

THE FOLLOWING PEOPLE SHARE THE SAME CONCERNS AS STATED IN THE ATTACHED LETTER!

RE: R-1 ZONING

NAME

ADDRESS

RAY FINAB	125 CHRIS EVANS DRIVE LAURENCETOWN.
PAM COLLINS	7 CHRIS EVAN DRIVE
Emily Fenn	11 CHRIS EVAN DRIVE
MIKE COUNNAY	10 PENTICTON DRIVE
MARK JOSSELYN	43 RICHARDSON DR.
JIM THERIAULT	38 RICHARDSON DR.
John D. Rodgers	99. Richardson Dr.
Walt + Shelma Galders	41 Richardson Dr.
Elaine - Black	Richardson Dr.
Bruce Pettipiece	35 Richardson Dr.
Alison Lurie	14 Chris Evan Dr.
Jane Francis-Martin	26 Richardson Dr.
Reg + Rena Thompson	153 Richardson Dr.
Reg + Corva Lurie	160 Richardson.
Les Clark	147 Richardson
Jean Lafrenne	36 Richardson
William LeBlanc	127 Richardson Drive
E. Clarke Paynter	CIVIC 117 Richardson Drive

THE FOLLOWING PEOPLE SHARE THE SAME CONCERNS AS STATED IN THE ATTACHED LETTER!

RE: R-1 ZONING

NAME

ADDRESS

Natalie & LeRoy Ballant	40 Richardson Drive,
Marlene Palmer	2 Chris Euan Dr.
Glt W	3 Chris Euan Dr.
Heather Kelly	12 Chris Euan Dr.
Phyllis Mangle	31 Richardson Dr.
Ernest Lowally	166 Richardson Dr.
Ken Stetchley	7 Shannon Dr.
Mr. & Mrs. David E. Laurie	8 Shannon Dr.
Allan Mitchell	6 Shannon Ave.
Kathleen Mitchell	6 Shannon Dr.
Myra Menzies	4 Shannon Drive
Daniel MacAskill	1 SHANNON DR.
Ken Taylor	CHATER DR.
Colleen Taylor	Chater Dr.
Blair A. Tibbitt	Chater Dr.
Steve & Marty Cooper	34 Chater Dr.
Vic Giles	153 Salmon River Rd.
Brian & Marnie Grayson	Chris Euan Dr.
Ron & Mara Warrnell	Chris Euan

PETITION RE: R-1 ZONING

Ray Fina	125 Chris Evans Drive Lawrencetown - Block R	40192767
Pam Collins	7 Chris Evans Drive - Lot AA1-Civic #38	458380
Emily Fenn	11 Chris Evans Drive - Lot M-Civic #60	40069676
Mike Connolly	10 Penticton Drive - Block H	40194441
Mark Josselyn	43 Richardson Drive - Lot P	40144552
Jim Theriault	38 Richardson Drive - Lot T	40194649
John D. Rodgers	99 Richardson Drive	40194532
Clint & Thelma Aalders	- 41 Richardson Drive - Lot X41 Civic #107	40194573
Elaine Blaib	Richardson Drive	
Bruce Pettipas	35 Richardson Drive - Lot O	40194623
Diane Reekie	14 Chris Evens Drive	
Karen F. Morrison	26 Richardson Drive - Civic #142	40294680
Reg & Dena Thompson	- 153 Richardson Drive - Lot X3Y	40194508
Reg & Donna Lineper	- 160 Richardson Drive	
Leo Clow	147 Richardson Drive	
Jean Laflorence	36 Richardson Drive - Lot X36	40194482
William LeBlanc	127 Richardson Drive	
E. Clarke Paynter	Civic #117 Richarson Drive - Lot X39	
Natalie & LeRoy Gallant	- 40 Richardson Drive - Lot X40-Civic #113	40194565
Marlene Palmer	2 Chris Evans Drive - Lot 2-Civic #9	40144636
D.H	3 Chris Evans Drive	
Heather Kelly	12 Chris Evans Drive - Lot B-Civic #45	40194425
Phyllis Naugle	31 Richardson Drive - Lot X31 - Civic #176	40194516
Brant Connolly	166 Richardson Drive - Lot X29	40144560
Ken S. Ketchley	7 Shannon Drive - Lot X20	
Mr. & Mrs. Daniel	Elivirie - 8 Shannon Drive - Lot X21	40194607
Allen Mitchell	6 Shannon Drive - Lot C4	40187437
Kathleen Mitchell	6 Shannon Drive - Lot C4	40187437
Myel Merchat	4 Shannon Drive - Lot C5X	40187445
Daniel MacAskill	1 Shannon Drive - Lot C1	40187403
Ken Taylor	9 Chater Drive - Lot B1	40184319
Colleen Taylor	9 Chater Drive - Lot B1	40184319

PETITION RE: R-1 ZONING - page 2

Blair Herbert	2 Chater Drive - Lot B2	
Steven & Marty Cooper	- 34 Chater Drive - Lot 5C	40184350
Vic Giles	153 Salmon River Drive	40285355
Brian & Marina Grayson	- 43 Chris Evans Drive - Lot 46-Civic #26	45839843
Ron & Marg Warnell	- 6 Chris Evans Drive - Lot 3A-Civic #15	40144537

RECEIVED OCT 19 1987

6465 Edinburgh Street
Halifax, Nova Scotia
B3L 1W6

16 October 1987

G. Kelly
Municipal Clerk
Halifax County
2750 Dutch Village Road
Halifax, N. S.
B3L 4K3

Dear Sir:

In opening, I would like to identify myself as part owner of a parcel of land labelled as lot XI A, Estate of S. LaPierre in the Westphal area. This parcel of land is within the boundaries of the proposed zoning plan.

First, I must state that until an ad was read in a local newspaper in late September 1987, I was unaware of any plan to rezone, not having seen earlier ads nor being notified formally. I consider this to be unfortunate on my part as well as somewhat unfair on the County's part as my land holdings represent a significant proportion of the total area in question. Accordingly I would think your process should include a formal notification to landowners who are directly affected by any such action.

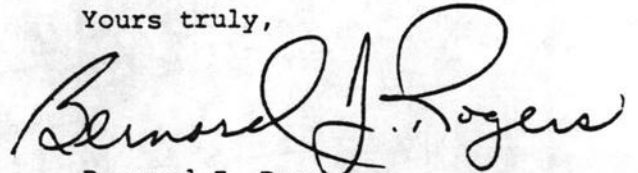
I would like to object to the proposed rezoning for the following reasons:

- 1) Highway 107 skirts my land. This is a major artery with a very high traffic count. This fact alone makes sections of the land unattractive for residential development whereas there might be some potential for commercial development.
- 2) The land in question is characterized by thin soil, poor drainage and bedrock close to the surface (as per your staff report of June 8, 1987, page 2 section 1.2). This increases the development costs for residential construction and again makes the land less attractive for this purpose.
- 3) The final paragraph on page 4 of your June 8, 1987, staff report states "the bakery and taxidermist are peripherally located to the residential areas, on a major provincial highway", thus recommending that these properties be zoned I-1; yet a large part of my land which is even more peripheral than the businesses above is zoned residential.

- 4) Special consideration has been given in the proposal to allow commercial development of lot X-2, the lands of Mr. Jack Way. The same consideration should be given my lands for the same reasons.

While recognizing the need for some control over the development process, I feel that this proposal is too restrictive for my land.

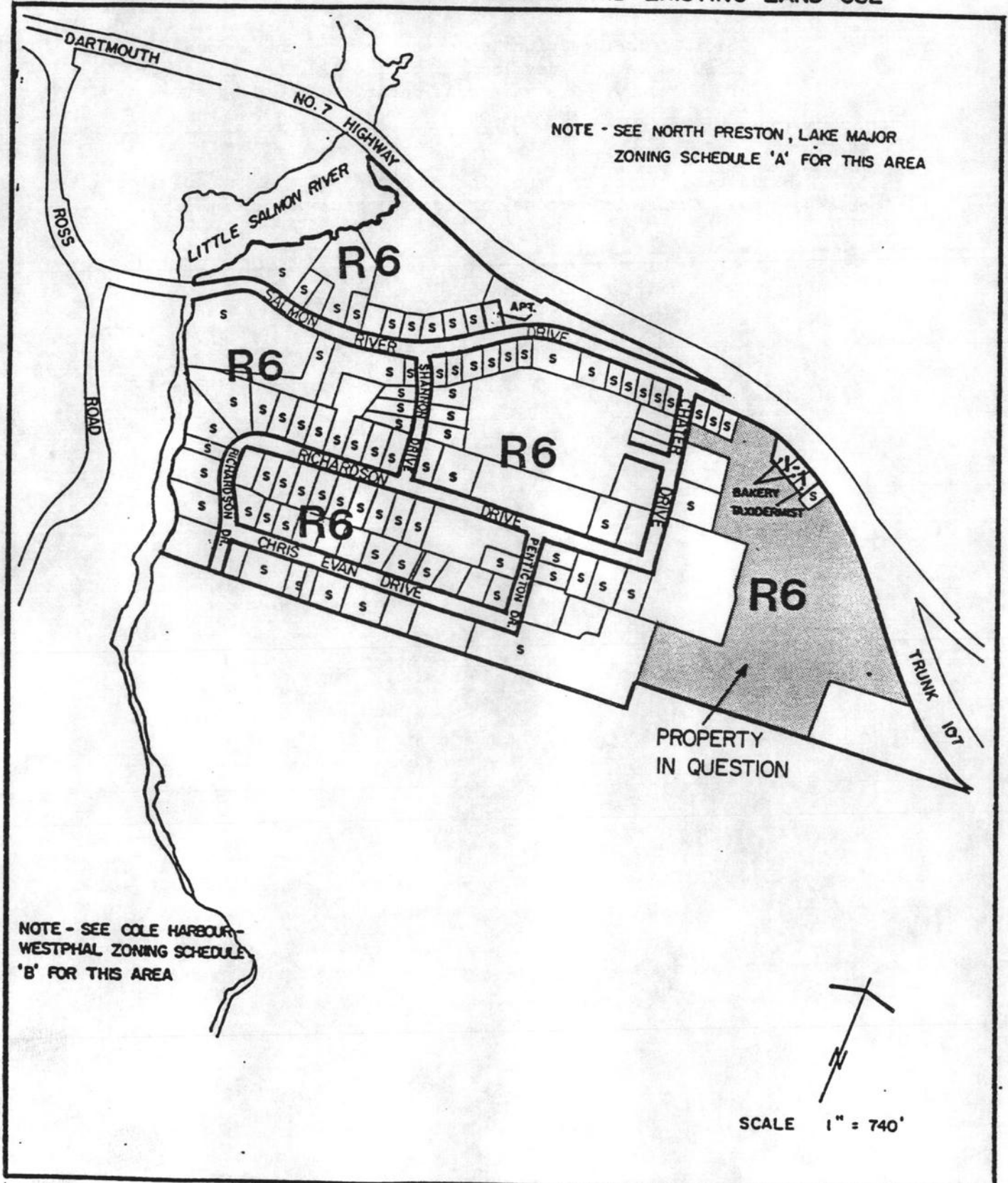
Yours truly,

A handwritten signature in cursive script that reads "Bernard J. Rogers". The signature is written in black ink and is positioned above the printed name.

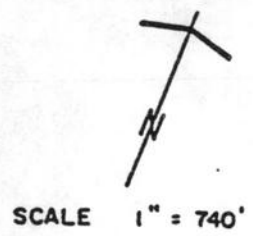
Bernard J. Rogers

PROPOSED ZONING AND EXISTING LAND USE

NOTE - SEE NORTH PRESTON, LAKE MAJOR ZONING SCHEDULE 'A' FOR THIS AREA



NOTE - SEE COLE HARBOUR WESTPHAL ZONING SCHEDULE 'B' FOR THIS AREA



SCALE 1" = 740'

STAFF REPORT

TO: Planning Advisory Committee

AMENDMENT TO THE COLE HARBOUR/
WESTPHAL MPS - OPTIONS FOR DEALING
WITH NON-RESIDENTIAL PROPERTIES -
RICHARDSON DRIVE/SALMON RIVER
DRIVE.

FROM: Dept. of Planning & Development

DATE: August 24, 1987

APPLICATION NO. - PA-CH/W-03-87

[Handwritten Signature]
C.A.O.
DIRECTOR, PLANNING & DEVELOPMENT

RECOMMENDATION: THAT THE I-1 ZONE PROPOSED FOR THE NON-RESIDENTIAL PROPERTIES (TAXIDERMIST AND BAKERY) BE INSTITUTED, AND THAT COMMERCIAL DEVELOPMENT BE CONSIDERED, BY DEVELOPMENT AGREEMENT, ON LOT X-2 OF THE LANDS OF MR. JACK WAY.

Background:

On July 16, 1987 the Planning Advisory Committee held a public participation session to obtain comment on proposed amendments to the Cole Harbour/Westphal municipal planning strategy. The purpose of the amendments is to include the area bounded by Little Salmon River and Highways No. 7 and 107, within the Cole Harbour/Westphal Plan Area. (Map 2, pg 5)

At the public participation session two concerns were raised. The first was the proposed zoning of existing taxidermist and bakery enterprises on Highway 107 to I-1 (Light Industrial). Concern focused on possible change of use on the properties to activities that might not be so acceptable to the area. Secondly, concern was expressed by Mr. Jack Way about the R-6 (Rural Residential) Zone applied to his property (Map 3 pg 6). A previous application by Mr. Way to have this property rezoned so as to permit commercial uses was rejected by Municipal Council in 1983. Then, as now, Mr. Way has no specific type of commercial enterprise in mind.

Staff were asked to prepare a report outlining the options by which the existing businesses could be accommodated as well as those by which commercial development might be permitted on Mr. Way's property.

A. TAXIDERMIST/BAKERY

Option 1

The properties could be zoned to the I-1 (Light Industrial) Zone which would permit expansion to the extent of the property in accordance with zone requirements. In addition, the current uses could be changed to any other permitted use within the I-1 Zone. (Appendix I).

Option 2

The businesses could be listed in Appendix "B" of the land use by-law which recognizes existing industrial uses to the extent that they are now in existence but does not allow for any expansion.

Option 3

The businesses could be included in Appendix "C" of the land use by-law which would permit expansion of the uses by development agreement.

However, this Appendix presently applies only to primary industries. Therefore, it would be necessary to include service industries in it. This would introduce a conflict with Appendix "B" where all other service industries, other than those actually zoned I-1, are situated.

Option 4

A new appendix could be established to deal with these two uses. This would require a specific policy justification in the planning strategy to permit expansion through the development agreement process.

Conclusion:

As the properties do not abut any homes, and front on Highway 107, it is recommended that the proposed I-1 zoning be maintained. It is not felt that expansion of the existing businesses or a change to another I-1 use will significantly affect the surrounding area.

B. LOT X-2 (JACK WAY PROPERTY)

The following options could accommodate commercial development on Mr. Way's property. (Map 3, p. 6)

Option 1

The property could be given a C-2 (General Business) or C-4 (Highway Commercial) Zone. Since the present plan does not permit these zones to be applied within the Residential A Designation, the plan should be amended to provide justification for such zoning.

Option 2

The property could be zoned C-1 (Local Business), the usual commercial zone granted in residential designations. However, the range of uses permitted in this zone is restricted to small scale (1,500 sq. ft.) food and variety stores.

Option 3

A policy could be included within the plan to apply specifically to this property. Such a policy would permit the consideration of commercial uses on this property, by development agreement.

It should be noted that Policy P-39(b) of the plan presently permits consideration, by development agreement, of larger commercial uses devoted to serving neighbouring semi-rural markets in the unserved area of the Residential "A" Designation.

Conclusion:

The configuration of this property creates some difficulty for any type of development. Its location on Highway No. 7 does suggest some commercial development potential. However, not all commercial uses would be appropriate on the lot given its configuration and proximity to a residential area. It is, therefore, recommended that if commercial development is to be considered on this property, Option 3 should be implemented. This option provides for flexibility while maintaining the greatest degree of control over any proposed use.

APPENDIX I

PART 18: I-1 (LIGHT INDUSTRY) ZONE

18.1 I-1 USES PERMITTED

No development permit shall be issued in any I-1 (Light Industry) Zone except for the following:

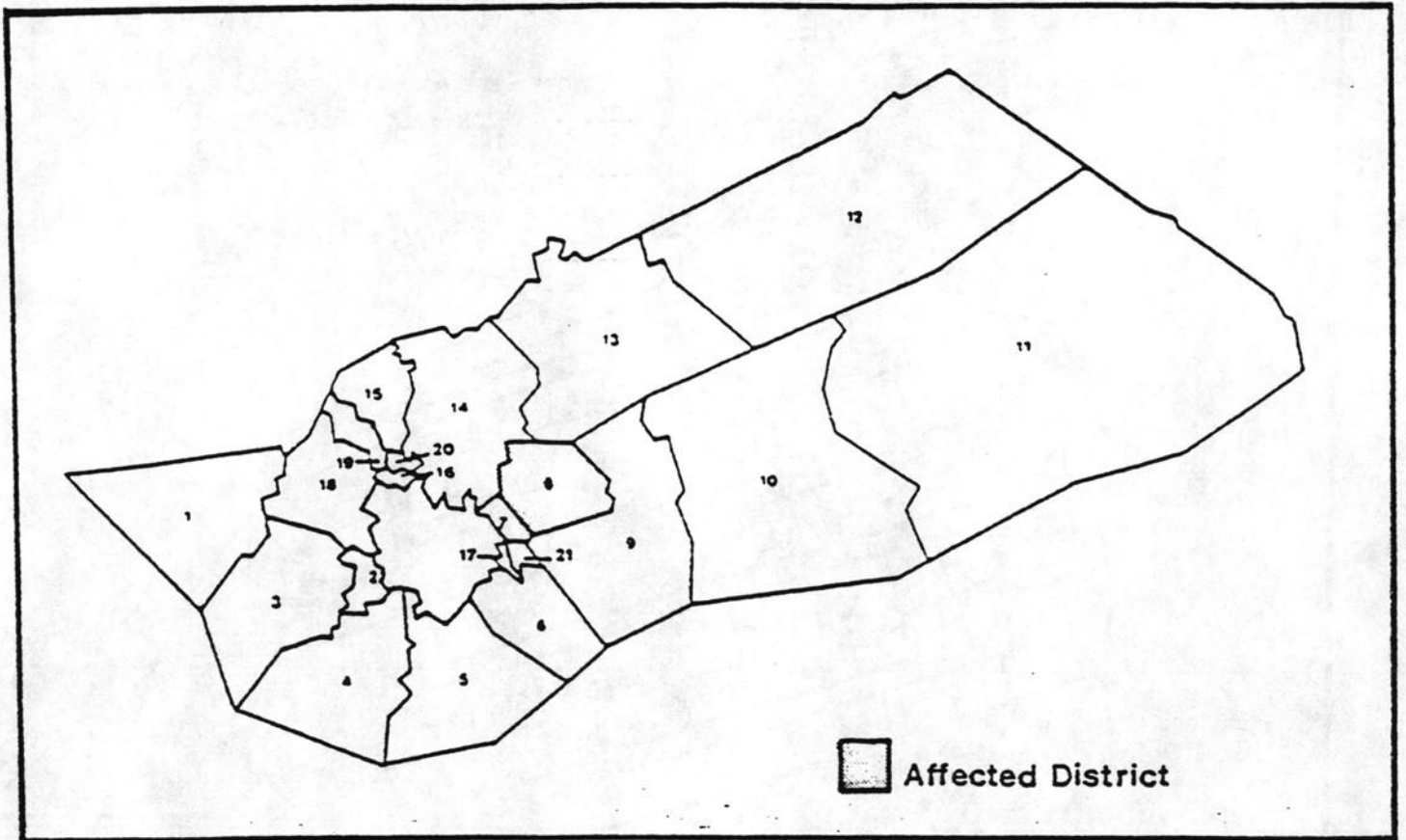
- Nurseries and greenhouses,
- Truck terminals;
- Warehousing;
- Construction storage yards;
- Service industries;
- Light manufacturing operations.

18.1 I-1 ZONE REQUIREMENTS:

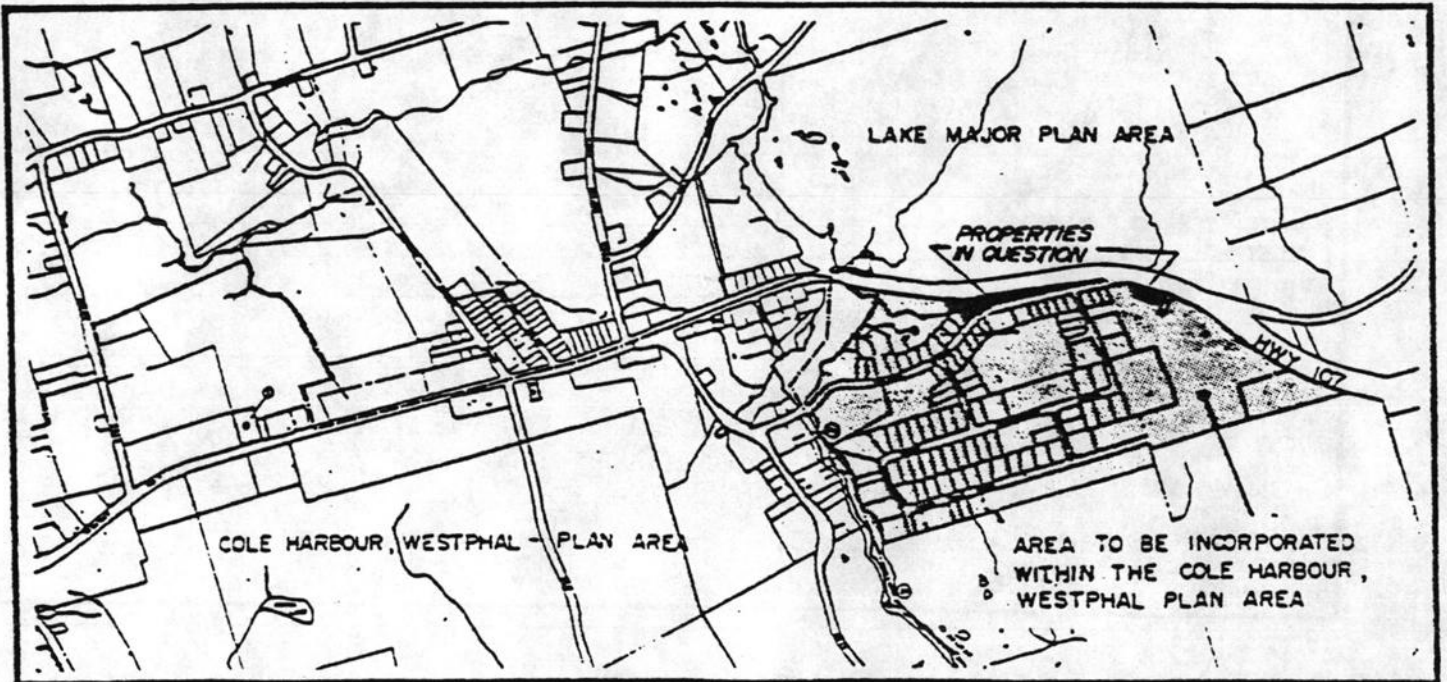
In any I-1 Zone no development permit shall be issued except in conformity with the following:

Minimum Lot Area: central services	6,000 square feet (558 sq. m.)
on-site services	20,000 square feet (1858 sq. m.)
Minimum Frontage: central services	60 feet (18.3 m.)
on-site services	100 feet (30.5 m.)
Minimum Front or Flankage Yard	30 feet (9.1 m.)
Minimum Rear or Side Yard	25 feet (7.6 m.)
Maximum Lot Coverage	50 per cent

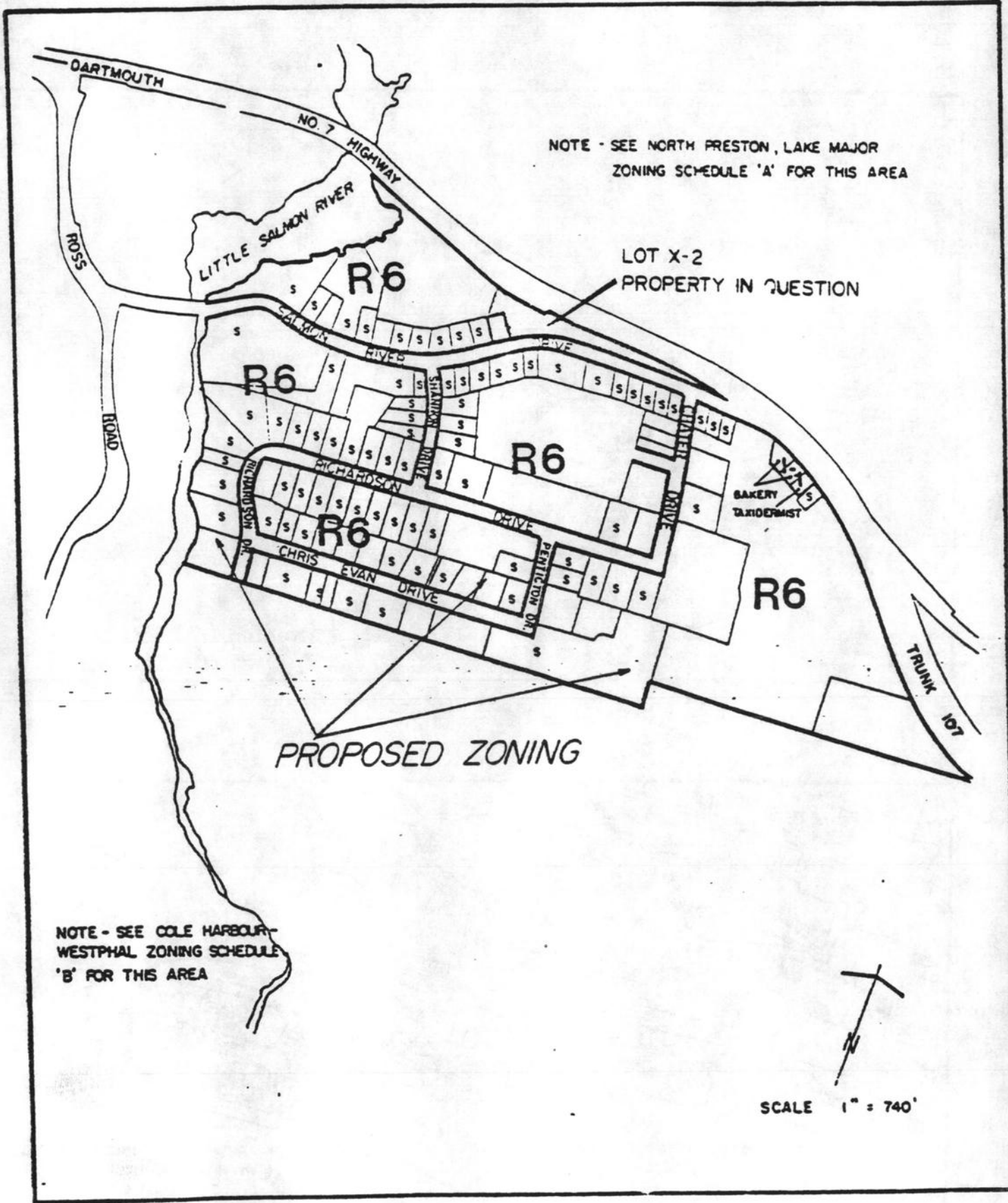
MAP 1



MAP 2



MAP 3



NOTE - SEE NORTH PRESTON, LAKE MAJOR ZONING SCHEDULE 'A' FOR THIS AREA

LOT X-2
PROPERTY IN QUESTION

PROPOSED ZONING

NOTE - SEE COLE HARBOUR - WESTPHAL ZONING SCHEDULE 'B' FOR THIS AREA



SCALE 1" = 740'

STAFF REPORT

TO: Planning Advisory Committee

FROM: Department of Planning & Development

DATE: June 8, 1987

APPLICATION NO. - PA-CH/W-03-87

AMENDMENT TO THE COLE HARBOUR/
WESTPHAL MPS TO INCLUDE SALMON
RIVER DRIVE AND RICHARDSON DRIVE
AREA.

K. A. Wilson

CAO
Robert E. Langh

DIRECTOR, PLANNING & DEVELOPMENT

For

RECOMMENDATION: THAT THE SALMON RIVER DRIVE/RICHARDSON DRIVE AREA BE INCLUDED WITHIN THE COLE HARBOUR/WESTPHAL MUNICIPAL PLANNING STRATEGY, BE DESIGNATED RESIDENTIAL "A" ON THE GENERALIZED FUTURE LAND USE MAP (FIG. 2, P.7), AND ZONED AS SHOWN ON FIG. 3 (P.8).

Information: At a meeting on April 22, 1987, the majority of residents present voted in favour of the Salmon River Drive/Richardson Drive area being incorporated within the Cole Harbour/Westphal Plan Area. The area is presently included in the District 8 & 9 Plan Area. Before deciding on inclusion in the Cole Harbour/Westphal Plan, residents considered remaining in District 8 & 9, or being included in either the Lake Major or Lawrencetown Plans (Maps 1 & 2, p.5).

ANALYSIS: 1.1 Existing Zoning

Portions of the area are zoned under By-law 24 (Fig. 1, p.6) (effective date - July 30, 1972). These include a 6 acre parcel zoned C-2, adjacent to Salmon River Drive and Highway No. 7, and an R-4 Zone running the length of Salmon River Drive. The C-2 (General Business) Zone permits any commercial enterprise unless it constitutes a hazard or nuisance to the public. The R-4 (General Residential) Zone permits all residential uses, as well as a number of commercial and institutional uses.

In November, 1985, Mr. Jack Way applied to have a portion of this area, identified as Lot X2 of the lands of Mr. Seymour Lapierre, rezoned from R-4 to C-1 (Local Business) Zone (Fig. 1, p.5). The purpose of the rezoning was to permit commercial development, possibly including one of the following uses: warehousing; auto repair; car wash; or used car lot. This application was rejected by Council on April 15, 1986. Mr. Way has been advised by letter of the residents' decision to be

included in the Cole Harbour/ Westphal Municipal Planning Strategy and the present review of the area. The owner of the property now zoned C-1 does not wish to retain this commercial zoning. The remainder of the area is presently zoned general.

1.2 Existing Land Use

Existing land use in the Salmon River Drive/Richardson Drive area is almost exclusively single unit residential (80 units in all) (Fig. 3, p.7). One two unit dwelling was identified on Salmon River Drive itself. Other single unit dwellings may have accessory apartments which are not obvious.

Although assessment records do not indicate any business uses on residential properties there may, nevertheless, be some home occupations in the area. Three residential properties, with large accessory buildings on their lots, have the potential to be used for business purposes, and at least one of them may be so used.

A wholesale bakery and a taxidermist are located on Highway No. 7 at the north east boundary of the area in question.

There is a substantial amount of undeveloped land in the area. This land is characterised by thin soil, poor drainage and bedrock close to the surface. The majority of lots in the area are in excess of 20,000 square feet.

2.1 Proposed Designation

In the Cole Harbour/Westphal planning strategy the Residential "A" Designation is intended to recognize existing single unit residential development in both the serviced and unserved portions of the Plan Area. It further recognizes that the relatively larger lot areas of the unserved portion may support a variety of small businesses, given appropriate controls. (Fig.2, p.7).

2.2 Zoning Options

Zones established within the Residential "A" Designation could accommodate most of the present land uses in the area:

Residential

R-1 - This zone could be applied to most of the area. It would not permit the two unit dwelling and would be relatively stringent with respect to home businesses, permitting only professional offices and day care facilities.

R-2 - This zone would permit both single and two unit dwellings. The home business provisions are the same as in the R-1 zone.

R-6 - This zone would permit both single and two unit residential dwellings and would also permit greater flexibility in terms of the types of home businesses that could be established.

All of the above zones limit home businesses to the dwelling itself. They do not permit business uses located in an accessory building, eg. a garage. Any existing businesses located in accessory buildings, of which none have been positively identified, could be listed in Appendix "B" of the Cole Harbour/Westphal plan. This appendix lists those existing business activities not otherwise permitted in the Residential "A" Designation. The operations so recognized are permitted to continue only to the extent to which they were in existence at the time of adoption of the plan.

Commercial

C-1 - A local business zone may be considered within the Residential "A" Designation. This zone allows for small scale (1,500 sq. ft.) variety and food stores. In addition, Policy P-39(b) allows consideration, by development agreement, of larger commercial uses devoted to serving neighboring semi-rural markets.

Industrial

Both the bakery and the taxidermist are considered to be described as "service industries". The Residential "A" Designation does not permit new industrial uses. However, policies P-61 and P-62 provide two alternative means of accommodating existing industrial uses.

Either a light industrial zone may be established to support these existing uses specifically (P-61), or the continuation of identified industrial uses may be provided for through their inclusion in Appendix "B" of the land use by-law (P-62).

Recommended Zoning

The Salmon River Drive/Richardson Drive area is at the periphery of urban development in the Cole Harbour/Westphal plan area. Much of the adjacent land is undeveloped and the area is presently unserved. While becoming more suburban, the area is still largely rural in nature.

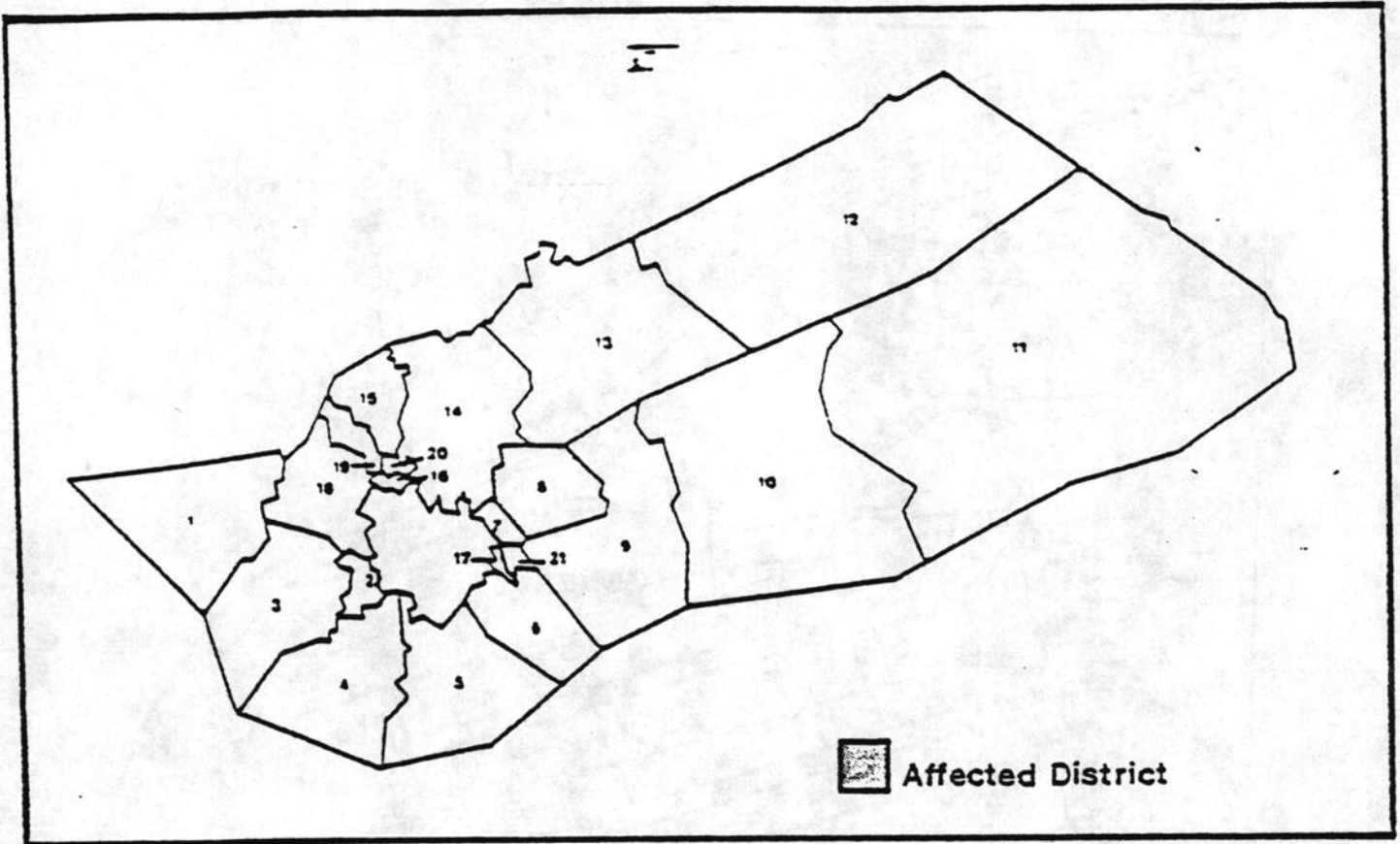
In view of the transitional nature of the area, moving from rural to urban, it is recommended that the R-6 zoning be applied throughout the residential portion of the area. This eliminates potential concerns with home businesses and accessory apartments. (Fig. 3, p.8).

The owner of the property presently zoned C-2 has requested that this land be included in any future residential zone, and not considered for commercial use. This land should be zoned R-6, conforming to the residential nature of the area.

Should any owners within the area indicate that they are, in fact, operating a business from an accessory building on their property, it is recommended that such businesses be included within Appendix "B" which would permit them to continue to the extent they presently exist.

Given that the bakery and taxidermist are peripherally located to the residential areas, on a major provincial highway, it is recommended that these properties be zoned I-1.

MAP 1



MAP 2

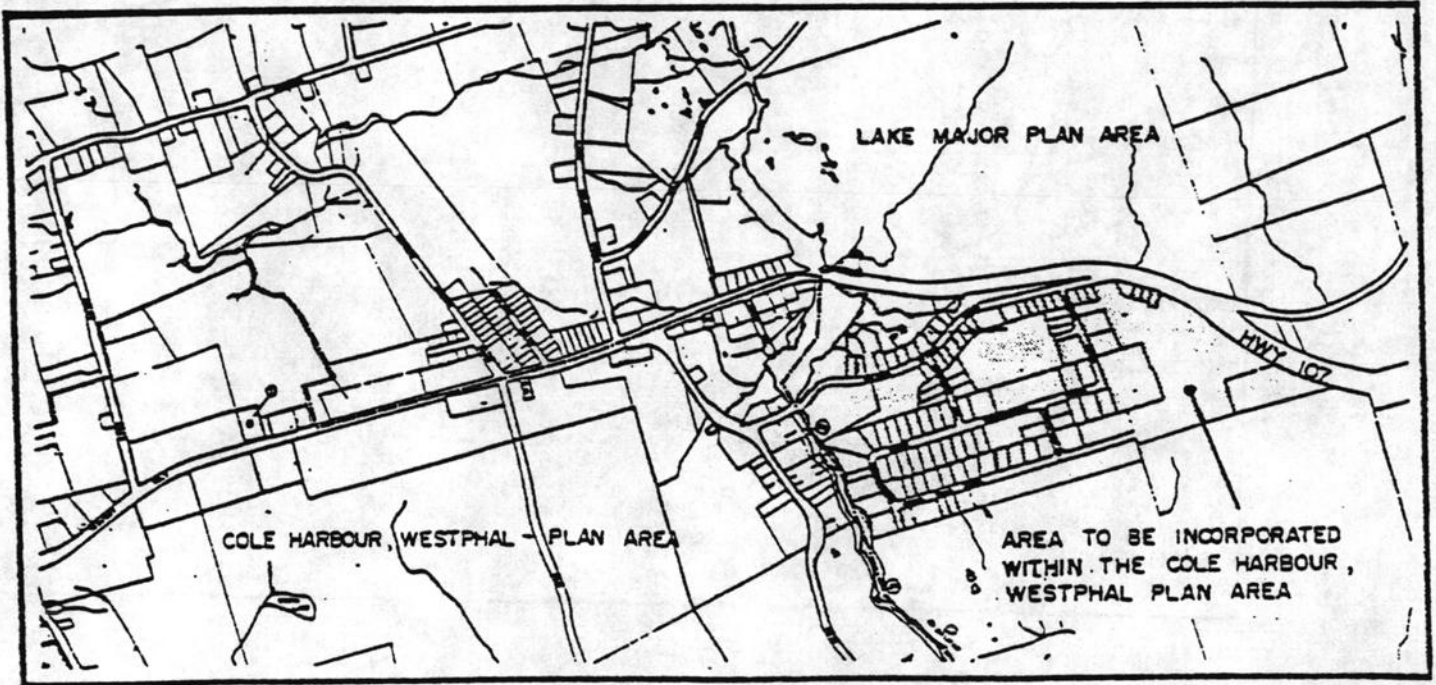
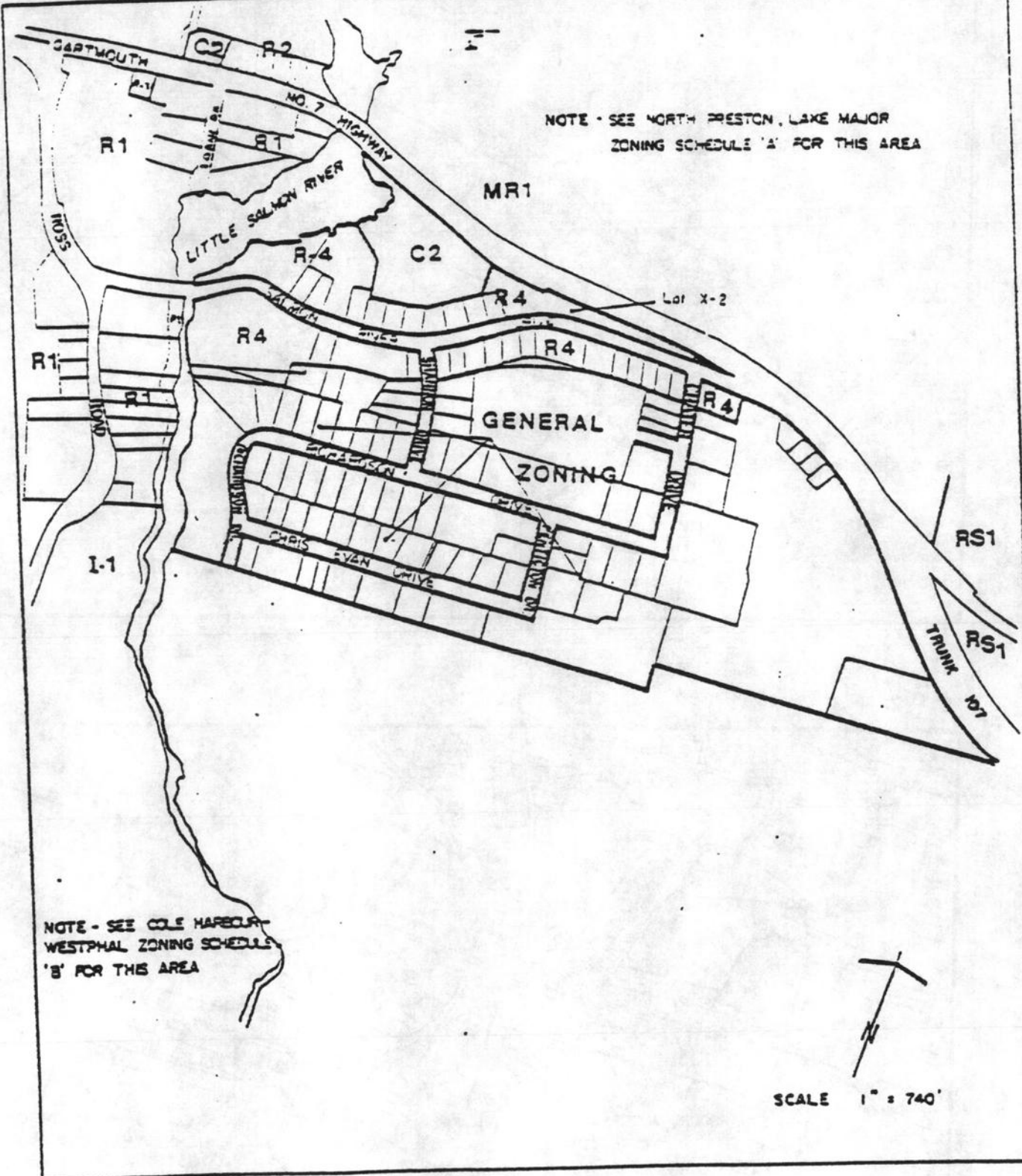


FIG. 1 EXISTING ZONING



NOTE - SEE NORTH PRESTON, LAKE MAJOR ZONING SCHEDULE 'A' FOR THIS AREA

NOTE - SEE COLE HARBOUR WESTPHAL ZONING SCHEDULE 'B' FOR THIS AREA

SCALE 1" = 740'

FIG. 2 GENERALIZED FUTURE LAND USE

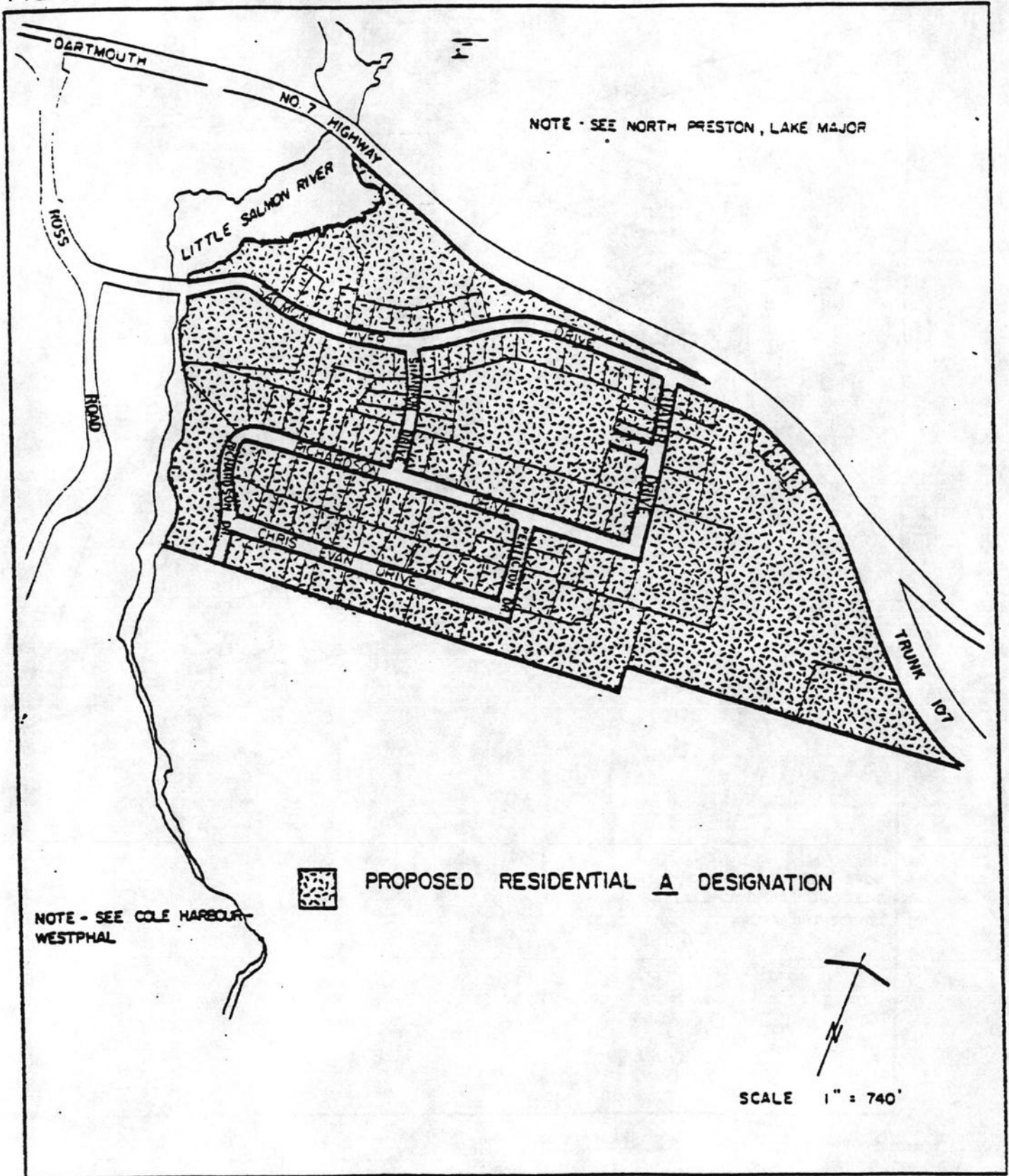
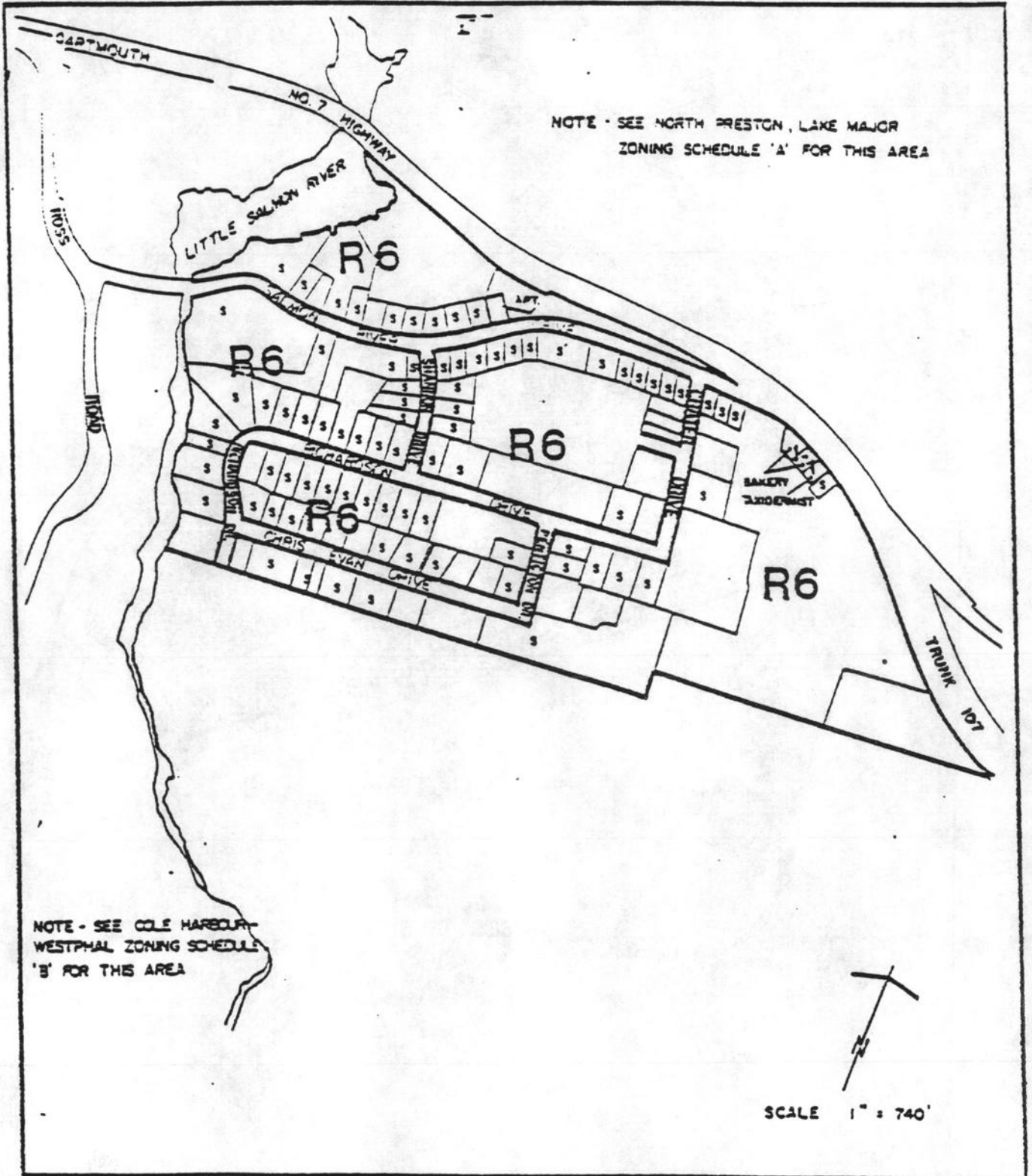


FIG. 3

PROPOSED ZONING AND EXISTING LAND USE



D25

STAFF REPORT

TO: Planning Advisory Committee
FROM: Dept. of Planning and Development
APPLICATION NO. DA-SA-04-87-17
DATE: August 24, 1987


CAG
DIRECTOR, PLANNING & DEVELOPMENT

RECOMMENDATION:

THAT THE PROPOSED DEVELOPMENT AGREEMENT BETWEEN THE MUNICIPALITY OF THE COUNTY OF HALIFAX AND WM. J. CASAVECHIA FOR A GARDEN AND MARKET CENTRE LOCATED ON CALDWELL ROAD, ACROSS FROM NOVA TERRACE, COLE HARBOUR, BE APPROVED BY MUNICIPAL COUNCIL.

Information:

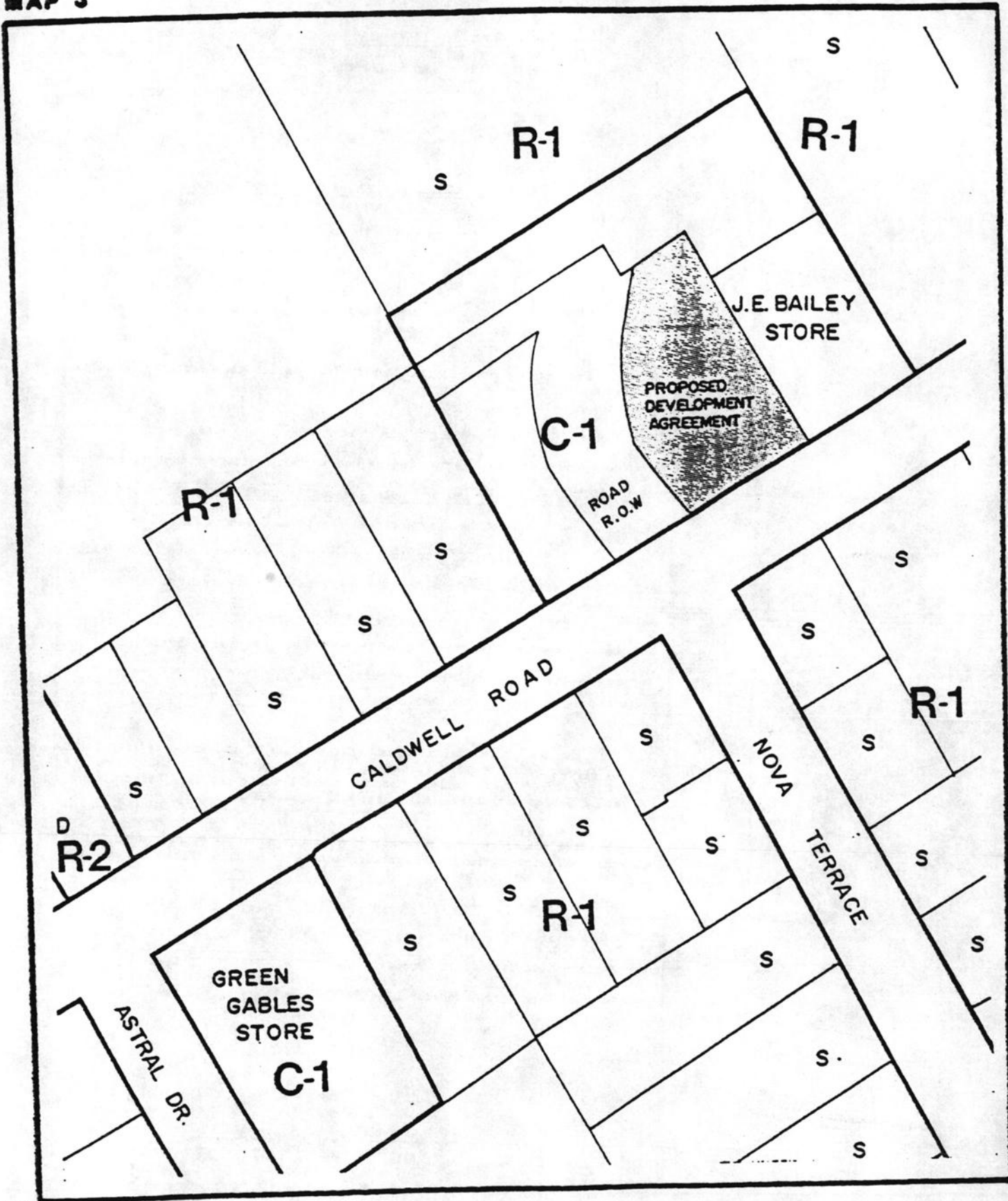
Attached is a proposed development agreement between the Municipality of the County of Halifax and Wm. J. Casavechia, to permit the development of a garden and market centre, located on Caldwell Road across from Nova Terrace. The requirement for a development agreement stems from Policy P-39(a) of the municipal planning strategy for Cole Harbour/Westphal. This policy allows for garden markets through the agreement process on lots which had C-1 (Local Business) zoning on April 21, 1986.

ANALYSIS

The Department of Planning and Development has no objections to the development of a garden and market centre at this location. The proposal is in conformity with the intent of the plan to allow for this type of use where it will not have a significant effect on adjacent properties. In this case, the owner is proposing to construct a semi-open building with a pitched roof. The use of a pitched roof will mean that the building will better fit in with surrounding residential and commercial uses, which also have pitched roofs. All outdoor storage will be located at the rear of the building and will be fully screened by a fence, and the parking area will be paved within a year of signing the agreement. Additionally, this is a very low density project (12 per cent of coverage) when compared to the maximum lot coverage allowed for a single unit dwelling (35 per cent) in Cole Harbour/Westphal.

The hours of operation are limited for this operation from 09:00 hours to 21:00 hours from April 1st to September 30th and from 09:00 hours to 18:00 hours from October 1st to March 31st of each year. As well, the Department of Transportation has no objections to this proposed development.

MAP 3



BETWEEN:

WILLIAM J. CASAVECHIA, of Cole Harbour, in the
County of Halifax, Province of Nova Scotia;
(herein- after called the "Owner")

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 Owner has good title to lands known as the lands of William J. Casavechia located at Cole Harbour, in the County of Halifax, Province of Nova Scotia (hereinafter called the "Property") and as described on Schedule "A".

AND WHEREAS the Owner has requested permission to construct and operate a garden centre and market centre pursuant to Section 3.6(1) of the Zoning By-law for Cole Harbour/Westphal, on that property and described and shown on the plan attached hereto as Appendix "A".

WITNESS that in consideration of the sum of one dollar (\$1.00) now paid by the Owner to the Municipality (the receipt of which is hereby acknowledged), the construction and maintenance of the garden centre and market centre is agreed upon between the Owner and the Municipality subject to the following terms and conditions:

1. That the use of the Building and that portion of the Property identified in Appendix "A" of this Agreement shall be restricted to the activities of a Garden Centre selling plants, transplant trees, fertilizers, etc., and a Garden Market selling fruits and vegetables;
2. That the Building shall be confined to an area on the Property defined by the following minimum yard requirements and as illustrated in Appendix "A" of this Agreement:

Minimum Front Yard (Property Line "A")	50 feet
Minimum Side Yard North (Property Line "B")	20 feet
Minimum Side Yard South (Property Line "C")	20 feet
Minimum Rear Yard (Property Line "D")	25 feet

3. That the building shall not exceed one storey in height.
4. That the maximum size of the building will be two-thousand (2,000) square feet.
5. That the Owner shall construct and maintain in good repair a building consisting of semi-open construction type with a pitched roof.
6. That no outdoor display of any goods or materials be conducted on this property.
7. That any outdoor storage shall:
 - (a) be located to the rear of the building as illustrated on Appendix "A";
 - (b) not extend beyond the width of the building;
 - (c) not exceed six hundred and forty-four (644) square feet in area; and
 - (d) that this storage area be fully screened from adjacent properties by a pressure treated wooden fence which shall have a minimum height of six (6) feet. (Appendix "A").
8. (a) That the Owner shall construct and maintain in good repair a parking area and driving aisle on that portion of the Property identified in Appendix "A" of this Agreement. It is agreed that the said parking area and driving aisle shall be treated so as to prevent the rising of dust and loose particles and shall be of a size and dimension to adequately accommodate a minimum of eleven (11) motor vehicles.

(b) It is agreed that the said parking area and driving aisle shall be paved with asphalt within one year of the date of signing of this Agreement.
9. That the Owner shall construct and maintain in good repair a separate driveway for access to the site and a separate driveway for egress from the site, with access points shown on Appendix "A" or otherwise as approved by the Department of Transportation.
10. That the Owner shall plant and maintain in good condition a hedge located on property line "A" between the separate driveways on the site; as illustrated on Appendix "A".
11. (a) That one (1) ground sign shall be permitted on the Property for the purpose of identifying the activities permitted under Section 1 of this Agreement. It is agreed that the said sign shall not incorporate any flashing or moving illumination, or exceed fifteen (15) feet in height or exceed twenty-five (25) square feet on a single face. The sign shall not extend beyond a property line or project over a public right-of-way, day lighting triangle, driveway or parking space.

(b) That two (2) ground signs shall be permitted on the Property to specify that the north driveway is for access to the site and that the south driveway is for egress from the site. It is agreed that the said sign shall not incorporate any flashing or moving illumination or exceed four (4) square feet on a single face. The sign shall not extend beyond a property line or project over a public right-of-way, daylighting triangle, driveway, or parking space.

- (c) That one (1) facial wall sign shall be permitted on the Building for the purpose of identifying the activities permitted under Section of this Agreement. It is agreed that the said sign shall not incorporate any flashing or moving illumination nor exceed thirty-three (33) square feet in area or three (3) feet in height.
 - (d) That no mobile signs of any type will be permitted on the property.
12. (a) That the business hours of operation shall be within 09:00 hours and 21:00 hours from April 1st of each year to September 30th of each year.
(b) That the business hours of operation shall be within 09:00 hours and 18:00 hours from October 1st of each year to March 31st of each year.
 13. Subject to the provisions of this Agreement, the Owner shall be bound by all by-laws and regulations of the Municipality as well as by applicable statutes and regulations of the Province of Nova Scotia.
 14. Upon breach by the Owner of any of the terms or conditions of this Agreement the Municipality may, after thirty days notice in writing to the Owner 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.
 15. This Agreement shall run with the land and be binding upon the Owner's heirs, assigns, mortgagees, lessees, successors, and occupants of the Property from time to time.
 16. 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.
 17. The Owner shall pay the costs of recording and filing all documents in connection with this Agreement.
 18. 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.
 19. That upon the signing of this Agreement by the parties, the Municipality may, with the mutual agreement of the Owner, amend any or all of the stated conditions by a majority vote of Municipal Council.
 20. That notwithstanding Clause 19, due to unforeseen circumstances, variances from certain requirements of this Agreement may be granted by the Development Officer, provided that such variance is minor in that it does not violate the intent of this Agreement and it does not result from the intentional disregard of the requirements of this Agreement. Variances may be considered for a five (5) per cent variance for any requirement of Appendix "A", providing that any other necessary approvals are received.

21. For the purposes of this Agreement, all words shall carry their customary meaning except those defined under Part 2 of the Zoning By-law for Cole Harbour/Westphal, wherein such words shall carry the meaning defined therein.

WITNESS that this Agreement, made in triplicate, was properly executed by the respective Parties on this _____ day of _____, A.D., 1987.

SIGNED, SEALED AND DELIVERED) per
in the presence of)

WILLIAM J. CASAVECHIA

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

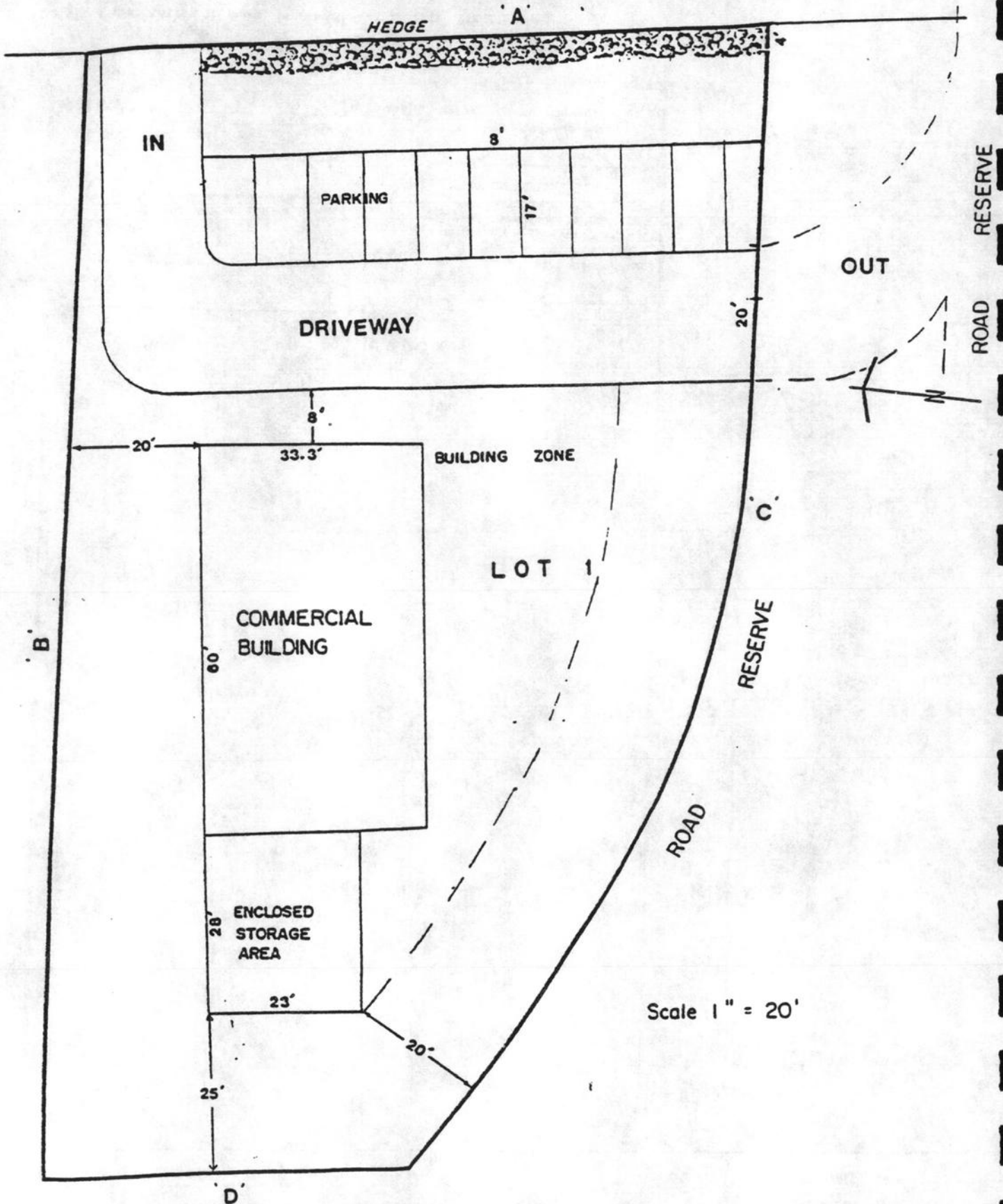
WARDEN

CLERK

APPENDIX A

CALDWELL ROAD

— To Cole Harbour Road



Scale 1" = 20'

L11E

M E M O R A N D U M

TO: PLANNING ADVISORY COMMITTEE
FROM: DEPARTMENT OF PLANNING & DEVELOPMENT
RE: SUBDIVISION BY-LAW AND BUILDING BY-LAW AMENDMENTS RE: PLANNING
DISTRICTS 15, 18, 19 MUNICIPAL PLANNING STRATEGY
DATE: SEPTEMBER 14, 1987

Attached are amendments to the Subdivision By-law and Building By-law which are necessary to implement the Planning Districts 15, 18, 19 Municipal Planning Strategy. The Subdivision by-law amendments require a public hearing, while those for the Building By-law do not. In order to have these amendments adopted as quickly as possible, should Council approve the Municipal Planning Strategy, the recommended public hearing date for the Subdivision By-law amendments is October 20, 1987, as part of the regular Council session. Amendments to both by-laws could be dealt with at that time.

The Subdivision By-law amendments are related to Policy P-92 with respect to private road development. The Building By-law amendments implement Policy P-134.

BB/rmn

A BY-LAW TO AMEND THE SUBDIVISION BY-LAW

The Subdivision By-law of the Municipality of the County of Halifax is hereby amended by:

(a) Adding the following as Parts 13.5 and 13.6:

13.5 Notwithstanding Section 13.1 (b), where a Land Use By-law is in effect, subdivision on private roads shall not be permitted unless the Land Use By-law permits development on any lot created pursuant to said section and the Municipal Planning Strategy provides for both the subdivision and development of such lots.

13.6 As provided for in the Municipal Planning Strategy for Planning Districts 15, 18 and 19, within the boundaries of any parcel of land which existed on the effective date of that Municipal Planning Strategy, the maximum number of lots with private road frontage shall be ten, unless the lots to be created are in excess of ten acres, in which case there is no limit on the number of lots created.

THIS IS TO CERTIFY that the by-law, of which this is a true copy, was duly passed at a duly called meeting of the Municipal Council of the Municipality of the County of Halifax held on the 11 day of 11, 1987.

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

GERARD J. KELLY
Municipal Clerk

A BY-LAW TO AMEND THE BUILDING BY-LAW

The Building By-law of the Municipality of the County of Halifax is hereby amended by:

- (a) Deleting the following clause from Section 2(b): "but does not include a mobile home as defined in the Zoning By-law of the Municipality"; and replacing with the highlighted clause:

"Building" includes any structure placed on, over, or under land, and every part of the same, and any external chimney, stairway, porch or other fabric used in connection with a building whether affixed to the realty or not, **and shall include a mobile home as defined in this By-law**".

- (b) Adding the following as clause "(dd)" to Part 2:

"(dd) **MOBILE HOME means a single or multiple section manufactured dwelling unit that is:**

- (a) **designed to be transportable, whether or not it is equipped with wheels; and**
- (b) **used as a dwelling for one (1) or more persons, but shall not include a travel trailer, school bus, recreational vehicle or trailer otherwise designed."**

- (c) Adding the following as Section 26(4):

"Notwithstanding anything else in this by-law, where a Municipal Planning Strategy so provides, mobile homes shall be CSA (Canadian Standards Association) approved units and shall be located on foundations which meet the CSA Standard CAN3-Z240-10.1 M86.

THIS IS TO CERTIFY that the by-law, of which this is a true copy, was duly passed at a duly called meeting of the Municipal Council of the Municipality of the County of Halifax held on the day of , 1987. GIVEN under the hand of the Municipal Clerk and under the corporate seal of the said Municipality this _____ day of _____, A.D. 1987.

GERARD J. KELLY
Municipal Clerk

COMMITTEE OF THE WHOLE

OCTOBER 29, 1987

PRESENT WERE: Warden MacKenzie, Chairman
Councillor Rawding
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 McInroy
Councillor MacDonald
Councillor Wiseman
Deputy Warden Mont

ALSO PRESENT: Mr. K. R. Meech, Chief Administrative Officer
Mr. G. J. Kelly, Municipal Clerk
Mr. R. G. Cragg, Municipal Solicitor
Ms. Val Spencer, Chief of Planning & Development

SECRETARY: Mrs. M. R. Murphy

MR. DENNIS COVILL, CHAIRMAN,
NAUTICAL ELECTRONIC LABORATORIES LTD.(NAUTEL)

Prior to the Committee of the Whole Session, the Warden addressed Council and advised that on October 19, a proclamation was made that the week of October 25 - 29, 1987 would be Small Business Week, and that Mr. Dennis Covill, Chairman of Nautel, had been the guest speaker at the kick-off breakfast on October 19. The Warden asked Councillor Fralick to address Council. Councillor Fralick described how Mr. Covill had started up Nautel 18 years ago from the basement of his home in Hackett's Cove and built it up to a world leader in the manufacture and development of solid state radio transmitters, employing upwards of 100 people. Councillor Fralick congratulated Mr. Covill on his success with Nautel. The Warden congratulated Mr. Covill on winning the Award of Business Excellence from the Federal Government in September of this year. He then presented Mr. and Mrs. Covill with a plaque from the County of Halifax, recognizing the contribution he has made to the development of high technology in Halifax County.

The Warden called the Committee of the Whole meeting to order.

The Warden then asked Ms. Val Spencer, Chief of Planning and Development, to come forward to discuss the report on the Municipal Planning Strategy Review.

Councillor DeRoche recognized Mr. Giffin of the Planning Advisory Committee who was present and asked that he be given full participatory privileges at this meeting. The Warden agreed.

Ms. Spencer advised that her intention was to go through the basic steps involved in the review and have some discussion about the priorities, needs and the things that have to be taken into consideration, and get some direction from Council in terms of what needs to be finalized, and if changes are to be made, or investigated, then some recommendation or referral made to the Planning Advisory Committee.

Ms. Spencer advised that the County is in a position where although there are a number of planning programs on-going, there is a legal requirement to review five municipal planning strategies which were adopted in the 1981-82 period. The report identifies a method of review given the resources available, and also given what is known about the planning strategies and the work that PAC has undertaken with those strategies since their adoption. The report suggests that the plan review can be carried out in a 6-8 month time frame, and in doing that, it indicates that such an achievement is going to be possible only with some firm management and direction, at the Council and Committee level, and also in the department. It also suggests that the primary responsibility for managing the program, on behalf of Council, be undertaken by the PAC, as part of its normal mandate, that PAC is the best committee to do this work given the short time-frame and resources and that, in fact, that committee has the option of making direct recommendations and referrals to other committees of Council, Urban Services, Rural Services, Executive, any group of the municipality which is required to try to respond to Council directly. In addition, it suggests that there be a staff management committee, or a committee that tries, on behalf of the departments, to provide some support to this review. It is intended that this group, in addition to what Council will hear from members of the Public and various communities, will be trusted to make some firm recommendations to Council about carrying through with the Planning Processes or some of the items in the plan which should be altered or should be expanded.

The program rests on the Public Participation Program. For the purposes of this review, the report suggests that the PPC system which we used in the first writing of plans, is not an appropriate mechanism for review of those plans because our motivation in plan review is slightly altered and so are the resources and time frame. What is being suggested is that our Public Participation program focus direction a little more on some of the specific issues as opposed to establishing a committee which will start on page 1 of the plan and start to review the entire document. Among other things, they would undertake questionnaires and surveys. There would be public meetings and open houses in communities, but it will be the Council, through

the Planning Advisory Committee, which will direct and connect with the public as opposed to having that job delegated to a PPC. We must maintain some commitment to a very firm schedule.

Ms. Spencer said that our plans have not been sitting on a shelf for five years but they have been constantly under review in one way or another by PAC. There have been a number of separate amendments undertaken, every one of the Plans has undergone at least one Plan Amendment, and certainly there have been a number of Development Agreements, rezonings and changes to those documents over the last 5 years. It is hoped that with the amount of public discussion and activity that has gone on, that the review is not going to bring to light major shifts in land use, major changes in feelings about where a community should be going over the next few years. We have some indication of some issues which will need to be addressed. There is going to be a greater emphasis from the communities this time on a lot of the servicing questions; be those the servicing questions of sewer and water, or matters related to sidewalks, policing, transit -- things that were not priority items in 1981-82. At that point, people were concerned about zoning. We have certainly seen a greater emphasis lately on discussing broader questions. That is one reason we are offering staff support through the staff management committee -- in an attempt to draw in all departments and all resources of the municipality to respond to questions, to give information, and to make some kind of recommendations to Council and to the public regarding some of these issues. What is also being suggested in light of some of the focus of the plan review, is that in fact the business of reviewing and dealing with issues in our development plans, and our plan areas, is not a matter that has simply been relegated to the PAC all these years. Council, through its Rural and Urban Services Committees, and Executive Committee, has been dealing with matters that are very much related to Planning in these communities. There are issues that are being talked about and there are certainly programs underway in the municipality that are being talked about -- some things as divergent as storm drainage to transportation to policing issues and even though those types of matters are being dealt with by groups other than PAC, in fact, they are planning for communities. They are very much a part of promoting a healthy community and we are going to suggest that any of those issues that come to the Council floor, be given its full role in terms of being part of the Plan Review and being some kind of input to future planning for the community.

It is anticipated that the Plan Review will not result in all of the answers to all of the questions, and that this cannot occur in a 6 to 8 month time frame. It is anticipated that what we may find in this Plan Review, if we do indeed wish to keep to a schedule like this, that we put the emphasis on identifying what is needed to be done. There will be a number of issues relative to specific zoning questions which can certainly be answered during the time of the review. There are going to be a number of other questions broader and bigger questions which can be answered during the time of the Plan Review. What we are suggesting, however, if Council is to carry through in the

time frame and with the resources suggested, that where we get bogged-down and simply it looks like the process in one community or another is going to be drawn to a halt, that the Plan itself -- talk about the issue and put a priority on its solution -- as opposed to stopping the whole review until we've got the matter worked out.

The report contains a suggested time frame as outlined on Page 7 of the report. It is recommended that the exercise be scheduled over six to eight months and we are assuming that at that point in time we would be prepared to come back with actual amendments for adoption and Council would enter the Public Hearing Phase. It is suggested that the Plans and their Plan Review proceed according to a unified schedule -- that all five plans be reviewed at the same time. Departmentally, I suggest quite strongly that if the Plan Reviews are treated independently, then we simply don't have the resources to handle five independent reviews and we don't have the resources at either the departmental or PAC level in terms of PAC trying to maintain control to bring five reviews in separately in six months. Each one, of course, is going to require a separate Public Hearing and separate amendments, depending on the issues.

It is suggested that we begin this review by kicking it off with some basic public information to all households within the Plan Review Areas -- all five areas -- indicating what Plan Review is about, even going back to indicate what the Plans and By-laws are about, there are certainly new residents who have not been part of this before. We are suggesting that groups and individuals be invited at the outset to make submissions in writing or verbally -- to make some recommendation, some statement, at any point during the process, but certainly invited at the outset to talk about things that are on their minds. We are suggesting that the idea of a questionnaire be used to catalogue and collect general information from all households. There was a fair amount of discussion at the departmental level about the validity and usefulness of questionnaires. It is a very difficult thing to administer over five Plan areas; however, based on our experience not only with the original Plan Areas, but with the on-going plan areas right now, we do feel that there will, in fact, be some kind of public request to proceed in this way, to allow some opportunity for each and every person to get involved.

We are suggesting that the Department will provide information to the PAC, to the members of Council, and to the Public, background reports about various topics and issues in the Plan Areas -- about Commercial Development, what has happened in the Plan Area, or in all of the Plan Areas, relative to commercial growth in the last five years; about transportation or recreation or any of the other basic issues, we have a number of reports that are under preparation trying to give people an idea of what things were like in 1981-82 and what they are like now, so that there is some information to deal with.

We are suggesting that the PAC throughout the process collect information, specific requests from individuals, from neighbourhoods, from streets, regarding changes in zoning and that a set procedure be established to deal with those enmasse in a Plan Area; essentially,

that PAC collect those bits of information, that staff research them, that there be some package that comes forward and that time be set aside to sit and deal with individual requests in light of all of the other things that are on-going in the Review.

We are suggesting that in lieu of establishing Public Participation Committees and meeting on regular bases in five separate communities, every other week, and following procedures in that format, that we do support the idea of mailing lists for people who are truly interested in getting all of our information, and that we do in fact utilize existing boards, agencies, and groups that are established in the Plan Areas, and each one of the areas under review has had some exposure to this. That we try to deal directly between the PAC and people in the communities, as opposed to setting the PPC up in between the two -- that people speak directly to the Council and directly to the elected officials of PAC on matters of Plan Review. The scheduling basically outlines the Plan Review Kick-Off, some basic information, some questionnaires going to members of the public in the first month, and for the ensuing months, to deal with topics month-by-month. The suggestion here is that in Month Two we would be talking about residential development, at the PAC level and in Month Three we would be talking about Business Development at the PAC, in Month Four, Community Services and Facilities, and in Month Five, the Infrastructure, Servicing. What we would attempt to do is to make certain that as each month progressed, and as each topic was highlighted, in conversation in-house, it would be that time that information to members of the Public would go out, and that we would do what we could to collect input to answer questions about that one topic and to try to organize submissions or meet with people, so that we really month-by-month be concentrating on some topic. There were alternatives considered, in terms of starting with one plan, and moving to another plan, looking at trying to prioritize issues by Plan Area, and taking a guess at what seemed to be most important to each Plan Area. That process, at least departmentally, did not come out with anything useful because we were trying to second-guess the Public and because we started to lose control over the time frame.

For the purposes of Planned Public Meetings, etc., certainly the Planning Advisory Committee is going to have to be expanded to include elected officials from all of the Plan Areas, in order to try to get members of the Public and PAC together without the PPC in between the two.

Final recommendations would be drafted in about the six months. There would then be an open house and public display that would take place in each Plan Area for a few days, that would allow us to show people what had gone on, what process had taken place, what people were saying, what the recommendations and amendments seem to be for the Plan Area, and that would be the final public exposure in the communities. Following that, Council would schedule for Hearings and Amendments for each of its plans.

The Warden asked Council to respond.

Councillor Wiseman asked when we would be getting started with this. Ms. Spencer said that it is flexible -- it could start in a month or it could be the beginning of the year, or any time.

Councillor Wiseman said that it seems like a good plan, and she agreed with most of the assumptions in it. She also liked the idea that it may be possible to have the review completed before the next election took place, which would allow most of the people who have been involved over the past few years to still be part of that planning process.

Councillor Deveaux mentioned that in his area there is a Planning Committee and an active Ratepayers' Association who are anxious to get involved and he wanted to know if there would be any problem with these groups setting up their own meetings. Ms. Spencer advised that this would be encouraged. Also, that although it is not recommended that we set up Public Participation Committees (which would require staff people or resources for each of their meetings) but the members of the community can go ahead whenever and wherever they want to meet, and we will accept submissions from them or any groups or individual.

Councillor Rawding expressed some concerns with the elimination of the Public Participation Committees. Councillor DeRoche also had some concerns with the approach suggested -- the term 'methodology' which Councillor Rawding used. He felt that there was more emphasis on staff involvement as opposed to community involvement. The emphasis should be on citizen involvement. He was also concerned about the time frame and felt that it did not allow progress through the review at the discretion of the community or at their own rate. He also felt that the methodology should be changed. He thought the people would be interested in pursuing the zoning by-law aspect first and then tackling the policies and the plan.

Mr. Giffin questioned the timing -- and control of the timing -- he wondered if there was flexibility built in. Ms. Spencer said that was entirely up to the PAC, but as pointed out by Councillor DeRoche, in some areas there may be absolutely nothing to discuss on a certain topic, which would allow PAC and staff more time to deal with that topic in the other plan areas, and getting it out of the way sooner and moving on in all plan areas. There will have to be control of the time frame, but there will have to be flexibility built in.

Councillor Lichter addressed the issue by saying that with regard to Councillor Rawding's comment that a Councillor may not even be on the Committee, and the recommendation indicates that an expanded PAC is required in order to ensure that a Councillor for the area under review is present.

Councillor Lichter said he is an advocate of public participation to the greatest possible extent, and agreed that this should still be done for those under the planning process, but with regard to possible revisions to the plans in place he thinks that what staff is suggesting is very efficient. Certainly no community or no plan area would have to sit back and wait until month five in order to start