large apartment buildings, Councillors should not even consider this matter for approval because it will harm many people - people who were harmed by the previous development. He stated he would not vote in favour of holding this public hearing.

Question was called on the amendment to the motion.

#### MOTION DEFEATED

Councillor Lichter clarified the apartment buildings adjacent to the parcel of land in question were built when Council had no control over development in a C-2 zone. However, since that time, Council has amended the Municipal Development Plan whereby the parking areas and other features of an apartment building must conform to an R-4 zone. He asked if this amendment would mean any kind of improvement in apartment construction, or if it would still be a bad development for the surrounding community. Councillor McInroy agreed the requirements relating to the construction of apartment dwellings in an R-4 zone now apply in a C-2 zone, which is an amendment since the previous development. However, from a planning and a neighbourhood point-of-view, a fourth apartment block is not appropriate regardless of the number of parking spaces, etc. He felt a commercial development of another sort would be most appropriate for this land, but the impact of another



apartment building here will be too much. He stated he would like to see a separation of R-4 and C-2 zoning to allow Council clarification when dealing with a rezoning applications for commercial and apartment dwellings.

Councillor Lichter stated when Mr. Settle appeared before the Planning Advisory Committee he supported the request for a public hearing, although it appears it will be controversial. However, he felt Council should be aware there are two single family dwellings in the area that have suffered from the development of the 96 apartment units. Councillor Lichter stated if these two single family dwellings are to be used as buffers, the motion should be defeated. However, if these people should be given an opportunity to get out of the single family dwellings and mark the land as commercial, which does not necessarily mean an apartment building will go there, the application should be supported. He concluded he would support this application as he did at the Planning Advisory Committee level.

Councillor Deveaux advised he supported the issue going to a public hearing for the reasons as addressed by Councillor Lichter. He stated the owners of the land in question are in a bind because of the surrounding land uses. He felt they deserve the right to bring the issue to a public hearing, although the rezoning may not be approved at that point in time.

Councillor Mont stated many other people were affected by the existing apartments along Hugh Allen Drive. He felt if the reasoning of Councillor Lichter and Councillor Deveaux is adopted, all lands along Hugh Allen Drive should be sold as commercial. He stated the applicant does not want to see an apartment building on this site, but he is prepared to sell it to whoever buys it, and it will be their decision as to what will be done on the property. Councillor Mont felt the applicant was willing to agree to some other restrictions, although they are not available in the plan right now. He suggested this should be considered instead of the rezoning and the public hearing. He concluded since the first mistake was made, others should not be allowed.

Councillor Poirier stated the motion is different from the norm making it strange to vote on. She pointed out October 1st is the School Board meeting and if that date is approved, some members will not be present. She also noted Councillors from the area are not opposed to the C-2 zoning, but if this application is rejected, the applicant cannot get his C-2 zoning. She concluded the matter is confusing.

Question was called on the original motion.

#### MOTION DEFEATED

Councillor Poirier clarified this application has been rejected, and the applicant is denied the right to a public hearing. She expressed objection to the decision of Council.

Councillor McInroy informed he and Councillor Mont agree with a commercial designation for the land in question. However, there

remains the risk of uncontrolled apartment development, and the Councillors for the area first want to address that point. The applicant can then reapply for a commercial designation.

Proposed Amendment to the Planned Unit Development Agreement - Forest Hills Town Centre, Stage 6, Cole Harbour

Councillor McInroy and Councillor Mont each declared a conflict of interest.

Mr. Kelly reviewed the report of the Planning Advisory Committee.

Councillor MacKay questioned the conflict between the recommendation and the staff report. Councillor DeRoche informed the majority of the members of the Planning Advisory Committee did not agree with staff or the solicitor with respect to this matter being a minor variation. They felt it had a much broader impact than projected; therefore, the Committee decided this is not a minor variation, and a rezoning application should be made by the Nova Scotia Department of Housing.

Councillor MacKay asked if the applicant would have any right to appeal such a decision under the Planned Unit Development by-law. Mr. Cragg informed regardless of the decision it could be appealed to the Municipal Board. Councillor MacKay expressed concern that there have been instances in the past with the Department of Housing where land would have a certain designation or zone and people would buy or build a home on a lot only to find out without a public hearing the land next door had changed. He asked if such people in close proximity would also have the right to appeal the decision of Council. Mr. Cragg informed both interested citizens, area residents, or the Department of Housing are deemed to be interested parties and could appeal the decision to the Municipal Board.

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

"THAT the Department of Housing's application for a minor variation be rejected, and if the Department of Housing wishes to pursue the matter, they make application for a rezoning in the usual fashion."  
MOTION CARRIED

Application No. PA-SA-10-86 Proposed Amendment to the Sackville Municipal Planning Strategy - Comprehensive Commercial Development

Mr. Kelly reviewed the supplementary report of the Planning Advisory Committee respecting this matter.

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

"THAT the staff report respecting Application No. PA-SA-10-86 be approved and that a public hearing be held on September 30, 1986 at 7 p.m."



Councillor MacKay informed that he, Councillor MacDonald, Deputy Warden Wiseman, and Warden MacKenzie had opportunity to meet the owners of Sackville Downs facility, and they all feel quite confident that Sobey's will develop Sackville Downs under the Comprehensive Development District, allowing the Municipality better control on the development of this large parcel of land in the centre of Sackville. He stated this would be a very positive step on behalf of Council and the developers.

Councillor MacDonald expressed support of the proposal to assure the land is developed properly.

Councillor Lichter noted the report advised there was no opposition for this proposal; he also pointed out there was not support for this.

Councillor DeRoche pointed out that while the owners have indicated their intent to proceed with development under the Comprehensive Development District, that option is not yet open to them until the amendment is endorsed.

MOTION CARRIED

Application No. ZA-24-38-86 Amendment to the Municipality's Zoning By-law No. 24

Mr. Kelly read the report of the Planning Advisory Committee.

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

"THAT Application No. ZA-24-38-86 be approved and that a public hearing be held on September 29, 1986 at 7 p.m."

MOTION CARRIED

BUILDING INSPECTOR'S REPORTS

Donald D. Macaulay, Boutlier's Point

Mr. Kelly read the report from Mr. Slaunwhite, Assistant Chief Building Inspector, respecting a request for a lesser side yard clearance of two feet.

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

"THAT a lesser side yard clearance of two feet be approved for applicant Donald D. Macaulay on property located at Kennedy's Road, Boutlier's Point."

MOTION CARRIED

K.A. Eden, Lake Echo

Mr. Kelly reviewed this request for a lesser setback of 15 feet on Lot 56, Ponderosa Drive, Lake Echo.

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

"THAT a lesser setback of 15 feet be approved for Lot 56, Ponderosa Drive, Lake Echo."  
MOTION CARRIED

EXECUTIVE COMMITTEE REPORT

Request for District Capital Grant, District 3

Mr. Kelly reviewed the request.

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

"THAT a District Capital Grant, District 3 in the amount of \$4,000 for improvements to the Three Villages Ballfield, Glen Haven be approved by Municipal Council."  
MOTION CARRIED

Request for District Capital Grant, District 9

Mr. Kelly read the report and the recommendation of the Executive Committee.

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

"THAT a District Capital Grant, District 9 in the amount of \$1,500 for improvements to the ballfield at Lawrencetown Community Centre be approved."  
MOTION CARRIED

Request for District Capital Grant, District 14

Mr. Kelly read the report.

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

"THAT a District Capital Grant, District 14 in the amount of \$1,000 for the purchase of equipment of Grand Lake Fire Department be approved by Municipal Council."  
MOTION CARRIED

Request for District Parkland Grant, District 14

Mr. Kelly reviewed the request as per the Executive Committee report.

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

"THAT a District Parkland Grant, District 14 in the amount of \$2,000 for the purchase of recreation equipment, Cheema Aquatic Club be approved."  
MOTION CARRIED



Request for District Capital Grant, District 15

Mr. Kelly read the report.

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

"THAT a District Parkland Grant, District 15 be approved in the amount of \$5,000 for improvements to the ballfields, Beaverbank-Kinsac Sports Association."  
MOTION CARRIED

Request for District Capital Grant, District 14

Mr. Kelly noted this item was not on the Executive Committee agenda of August 21, although the request had been received. He asked that it be dealt with at this time to avoid holding up the request. He reviewed the request, and Members of Council agreed to deal with the request at this point in time.

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

"THAT a District Capital Grant, District 14 be approved in the amount of \$1,000 for improvements to the Grand Lake Community Society Building."  
MOTION CARRIED

Resolution, Withdrawal from Special Reserve

Mr. Kelly reviewed the report of the Executive Committee.

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

"THAT Council approve withdrawal from the Special Reserve Fund in the amount of \$312,609 for the Windsor Junction Water system."  
MOTION CARRIED

URBAN SERVICES COMMITTEE REPORT

Sewer Services, Woodbine Mobile Home Park, Beaverbank

Mr. Kelly reviewed the report from the Urban Services Committee respecting this matter.

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

"THAT resolution of environmental problems at Woodbine Mobile Home Park be undertaken by the owner by replacement of the present treatment plant with a facility approved by the joint authorities and capable of providing the required treatment; further that operations and maintenance of the newly constructed plant be carried out by Engineering and Works staff, at cost, and according to a legal agreement to be executed with the park owner and approved by Municipal Council."

Councillor DeRoche informed the Urban Services Committee expressed concern about the conveyance of the concept that the operations and maintenance of the new plant be carried out by the Department of the Engineering and Works. He felt the agreement of the Urban Services Committee was that the Municipality through Council should have no objections to the Municipality entering into a contractual arrangement with the owners of the park, rather than projecting that there must be an arrangement.

Councillor Merrigan expressed difficulty with the recommendation. He stated he did not attend the last Urban Services Committee meeting because he did not receive the report from the first meeting. He expressed objection to the Urban Services Committee dealing with a problem in Beaverbank, which is considered to be a rural community. He did not know anything about this matter - that staff were working on a report. He concluded that he did not have an opportunity to discuss this matter with the residents affected and what they would like to see done. There is a health problem whereby the lake is being polluted by a plant that is not working.

Councillor Eisenhower expressed difficulty with the staff report because it did not contain any cost factors. After some comments about financing and costs, Councillor Eisenhower concluded that he had difficulty with the whole matter and whether or not the recommendation of the Urban Services Committee is the answer.

Councillor Mont informed this matter was not sought out by the Urban Services Committee, but is appeared on the agenda. The first time it appeared on the agenda, it was decided no decision should be made without Councillor Merrigan's input. The second meeting when this matter was put on the agenda, the Committee was advised that Councillor Merrigan had been informed of the report and invited to attend. On that basis, the matter was dealt with. He suggested the matter came to the Urban Services Committee because it will affect the urban-environmental rate. Mr. Wilson informed this matter came to the Urban Services Committee because they deal with serviceable areas, and this matter is over one mile outside the serviceable area. The reasoning behind having the Department of Engineering and Works operate the new plant is that this has been the policy of the Engineering Department for some time. They have the expertise to do this and to help if there are problems.

Councillor Merrigan expressed concern about a decision being made without all the facts, suggesting this recommendation may not be the answer to the problem, and requested more time to further investigate this matter. After further comments,

It was moved by Councillor Merrigan, seconded by Councillor Eisenhower:

"THAT the matter of sewer services at Woodbine Mobile Home Park in Beaverbank be deferred to the first Session of Council in October."



Councillor MacKay expressed a need to know of the cost estimates involved and the impact of this on the main trunk sewer.

MOTION CARRIED

METROPOLITAN AUTHORITY REPORT - COUNCILLOR MacDONALD

Councillor MacDonald informed there are many matters with the Metropolitan Authority that are still controversial. One positive step was that the Authority instructed the Executive Director to negotiate a contractual agreement with the County for the operation of the proposed Leachate Treatment Plant at Highway 101 Landfill Site on behalf of the Metropolitan Authority. He stated the County is further ahead in sewage treatment than the other municipalities in the Metropolitan area and are more capable of handling a maintenance job such as this. The charges will be picked up by the Metropolitan Authority. Councillor MacDonald also informed the financial statements for the end of May were reviewed, and on a consolidated basis total expenditures were under budget by \$166,000 or 1.5 percent.

Councillor MacKay asked if any negotiations have taken place with respect to the operation of the Leachate plant. Councillor MacDonald informed preliminary negotiations have taken place with the County, and recommendations are expected, although the negotiations are only preliminary.

Councillor MacKay noted when this matter was first embarked upon by the Metropolitan Authority, it was felt this plant was one of the first of its kind in North America. He asked if the Engineering Department would have the necessary expertise to deal with this. He asked if any costs tabulated by the Engineering Department before negotiations would be borne by the Metropolitan Authority. Deputy Warden Wiseman suggested this would be something to be worked out during the negotiations. Councillor MacDonald informed the consultants working on this, Porter-Dillon, had an experimental model at the land-fill site for one year, and they are familiar with the workings of the larger system. Also, Mr. Brady, Manager of Plant Operations, felt the Municipality could handle this with their expertise and the information that will be supplied by Porter-Dillon.

ADDITION OF ITEMS TO THE SEPTEMBER 16, 1986 COUNCIL SESSION

Councillor Eisenhower - Fund Raising for Halifax-St. Margaret's Arena Association

AGENDA ITEMS

Councillor Walker - Sir John A. MacDonald Playing Field

Councillor Walker informed this playing field is in formidable condition, and there is an urgent need for repairs to it. He also

suggested the proposed cost estimates may be very low to what is actually required.

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

"THAT a letter be written to the Halifax County - Bedford District School Board asking what is being done about the condition of the Sir John A. MacDonald playing field, and what the proposed cost estimates will be."

Councillor P. Baker advised that he had also received calls about the condition of this playing field, and he had planned on bringing this matter up at the next School Board meeting. He stated it seems other areas of Halifax County seem to get a better share of the money for these purposes than schools in Halifax West. He advised he would be speaking about this at the next School Board meeting.

MOTION CARRIED

Councillor P. Baker - Power's Road, Terence Bay

Councillor P. Baker asked if there had been a reply to the letter sent to the Nova Scotia Power Corporation after this matter was discussed at the last Council Session. Mr. Kelly advised he has not had a response to his letter, although he had talked to an official of the Nova Scotia Power Corporation. There has not yet been an official response.

Councillor P. Baker informed since the last Council Session he has received many calls. The poles serve between 40 and 50 homes, and the telephone company is now saying they will not extend any further services due to the condition of the poles. He stated the poles are in terrible condition for over one mile through the woods. Councillor P. Baker stated people along here are facing another winter, which could be very unpleasant without heat and electricity for days at a time. The poles can only be repaired by going through the woods which can be very difficult and time consuming in the snow.

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

"THAT a follow-up letter be written to the Nova Scotia Power Corporation advising that the matter of utility poles to the Power's Road in Terence Bay is a very urgent matter."  
MOTION CARRIED

Mr. Kelly stated he expects to get a response from the Nova Scotia Power Corporation shortly. He informed once the letter is received, a copy of it will be sent to Councillor P. Baker, and if it is not satisfactory, he suggested a meeting could be arranged with the officials from the Power Corporation to work the matter out.



Councillor MacDonald - Horse Owners Association

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

"THAT a letter be sent to the president of the Halifax County Horse Owners Association, Gerald Verge, thanking the members for their participation in the growth and entertainment of the residents of Sackville and Halifax County, and that Halifax County Councillors feel greived over the course of events that lead to the closing of the race track, and that hopefully members of the Halifax County Horse Owners Association will return to Halifax County in the near future to continue their very important contribution to the County and the Province as a whole."  
MOTION CARRIED

Councillor MacKay - Harness Racing Facilities, Atlantic Winter Fair Site

Councillor MacKay stated a number of businessmen and the Halifax County Horse Owners Association have considered alternative sites for a race track, and it is probably safe to say with Sackville gone their number one priority would be the Atlantic Winter Fair site with the potential for Federal and/or Provincial funding. Other alternative sites have been considered, but it appears to be the opinion of the horsemen, supported by Councillor MacKay, that the most appropriate site would be the Atlantic Winter Fair grounds. A study some years ago indicated that a harness racing facility in conjunction with a fair ground would compliment each other, and it could be used all year.

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

"THAT the County of Halifax do what they can to encourage the Provincial government and the harness racing industry to locate a new harness racing track at the Atlantic Winter Fair site, and that a letter be written to Premier Buchanan and Mr. John Keddy of the Atlantic Winter Fair Site asking for their support." Councillor MacKay added this new facility will be located in District 4 which will provide much needed employment, etc. to the residents.  
MOTION CARRIED.

Councillor Reid - Next Meeting

Councillor Reid reminded that Council had agreed at the last Session to hold the next Session in Musquodoboit Harbour subsequent to the reception for Rick Hansen. Since that time it has been determined that the rink facilities cannot be utilized for the reception because of requirements for accessibility. Therefore, the reception will be held at the high school in Musquodoboit Harbour at 4 p.m. Tentatively, Members of Council will meet at 6:00 p.m. at the rink for the Council Session.

After some discussion respecting this matter, it was agreed to leave the task of finding a location for the Council Session to Councillor Reid and Councillor Bayers and that Mr. Kelly would notify all Councillors when plans are finalized.

ADJOURNMENT

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

"THAT this Session of Council adjourn."  
MOTION CARRIED



**PUBLIC HEARING**

**SEPTEMBER 8, 1986**

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

ALSO PRESENT: Mr. D.D. Reinhardt, Deputy Municipal Clerk  
Mr. R.G. Cragg, Municipal Solicitor  
Mr. B. Butler, Planner

SECRETARY: Glenda Higgins

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Deputy Warden Wiseman called the Public Hearing to order at 7:05 p.m. with the Lord's Prayer.

Mr. Reinhardt called the Roll.

APPOINTMENT OF RECORDING SECRETARY

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

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

APPLICATION NO. DA-SA-11-86-19

Mr. Butler reviewed the staff report, noting the proposal is for the relocation of an existing facility presently on the Lucasville Road. He added the Department of Social Services has commented on the excellent service the present facility provides.

Questions from Council

None

Speakers in Favour of this Application

None

Speakers in Opposition to this Application

None

Councillor MacDonald advised this facility has provided a good service to the area, and the proposed new location is felt to be ideal - close to shopping, transit, etc.

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

"THAT the Development Agreement between the Municipality of the County of Halifax and Robert and Daisy Freeman to permit a residential care facility on Lot 15 of the lands of R.D. Lindsay Investments and Holdings Limited, R.D. Lindsay and R.D. Lindsay Funeral Homes Ltd., located on the Old Sackville Road at Lower Sackville be approved by Municipal Council."  
MOTION CARRIED UNANIMOUSLY

DA-SA-12-86-20

Councillor MacKay declared a conflict of interest.

Mr. Butler reviewed the staff report and the development agreement.

Questions from Council

Councillor DeRoche noted Section 3(a) of the development agreement leaves the developer with the option of developing single family or duplex units on lots 1 to 18 inclusive. Coupled with the apartment units he suggested the developers are given an open-ended situation ranging from 108 to 126 units. Mr. Butler replied two unit dwellings were felt to be satisfactory, and if the market is for single family dwellings, they too can be built. The evaluation was done from the highest density, and the Department of Engineering and Works have expressed no difficulty with this.

Councillor MacDonald asked if the development can be all apartments without the duplexes. Mr. Butler assured the development agreement will only allow the development of the three apartment buildings and the 18 dwelling units. Councillor MacDonald next asked if the duplexes will be located next to the apartment buildings. Mr. Butler informed the apartment buildings will be separated from the residential units by a buffer area, but there is no provision for further buffering contained in the development agreement.

Speakers in Favour of this Application

Steve Moir, Alderney Consultants, informed the first preparations for this development began last spring, and at that time there were concerns about the traffic from First Lake Drive. The Department of Transportation then gave approval to have the three apartment buildings access onto Metropolitan Avenue. That change also allowed for 18 semi-detached lots rather than the originally proposed 16. Mr. Moir stated this site is close to First Lake and provision has been made in the engineering drawings for environmental protection. The Department of the Environment have given their input, and they will require a temporary settling pond to allow for the settling of the siltation during construction. A drainage ditch will be dug which will have a large boulder placed in front so the majority of the storm water will be defused. The channel will be lined with rock for approximately 150 feet to help protect against erosion of the soil. While the units are under construction, the access points are required to be gravelled to protect against erosion, and all exposed areas are to be covered.

Questions from Council

Councillor DeRoche clarified that all traffic from the apartment units will exit onto Metropolitan Drive, and the only access onto First Lake Drive will be from the semi-detached units. He also asked if this development will be done in phases. Mr. Moir informed no more than nine units will be constructed at any one time. This has been agreed to by the developer, the contractor, and the planning staff, and the only difficulty with it is the time of year because hydroseeding will not be able to take place until next spring.

Councillor MacDonald inquired about the size of the holding pond. Mr. Moir informed it is approximately 20 x 35 feet (6 x 10 metres) and three feet (one metre) deep. It will be located in the middle of the site, and it is only temporary while construction is going on and until the storm sewer system is in place. Councillor MacDonald asked if it could be guaranteed there will be no siltation into First Lake. Mr. Moir stated it is difficult to make any guarantees, given the soil in Sackville, but all precautions are being taken. Councillor MacDonald stated that the ditches along First Lake Drive are eroding away, and the people do not want any more erosion here because it took 15 years to clean it up. He clarified that the Department of the Environment are satisfied the developers are protecting against erosion by doing this development in stages.

Deputy Warden Wiseman inquired about the height of the apartment buildings and the number of floors intended for each. Mr. Moir was of the understanding the apartments will be three stories high. He stated the concept is similar to the condominiums constructed by the same architect in Rockingham Ridge. It is believed there will be one ground level floor and two above-ground floors.



Bill Garnett, President, Saysf Developments Ltd., confirmed the apartment buildings will be three stories high. He informed his company had worked with the architect on Rockingham Ridge, and they were very impressed with his concepts. Mr. Garnett went on to inform most of his business is within the community of Sackville, and he is conscious of this, living very close to this particular development. He stated the buildings will be very aesthetically appealing, built with quality materials and under good workmanship. The buildings will have a wood frame with gable ends, and for uniqueness they will have some jagged ends and peaks. The exterior will be maintenance-free with vinyl and aluminum siding. If it is decided single unit dwellings are required instead of the two unit dwelling, the architect will also design those, and they will be built under the same terms and conditions. Mr. Garnett stated his firm will do their utmost to protect against erosion during construction, placing straw on the excavated areas. The site is adjacent to a small green area, and there are many attractive trees on the site. It is intended to keep as many of those trees as possible. He concluded he is proud to be involved in this project.

#### Questions from Council

Councillor McInroy noted Mr. Garnett had only referred to vinyl and aluminum siding when discussing the building materials. He asked if any brick will be used. Mr. Garnett informed there will be some brick used to the second level in the shape of a pyramid.

#### Speakers in Opposition to this Agreement

None

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

"THAT the Development Agreement between the Municipality of the County of Halifax and East Coast Properties and Oakwood Securities Ltd., to permit construction of single and/or two unit dwellings and multiple-unit dwellings on Lot T.C.-2D of the Lands of Sackville Town Centre Ltd., located at the intersection of Metropolitan Drive and First Lake Drive at Lower Sackville be approved by Municipal Council with the addition of a clause in part three allowing for the development in two stages of nine units each."

MOTION CARRIED UNANIMOUSLY

#### APPLICATION NOS. ZA-24-36-86 and RA-24-37-86-01

Mr. Butler advised these applications are similar, and he would deal with them together. He reviewed each of the staff reports respecting the applications.

Questions from Council

Councillor DeRoche asked if the R-5 zoning would permit anything besides single family dwellings and duplexes. Mr. Butler informed only single family dwellings, two unit dwellings, existing mobile homes, and existing commercial uses with respect to residential dwellings. Councillor DeRoche clarified that an R-5 zone will not permit a multi-unit use.

Speakers in Favour of these Applications

Berritt Pitman, Head of St. Margaret's Bay, informed she is a member of the PPC for her area, and the people have requested that this area remain residential because they want to maintain their present lifestyle. The residents are concerned about the environment, and they do not want any more yacht and boat clubs. The residents do not want any other businesses moving in, and they do not want multi-unit development. Mrs. Pitman stated there is a need for organized and controlled development here, and she asked for Council's support of these applications.

Questions from Council

None

Speakers in Opposition to these Applications

None

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

"THAT Municipal Council amend the Municipality's Zoning By-law No. 24 by deleting yacht and boat clubs from the list of permitted uses in residential zones."  
MOTION CARRIED UNANIMOUSLY

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

"THAT the request to zone Mason's Point from G (General Building) Zone and an Unzoned Status to R-5 (Rural Residential) be approved by Municipal Council."  
MOTION CARRIED UNANIMOUSLY

Members of Council remained after the public hearing to discuss the location of the next Council Session. There was a motion carried at the August 19, 1986 Session that the Council Session of September 16, 1986 be held in Musquodoboit Harbour. After some discussion about the reception for Rick Hansen and the next Session,

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

"THAT the motion which carried on August 19, 1986 respecting the Council Session to be held in Musquodoboit Harbour be rescinded.  
MOTION CARRIED

ADJOURNMENT

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

"THAT this public hearing adjourn."  
MOTION CARRIED



STAFF REPORT

TO: Planning Advisory Committee  
FROM: Dept. of Planning & Development  
APPLICATION NO. DA-SA-11-86-19  
DATE: July 21, 1986

K. S. Wilson  
ACTING CAO  
Valerie Spence  
MANAGER, POLICY DIVISION

=====

RECOMMENDATION: THAT THE DEVELOPMENT AGREEMENT BETWEEN THE MUNICIPALITY OF THE COUNTY OF HALIFAX AND ROBERT AND DAISY FREEMAN, TO PERMIT A RESIDENTIAL CARE FACILITY ON LOT 15 OF THE LANDS OF R.D. LINDSAY INVESTMENTS AND HOLDINGS LIMITED, R.D. LINDSAY AND R.D. LINDSAY FUNERAL HOMES LTD., LOCATED ON THE OLD SACKVILLE ROAD AT LOWER SACKVILLE, BE APPROVED BY MUNICIPAL COUNCIL.

Information

Attached is a proposed development agreement between the Municipality and Robert and Daisy Freeman to permit a residential care facility on the lands identified in Map 3 (p.4) of this report. The Freemans presently operate an approved facility on the Lucasville Road. The purpose of the agreement is to permit the operation to be relocated to the Old Sackville Road. The necessity for this agreement stems from Policy P-33 of the Sackville municipal planning strategy, which permits consideration of residential care facilities within any land use designation subject to a development agreement.

ANALYSIS

The Sackville planning strategy makes specific reference to the need to facilitate residential care units in all of the community's land use designations. To this end, the development agreement is a vehicle for integrating the facility with surrounding neighbourhoods.

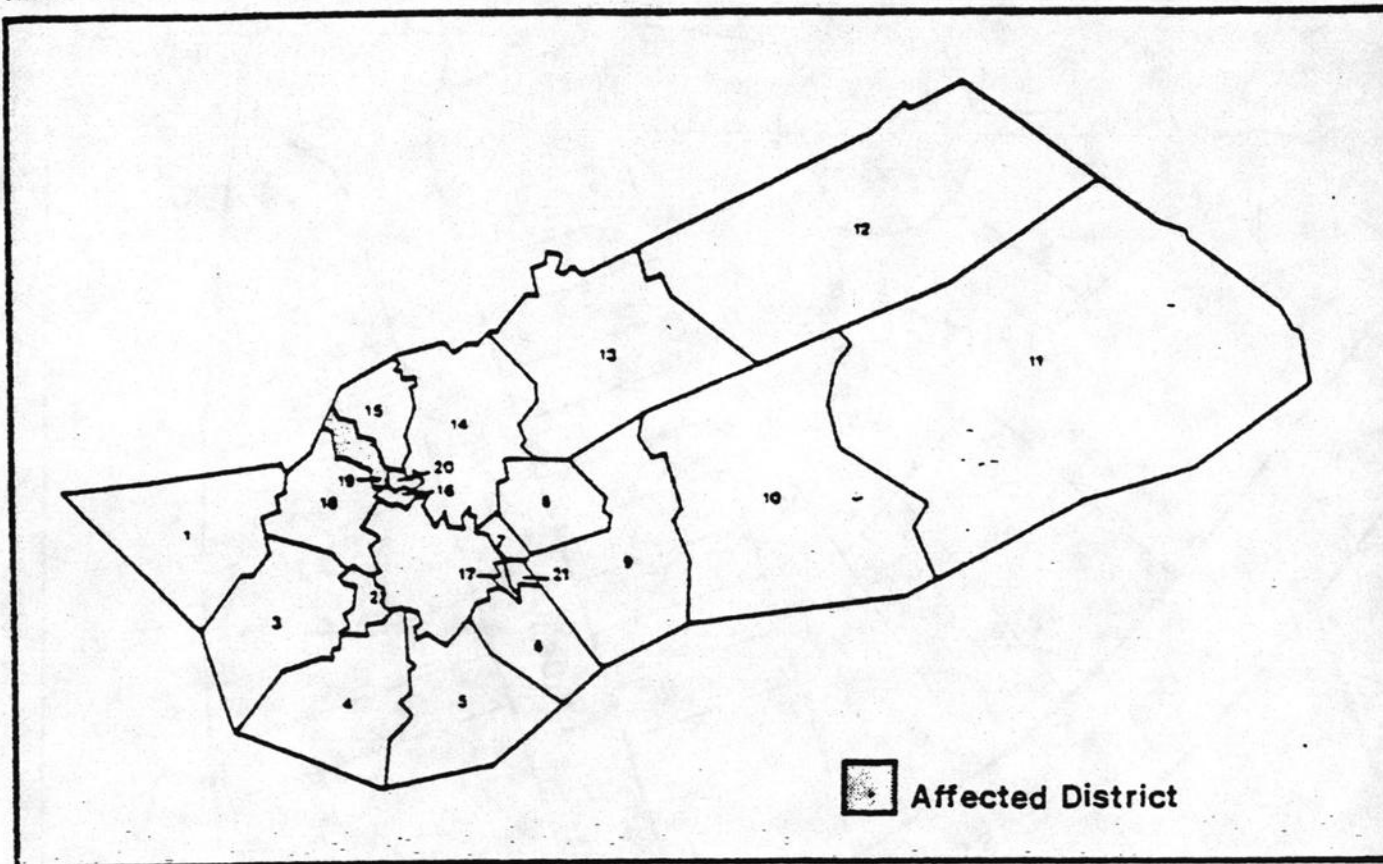
As illustrated by Map 3 (p.4) there is a mixture of single and two unit dwellings in the vicinity of the proposed development. This residential atmosphere will be of benefit to the home, since its primary objective is to aid in the social and/or physical rehabilitation of its clients. In turn, the proposed use will not adversely affect the neighbourhood, since no enlargements or exterior alterations to the existing building are anticipated. Additionally, the home's commitment to its clients' anonymity should result in an extremely quiet and unobtrusive operation.

The proposed agreement provides that the facility shall be operated in accordance with the Homes for Special Care Act. In this regard, all matters related to the interior set-up of the building (i.e. washrooms, bedrooms, amenity space) and the operation itself will be administered by the Provincial Department of Social Services. The department, along with the Municipality's Department of Social Services, have commented on the applicant's excellent operating record and are in support of the proposed development.

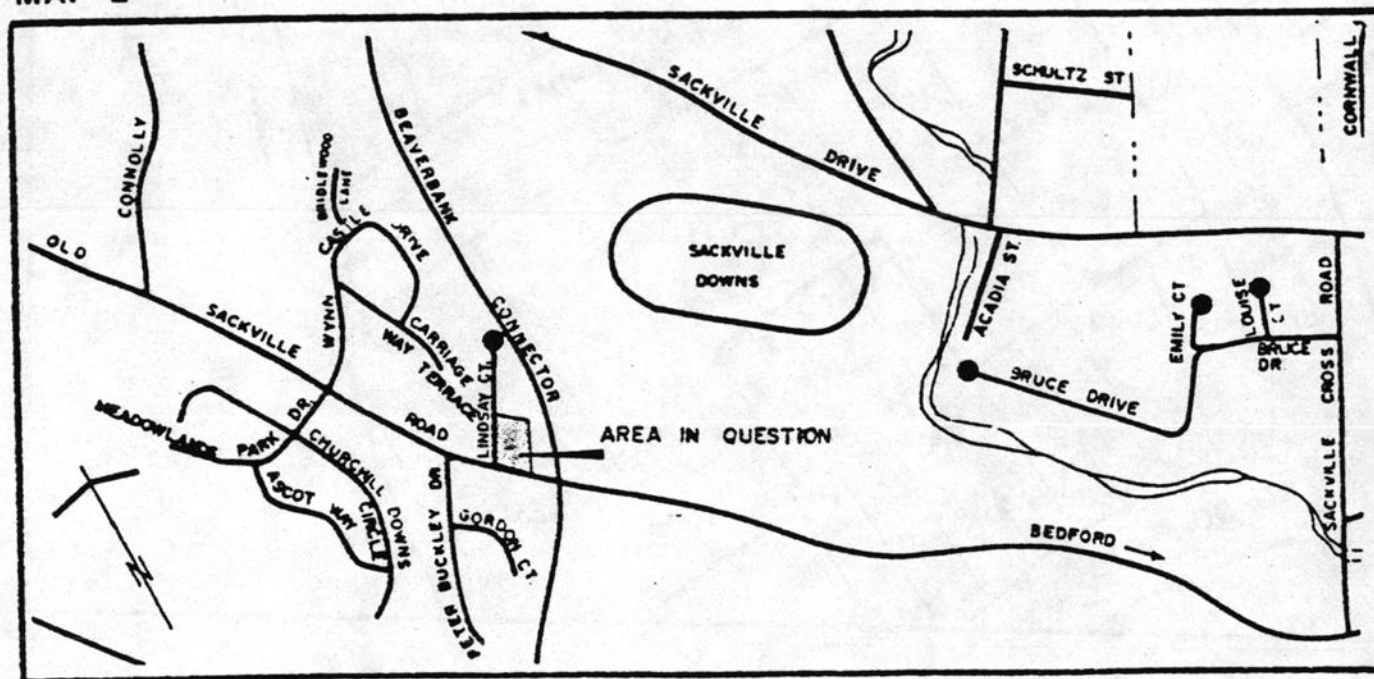
It should be noted that the applicant has agreed to limit the number of people residing at the facility to seventeen (17). This will allow the home to be developed with bedrooms and amenity spaces that are larger than the minimum requirements set forth in the Homes for Special Care Act. An increase in the number of residents or any enlargements to the building for the purpose of accommodating more people will require an amendment to the agreement.

R7  
rmm

MAP 1

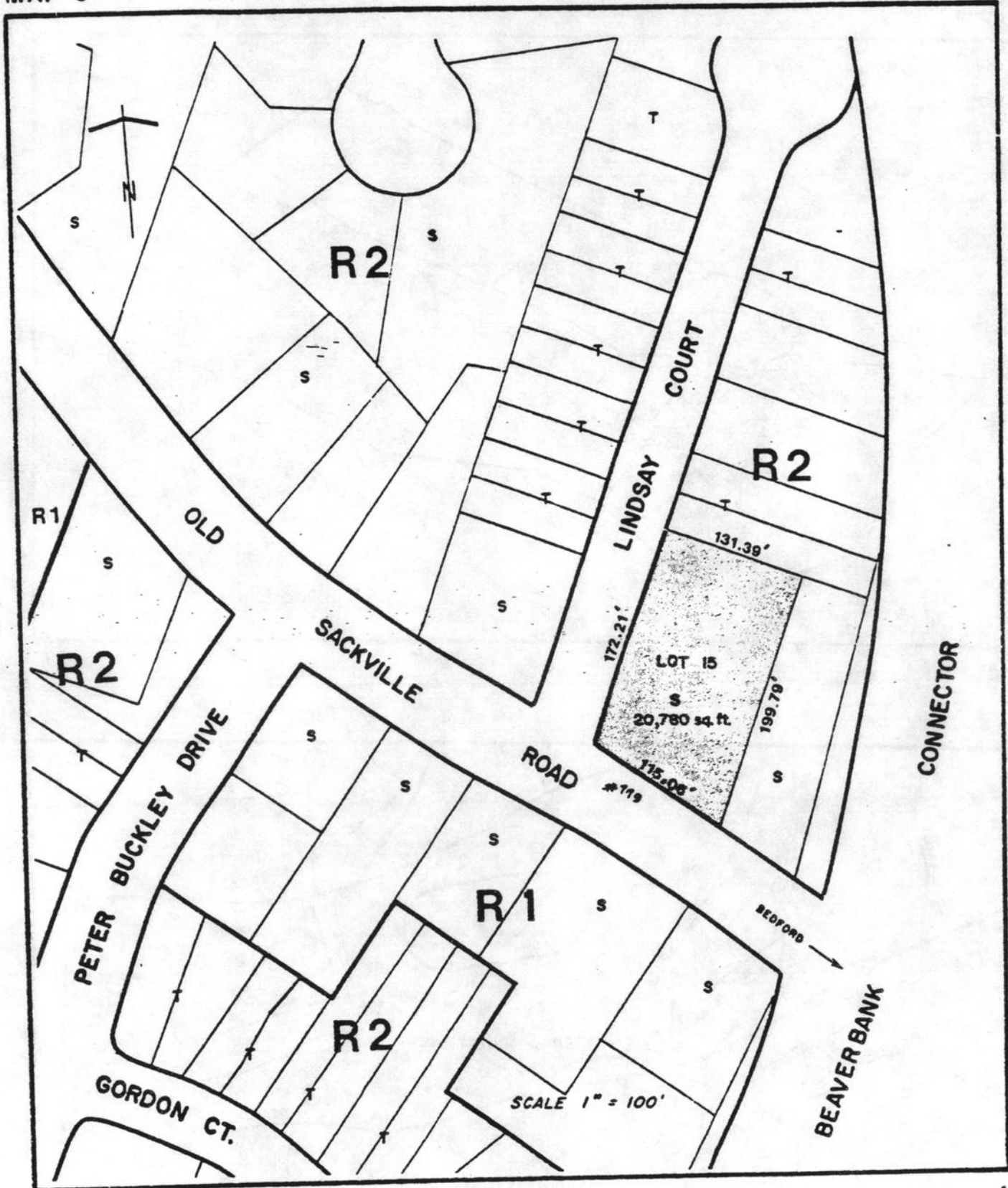


MAP 2





MAP 3



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

BETWEEN:

ROBERT AND DAISY FREEMAN, of Middle Sackville, in the County of Halifax, Province of Nova Scotia, hereinafter called the "Owners"

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 Owners have good title to lands and premises known as Lot 15 of the lands of R.D. Lindsay Investments and Holdings Limited, R.D. Lindsay, and R.D. Lindsay Funeral Homes Ltd., located on the Old Sackville Road at Lower Sackville, in the County of Halifax, Province of Nova Scotia, the said lands (hereinafter called the "Property") being more particularly described in Schedule "A" of this Agreement:

AND WHEREAS, at the request of the Owners, that they be permitted to utilize the Property and premises (hereinafter called the "Building") for a "Residential Care Facility", as defined under Section 2.51 of the Zoning By-law for Sackville:

WITNESS that in consideration of the sum of One Dollar (\$1.00) now paid by the Owners to the Municipality (the receipt of which is hereby acknowledged), the request to operate the said "Residential Care Facility" is agreed to by the Municipality pursuant to Section 3.6 (a) of the Zoning By-law for Sackville and subject to the following terms and conditions:

1. USE OF PROPERTY AND BUILDING

That the use of the Property and Building be restricted to, in addition to the activities identified under Section 6.1 of the Zoning By-law for Sackville, a "Residential Care Facility" as defined under Section 2.51 of the said By-law.

2. OPERATION TO CONFORM WITH PROVINCIAL LICENSES

- (a) That the operation of the Residential Care Facility shall conform in all respects with the Homes for Special Care Act, being Chapter 12, S.I of the Acts of 1976, S.N.S., and with any permits or licenses issued by the Minister of Social Services for the Province of Nova Scotia.
- (b) Notwithstanding Subsection (a), the number of persons residing in the Building shall not exceed seventeen (17) at any given time.

3. ENLARGEMENT OF BUILDING

- (a) That any expansion or enlargement of the Building shall conform with the requirements of Section 6.2 of the Zoning By-law for Sackville.
- (b) Notwithstanding Subsection (a), no enlargement or expansion of the Buildings shall be permitted for the purpose of accommodating more than seventeen (17) persons, unless and until the Owners have secured an amendment made pursuant to Section 5 of this Agreement, to permit the increased number of persons.

4. PARKING

That the Owners shall maintain in good repair a paved area on the Property of sufficient size and configuration to accommodate a minimum of four (4) motor vehicles.

5. AMENDMENTS TO AGREEMENT

That the Municipality may, at the request of the Owners, amend any and all provisions of this Agreement by majority vote of Municipal Council.

6. MATTERS INCIDENTAL TO THIS AGREEMENT

Upon breach by the Owners of any of the terms or conditions of this Agreement, the Municipality may, after thirty days notice in writing to the Owners of the breach, enter and perform any of the terms and conditions of the Agreement. It is agreed that all reasonable expenses, whether arising out of entry or from the performance of the terms and conditions, may be recovered from the Owners by direct suit and shall form a charge upon the Property.

- 7. This Agreement shall run with the land and be binding upon the Owners' heirs, assigns, mortgagees, lessees, successors, and occupiers of the Property from time to time.
- 8. This Agreement shall be filed by the Municipality in the Registry of Deeds at Halifax, Nova Scotia, and shall form a charge or encumbrance upon the Property.



9. The Owners shall pay the costs of recording and filing all documents in connection with this Agreement.

10. The provisions of this Agreement are severable from one another and the invalidity or unenforceability of one provision shall not prejudice the validity or enforcement of any other provisions.

WITNESS that this Agreement, made in triplicate, was properly executed by the respective parties on this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 1986.

SIGNED, SEALED AND DELIVERED )  
in the presence of )

\_\_\_\_\_  
ROBERT FREEMAN

\_\_\_\_\_  
DAISY FREEMAN

SEALD, DELIVERED AND ATTESTED )  
to by the proper signing )  
officers of the Municipality )  
of the County of Halifax duly )  
authorized in that behalf in )  
the presence of )

===== )  
MUNICIPALITY OF THE COUNTY OF )  
HALIFAX )

\_\_\_\_\_  
WARDEN

\_\_\_\_\_  
CLERK

ALL AND SINGULAR that certain lot, piece or parcel of land, situate, lying and being in Lower Sackville, County of Halifax, Province of Nova Scotia, shown as Lot 15, on a Plan Showing Survey of Lindsay Corner, a Subdivision of Lands of R. D. Lindsay Investments & Holdings Limited, R. D. Lindsay and R. D. Lindsay Funeral Homes Ltd., prepared by North Star Surveying Co. Ltd., dated October 31st, 1984 and approved by the Halifax County Planning Board on October 4, 1985 being more particularly described as follows:

BEGINNING at a point on the northeasterly margin of the Old Sackville Road; said point being also on the southeasterly margin of Lindsay Court, and marking the intersection of these two street lines:

THENCE South  $48^{\circ} 42' 27''$  East, 35.072 meters, following the northeasterly margin of the said Old Sackville Road, to a point marking the most westerly corner of Lot 16;

THENCE North  $27^{\circ} 25' 30''$  East, 60.897 meters, following the northwesterly boundary line of the said Lot 16 to a point, on the southwesterly boundary line of Lot 14, said point being also the most northerly corner of Lot 16;

THENCE North  $62^{\circ} 34' 30''$  West, 34.050 meters, following the southwesterly boundary line of Lot 14, to a point on the southeasterly margin of Lindsay Court said point being the most westerly corner of Lot 14;

THENCE South  $27^{\circ} 25' 30''$  West, 52.491 meters, following the southeasterly margin of the said Lindsay Court, TO THE POINT OF BEGINNING:

(A TRACT OF LAND CONTAINING 1930.43 square meters.)

(BEARINGS ARE GRID, derived from the azimuth between Nova Scotia Coordinate Monuments 22116 and 22117, based on the Nova Scotia 3° Transverse Mercator Projection, Zone 5, Central Meridian  $64^{\circ} 30'$  West Longitude, 1979 Values.)

2-18

STAFF REPORT

TO: Planning Advisory Committee  
FROM: Dept. of Planning & Development  
APPLICATION NO. DA-SA-12-86-20  
DATE: 1986 07 28

*K. S. Wilson.*  
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ACTING CAO  
*[Signature]*  
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MANAGER, POLICY DIVISION

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RECOMMENDATION: THAT THE DEVELOPMENT AGREEMENT BETWEEN THE MUNICIPALITY OF THE COUNTY OF HALIFAX AND EAST COAST PROPERTIES LIMITED AND OAKWOOD SECURITIES LTD., TO PERMIT CONSTRUCTION OF SINGLE AND/OR TWO UNIT DWELLINGS AND MULTIPLE-UNIT DWELLINGS ON LOT T.C.-2D OF THE LANDS OF SACKVILLE TOWN CENTRE LTD., LOCATED AT THE INTERSECTION OF METROPOLITAN DRIVE AND FIRST LAKE DRIVE AT LOWER SACKVILLE BE APPROVED BY MUNICIPAL COUNCIL.

Information: Attached is a proposed development agreement between the Municipality of the County of Halifax and East Coast Properties Limited and Oakwood Securities Ltd., to permit construction of single and/or two unit dwellings and multiple unit dwellings on the lands identified in Map 3, (p.3) of this report. The land is presently zoned CDD (Comprehensive Development District), which permits consideration of mixed use developments, subject to a development agreement.

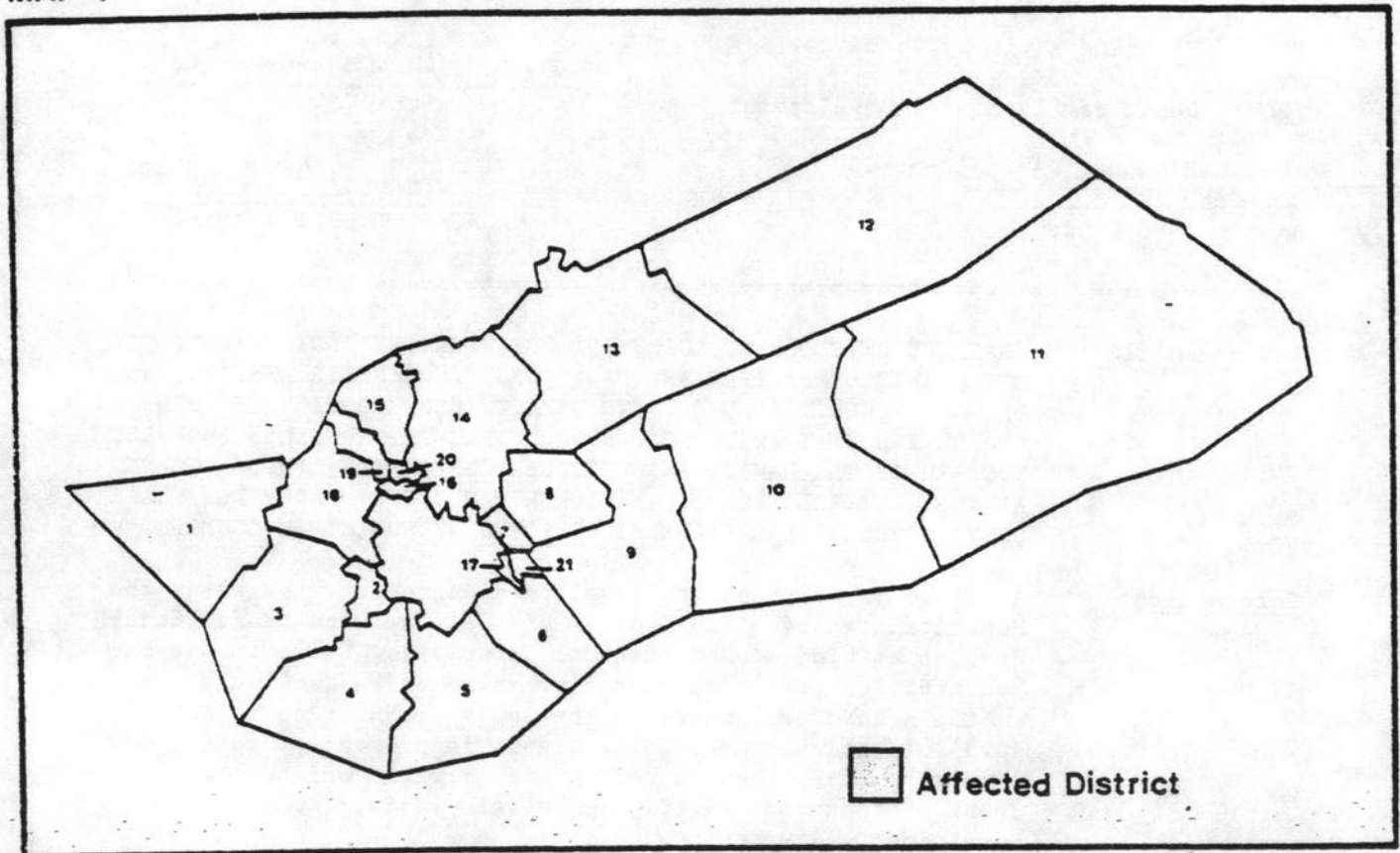
The proposed development calls for the construction of a maximum of eighteen single or two unit dwellings on a yet to be constructed cul-de-sac off First Lake Drive. In addition, three apartment buildings (24, 30 and 36 units) are to be constructed along Metropolitan Drive. The development agreement provides that the 7.2 acre landholding will be subdivided into twenty-one (21) separate lots prior to the construction of any dwelling unit(s).

ANALYSIS: The proposed agreement contains a number of appendices which set out in detail the manner in which the landholding is to be subdivided and developed. All matters related to road construction, buffering and environmental protection, building locations, parking, and the installation of central services (including stormwater management) are documented in these appendices and have met with the approvals of the applicable municipal and provincial agencies. The Department of Engineering and Works has also determined that upgrading of the First Lake Drive sewage lift station will not be necessary. Therefore, no bonding will be required.

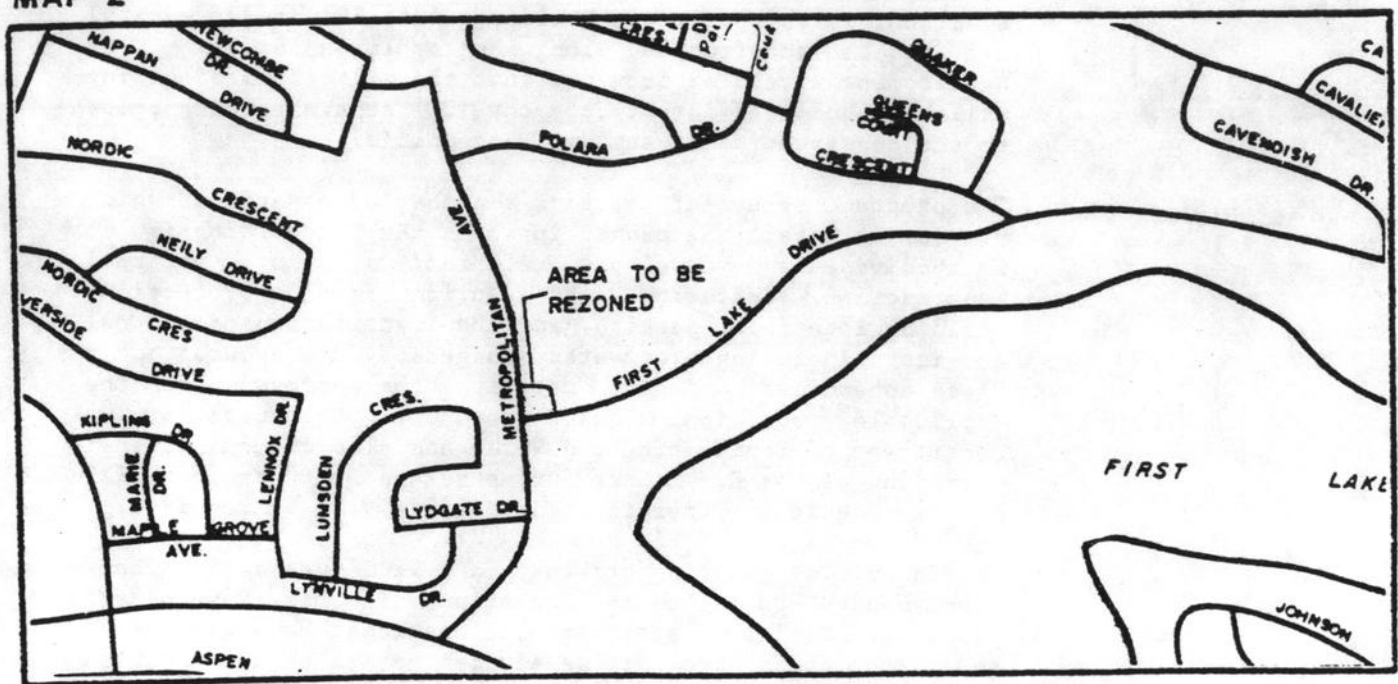
The Sackville planning strategy and land use by-law have been amended to allow consideration of this development proposal. Municipal staff and the applicant have determined an appropriate approach to development based on the intended land uses and the site's natural characteristics. Approval of the agreement is therefore recommended.



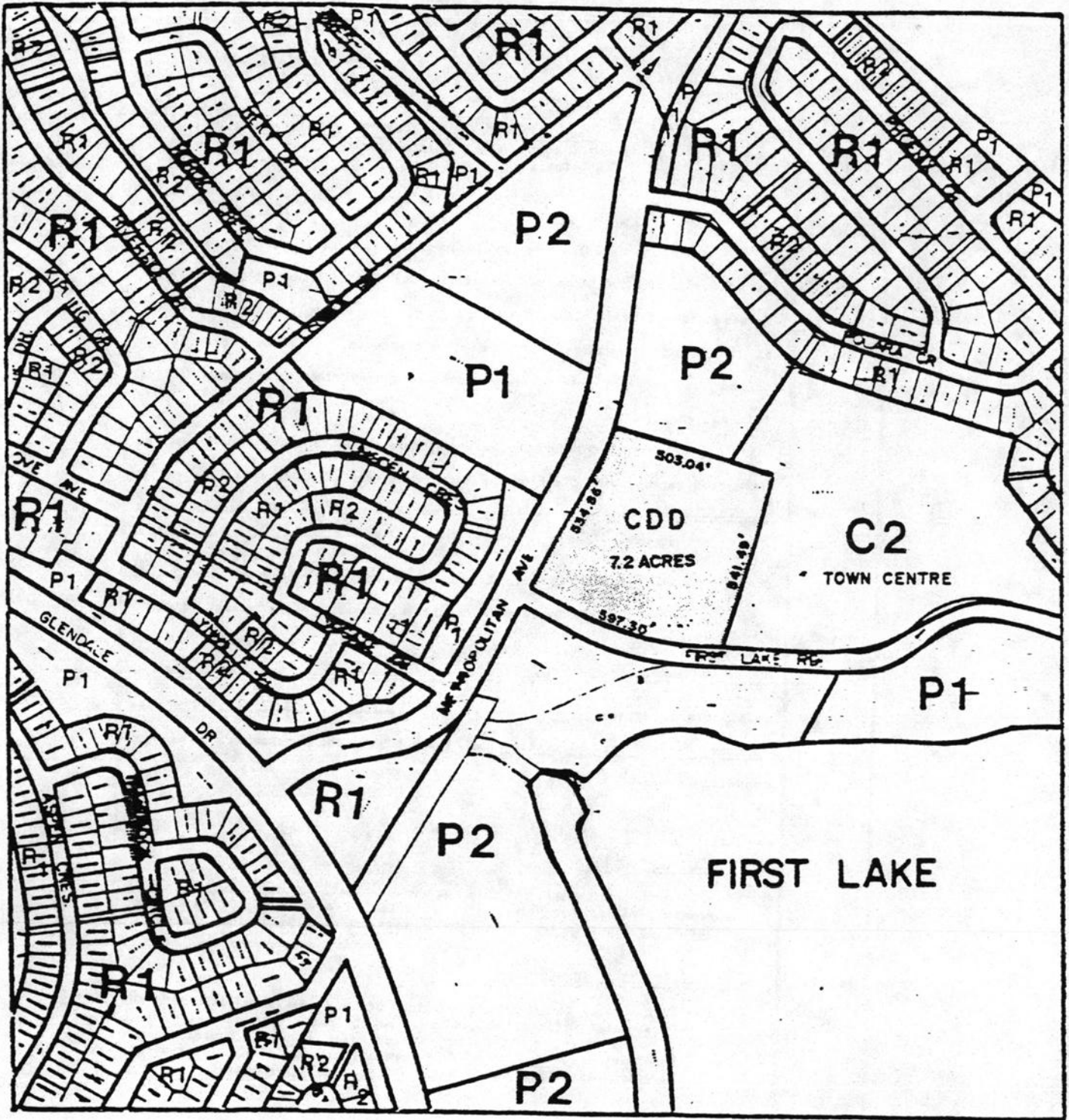
MAP 1




MAP 2



- 3 -  
MAP 3



 C-2 to CDD

**BETWEEN:**

EAST COAST PROPERTIES LIMITED, a body corporate, and OAKWOOD SECURITIES LTD., a body corporate, hereinafter called the "Developers"

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 Developers have good title to lands known as Lot T.C.-2D of the Lands of Sackville Town Centre Ltd., located at the intersection of Metropolitan Drive and First Lake Drive, 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 Developers have requested that they be permitted to subdivide the Property into twenty-one (21) separate lots and to construct a mixture of single and/or two unit dwellings and multiple unit dwellings;

WITNESS that in consideration of the sum of One Dollar (\$1.00) now paid by the Developers to the Municipality (the receipt of which is hereby acknowledged), the request to subdivide the Property and to construct the single and/or two unit dwellings and the multiple unit dwellings is agreed to by the Municipality pursuant to Section 19.2 of the Zoning By-law for Sackville and subject to the following terms and conditions:

1. ALL WORDS TO MEAN

All words contained in this Agreement shall carry their customary meaning, except for words defined in Part 2 of the Zoning By-law for Sackville, wherein such words shall carry the meaning defined therein.

2. PROPERTY TO BE SUBDIVIDED

(a) That prior to the construction of any dwelling unit(s), the Development Officer for the Municipality shall have endorsed a plan of subdivision, applied for in accordance with the Municipality's Subdivision By-law and this Agreement, and showing the twenty-one (21) lots identified in Appendix "A" of this Agreement.



(b) Notwithstanding subsection (a), where it is the intention of the Developers to first begin construction of the multiple unit dwellings on lots 19 - 21 inclusive as shown in Appendix "A" of this Agreement, the Development Officer shall be empowered to endorse a plan of subdivision for the approval of the said lots, separate and distinct from the approval of the remaining portion of the Property.

(c) For the purpose of consistency between this Agreement and the plans of subdivision referenced in subsections (a) and (b), the lot numbering as shown in Appendix "A" of this Agreement shall be maintained when applying for subdivision approval.

3. PERMITTED LAND USES (LOTS 1-18 INCLUSIVE)

(a) That the use of Lots 1-18 inclusive as shown in Appendix "B" of this Agreement shall be restricted to the construction of single unit dwellings and/or two unit dwellings, wherein the provisions of PART 7 of the Zoning By-law for Sackville shall apply.

(b) Notwithstanding subsection (a) no living tree having a circumference greater than twenty (20) inches and being located within ten (10) feet of the rear lot lines of Lots 1-18 inclusive shall be cut, uprooted or otherwise removed, except for the purpose of accommodating the installation of a fence. For the purposes of this Agreement, the circumference of any tree shall be measured at a height of three (3) feet above the established grade of the ground.

4. PERMITTED LAND USES (LOTS 19-21 INCLUSIVE)

(a) That the use of Lots 19-21 inclusive as shown on Appendix "B" of this Agreement shall be restricted to the construction of one (1) multiple unit dwelling (hereinafter called the "Buildings") per lot. It is agreed that all matters relating to the location of the Buildings, the number of units per Building permitted, and the size and configuration of parking areas and vehicular ingress and egress points, shall be as specified in Appendix "B" of this Agreement.

(b) In addition to the requirements of subsection (a), no living tree having a circumference greater than sixteen (16) inches (as measured in Section 3(b)) and being located within twenty (20) feet of the front lot lines of the said lots; or the flankage yard of Lot 19; or the northern side yard of Lot 21, shall be cut, uprooted or otherwise removed, except for the purpose of accommodating vehicular ingress/egress points or sidewalks.

5. INSTALLATION OF CENTRAL SERVICES

That the Developers shall ensure that all matters related to the installation of central services, including stormwater systems, are as specified in Appendix "C" of this Agreement. The parties hereto agreed that any changes to the specifications identified in the said Appendix shall meet with the approval of the Director of Engineering and Works for the Municipality whereupon the agreed upon changes shall be duly recorded as further Appendix to this Agreement.

6. TERMS AND CONDITIONS OF EQUAL IMPORTANCE

The terms and conditions of this Agreement are deemed to be of equal importance and any changes to or variations of the requirements contained herein shall, unless otherwise specified, require the mutual consent of the parties hereto.

7. IMPLEMENTATION

- (a) Subject to the provisions of this Agreement, the Developers shall be bound by all by-laws and regulations of the Municipality as well as to any applicable statutes and regulations of the Province of Nova Scotia.
- (b) Upon breach by the Developers of any of the terms or conditions of this Agreement the Municipality, may, after thirty days notice in writing to the Developers of the breach, enter and perform any of the terms and conditions of the Agreement. It is agreed that all reasonable expenses whether arising out of the entry or from the performance of the terms and conditions may be recovered from the Developers by direct suit and shall form a charge upon the Property.
- (c) This Agreement shall run with the land and be binding upon the Developers' heirs, assigns, mortgagees, lessees, successors, and occupants of the Property from time to time.
- (d) This Agreement shall be filed by the Municipality in the Registry of Deeds at Halifax, Nova Scotia, and shall form a charge or encumbrance upon the property.
- (e) The Developers shall pay the costs of recording and filing all documents in connection with this Agreement.
- (f) The provisions of this Agreement are severable from one another and the invalidity or unenforceability of one provision shall not prejudice the validity or enforcement of any other provisions.

WITNESS that this Agreement, made in triplicate, was properly executed by the respective parties on this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 1986.

SIGNED, SEALED AND DELIVERED )  
in the presence of )  
)  
)  
)  
\_\_\_\_\_ )

SEALED, DELIVERED AND ATTESTED )  
to by the proper signing )  
officer of the Municipality )  
of the County of Halifax duly )  
authorized in that behalf in )  
the presence of )  
)  
)  
)  
\_\_\_\_\_ )

\_\_\_\_\_  
EAST COAST PROPERTIES LIMITED  
\_\_\_\_\_  
J.W. LINDSAY, ESQ., SR.  
\_\_\_\_\_  
OAKWOOD SECURITIES LTD.  
\_\_\_\_\_  
A.J. HUSTINS, ESQ., JR.  
\_\_\_\_\_  
MUNICIPALITY OF THE COUNTY OF HALIFAX  
\_\_\_\_\_  
WARDEN  
\_\_\_\_\_  
CLERK

SCHEDULE "A"

All that certain lot of land on the northern side of First Lake Drive in the district of Lower Sackville, County of Halifax, Province of Nova Scotia, being Lot T.C. - 2D on a plan (Servant, Dunbrack, McKenzie & MacDonald Limited Number S-135-D) showing Lots T.C.-2D, T.C.-2E and T.C. -2F surveyed for Sackville Town Center Limited signed by Roy A. Dunbrack, N.S.L.S. dated November 8th, 1977 and described as follows:

BEGINNING on the northern boundary of First Lake Drive at the southwestern corner of Lot T.C. -2E;

THENCE N 16° 29' 35" E, 541.49 feet along a western boundary of the said Lot T.C. -2E to an angle therein;

THENCE N 73° 30' 25" W, 503.04 feet along a southern boundary of the said Lot T.C. -2E and the southern boundary of Parcel T.C. -1 to its intersection with the curved eastern boundary of Metropolitan Avenue;

THENCE southwesterly on a curve to the right which has a radius of 780.0 feet for a distance of 165.34 feet to a point of curvature;

THENCE S 28° 38' 19" W, 369.52 feet along a southeastern boundary of Metropolitan Avenue to a point of curvature;

THENCE southerly and southeasterly on a curve to the left which has a radius of 15.0 feet for a distance of 23.56 feet to a point of curvature, said point being on a northeastern boundary of First Lake Drive;

THENCE S 61° 21' 41" E, 175.29 feet along said northeastern boundary of First Lake Drive to a point of curvature;

THENCE easterly on a curve to the left which has a radius of 615.0 feet for a distance of 280.03 feet to a point of curvature;

THENCE S 87° 27' E, 141.98 feet along the aforesaid northern boundary of First Lake Drive to the place of beginning.

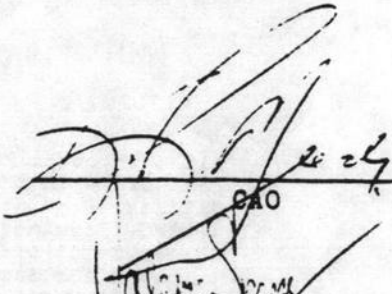
ALL BEARINGS are referred to transverse mercator grid, 3° Zone.

CONTAINING an area of 7.210 acres.



STAFF REPORT

TO: Planning Advisory Committee  
FROM: Dept. of Planning & Development  
RE: ZA-24-36-86  
DATE: 1986 07 07

  
\_\_\_\_\_  
CAO  
\_\_\_\_\_  
MANAGER, POLICY DIVISION

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RECOMMENDATION

IT IS RECOMMENDED THAT MUNICIPAL COUNCIL AMEND THE MUNICIPALITY'S ZONING BY-LAW NO. 24 BY DELETING YACHT AND BOAT CLUBS FROM THE LIST OF PERMITTED USES IN RESIDENTIAL ZONES.

ANALYSIS

Under the provisions of the R-1 (Single Family Dwelling) Zone contained in Zoning By-law 24, yacht and boat clubs are a permitted use. By-law 24 is set up in such a fashion that all uses permitted in the R-1 Zone are permitted in most subsequent residential zones. Therefore, yacht clubs are permitted within most residential zones contained in the by-law.

A group of residents from Masons Point have requested that their area be zoned from general building and an unzoned status to R-5 (Rural Residential) Zone. However, they have stated in their letter of application that they do not wish to see yacht or boat clubs established in the area. In particular, they are concerned about the noise, pollution and traffic that such a use can generate. This would be especially true for those clubs intending to use motorized vessels or, if the club became a marina-type operation.

A review of the areas within the Municipality that have residential zoning under By-law 24 indicates that none of them contain a yacht club. Additionally, areas that have been zoned in such a manner are generally not appropriate for this type of use. The main use of land in areas so zoned is naturally residential and a yacht or boat club in any of them could conceivably result in land use conflict.

It is therefore recommended that yacht and boat clubs be deleted from the list of uses permitted in residential zones. The result of this amendment would be that any such use would have to proceed via a rezoning.