

Councillor DeRoche stated this motion will most likely be viewed in some areas to be discriminatory in that it relates to a specific application, which has not even gone through the process yet. He stated the precedent has been that the PAC review the application to determine if it is a minor or major variance, and this motion is departing Council for this procedure. Councillor DeRoche stated he supports the intent behind the motion, but he felt he should vote against it.

Councillor Fralick indicated he, too, would vote against the motion. He suggested a site visit of the land in question before any decision is made.

Councillor MacKay stated he feels at a disadvantage not being a member of the PAC and not knowing all the facts. However, he felt there must be a genuine concern or Deputy Warden Mont would not be attempting to take these measures. Councillor MacKay stated if Montebello Estates purchased this land under an assumption without protective clauses, they have no protection. He clarified that there is an application before the County to negotiate the PUD agreement. Deputy Warden Mont clarified there has been an application submitted by Montebello Estates. Councillor MacKay also clarified the application has not gone through the normal process - a report from the Planning Department to PAC with a recommendation, etc. Councillor Lichter informed there has not been a written report from the Planning Department, but in order to get as much information as the Department now has, the PAC met earlier today to gather all the facts behind this application. At that meeting, the developer had an opportunity to speak, as well as one resident. The PAC could not make a recommendation to Council tonight because they were unable to have the mandatory seven day advertising time for a special meeting. Councillor Lichter stated he is not satisfied with the manner in which this matter is running today because before the Council Session he was of the understanding everybody had agreed to go on a site visit to the property on Tuesday, and nothing further will be done until after that time. However, there has now been a motion of action presented. He stated he has done everything he could to assist, but he must contemplate voting against the resolution because it was understood Councillors would view the lands in question first. He stated there will be a staff report presented to the PAC at the next meeting. Councillor Lichter felt Halifax County Council are unable to determine from the complex PUD agreements of 1977 and 1983 as to which is the legal document; he suggested this matter will end up in the courts to determine which document is legal.

Following Councillor Lichter's comments, Deputy Warden Mont and Councillor McInroy agreed to withdraw the motion. Deputy Warden Mont stated he withdraws the motion with the understanding that staff will not be processing any permits for this project hastily, and the formal process will be followed next week.

ADDITION OF ITEMS TO THE SEPTEMBER 1, 1987 COUNCIL SESSION

Councillor MacKay - JB's Cabaret, Report on Noise Complaints and
Legislation to Control This

Councillor C. Baker - Transportation

ADJOURNMENT

Warden MacKenzie reminded of the bus tour scheduled for Tuesday, August 25, 1987. Councillor Deveaux clarified that Mr. Sheppard will be on the bus tour. Mr. Meech informed he will, and Mr. Sheppard will be arranging the details for the day. He noted the MLA's for Sackville and Cole Harbour/Eastern Passage will be invited to attend. Mr. Meech also informed the property at Chateau Crescent, previously discussed, will also be visited during this time.

Warden MacKenzie advised the tour will begin at 9:30 a.m. from the County building and is scheduled to be complete at 4:30 p.m. It is intended the morning's activities and lunch will take place in Sackville, and the afternoon will be spent in Cole Harbour and Eastern Passage. He noted there is a Metropolitan Authority meeting at 10 am on August 25, and he asked that Councillor McInroy attend on behalf of Halifax County and make arrangements to meet the bus tour at lunchtime.

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

"THAT this Session of Council adjourn."
MOTION CARRIED

PUBLIC HEARING

AUGUST 10, 1987

PRESENT WERE: Warden MacKenzie
Councillor Walker
Councillor Rawding
Councillor Fralick
Councillor P. Baker
Councillor C. Baker
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 Wiseman

ALSO PRESENT: Mr. G.J. Kelly, Municipal Clerk
Mr. Dan Weir, Acting Municipal Solicitor
Mr. B. Wishart, Planner
Ms. S. Bond, Senior Development Technician

SECRETARY: Glenda Higgins

Warden MacKenzie called the public hearing to order at 7 p.m. with the Lord's Prayer.

Mr. Kelly called the Roll.

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

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

Warden MacKenzie reviewed the proceedings for the public hearings.

APPLICATION NO. RA-SA-08-87-20 - APPLICATION BY ALDERNEY CONSULTANTS TO REZONE LOTS 214, 216, AND 217 OF THE LAKEHILL ESTATES SUBDIVISION FROM R-1 (SINGLE UNIT DWELLING) TO R-2 (TWO UNIT DWELLING) ZONE AND TO REZONE PORTIONS OF THE SUBDIVISION FROM R-2 TO R-1 IN ORDER TO RATIONALIZE BOUNDARY LINES

Councillor MacKay declared a conflict of interest.

Mr. Wishart reviewed the staff report. He noted Council previously approved a rezoning request for R-2 zoning in this subdivision. The present rezoning application is required to accommodate changes made to the proposed plan of subdivision which was used in the initial 1986 rezoning application. The revision to the originally submitted subdivision plan was required due to a change in the proposed street layout. Mr. Wishart recommended approval of the application.

Questions from Council

None

Speakers in Favour of this Application

None

Speakers in Opposition to this Application

None

It was moved by councillor Wiseman, seconded by Councillor DeRoche:

"THAT the rezoning of Lots 214, 216, and 217 of the Lakehill Estates Subdivision, located west of the Cobequid Road, Sackville from R-1 (Single Unit Dwelling) Zone to R-2 (Two Unit Dwelling) Zone be approved by Municipal Council."
MOTION CARRIED

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

"THAT the rezoning of the portions of Lakehill Estates Subdivision identified on Map 5 (p. 6) of the staff report from R-2 (Two Unit Dwelling) Zone to R-1 (Single Unit Dwelling) Zone be approved by Municipal Council."
MOTION CARRIED

APPLICATION NOS. ZA-SA-16-87, ZA-CH/W-17-87, ZA-EP/CB-18-87, ZA-TLB-19-87, and ZA-LM-20-87 - AMENDMENT TO EACH BY-LAW TO PERMIT THE INCREASE IN SIZE OF UNDERSIZED LOTS, NOTWITHSTANDING THAT IT STILL NOT BE LARGE ENOUGH TO MEET THE MINIMUM REQUIREMENTS OF THE BY-LAWS

Ms. Bond reviewed the staff report, recommending approval of each of the amendments. She noted these amendments would permit undersized lots to be enlarged even if the enlargement still leaves them undersized. The remainder lot would have to meet the appropriate lot area and lot frontage standards. If the parcel being subdivided already has less than the required lot frontage, subdivision may still occur as long as the frontage is not further reduced. Ms. Bond noted an amendment to the staff report in Appendix E. She stated this should read 5.6 instead of 5.7.

Questions from Council

None

Speakers in Favour of this Application

None

Speakers in Opposition to this Application

None

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

"THAT the Land Use By-law for Sackville be amended as shown in Appendix A of the staff report with respect to this application."

MOTION CARRIED

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

"THAT the Land Use By-law for Cole Harbour/Westphal be amended as shown in Appendix B of the staff report with respect to this application."

MOTION CARRIED

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

"THAT the Land Use By-law for Eastern Passage/Cow Bay be amended as shown in Appendix C of the staff report with respect to this application."

MOTION CARRIED

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

"THAT the Land Use By-law for Timberlea/Lakeside/Beechville be amended as shown in Appendix D of the staff report with respect to this application."

MOTION CARRIED

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

"THAT the Land Use By-law for North Preston, Lake Major Lake Loon/Cherry Brook, and East Preston be amended as shown in Appendix E of the staff report with respect to this application."

MOTION CARRIED

ADJOURNMENT

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

"THAT this public hearing adjourn."

MOTION CARRIED

STAFF REPORT

TO: Planning Advisory Committee
 FROM: Dept. of Planning & Development
 RE: RA-SA-08-87-20
 DATE: June 22, 1987

[Signature]
 CAO
[Signature]
 DIRECTOR, PLANNING & DEVELOPMENT

RECOMMENDATION

THAT THE REZONING OF LOTS 214, 216 AND 217 OF THE LAKEHILL ESTATES SUBDIVISION, LOCATED WEST OF THE COBEQUID ROAD, SACKVILLE, FROM R-1 (SINGLE UNIT DWELLING) ZONE TO R-2 (TWO UNIT DWELLING) ZONE, BE APPROVED BY MUNICIPAL COUNCIL.

THAT THE REZONING OF PORTIONS OF LAKEHILL ESTATES SUBDIVISION, IDENTIFIED ON MAP 5 (P.6), FROM R-2 (TWO UNIT DWELLING) ZONE TO R-1 (SINGLE UNIT DWELLING) ZONE BE APPROVED BY MUNICIPAL COUNCIL.

Information

An application has been submitted by Alderney Consultants Ltd. to rezone three lots within the Lakehill Estates Subdivision, identified on Map 3 (p.3) to R-2 (Two Unit Dwelling) Zone. Municipal Council previously approved a rezoning request for R-2 zoning in this subdivision on August 25, 1986. The area included in the original request, as well as the proposed plan of subdivision on which it was based, are shown on Map 4 (p.5). The present rezoning application is required to accommodate changes made to the proposed plan of subdivision which was used in the initial 1986 rezoning application. The revision to the originally submitted subdivision plan was required due to a change in the proposed street layout.

Description

MPS:	Sackville
Area:	Lot 214 - 664 m ² Lot 216 - 656 m ² Lot 217 - 590 m ²
Dimensions:	As illustrated by Map 3 (p.3)
Surrounding Uses & Zoning:	As illustrated by Map 3 (p.3)

ANALYSIS

These lands are designated "Urban Residential" by the Sackville municipal planning strategy. This designation allows for a variety of housing types, including two unit dwellings.

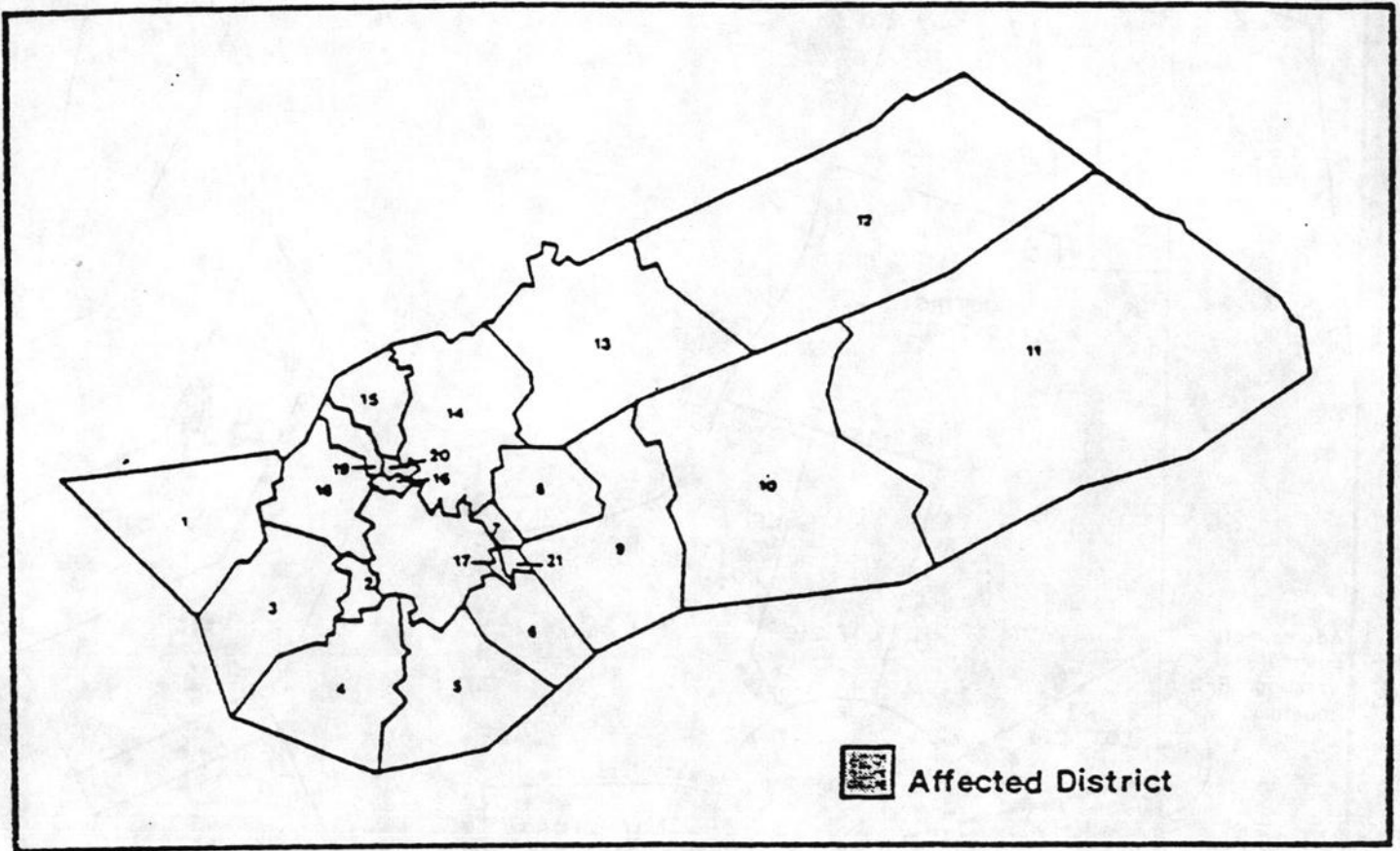
Municipal Council approved a request to extend sewerage lines to Lakehill Estates Subdivision on April 15, 1986. The Department of Engineering and Works has indicated that adequate water and sewer services are available for the proposed development. The present proposal would result in a decrease in the number of lots from the R-2 proposal approved by Municipal Council on August 25, 1986. In the 1986 rezoning, there were 32 proposed lots approved for R-2 zoning. The revised 1987 subdivision layout includes only 30 lots proposed for development of two unit dwellings.

The current rezoning request is based on the subdivision plan identified on Map 5 (p.6), which has received tentative subdivision approval. The 1986 R-2 rezoning application was based on the subdivision plan identified on Map 4 (p.5). This subdivision plan never received tentative subdivision approval. An amendment to the existing zoning for Lakehill Estates subdivision is therefore required to accommodate the revised subdivision layout (Map 5, p.6).

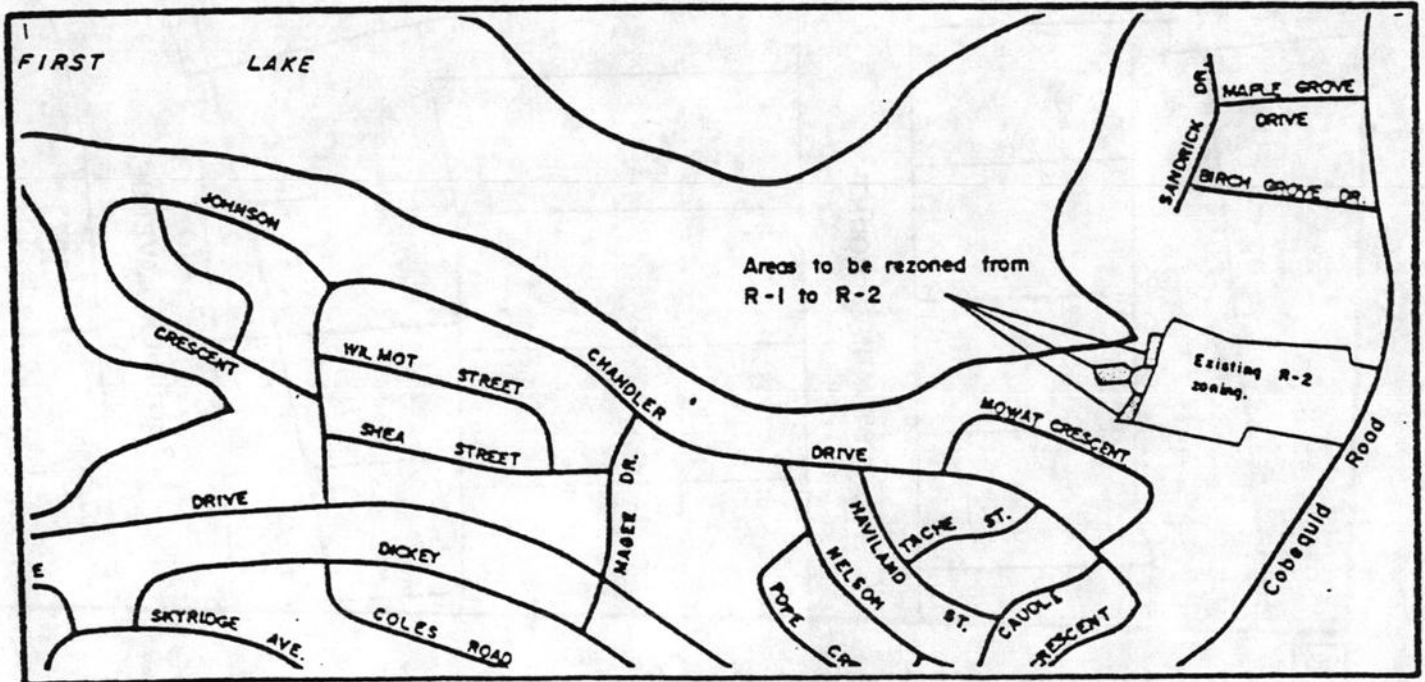
In addition to extending R-2 zoning to cover Lot 217 and the portion of Lots 214 and 217 now zoned R-1, an amendment to the area included within existing R-2 zoning for Lakehill Estates subdivision is also required. This amendment is necessary in order to rationalize existing zoning by ensuring that zoning lines follow the lot lines established in the revised subdivision layout (Map 5, p.6).

For your information, it should be noted that the parkland identified in Map 3, (p.4) represents the parkland dedication for the entire parcel being developed by Crandell Developments Ltd. (Map 6, p.7). Final remedial work is being carried out on the parkland prior to its acceptance by the Municipality.

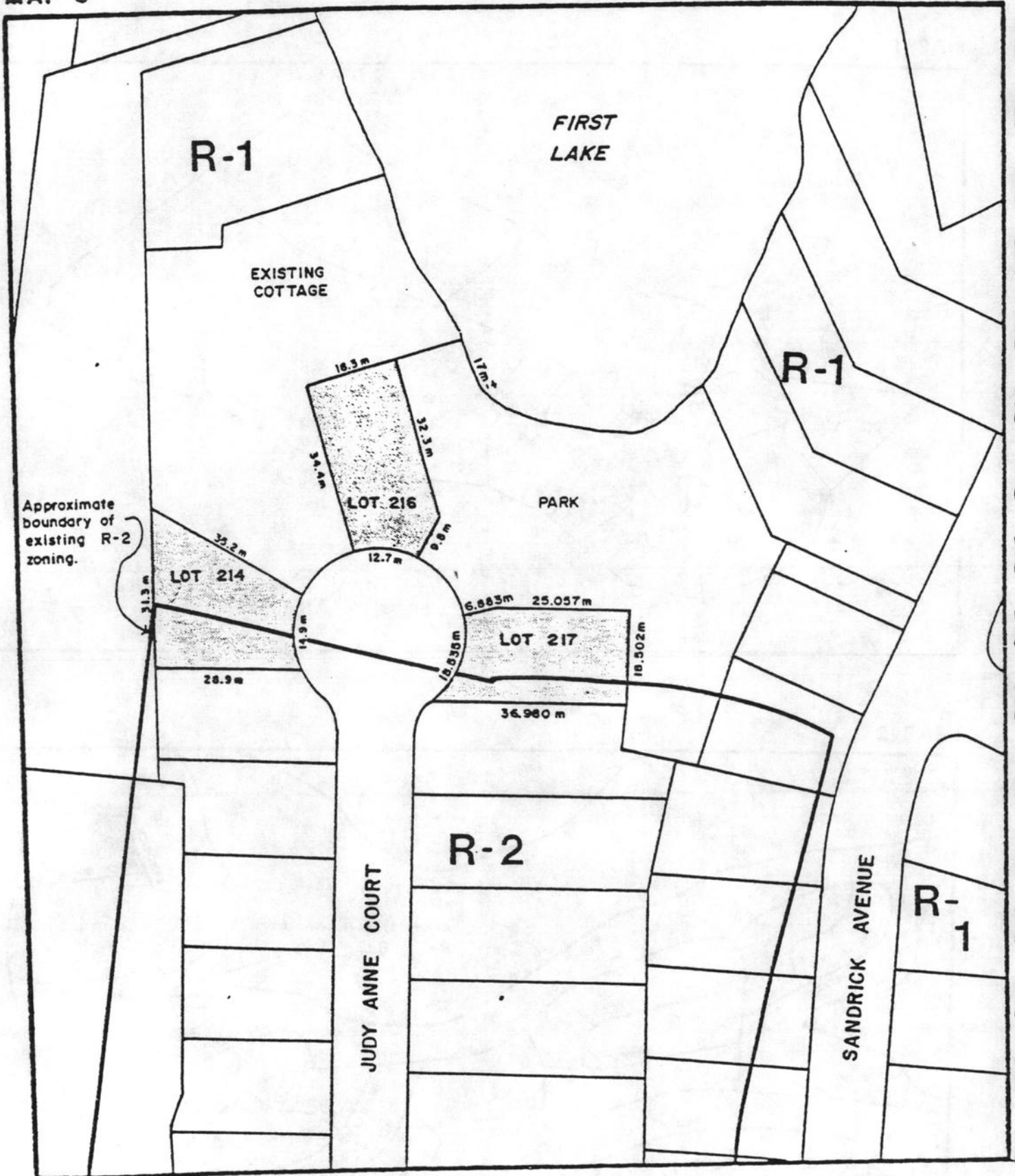
MAP 1



MAP 2



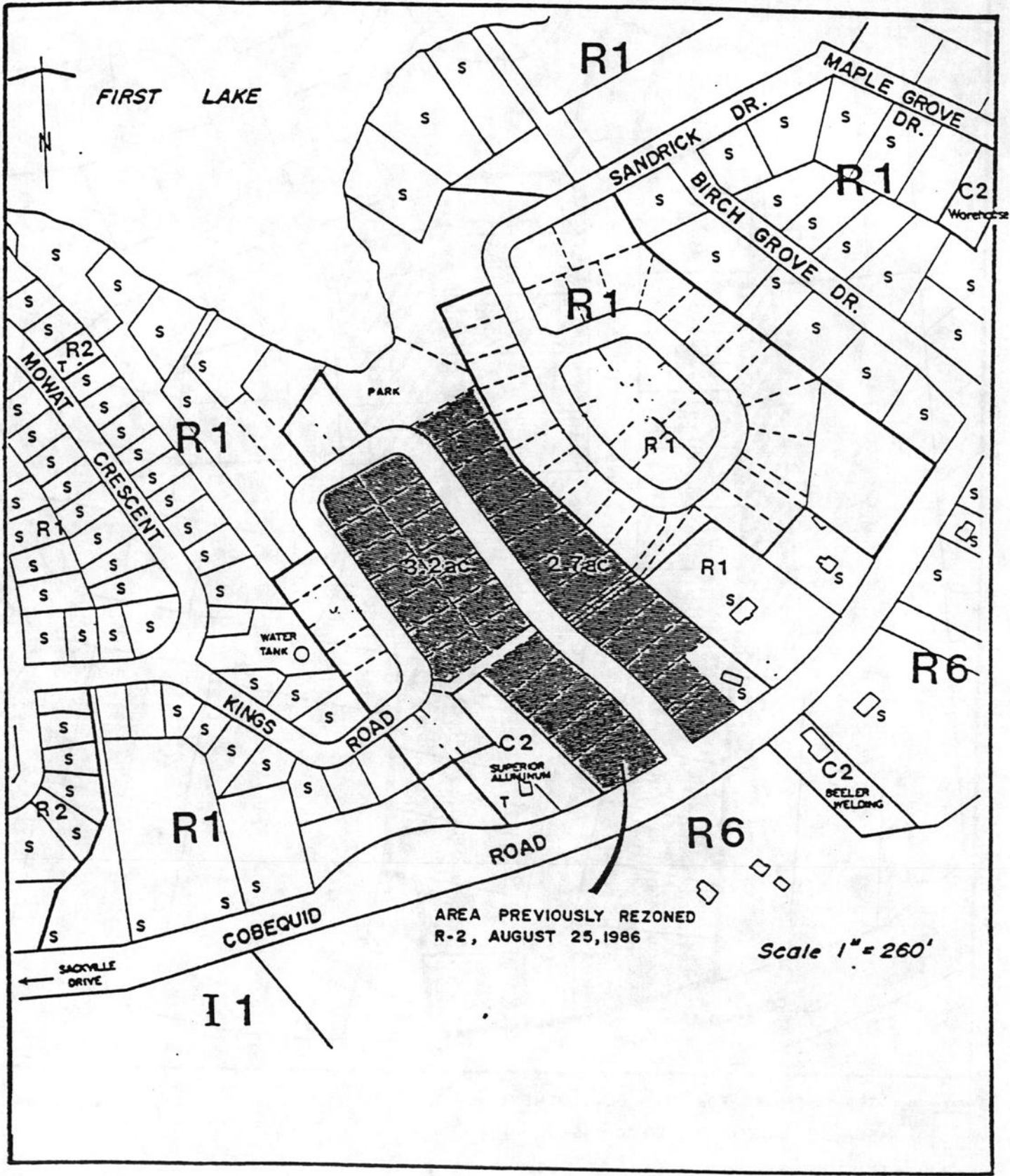
MAP 3



Approximate boundary of existing R-2 zoning.



Areas to be Rezoned from R-1 to R-2






FIRST LAKE

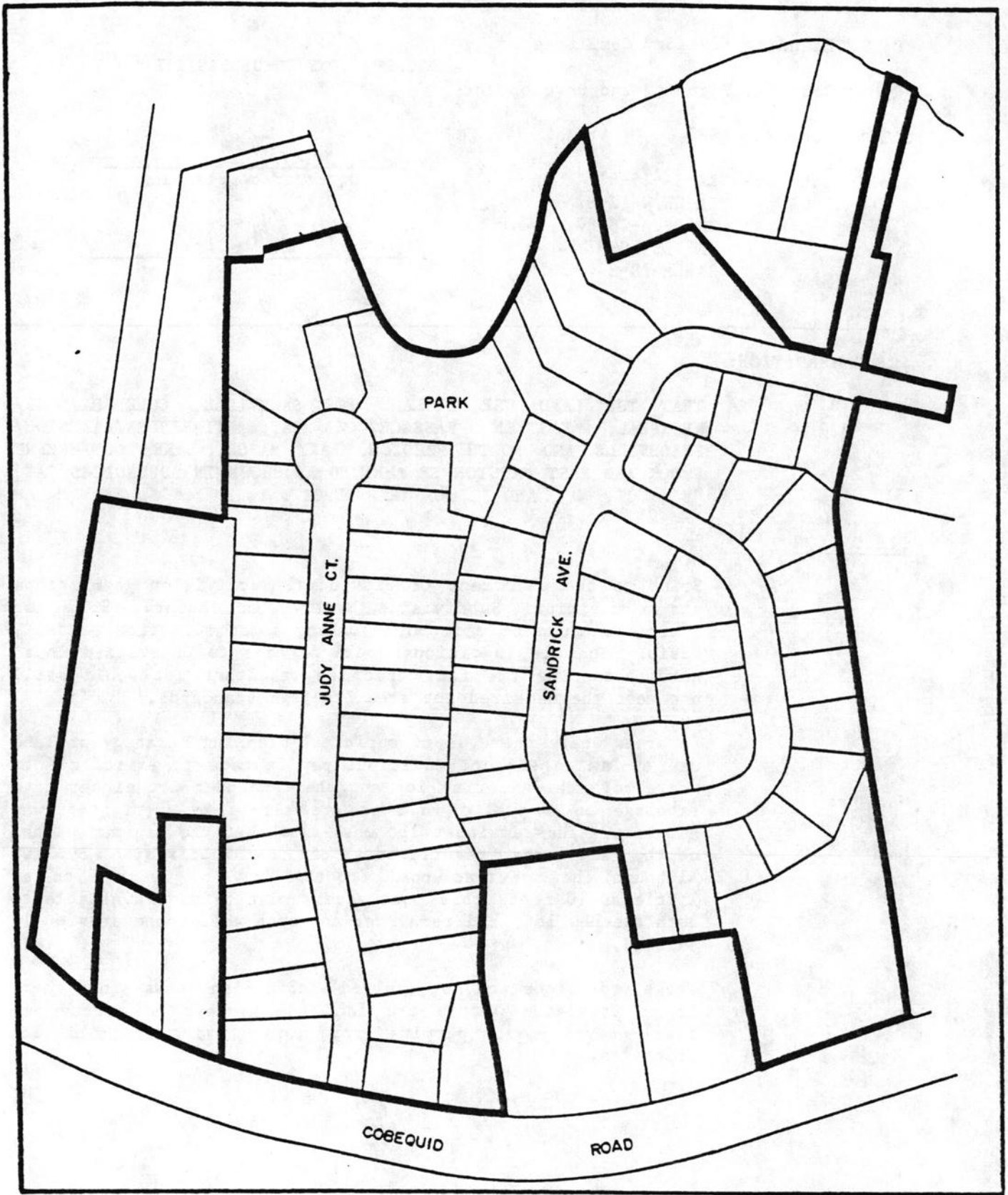
PARK

JUDY ANNE COURT

SANDRICK AVE.

COBEQUID ROAD

-  AREA PROPOSED FOR R-2 DEVELOPMENT
-  AREA OF EXISTING R-2 ZONING
-  EXISTING R-2 ZONING TO BE REZONED TO R-1



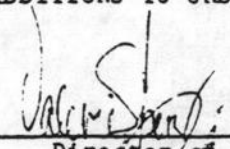
— LANDS OF CRANDELL DEVELOPMENTS LIMITED

STAFF REPORT

TO: Planning Advisory Committee
 FROM: Dept. of Planning and Development
 DATE: June 22, 1987

ADDITIONS TO UNDERSIZED LOTS

Application Nos. ZA-SA-16-87
 ZA-CH/W-17-87
 ZA-EPCB-18-87
 ZA-TLB-19-87
 ZA-LM-20-87


 Director of Planning


 CAO

RECOMMENDATION:

THAT THE LAND USE BY-LAWS FOR SACKVILLE, COLE HARBOUR/
 WESTPHAL; EASTERN PASSAGE/COW BAY; TIMBERLEA/LAKESIDE/
 BEECHVILLE AND NORTH PRESTON, LAKE MAJOR, LAKE LOON/CHERRY
 BROOK AND EAST PRESTON BE AMENDED AS SHOWN IN APPENDICES "A",
 "B", "C", "D", AND "E" OF THIS REPORT.

DISCUSSION

Prior to the enactment of Provincial Subdivision Regulations and a municipal Subdivision By-law, in January 1985, lot additions could be made on a "making a bad situation better", basis. That is, additions could be made to undersized lots, notwithstanding the fact that the resultant lot would still not meet the required lot area frontage standards.

In areas where there is no municipal planning strategy or land use by-law in effect, additions may be made to existing lots where both the existing lot and the remainder lot either have frontage on a public road or are served by a right-of-way easement. The remainder lot must also meet the minimum width, depth, and area requirements of the Subdivision By-law. Although the required road frontage may be reduced to as little as 10 feet, this road access must be made available to both the new lot, and remainder lot even where none previously existed.

These provisions are not applied within plan areas since there is no provision within the land use by-laws to approve or issue development permits for lots having reduced lot frontages.

All of the existing land use by-laws contain a provision which permits existing undersized lots to be used for any purpose permitted by the zone in which they are located. All appropriate setback requirements must be met. Unserved lots, must also receive an on-site sewage disposal permit.

During the preparation of the Subdivision By-law, municipal staff pointed out to provincial representatives that it did not seem logical to permit the use of these undersized lots yet not permit their enlargement, however minor the improvement might be.

It is understood that the province is presently contemplating amendments to the provincial regulations consistent with what had previously been recommended. It is also understood that the requirement to obtain frontage or a right-of-way easement may also be eliminated since this sometimes proves impossible to do.

Should these amendments, in fact, be made it is suggested that appropriate changes also be made to the Subdivision By-law. In the meantime, however, it is recommended that amendments to the land use by-laws be made which would at least permit additions to be made to undersized lots within the plan areas.

The amendments which are attached would permit undersized lots to be enlarged even if the enlargement still leaves them undersized. The remainder lot would have to meet the appropriate lot area and lot frontage standards. If the parcel being subdivided already has less than the required lot frontage, subdivision may still occur as long as the frontage is not further reduced.

APPENDIX "A"

A BY-LAW TO AMEND THE
ZONING BY-LAW FOR SACKVILLE

The Zoning By-law for Sackville is hereby amended by:

- a) adding the following clause to Part 4.8, Existing Undersized Lots:

Further, the Development Officer may approve an increase in the area of any undersized lot, notwithstanding that it may still have less than the minimum frontage, depth, or area required by this by-law. The remainder lot must meet the minimum frontage, depth or area requirements or, where insufficient lot frontage, depth or area already exists, does not have these further reduced.

THIS IS TO CERTIFY that the by-law of which this a true copy was duly passed by a majority vote of the whole Council at a duly called meeting of the Municipal Council of the Municipality of the County of Halifax held on the day of , A.D., 1987.

GIVEN under the hand of the Municipal Clerk under the corporate seal of the said Municipality this day of A.D. 1987.

GERARD J. KELLY,
Municipal Clerk

APPENDIX "B"

A BY-LAW TO AMEND THE
ZONING BY-LAW FOR COLE HARBOUR/WESTPHAL

The Zoning By-law for Cole Harbour/Westphal is hereby amended by:

- a) adding the following clause to Part 4.8, Existing Undersized Lots:

Further, the Development Officer may approve an increase in the area of any undersized lot, notwithstanding that it may still have less than the minimum frontage, depth, or area required by this by-law. The remainder lot must meet the minimum frontage, depth or area requirements or, where insufficient lot frontage, depth or area already exists, does not have these further reduced.

THIS IS TO CERTIFY that the by-law of which this a true copy was duly passed by a majority vote of the whole Council at a duly called meeting of the Municipal Council of the Municipality of the County of Halifax held on the day of , A.D., 1987.

GIVEN under the hand of the Municipal Clerk under the corporate seal of the said Municipality this day of A.D. 1987.

GERARD J. KELLY,
Municipal Clerk

APPENDIX "C"

A BY-LAW TO AMEND THE
ZONING BY-LAW FOR EASTERN PASSAGE/COW BAY

The Zoning By-law for Eastern Passage/Cow Bay is hereby amended by:

- a) adding the following clause to Part 4.8, Existing Undersized Lots:

Further, the Development Officer may approve an increase in the area of any undersized lot, notwithstanding that it may still have less than the minimum frontage, depth, or area required by this by-law. The remainder lot must meet the minimum frontage, depth or area requirements or, where insufficient lot frontage, depth or area already exists, does not have these further reduced.

THIS IS TO CERTIFY that the by-law of which this a true copy was duly passed by a majority vote of the whole Council at a duly called meeting of the Municipal Council of the Municipality of the County of Halifax held on the day of , A.D., 1987.

GIVEN under the hand of the Municipal Clerk under the corporate seal of the said Municipality this day of A.D. 1987.

GERARD J. KELLY,
Municipal Clerk

APPENDIX "D"

A BY-LAW TO AMEND THE
ZONING BY-LAW FOR TIMBERLEA/LAKESIDE/BEECHVILLE

The Zoning By-law for Timberlea/Lakeside/Beechville is hereby amended by:

- a) adding the following clause to Part 4.8, Existing Undersized Lots:

Further, the Development Officer may approve an increase in the area of any undersized lot, notwithstanding that it may still have less than the minimum frontage, depth, or area required by this by-law. The remainder lot must meet the minimum frontage, depth or area requirements or, where insufficient lot frontage, depth or area already exists, does not have these further reduced.

THIS IS TO CERTIFY that the by-law of which this a true copy was duly passed by a majority vote of the whole Council at a duly called meeting of the Municipal Council of the Municipality of the County of Halifax held on the day of , A.D., 1987.

GIVEN under the hand of the Municipal Clerk under the corporate seal of the said Municipality this day of A.D. 1987.

GERARD J. KELLY,
Municipal Clerk

APPENDIX "E"

A BY-LAW TO AMEND THE ZONING BY-LAW FOR
NORTH PRESTON, LAKE MAJOR, LAKE LOON/CHERRY BROOK AND EAST PRESTON

The Zoning By-law for North Preston, Lake Major, Lake Loon/Cherry Brook and East Preston is hereby amended by:

- a) adding the following clause to Part 5.7, Existing Undersized Lots:

Further, the Development Officer may approve an increase in the area of any undersized lot, notwithstanding that it may still have less than the minimum frontage, depth, or area required by this by-law. The remainder lot must meet the minimum frontage, depth or area requirements or, where insufficient lot frontage, depth or area already exists, does not have these further reduced.

THIS IS TO CERTIFY that the by-law of which this a true copy was duly passed by a majority vote of the whole Council at a duly called meeting of the Municipal Council of the Municipality of the County of Halifax held on the day of , A.D., 1987.

GIVEN under the hand of the Municipal Clerk under the corporate seal of the said Municipality this day of A.D. 1987.

GERARD J. KELLY,
Municipal Clerk

PUBLIC HEARING

AUGUST 17, 1987

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

ALSO PRESENT: Mr. G.J. Kelly, Municipal Clerk
Mr. R.G. Cragg, Municipal Solicitor
Ms. Joan MacKinnon, Planner
Mr. Paul Morgan, Planner

SECRETARY: Glenda Higgins

Warden MacKenzie called the public hearing to order at 7:05 p.m. with the Lord's Prayer.

Mr. Kelly called the Roll.

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

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

Warden MacKenzie reviewed the proceedings for the public hearings.

APPLICATION NO. RA-EP/CB-05-87-06 - APPLICATION BY MR. DONALD WILLIAMS TO REZONE A PORTION OF FLANDRUM HILLS SUBDIVISION' LOCATED OFF THE PATTERSON ROAD, COW BAY FROM R-7 (RURAL ESTATE) ZONE AND R-6 (RURAL RESIDENTIAL) ZONE TO R-1 (SINGLE UNIT DWELLING) ZONE

Mr. Morgan reviewed the staff report and application, identifying the lands in question on a map on the overhead projector. He advised there was some concern from the residents of the area that they only wanted single unit dwellings. Therefore, this request came forth. He advised the average lot size in this development will be 50,000 square feet -

well above the required 20,000 square feet. Mr. Morgan also noted since this application has been received, there have been favourable comments received from all departments involved. He noted there are already existing single unit dwellings in the area, and Mr. Williams has allowed road reserves for future development in the area. Mr. Morgan advised it is staff's recommendation that this application be approved by Municipal Council.

Questions from Council

None

Speakers in Favour of this Application

None

Speakers in Opposition to this Application

None

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

"THAT the rezoning of a portion of the lands of Mr. Donald Williams, Flandrum Hill Subdivision, located off the Patterson Road at Cow Bay from R-7 (Rural Estate) Zone and R-6 (Rural Residential) Zone to R-1 (Single Unit Dwelling) Zone be approved by Municipal Council."

Councillor Deveaux stated there has been an influx of two unit dwellings in Eastern Passage, and although he is not opposed to this, he felt there should be a better mixture of housing. He stated the residents of Cow Bay are concerned about maintaining their rural status, keeping larger lots not serviced. He advised there was a meeting about this application in Cow Bay approximately five weeks ago, and the residents were not opposed to this development. However, because the residents wanted to maintain single unit dwellings, the original application was changed to R-1 zoning rather than R-6 as originally anticipated.

MOTION CARRIED UNANIMOUSLY

ADJOURNMENT

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

"THAT this public hearing adjourn."
MOTION CARRIED

STAFF REPORT

TO: Planning Advisory Committee

FROM: Dept. of Planning & Development



DIRECTOR OF PLANNING / ACTING CAODATE: July 6, 1987
Revised, July 17, 1987

APPLICATION NO. RA-EP/CB-05-87-06

RECOMMENDATION:

THAT THE REZONING OF A PORTION OF THE LANDS OF MR. DONALD WILLIAMS, FLANDRUM HILL SUBDIVISION, LOCATED OFF THE PATTERSON ROAD AT COW BAY, FROM R-7 (RURAL ESTATE) ZONE AND R-6 (RURAL RESIDENTIAL) ZONE TO R-1 (SINGLE UNIT DWELLING) ZONE, BE APPROVED BY MUNICIPAL COUNCIL.

Revised Application:

The following report was prepared in response to an original application to rezone from R-7 to R-6, the usual zoning within the unserved portion of the plan area. In response to community concerns regarding assurances that only single unit dwellings will be constructed, the applicant has revised his request to permit R-1 zoning. In addition, this application is expanded to include lands previously rezoned to R-6, as discussed in the following information, and lands which form part of the subdivision, but which had R-6 zoning upon plan adoption.

The analysis which follows holds for rezoning under the revised application and applies equally to additional land considered.

Information:

An application has been submitted by Mr. Donald Williams, to rezone the land identified on Map 2 (p. 4) from R-7 (Rural Estate) Zone to R-6 (Rural Residential) Zone.

The Eastern Passage/Cow Bay municipal planning strategy designates the property "Residential B" which constitutes a secondary area for residential development. The strategy calls for a comprehensive review of development proposals in terms of their potential effects upon the community as a whole.

The present zoning calls for a minimum lot size of eighty-thousand (80,000) square feet. This minimum lot size reflects the concerns expressed in the municipal planning strategy about the suitability of soils to accept on-site sewage disposal systems, adequate groundwater supply, and the protection of physical and environmental characteristics within the Residential "B" Designation.

Where it can be demonstrated that a proposed development would not adversely effect the community fabric, or the physical and/or the environmental characteristics of the area, the strategy does allow for residential development on lots having less than eighty-thousand (80,000) square feet. To this end, the planning strategy provides for development on smaller lots by amendment to the land use by-law.

The R-6 (Rural Residential) Zone allows for a minimum lot size of twenty thousand (20,000) square feet. However, the actual lot size is dependent upon the provincial Department of Health.

Pursuant to the requirements of this type of rezoning, the applicant has submitted a tentative plan of subdivision. The subdivision application requests approval of twenty-six (26) lots with an average lot size of approximately forty-three thousand (43,000) square feet. The area to be rezoned includes the seventeen (17) lots which front on the proposed extension of Flandrum Hill Road, (See Map 3, p.5).

It should be noted that in 1986 a similar rezoning request from R-7 (Rural Estate) to R-6 (Rural Residential) was granted for adjacent lands to the north. This previous approval allowed for the subdivision of lots fronting on Flandrum Hill Road, located in Phase I of the development. Five houses are presently under construction in this area. The present application if approved, would allow the extension of Flandrum Hill Road as shown on Map 3 (pg. 5).

It should also be noted, that although the proposed R-6 zoning would permit two unit dwellings, the applicant's stated intention is to build single unit dwellings in Phase II just as in Phase I. The Department of Health approval of the proposed lots was on the basis of single unit dwellings.

Description:

MPS:	Eastern Passage/Cow Bay
Area:	Approximately -- 17 Acres
Dimensions:	As illustrated by Map 3 (p.5)
Number of Proposed Lots to be Subdivided:	Twenty-six (26)
Number of Lots Affected by Rezoning Request:	Seventeen (17)
Features:	At the present time the majority of the site is heavily treed with a mixed forest cover which is predominantly softwood.
Surrounding Uses & Zoning:	As illustrated by Map 3,(p.5)

ANALYSIS

The Department of Planning and Development has completed its review and recommends that the proposed rezoning be approved for the following reasons:

First, the Nova Scotia Departments of Health and the Environment have recommended approval of the applicant's tentative plan of subdivision. Furthermore, the lot sizes, ranging in area from 30,000 to 103,698 square feet, will ensure adequate protection of surrounding land uses, and nearby watercourses. The Department of Environment has indicated that drilled wells in the area may exhibit high levels of iron, manganese, pH, alkalinity, and arsenic and recommend that all wells be tested after 4-6 weeks of normal use. They have advised, however, that water quality problems can be rectified through on-site chemical or filter treatment.

As per standard procedure with all tentative subdivision applications, the Department of Environment also has stated that erosion and sediment control measures must be implemented during and after development begins, that no alterations to watercourses will be permitted without the necessary permits, and that allowances must be made to protect the environment during road construction.

Second, the Nova Scotia Department of Transportation advises that the proposed road layout appears to meet all of their requirements.

Third, the tentative plan of subdivision reveals that road reserves have been provided to allow coordination of road systems with future road systems of neighbouring lands - a specific requirement of the plan.

Fourth, the Halifax County-Bedford District School Board has stated that they would have no difficulty accommodating additional students in any of the schools servicing the area.

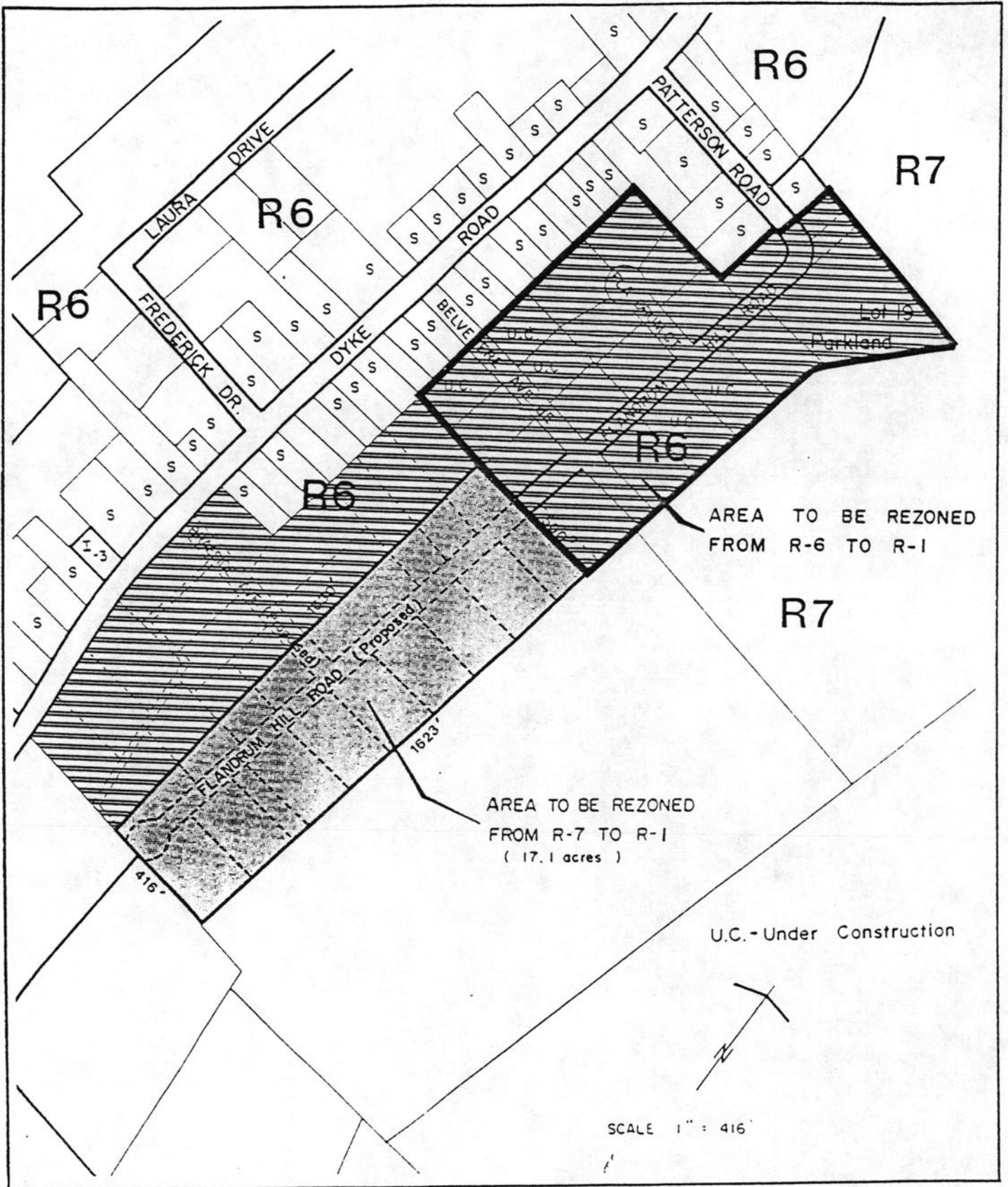
Fifth, (Map 3, p.5) reveals that the proposed rezoning will not adversely affect surrounding land uses as the majority of the lands to the east are vacant. The other major land use is single unit housing which is found along the Dyke Road. This development will compliment the existing residential housing found in the area and is a logical extension of the Flandrum Hill Road.



At the present time the developer has agreed to provide Lot 19 (Map 3, p.5) for parkland.

CONCLUSION

While the general intent of the Residential B Designation is to keep the density of new developments relatively low, the plan also encourages more intensive residential development within the Designation where the physical, social and environmental effects of the proposed development will not have a negative effect on the existing community. In this regard, the Plan requires that the proposed rezoning be evaluated against the criteria of Policies P-40 and P-88 of the municipal planning strategy. The Department of Planning and Development has based its review on these criteria and concludes that the development conforms with the intent of the planning strategy.

MAP 3



 PHASE I
 AREA TO BE REZONED FROM R-6 TO R-1

COMMITTEE OF THE WHOLE

AUGUST 19, 1987

PRESENT WERE: Warden MacKenzie
Councillor Fralick
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
Councillor Wiseman

ALSO PRESENT: Mr. K.R. Meech, Chief Administrative Officer
Ms. V. Spencer, Director of Planning and Development
Mr. W. Butler, Manager, Policy Division
Ms. J. MacKinnon, Senior Planner
Mr. Delphis Roy, Chairman, District 15 PPC
Mr. K. Cunnin, Chairman, District 18 PPC
Mr. R. Pentland, Chairman, District 19 PPC

SECRETARY: Glenda Higgins

Warden MacKenzie called the meeting to order at 7:05 p.m.

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

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

Warden MacKenzie informed the intention of the meeting is to review the proposed Municipal Planning Strategy and Land Use By-law for Districts 15, 18, and 19. He called upon Mr. Butler for the opening remarks and introductions.

Introduction

Mr. Butler introduced each of the Chairmen of the PPC's, as well as Ms. MacKinnon. He advised the Plan and By-law as presented is the result of nearly four years of work, and it is hoped that six others will be presented to Council before the end of 1987. He explained the process by which these by-laws are prepared, noting the Municipal Planning Committee is the body charged with the responsibility of

reviewing the efforts and proposals put forth by the Public Participation Committee and to recommend them to Council for adoption. He noted the MPC consists of Planning Advisory Committee Members, the Councillors for the area, if he is not a member of the PAC, and the Chairmen for the PPC for the District in question. Mr. Butler informed there have been 33 meetings over the past four years to get this all together. The MPC has provided advice and suggestions at every stage of the process. During the first two years, meetings were only held every two or three months and updates and new ideas presented for MPC to respond to. Once the draft plan and by-law were prepared, there were increased meetings. The majority of the meetings were held in the past two years, and every clause of these documents was studied individually.

Mr. Butler continued expressing appreciation from the staff level for the patience which the MPC has shown in supervising this planning project. He stated many of the meetings were frustrating, but the end result has been worthwhile. He also expressed appreciation to Ms. MacKinnon for her work in this process, as well as to the PPC members who volunteered to get involved - not really knowing what they were getting involved in. He stated the process took longer than was initially anticipated and the members remained interested. He also expressed special thanks to the Chairmen of the PPC's, stating they attended all PPC meetings, as well as MPC meetings, meetings with Ms. MacKinnon, open houses, etc. He concluded with appreciation to the public who responded throughout the process. Without the input of the public the documents would be hollow, and the interest and points of view and appreciated.

Warden MacKenzie thanked Mr. Butler and welcomed the Chairmen from each of the PPC's. He expressed appreciation for the work done over the past 33 meetings, and he asked that comments and questions be withheld until after the presentation.

Mr. Delphis Roy, Chairman, District 15 PPC

Mr. Roy advised in his capacity of PPC Chairman for District 15 he has had the opportunity meet many of the Councillors and to appreciate them. He stated the planning began with a series of three meetings. The same agenda was used for each meeting, the purpose being to inform the residents of the process involved in preparing the plan and to discuss the role of the residents in this process. Each meeting was chaired by the District Councillor, with the PAC describing their involvement and staff outlining the plan preparation process. He stated the first meeting for District 15 was on October 19, 1983 with approximately 45 people in attendance. There was concern expressed about being involved in the same process as Districts 18 and 19. However, the residents appeared eager to have the process proceed quickly, and a resolution was passed authorized Deputy Warden Margeson to arrange a community meeting, which was held on November 21, 1983. This meeting was to begin the selection for the PPC members for this District.

Mr. Roy informed the first meeting for District 19 was held on October 26, 1983, which was attended by approximately 15 people. There were questions about specific planning issues, such as Metro Transit, sewer and water services, and the landfill site.

The first meeting for District 18 was held on October 27, 1983 with approximately 50 people in attendance. Again there were questions about specific planning issues.

Following these meetings, Mr. Roy advised there several other meetings held on the different district, and on January 12, 1984 the first meeting including the three districts was held, with 30 people present. It was decided that the composition of the PPC be deferred until after the completion of discussion papers and the Planning Act reviewed. It was also agreed that meetings be scheduled every second Thursday evening from 7:30 to 9:30. After discussions on various options, the Committee reached a decision that the Chairmen for the three districts would rotate on a continuing basis as Chairman of the PPC. Staff involvement was discussed, and it was agreed only the Chairman of each sub-committee should work directly with the Planner. Rules of order were also discussed, and it was agreed that the Chairman be free to have informal rules or more formal rules where necessary.

Mr. Roy concluded with thanks to the Planning Supervisor for selecting Ms. MacKinnon as the Planner for this area. He stated she is dedicated, knowledgeable and a real diplomat. He also expressed appreciation for the privilege of serving as Chairman of District 15 and for Co-chairing the PPC

Mr. Ken Cunning, Chairman, District 18

Mr. Cunning informed there have been 51 meetings since the initial meeting of January 12, 1984 and May 1, 1987. The first few meetings were taken up with talk about the discussion papers; it was an education process for members of the PPC. Following, there were discussions about each of the districts and the various land-uses for each. He noted all meetings were open to the public; people seemed to attend when there was a matter on the agenda which was pertinent to them. He felt there was good public participation, although it is unfortunate as the end came closer more people presented their views. He stated everybody who wanted to speak had an opportunity to do so, and all suggestions were taken under due consideration.

Mr. Cunning informed in addition to the PPC meeting involving all three districts, there were a number of sub-committee meetings within each of the districts. He stated these meetings were usually held to discuss matters relevant to a particular district or to discover conclusions with respect to land-uses; it was also an opportunity for the general public to have some input into their own area. These meetings too were open to the public, and people who were thought to have a particular interest in this were asked to attend the meeting or give their points of view. He informed the various ratepayers associations reviewed zoning pertinent to their areas and responded.

He continued that after the final, formal PPC meeting there were a number of community meetings to deal with specific issues. He informed they were somewhat rushed at the end, so there were community meetings within the various districts to deal with those specific issues.

Mr. Cunning concluded that the process was much longer than originally anticipated. However, he felt it was a great learning experience, and he met many people. He stated he is glad to have had this opportunity.

Mr. Richard Pentland, Chairman, District 19

Mr. Pentland informed this by-law and planning strategy were not prepared in isolation. Everybody was well aware of the works of the committee and what was going on. He stated it was understood from the beginning that there would be full public participation, and all meetings were open to the public. There were also specific meetings at strategic points during the development of the draft plan, which were held in each of the districts. All meetings were advertised, and they were well attended and very successful. In the summer of 1985 open houses were held in each district showing the proposed zonings. Each open house was open for two days with Ms. MacKinnon in attendance, as well as the Chairmen for the PPC when available. From these open houses there was some feedback, as well as from MPC; therefore, a further series of meetings and open houses were held in February, 1986. At this point there was positive feedback, but the game was not over because there was much more work. People began to approach with more and more comments as the plan became nearer to completion.

Mr. Pentland informed knowing each of the districts was important, and there was a one day bus tour in the summer of 1984 so all of the PPC members would be familiar with each of the districts. He also informed a survey was carried out during the early stages of the process. There was a 22 percent response rate, which was not as good as anticipated, but it did help to clarify some issues which members were not familiar with or did not have an opinion on. He stated there was some question as to the openness of the procedure near the end of the process, so he outlined the advertising campaign that took place from the first meeting until May, 1986, noting there was much publicity involved. People were encouraged to attend meetings and request the zoning changes they desired, etc. Each instance was considered and where it could be accommodated, it was. However, in some instances the PPC felt the change as requested could not be recommended. However, this can be discussed again at the public hearing stage.

Mr. Pentland concluded stating he has enjoyed this process - some instances more so than others. He expressed appreciation to the residents of District 19, to the members of the MPC, and to all involved for their input and assistance.

Summary of Land Use Designations and Zones - Joan MacKinnon

Ms. MacKinnon informed the proposed Planning Strategy contains 11 land use designations. The Land Use By-law resulted in 21 zones. She referred to a report which was circulated summarizing the land use designations and zones.

Ms. MacKinnon informed the 11 land use designations reflect and accommodate the various differences and similarities between the communities and districts in the plan area. She stated the plan area is going through a process of change with all three districts changing from what has traditionally been a rural, mixed-use environment to a sub-urban, residential environment. This change in land use in some portions of the plan area result in some conflicts in what is requested and demanded from area residents which relates to the level of service and the level of land use regulations that the public want. Ms. MacKinnon continued that the challenge of the planning process and the 11 land use designations that have resulted from this process have been established to try to accommodate both those groups, communities, and individuals that want a high level of land use regulation, as well as those who require more flexibility in terms of what they can do with their land. She suggested there is a fair range of zones and designations within the plan area.

Ms. MacKinnon next reviewed the summary of land use designations and pinpointed each of the designations on a map. She also indicated examples of each of the land use designations.

In the residential designation, Ms. MacKinnon informed there is a R-1 (Single Unit Dwelling) Zone and a P-2 (Community Facility) Zone. There are also two uses that may be considered by development agreement - senior citizen's housing and model homes and associated office uses. She stated this designation apply to the larger residential subdivisions located off the collector highways. Predominantly development within the residential designation is characterized by single unit dwellings, although there are a small number of two unit dwellings and community facilities. The intention of this designation is to maintain and protect these residential environments.

Ms. MacKinnon next reviewed the Mixed Use A Designation and the Mixed Use B Designation, which are in Districts 15 and 18 respectively. She identified these designations on the map, noting it attempts to recognize the semi-rural mix characteristic of the area. There is also provision for community facilities and uses, as well as a limited amount of commercial and industrial development. Ms. MacKinnon informed there are a fair number of zones established within these designations, which she reviewed from the hand-out. She also noted this designation allows for an expansion to Woodbine Mobile Home Park (District 15) and mobile home parks in District 18, commercial recreation uses, and extractive facilities to be considered by development agreement. She noted the main difference between these designations is with regard to how mobile homes on individual lots are regulated, how mobile home parks are regulated, and salvage yards.

She noted in the Mixed Use A designation there is provision for a rezoning for a mobile home on an individual lot in specified areas of the district only. The Mixed Use B designation allows for rezoning for mobile home subdivisions but not for mobile homes on individual lots. She referred to Mixed Use C designation (District 19) noting there is provision for mobile homes without applying for a rezoning. Ms. MacKinnon stated in the Mixed Use A designation Woodbine Mobile Home park can be expanded by development agreement, but there is no provision for new mobile homes parks. In the Mixed Use B designation there are provisions for the establishment of new mobile home parks by development agreement.

Ms. MacKinnon next identified and reviewed the Mixed Use C designation noting there are some similarities to the Mixed Use A and B designations, although the focus is very much on job creation and allowing a wide variety of uses to occur within this designation. It encourages a significant non-residential component, allowing a wide variety of commercial and industrial uses by right within the "base" zone, especially in areas where there is direct access to the No. 1 Highway. She reviewed the zones which have been established in this designation, as well as uses which can be considered by development agreement.

Ms. MacKinnon next reviewed the Springfield Lake Designation, which is a special designation for District 19 around Springfield Lake. This designation covers the developed lands, as well as additional lands surrounding Springfield Lake, similar to the residential designation; however, there are some development restrictions placed on land within 500 feet of Springfield Lake by way of a zone called the Restricted Residential Zone. This zone is to be in place until central sewer services are installed. When they are installed, the zoning by-law will be amended to replace it with an R-1 (Single Unit Dwelling) Zone. She stated this designation also contains a number of special measures which will help to protect the lake from further pollution and to bring it back to its former quality.

The next designation reviewed by Ms. MacKinnon was the Upper Hammonds Plains Community Designation, which is special for District 18 covering the community of Upper Hammonds Plains. She stated there was a small committee from this community to deal with the planning process, and they were not interested in detailed land use regulations. Therefore, there is a general use zone, permitting a wide variety of uses with some controls. She noted in addition to the general use zone, there are provisions for residential zones to be established over time as the area develops into a more residentially characterized community.

Ms. MacKinnon continued, reviewing the Rural Resource Designation. It applies primarily to undeveloped lands without public road access. The main use of this land at present is forestry and resource activity, and this designation establishes these uses and activities as the priority use of land in those areas, as well as a recreation resource. Major residential development is permitted under this designation, but it is subject to rezoning. Residential development

within the Rural Resource designation is subject to increased minimum lot sizes. She reviewed the zones established under this designation, as well as uses which may be considered by development agreement.

Ms. MacKinnon reviewed the Watershed Designation, noting it is in District 18 around Pockwock and Tomahawk Lakes, including the watershed lands of these lands. These lands are crown lands. This designation permits limited residential development on private lands with increased lot size requirement, but the primary focus is on the protection of the watershed as a regional supply. The zone established in this designation is P-4 (Conservation) Zone.

Ms. MacKinnon next reviewed the Provincial Park, the Regional Sanitary Landfill Site, and the Floodplain Designations, noting the zones established under each. She noted the Provincial Park designation recognizes crown land at Cox Lake as a potential Provincial park, and it has been designation as park reserve by the Department of Lands and Forests. The Regional Sanitary Landfill Site Designation covers the site of the present sanitary landfill operation. The policies within this designation address two issues: the safe operation of the existing facility in order to minimize any negative effects on the surrounding community, and the eventual conversion to a recreation facility to be used by the residents of the greater area of Sackville. The Floodplain Designation is applied to lands along the Sackville River and portions of MacCabe and Webber Lakes. The intention of the designation is to minimize the consequences of flooding and to provide protection to these water courses; she noted this designation is similar to that in the Sackville plan area.

SUMMARY OF LAND USE DESIGNATIONS AND ZONES - JOAN MACKINNON

Ms. MacKinnon next reviewed the summary of zones which have been established under the proposed Land Use By-law. She gave a general overview of the 11 land use designations and 21 zones.

QUESTION PERIOD

Councillor McInroy was concerned with regard to the wording "new uses by rezoning" with particular reference to entertainment uses in District 19. He indicated whether it was necessary to say this because it is a fact that someone can apply to rezone anything anytime and maybe its better left unsaid.

Richard Pentland advised that if District 19 had not wanted commercial entertainment uses then it would not have been put in there as a possibility for rezoning as is the case of District 15. It was a decision that was made early on in the process and there has been no negative reaction from the residents of the District.

Ms. MacKinnon stated that the policy establishes that they can only be considered in certain portions of District 19 and also in Upper Hammonds Plains.

Councillor Lichter commended the public and the Chairmen for the excellent work they have done. He advised that he believes the plan is good but some of the wordings need to be changed with regard to the funding. When inquiring where the Springfield Lake Project stands he was advised that the consultants will be finished approximately 3 months from now and at that time they will be able to recommend to Council not only the matters by which the treatment should be carried out but also the boundaries that would be the serviceable boundaries. It is his hope that the Springfield Lake designation, the restrictive designation is going to be all included and that the project will be finished in two year.

Councillor Lichter wanted the committee to consider the possibility of not necessitating a rezoning process after the sewage treatment plant is fully installed and functional but to have that rezoning done before the plan is actually adopted because it would be less expensive. He also suggested that a provision be added that no development permits would be issued in that zone for new development until the tender package is signed, granted to somebody and the community can be absolutely certain that the Plant is going in.

In conversation and through one application from one resident in that area it came to light that as things are today without a plan, the minute the tender package is signed, the Atlantic Health Unit, by law, is able to recommend to the Board of Health a cheap temporary non polluting system that can function easily for a year or two.

Mr. Pentland advised that this is a subject that has been ongoing for quite a while.

He advised that he has heard a number of residents in the area are having difficulties with this and assumes that those members of MPC who have been approached have encouraged the people to take their concerns on either to their Councillor or myself. Checking with Councillor MacDonald I understand that he has had no approaches during this period and I have not either.

I wouldn't suggest any bad faith on the part of the Municipality in putting this project together. I think the Municipality has proceeded in a logical deliberate fashion on the project and its proceeded quite well. He recognized that conditions are different from they were when first started and that in fact funding is in place and part of the plan talks about funding not being in place and would be quite willing for the wording of the plan to be amended in that case.

As far as dropping the RR1 Zone is concerned, not having any indication from anyone living in the area that they would want that, the RR1 zone or the Springfield Lake Designation from which it springs has been presented to the public from the beginning of this process and the public has supported it. I have no indication that the public has changed its opinion.