

**Harbour East-Marine Drive Community Council  
June 6, 2013**

**TO:** Mayor and Members of Halifax Regional Council  
Original Signed

**SUBMITTED BY:** \_\_\_\_\_  
Jane Fraser, Director of Planning & Infrastructure

**DATE:** May 17, 2013

**SUBJECT:** **Project 01367 - Downtown Dartmouth View Planes – Amendments to the Regional MPS, Dartmouth MPS, and Downtown Dartmouth MPS and LUB**

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**ORIGIN**

- On February 8, 2011, Regional Council passed the following motion:  
*“That Halifax Regional Council initiate the Municipal Planning Strategy (MPS) and Land Use By-Law (LUB) amendment process in order to:*
  1. *Revise and expand the designated view planes from the Dartmouth Common;*
  2. *Eliminate the view plane from Brightwood Golf Course; and*
  3. *Review policies and standards pertaining to building height and form in the Downtown Business and Waterfront designations as outlined in the staff report dated December 10, 2010.”*
  
- On July 7, 2011, Harbour East Community Council passed the following motion:  
*“That Harbour East Community Council direct staff to:*
  1. *Conduct modelling on Views B, C, D and E from the Dartmouth Common as outlined in the June 23, 2011 report and illustrated on Figures 1, 2, and 3; and*
  2. *Take no action to define either the existing view plane, or any new views, from the Brightwood Golf Course.”*

**LEGISLATIVE AUTHORITY**

*Halifax Regional Municipality Charter, Part VIII, Planning and Development*

**RECOMMENDATION**

It is recommended that Harbour East-Marine Drive Community Council recommend that Regional Council:

1. Give first reading to the proposed amendments to the Regional Municipal Planning Strategy, the Dartmouth Municipal Planning Strategy, and the Downtown Dartmouth Municipal Planning Strategy and Land Use By-Law as contained in Attachments A, B, C and D of this report, in order to revise protected view planes and waterfront view corridors and schedule a public hearing; and

**RECOMMENDATIONS CONTINUED ON PAGE 2**

2. Approve the proposed amendments to the Regional Municipal Planning Strategy, the Dartmouth Municipal Planning Strategy, and the Downtown Dartmouth Municipal Planning Strategy and Land Use By-Law as contained in Attachments A, B, C and D of this report in order to revise protected view planes and waterfront view corridors.

## **EXECUTIVE SUMMARY**

Since 1974, there have been protected views of Halifax Harbour from Dartmouth. This view protection is achieved through three view planes which are established in both the Dartmouth and Downtown Dartmouth Municipal Planning Strategy (MPS) and Land Use By-Law (LUB) documents. One view plane originates in the Brightwood Golf Course and two originate from the Dartmouth Common. There have been longstanding concerns with the accuracy of the mapping which supports these view planes. A technical analysis confirmed that the existing view plane maps are inaccurate. In February 2011, Regional Council passed a motion to consider revised and expanded view planes from the Dartmouth Common and the deletion of the view plane from Brightwood Golf Course.

A public consultation process was undertaken to obtain public feedback on both existing and potential new view planes. In July 2011, Harbour East Community Council provided additional direction to staff by identifying views from four viewing positions to be considered for protection, and directed that modeling be undertaken for these views. The purpose of this modeling was to refine the extent of each view which should be protected formally through adoption of new view planes, and to indicate the impact of protecting these views on potential development. The outcomes of the modelling indicate that Council should adopt five new view planes from the Dartmouth Common, to protect views from these four viewing positions. In addition, clarifications are needed in the land use by-law to ensure adequate protection of the full width of waterfront view corridors, which are views of the harbour from public streets. Finally, the community engagement supports the deletion of the Brightwood Golf Course view plane as HRM does not protect views from private property.

As part of the motion initiating the view plane review process, Regional Council also directed staff to review development guidelines regarding building height and form in the Downtown Dartmouth MPS. This is intended to address development pressures that are expected as the view planes are changed, and would be an interim measure as part of the Regional Centre Plan Project. Following a pending public engagement process, staff will bring forward recommendations on allowable building heights and built form in the Downtown Business and Waterfront designations.

To implement the measures needed to protect the new view planes, to clarify waterfront view corridor protection and to delete the Brightwood view plane, amendments are required to the Regional MPS (Attachment A), the Dartmouth MPS (Attachment B) and the Downtown Dartmouth MPS (Attachment C) and LUB (Attachment D) as outlined in this report.

## **BACKGROUND**

View planes are a means of protecting key visual linkages between public spaces and features of physical or cultural interest. This measure has been used in HRM since the early 1970's to protect key views of Halifax Harbour from excessive encroachment by development, in both Halifax and Dartmouth. Community engagement as part of the Dartmouth Common Master Plan process, completed in 2011, affirmed the importance of protecting harbour views from the Common.

There are currently three protected view planes in Downtown Dartmouth as shown on Maps 1 and 2. In 2008, Regional Council was advised that these view planes required review due to concerns over the accuracy of the existing view plane mapping contained within the Dartmouth and Downtown Dartmouth MPS and LUB. In 2011, Regional Council formally initiated the MPS amendment process and directed staff to explore various options for protecting views from the Dartmouth Common, to prepare amendments to remove the Brightwood view plane, and to consider MPS and LUB amendments regarding building height and form in Downtown Dartmouth.

### **Existing Views**

Each of the existing view planes are described as follows:

- View Plane 1: From a viewing position near the Dartmouth Common baseball fields, this view was intended to provide a vista of George's Island;
- View Plane 2: From the same viewing position, there is a panoramic view of downtown Halifax and the central harbour; and
- View Plane 3: The third view plane is intended to be a wide panorama of Downtown Halifax, the mid harbour and the harbour entrance, from the vicinity of the 7th green in the Brightwood Golf Course. This private view extends over much of Downtown Dartmouth.

Protection of these harbour views is established as a goal through the MPS documents for both Dartmouth and Downtown Dartmouth and implemented through the Downtown Dartmouth LUB. In addition to view planes, there are protected view corridors of the harbour for those streets in the downtown that end at or near the harbour edge (Map 2).

### **Policy Overview**

The current view planes date back to 1979 when new view plane mapping was adopted as part of the Dartmouth MPS. Map 1 shows the view plane mapping as adopted in 1979. In 2000, the new Downtown Dartmouth MPS was adopted, which included an additional map (Map 2) which shows the same views. Attachment E contains excerpts of the relevant policies from the Downtown Dartmouth MPS.

The Regional MPS addresses the importance of scenic views as part of the region's cultural heritage. Existing MPS policies specifically addresses views from the Dartmouth Common, Brightwood Golf Course and Citadel Hill. Preservation of these views is to be achieved through the local planning strategies and land use regulations. Amendments to the Regional MPS are

required if any changes to existing protected views are proposed. Attachment F provides the relevant excerpts from the Regional MPS.

#### View Planes Review Process

In 2010, CBCL Limited was hired to provide technical support to a formal review by HRM of the existing Dartmouth view planes. This process consisted of a number of stages as follows:

- (1) *Technical Review:* The review undertaken demonstrated that the existing view protection provisions are inadequate as follows:

View Plane 1: The intended Dartmouth Common viewing position is improperly located on the mapping. George's Island cannot be seen as intended;

View Plane 2: The intended view from Brightwood Golf Course is also not adequately captured. A single viewing position was not defined, and there have been alterations to the layout of the golf course and considerable tree plantings which diminish the view. Building heights enabled by Map 7a of the Dartmouth MPS allow much of the view of George's Island and harbour entrance to be blocked; and

View Corridors: Corridor views of the harbour (now to be called waterfront view corridors) extend along the centre line of certain public streets to protect street views of the harbour. These views are intended to be protected through the land use by-law. However, this goal is not fully implemented as the widths of these views are not established, and because the Marine Business Zone does not contain any provisions regarding waterfront view corridors.

- (2) *Selection of Dartmouth Common Candidate Views:* CBCL and HRM identified eight candidate viewing positions (including the existing viewing position). These were chosen based upon public comments, a visual site inventory, and the 1988 Dartmouth View Plane Study. Seven of the eight viewing positions are within the large 25 acre portion of the Common (bounded by Windmill Road/Thistle Street/Victoria Road/Park Avenue) while one is on a smaller 2 acre parcel of the Common at the corner of Geary Street and Windmill Road. To obtain public feedback on the candidate views, public consultation took place as follows:

- a) *Public Open House* – The eight candidate views were presented to the public at an open house session in April 2011, which was attended by approximately 150 people. Attendees were asked to rank the views in order of preference. A questionnaire was provided for this purpose, with the materials also posted on the HRM website. Respondents were asked to not only rank the views but select the key features in each view, in order to help determine what makes the view special. The survey results are included as Attachment G. The overall ranking of views led to the top four views being recommended for modelling. The preferred views are from Points B, C, D and E as shown on Figure 1. The existing protected view planes ranked low at number 7 out of 8.



- b) *Online Survey* – An online survey was used to seek additional input on guiding principles for the views from the Common and to enable wider input on the issue of the Brightwood view plane. There were 68 responses, and the survey results are included in Attachment H.
- (3) *Direction from Harbour East Community Council* – On July 7, 2011, staff presented a report, dated June 23, 2011, to Harbour East Community Council (as the body having the most local knowledge) regarding the review process, possible new view planes, and recommendations for modelling. Community Council then passed a motion directing staff to prepare detailed modelling for view planes from the four viewing positions on the Dartmouth Common, as shown in Figure 1. This process then established the detailed geometry for five new view planes from four viewing positions, each of which provides a different perspective of the harbour as described below:

<b>Viewing Position</b>	<b>View Description</b>
<b>View B</b> - from observation platform located at intersection of Wyse/Windmill Roads. (Refer to Figure 2)	Oriented towards Halifax Harbour entrance, this broad panorama of the harbour extends from the dock at the Dartmouth refinery in the east, over McNab's and George's Islands, the Halterm container facility and the downtown Halifax shoreline. Key points in the views as identified by the public are the islands, harbour entrance, Citadel Hill and the Downtown Halifax shoreline.
<b>View C</b> - from the former Dartmouth Heritage Museum site (Refer to Figure 3)	This view is similar to View B but with a narrower field of view.
<b>View D</b> - from pathway leading from the museum site to the gazebo (Refer to Figure 4)	View D is framed on its left edge by the 12 storey Alderney Manor seniors' housing building, and includes George's Island and the Halifax shoreline up to the DND dockyard. The public identified George's Island, Halifax and treed/grassed areas as the main features in the view.
<b>View E</b> - from intersection of pathways overlooking the gazebo. (Refer to Figure 5)	View E overlooks the historic octagonal gazebo, with the left edge defined by Alderney Manor. The view includes the Halifax shoreline from the ocean terminals to the southern edge of both towers of the Macdonald Bridge.

## **DISCUSSION**

Based upon Regional Council's direction to revise and expand the designated view planes from the Dartmouth Common, CBCL has identified five new view planes which are recommended for adoption. These five view planes would protect views from the four viewing positions shown on Figure 1, and as described in Attachment F. The view planes are highlighted on Figures 2 through 5 and on Figure 7. To implement the new view planes, amendments are required to the Regional MPS, the Dartmouth MPS, and the Downtown Dartmouth MPS and LUB.

The recommended view planes would protect a mix of view types including two panoramas (field of view greater than 90 degrees), and three vistas (field of view between 20 and 90 degrees). The new view planes would increase protection of the public's view of Halifax Harbour and Macdonald Bridge from four view points, as well as from many other areas of the

Common. This will ensure that park users can enjoy protected harbour views from throughout the Common, rather than from just one point as is the case with the existing view planes.

The two panoramic views from viewing positions B and C will provide wide angle views that include George's Island, the harbour entrance, and Downtown Halifax. The two view planes from viewing positions D and E will ensure visibility of the mid-harbour and Downtown Halifax but will not protect a view of George's Island or the harbour entrance. This is seen as appropriate, in order to create a balance between view protection and development opportunity.

#### Impact of View Planes on Development

The existing Dartmouth Common view planes extend over much of the downtown waterfront, from Shore Road to the foot of Portland Street, as shown on Maps 1 and 2. Much of this area, from Park Avenue to Ochterloney Street, is designated as Opportunity Sites in the Regional and Downtown Dartmouth MPS documents, which identifies them as key sites for redevelopment. Under current downtown MPS policies, the guideline for maximum height of buildings in this waterfront area is five storeys. However, despite the Opportunity Site designation and policy-permitted height, the existing Dartmouth Common view planes limit development in most of the subject area to a maximum height of 30 feet above sea level. This limits building height to a maximum of one to two storeys.

As part of the modeling exercise, Harbour East Community Council directed staff to investigate the potential impact that new view planes may have on development. Given the location of the viewing positions and the orientation of the view planes, the area affected would be the lands between Alderney Drive and the waterfront, from Geary Street to Ochterloney Street. These lands and their relationship to the existing view planes are shown on Maps 1 and 2.

To assess the impact of the recommended new view planes on development, there are two areas for consideration:

- a) Lands beneath the view planes - For lands beneath the view planes (a large portion of the CN marshalling yards and water lots as shown by the hatched area on Figure 1), the geometry would strictly limit building heights to approximately four storeys.
- b) Lands adjacent to the view planes - For lands directly along Alderney Drive, theoretical buildings were modelled as shown on Figure 1. These buildings range in height from five to fifteen storeys, with a form based on HRMByDesign principles. These heights were derived from public input received through the HRMByDesign process for Downtown Dartmouth in 2006. However, as noted later in this report, further consultation must be undertaken in order to obtain current public input and to determine appropriate building heights. If lower building heights are ultimately recommended in this area, this could have the effect of increasing harbour visibility from the Common, particularly from viewing positions D and E.

#### Review of Downtown Height and Form Policies and Standards

As Council was advised in 2011, changes to the view planes (especially the Brightwood view plane) are anticipated to result in increased development pressure in Downtown Dartmouth. Existing MPS policy is unclear on appropriate maximum height limits, and does not ensure adequate building design in terms of built form. Council has directed that amendments to

applicable MPS policies for those areas in the Downtown Business and Waterfront designations be prepared upon changes to the view planes. To implement this direction, staff intend to undertake a community engagement process in the short term as an interim measure of the overall Regional Centre Plan Project.

#### Brightwood Golf Course View

As outlined in a report to Regional Council dated January 17, 2011, it was recommended by staff that the view from Brightwood Golf Course should no longer be protected. This position is based on the fact that the golf course is private property, with no right of public access, and that HRM does not protect private views. Subsequent feedback received through public consultation supports the removal of the Brightwood view plane. The results of a survey conducted by HRM show that 75% of respondents agreed that the view should not be protected and that views from the Common should be the priority. The survey results are provided in Attachment H. The survey also found that even if HRM were to acquire part of Brightwood as parkland, there was not majority support to establish a view plane. However, it should be noted that by protecting views from the Common, key views of Halifax and portions of the harbour from Brightwood will still be informally maintained.

#### Waterfront View Corridors

In addition to view planes, the Downtown Dartmouth MPS protects corridor views. For consistency with the Downtown Halifax MPS, these views will now be called waterfront view corridors. These narrow views are oriented along numerous streets toward the harbour and are intended to maintain visual linkages as the waterfront is redeveloped. Proposed land use by-law amendments clarify that the width of these window views is to be generally equal to the width of the street rights-of-way, to a maximum of 16 m. This will be implemented by requiring 8 m setbacks for new buildings from the centrelines of theoretical extensions of existing public streets. This ensures that the existing policy intent of retaining clear harbour views without encroachment by new waterfront buildings is met. Provision is made for existing buildings that encroach within these view corridors.

#### Required MPS and LUB Amendments

To implement the reviewed viewplanes, the following planning document amendments are needed:

- The Regional MPS establishes that view planes can only be altered through an amendment to the Regional MPS. The appropriate amendments are therefore provided in Attachment A. Policy CH-5a is to be deleted as it only relates to development within the Brightwood view plane and the term “view corridor” is to be replaced with “waterfront view corridors” in Policy CH-5b;
- The Dartmouth MPS is to be amended as shown in Attachment B so that the existing view plane map can be deleted;
- Attachment C includes new preamble and policy for the Downtown Dartmouth MPS to establish appropriate policy and mapping for the new Common view planes; and
- Attachment D contains the needed implementation measures including detailed mapping and geometry for inclusion within the Downtown Dartmouth LUB.

### Conclusion

Based upon the review of the existing and proposed view planes and the feedback from the community engagement process, staff recommends that Council protect five view planes from four viewing positions in the Dartmouth Common. It is also recommended that waterfront view corridors oriented to the harbour along harbour streets should receive stronger protection. The proposed amendments are consistent with the intent of the Regional MPS to protect views from Dartmouth Common, and provide the Downtown Dartmouth LUB with clear implementation of view planes and corridor view protection. Staff also recommend that the Brightwood Golf Course view plane be deleted, which would be consistent with HRM's practice of not protecting views from private property.

### FINANCIAL IMPLICATIONS

The costs to process this project can be accommodated within the approved 2013/14 operating budget for C320 Planning & Applications.

### COMMUNITY ENGAGEMENT

The level of community engagement is consultation. This has been achieved through a public meeting on July 7, 2010, a public open house held on April 20, 2011, and an online survey up until June 6, 2011. A public hearing is required before Council can consider approval of any amendments. Further community engagement will be undertaken regarding building height and form, with an additional report to be submitted to Council.

Further amendments to the Regional Plan and the Municipal Planning Strategies for Dartmouth and Downtown Dartmouth require extensive community engagement. The engagement process, when completed, will be consistent with the intent of the HRM Community Engagement Strategy, the *Halifax Regional Municipality Charter*, and the standard MPS Amendment Public Participation Program.

The proposed MPS amendments will potentially impact the following stakeholders: property owners, developers, general public, and individuals.

### ENVIRONMENTAL IMPLICATIONS

No implications have been identified.

### ALTERNATIVES

1. Council may choose to adopt new view planes and window views and delete the Brightwood Golf Course view plane by approving the proposed amendments as set out in Attachments A, B, C and D. This is the staff recommendation.







CITY OF DARTMOUTH



PLANNING and DEVELOPMENT  
DEPARTMENT

**M.D.P.**  
MUNICIPAL DEVELOPMENT PLAN  
1979

175  
HEIGHT RESTRICTIONS BY FEET  
ABOVE SEA LEVEL

VIEW PLANES

*(As Amended by  
By-law C-391, Nov-2, 1979)*



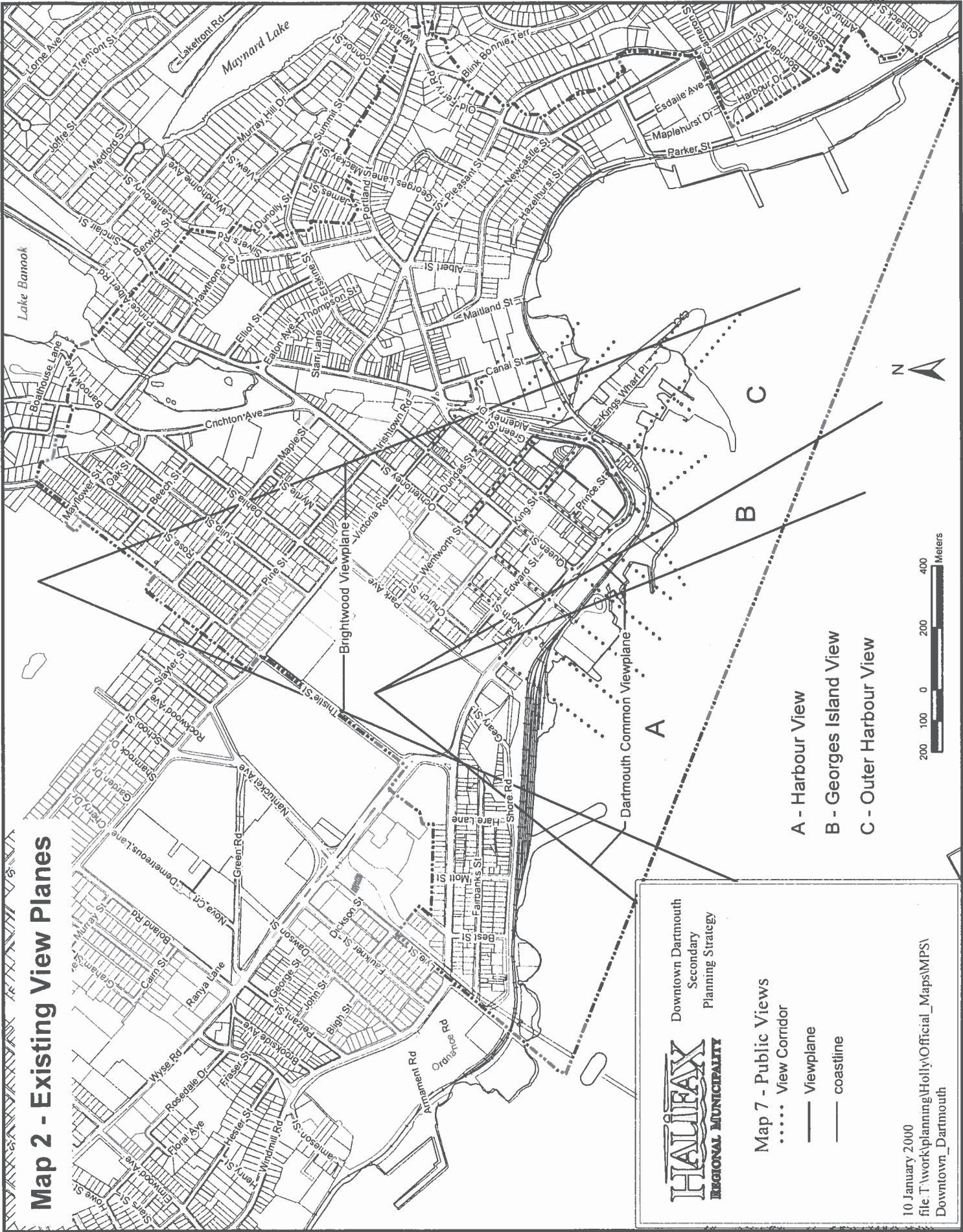
MAP 76



Map 1 - Existing View Planes



# Map 2 - Existing View Planes



Downtown Dartmouth  
Secondary  
Planning Strategy

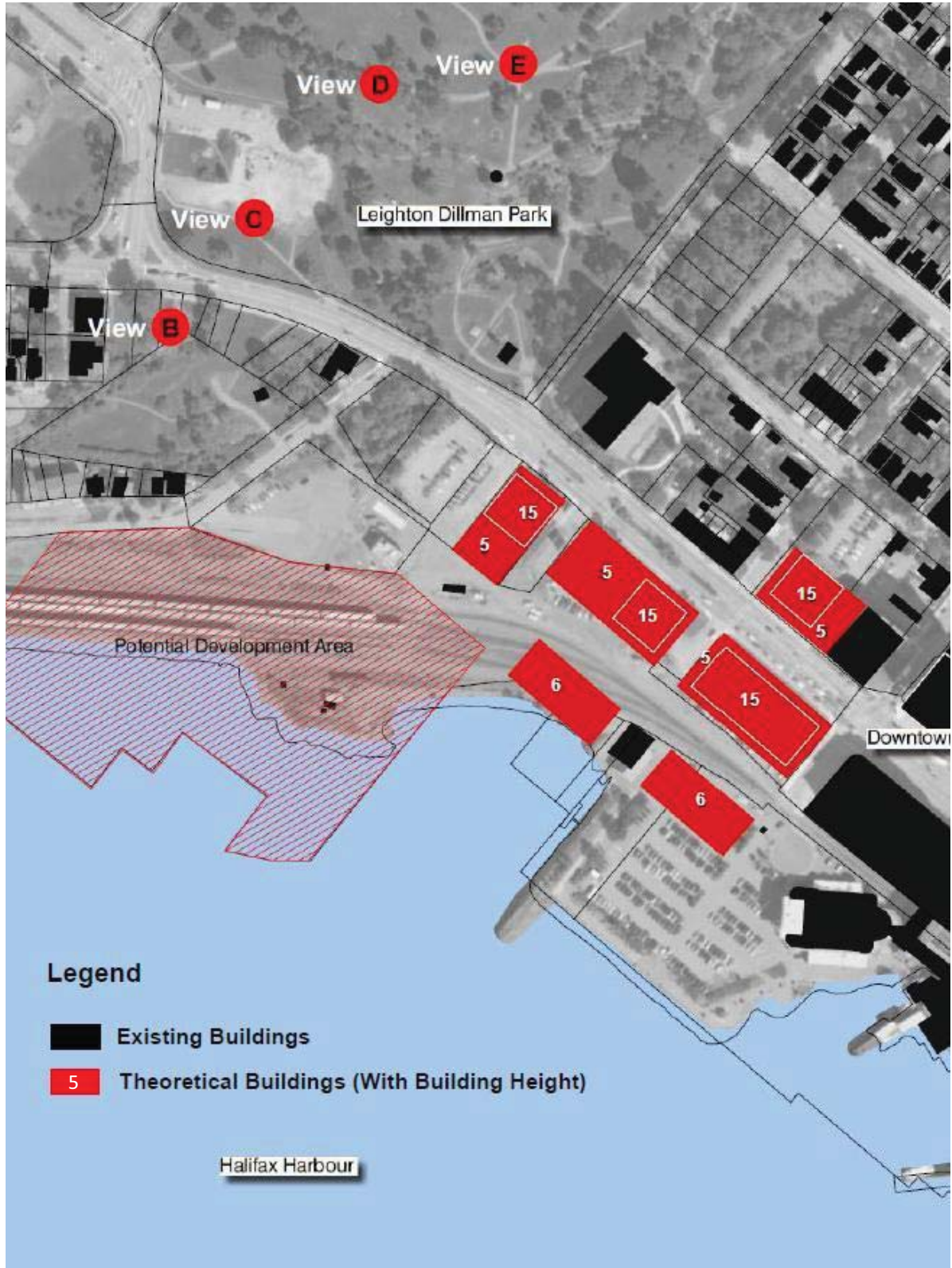
**HALIFAX**  
REGIONAL MUNICIPALITY

Map 7 - Public Views

- ..... View Corridor
- Viewplane
- coastline

10 January 2000  
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Downtown, Dartmouth

**Figure 1**  
**Final Viewing Positions and Conceptual Building Placement**







Existing

100%

~15%

~15%



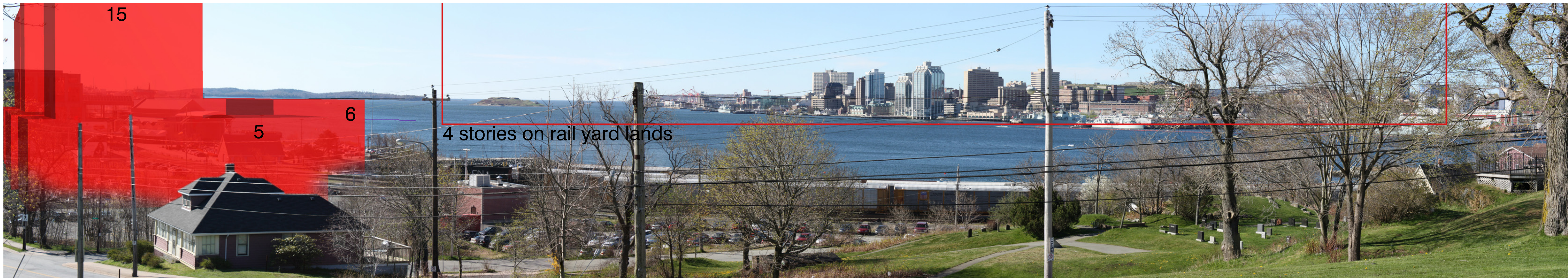
Simulation

Figure 2 - View B





Existing



Simulation

Figure 3 - View C





Existing



Simulation

Figure 4 -View D





Existing



Simulation

Figure 5 - View E



**Attachment A**  
**Amendments to the Regional MPS**

BE IT ENACTED by the Regional Council of the Halifax Regional Municipality that the Regional Municipal Planning Strategy is hereby amended as follows:

1. Part 6.2.2 is amended by striking out Policy CH-5a.
2. Part 6.2.2 as shown below in bold is amended by adding the word "waterfront" following the words "reduction in a" and following the word "additional":

Notwithstanding Policy CH-5, a reduction in a **waterfront** view corridor may be permitted where it is demonstrated that additional **waterfront** view corridors will be created and/or an overall net gain of the intended protected view is achieved.

THIS IS TO CERTIFY that the amendments to the Regional Municipal Planning Strategy for Halifax Regional Municipality, as set out above, were passed by a majority vote of the Halifax Regional Council on the \_\_\_\_ day of \_\_\_\_\_, 201\_.

GIVEN under the hands of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this \_\_\_\_ day of \_\_\_\_\_, 201\_.

\_\_\_\_\_  
Municipal Clerk

**Attachment B**  
**Amendments to the Dartmouth MPS**

BE IT ENACTED by the Regional Council of the Halifax Regional Municipality that the Dartmouth Municipal Planning Strategy is hereby amended by:

1. Deleting Map 7a.

THIS IS TO CERTIFY that the amendments to the Municipal Planning Strategy for Dartmouth, as set out above, were passed by a majority vote of the Halifax Regional Council on the \_\_\_\_ day of \_\_\_\_\_, 201\_.

GIVEN under the hands of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this \_\_\_\_ day of \_\_\_\_\_, 201\_.

\_\_\_\_\_  
Municipal Clerk

**Attachment C  
Amendments to the Downtown Dartmouth MPS**

BE IT ENACTED by the Regional Council of the Halifax Regional Municipality that the Downtown Dartmouth Municipal Planning Strategy is hereby amended as follows:

1. Map 7 is replaced with a new Map 7 as shown on Appendix A-1 attached hereto.
2. Section 4.4 is amended by striking out the entire section entitled "Views" including policies D-4, D-5, D-5a and D-5b.
3. Section 4.4 is amended by inserting the following immediately after Policy D-3A:

**Protected Views**

**One of the key physical attributes of the downtown community is its physical and visual ties to the harbour. Dartmouth was founded largely because of its waterfront location, and much of its history is tied to the harbour. The preservation of important public views of the harbour is therefore an important aspect of its community identity. Past studies have identified the most significant views as those from key points on the Dartmouth Common and numerous views of the harbour along street corridors. It is therefore important that a range of public views be protected. Views from private property will not be protected.**

**Policy D-4A**

**As identified by the Regional MPS, scenic views of Halifax Harbour from the Dartmouth Common are an important component of the region's cultural heritage. Significant views from four viewing positions shall therefore be protected through the implementation of view planes, as generally shown on Map 7. The Land Use Bylaw shall contain schedules establishing detailed geometry for each view plane, and appropriate provisions to ensure that development does not intrude into any view plane.**

**Policy D-4B**

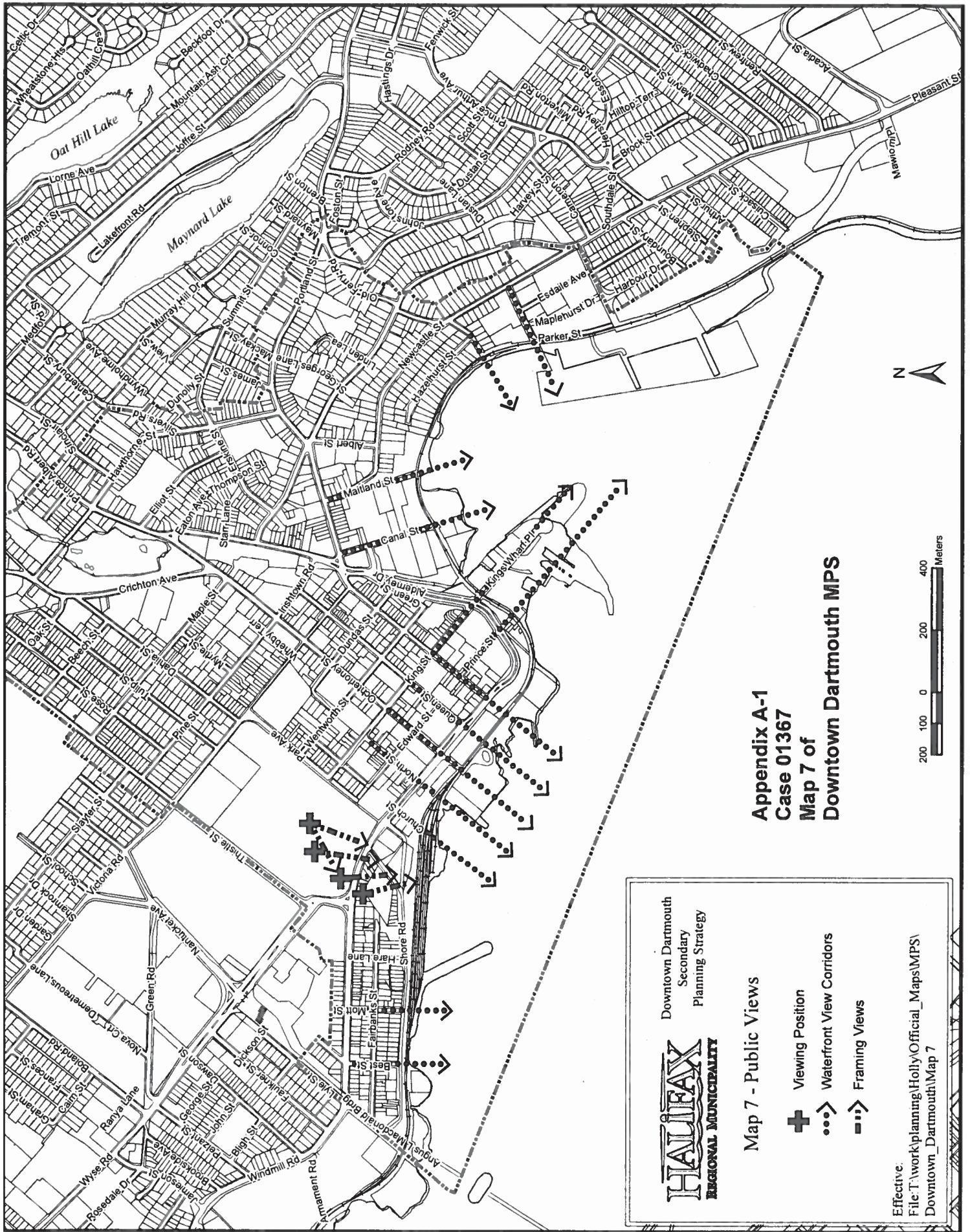
**To maintain continued visibility of the harbour throughout the downtown, views of the harbour from public streets as shown on Map 7 shall be protected through the Land Use Bylaw as Waterfront View Corridors.**

THIS IS TO CERTIFY that the amendments to the Municipal Planning Strategy for Downtown Dartmouth, as set out above, were passed by a majority vote of the Halifax Regional Council on the \_\_\_\_ day of \_\_\_\_\_, 201\_.

GIVEN under the hands of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this \_\_\_\_ day of \_\_\_\_\_, 201\_.

\_\_\_\_\_  
Municipal Clerk





**Appendix A-1  
Case 01367  
Map 7 of  
Downtown Dartmouth MPS**

Downtown Dartmouth  
Secondary  
Planning Strategy

Map 7 - Public Views

- +** Viewing Position
- >** Waterfront View Corridors
- >** Framing Views

Effective:  
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Downtown\_Dartmouth\Map 7

**Attachment D  
Amendments to the Downtown Dartmouth LUB**

BE IT ENACTED by the Regional Council of the Halifax Regional Municipality that the Downtown Dartmouth Land Use By-Law is hereby amended as follows:

1. Schedule C is deleted.
2. Schedules C-1, C-2 and C-3 are added as shown on Appendices B-1, B-2 and B-3 attached hereto.
3. Section 5 is amended by inserting the following clauses immediately following clause (27):
  - (28) **Notwithstanding any provision of this By-Law, no building shall be erected, constructed, altered, reconstructed or located so as to protrude into any View Plane as described in Schedule C-1 and Schedule C-2.**
  - (29) **To preserve waterfront view corridors, every structure shall be setback a minimum of 8 metres from the mean centre line of the prolongation of any street as shown on Schedule C-3. This setback shall be required along the entire length of each street prolongation to the ordinary high water mark of Halifax Harbour or to the furthest boundary of any water lot, whichever is greater.**
  - (30) **Notwithstanding (29) existing buildings which protrude into a waterfront view corridor may be expanded, repaired or altered provided that there is no further encroachment of any part of a building into a waterfront view corridor.**
4. Clause (4) 3) of Section 8, as shown below in strike-out and bold, is amended by:
  - (a) striking out the words "Schedule C",
  - (b) adding the words "Schedules C-1 and C-2" immediately following the word "with":
    - 3) In no case shall an appurtenance or structure be permitted to penetrate view planes established in accordance with ~~Schedule C~~ **Schedules C-1 and C-2** of this by-law.
6. Section 11 is deleted by striking out clause (10).
7. Section 11 is amended by inserting the following new clause immediately following clause (9):
  - (10a) **No building shall intrude into a waterfront view corridor, as per Section 5 (29) and (30) of this by-law.**

8. Section 12 is amended by adding the following clause immediately after clause (14):
- (15) No building shall intrude into a waterfront view corridor, as per Section 5 (29) and (30) of this by-law.**
9. Section 13 is amended by adding the following clause immediately after clause (2):
- (3) No building shall intrude into a waterfront view corridor, as per Section 5 (29) and (30) of this by-law.**

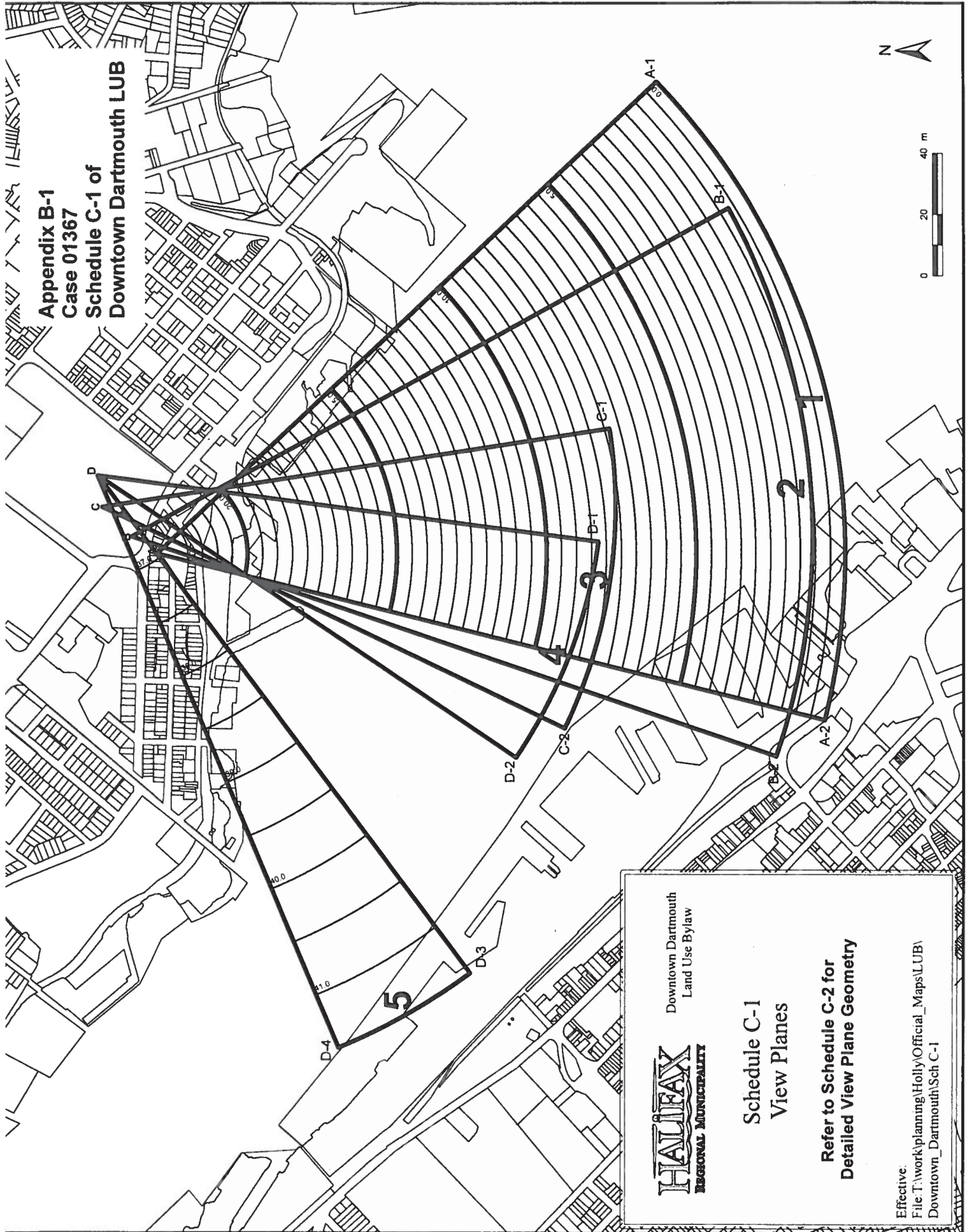
THIS IS TO CERTIFY that the amendments to the Land Use By-Law for Downtown Dartmouth, as set out above, were passed by a majority vote of the Halifax Regional Council on the \_\_\_\_ day of \_\_\_\_\_, 201\_.

GIVEN under the hands of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this \_\_\_\_ day of \_\_\_\_\_, 201\_.


\_\_\_\_\_  
Municipal Clerk



**Appendix B-1  
Case 01367  
Schedule C-1 of  
Downtown Dartmouth LUB**



Downtown Dartmouth  
Land Use Bylaw



**Schedule C-1  
View Planes**

**Refer to Schedule C-2 for  
Detailed View Plane Geometry**

Effective:  
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Downtown\_Dartmouth\Sch C-1

**Appendix B-2**  
**Schedule C-2 of Downtown Dartmouth LUB**

**Viewing Positions**

Viewing Position	Description	Northing <sup>1</sup> (MTM 5)	Easting <sup>1</sup> (MTM 5)	Elevation <sup>2</sup> (meters)
A	Viewing Platform	4947876.4701	5573393.8730	23.03
B	Old Museum Site	4947935.7266	5573432.9430	25.51
C	Dillman Park Trail	4948001.9590	5573501.3401	31.99
D	Dillman Park Trail (above Gazebo)	4948012.3322	5573573.0570	36.11

- 3<sup>0</sup> Modified Transverse Mercator Grid, Zone "5", Central Meridian 64° 30' West Longitude based on the 1979 published values for the Nova Scotia Co-ordinate Monuments listed below.
- Elevations are 1.5m above ground elevation.

**View Plane Limits**

Viewing Plane	Description	Viewing Position	Line	Bearing (Imperial)	Bearing (decimal)	Angle of Depression <sup>1</sup> (Imperial)	Angle of Depression <sup>1</sup> (decimal)
1	George's Island and Harbor View	A	A-1	S 43° 29' 28" E	S 43.491° E	0° 50' 11"	0.836507234°
			A-2	S 13° 59' 49" W	S 13.997° W		
2	George's Island and Harbor View	B	B-1	S 28° 53' 60" E	S 28.9° E	0° 56' 9"	0.935848587°
			B-2	S 18° 50' 38" W	S 18.844° W		
3	Harbor View	C	C-1	S 8° 48' 43" E	S 8.812° E	1° 33' 33"	1.559035456°
			C-2	S 25° 37' 59" W	S 25.633° W		
4	Harbor View	D	D-1	S 7° 30' 40" W	S 7.511° W	1° 47' 17"	1.788191039°
			D-2	S 34° 2' 56" W	S 34.049° W		
5	Bridge View	D	D-3	S 53° 13' 48" W	S 53.23° W	0° 12' 59"	0.216420312°
			D-4	S 67° 13' 23" W	S 67.223° W		

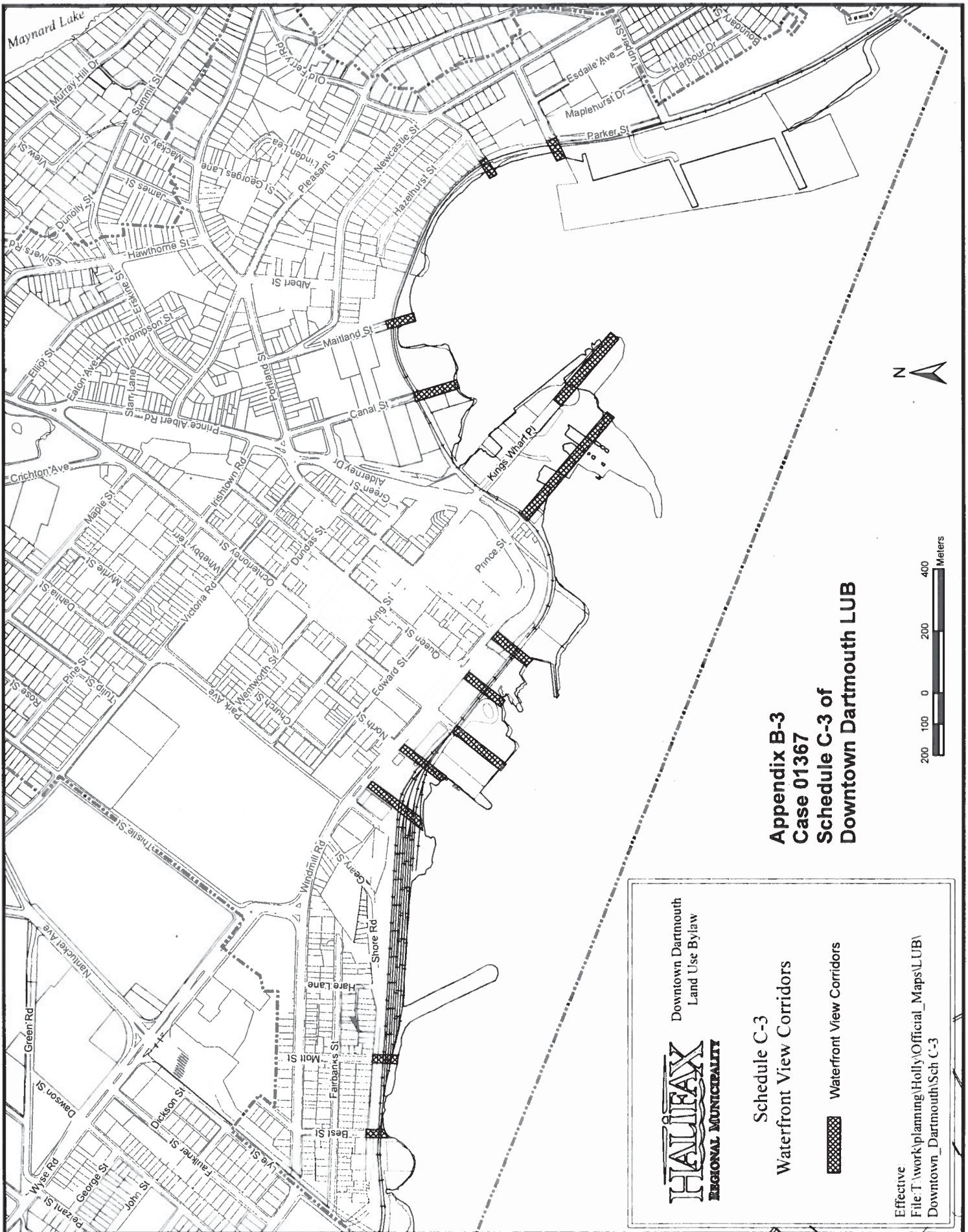
- The Angle of Depression is the angular measure from the horizontal to the View Plan. The extent of View Planes 1; 2; 3; 4 from the viewing positions is the intersection of the angle of depression for each View Plane with elevation 0.00. The extent of View Plane 5 from the viewing positions is the intersection of the angle of depression for the View Plane with elevation 41.5.

**View Plane Dimensions**


Viewing Plane	Description	Elevation (a) <sup>1</sup> (meters)	Horizontal Distance (b) <sup>2</sup> (meters)	Angle of Depression (decimal)
1	George's Island and Harbor View	23.03	1577.31	0.836507234°
2	George's Island and Harbor View	25.51	1561.67	0.935848587°
3	Harbor View	31.99	1175.37	1.559035456°
4	Harbor View	36.11	1156.63	1.788191039°
5	Bridge View	36.11	1426.96	0.216420312°

- The elevation of the viewer at the viewing position – 1.5m above ground elevation.
- The horizontal distance of the viewplane in orthogonal plan projection.






**Appendix B-3  
Case 01367  
Schedule C-3 of  
Downtown Dartmouth LUB**


  
 Halifax  
 REGIONAL MUNICIPALITY

Downtown Dartmouth  
 Land Use Bylaw

**Schedule C-3**  
**Waterfront View Corridors**

 Waterfront View Corridors

Effective  
 File: T:\work\planning\Holly\Official\_Maps\LUB\  
 Downtown\_Dartmouth\Sch C-3

**Attachment E**  
**Excerpts from the Downtown Dartmouth MPS**

**Views**

One of the key physical attributes of the downtown community is its ties to the harbour. Dartmouth was founded largely because of its waterfront location, and much of its history is tied to the harbour. The preservation of important public views of the harbour is an important aspect of its community identity. Past studies have identified the most significant views as those from key points on the Dartmouth Common, the Brightwood Golf Course which is located adjacent to the Downtown community, Geary Street Cemetery, and views of the harbour from street corridors.

*Policy D-4*

*The 1988 Viewplanes Study should be considered by Council in determining the significance of various public views and assessing the impact of future development within the downtown. The criteria set out in this document should be referenced in considering the designation of any additional views.*

*Policy D-5*

*Council should seek to protect important public views within the downtown from encroachment of development including views of the harbour, street corridor views, and views from the Dartmouth Common, Brightwood Golf Course, and Geary Street cemetery. The Land Use By-Law shall regulate the height of buildings through zoning to prevent encroachment on key public views. If deemed necessary land acquisition may be used as a means to protect important views.*

*Policy D-5a*

*Notwithstanding Policy D-5, lands within the Brightwood Viewplane and Dartmouth Common Viewplane where the potential for downstream views are negated by existing structures or policy permitted building height, may be developed in a manner where the building height does not further impact the existing Viewplane penetration. (RC-Jul 8/08;E-Jul 26/08)*

*Policy D-5b*

*Notwithstanding Policy D-5, a reduction in a view corridor(s) may be permitted where it is demonstrated that additional view corridors will be created and/or an overall net gain of the intended protected view is achieved. (RC-Jul 8/08;E-Jul 26/08)*

**Attachment F**  
**Excerpts from the Regional MPS**

6.2.2 Scenic Views

Scenic resources are an important component of the cultural and heritage values of HRM. Significant views such as those from Citadel Hill and the Dartmouth Common to Halifax Harbour are of regional significance, and are already protected at the community planning level. Additional scenic views of Halifax Harbour will be considered through secondary and other associated planning processes. This Plan reinforces the importance of these views to the cultural identity of HRM, and seeks to extend these protections to other regionally significant views throughout HRM as identified through the Cultural Landscape Model for HRM.

Scenic views also include the gateways to HRM communities, often described as "the view from the road". These scenic entry routes should encompass the outstanding natural features and picturesque landscape qualities of the area. To retain scenic views and culturally significant landscapes, such as the Northwest Arm of Halifax Harbour, prominent coastal headlands and coastal villages, HRM will consider identifying and preserving views as a component of cultural landscapes. In these areas, measures will be taken to preserve the integrity of the scenic views and cultural landscapes of a community.

In addition to the above-noted views, it is important that there be a sensitive relationship between buildings and Citadel Hill, with particular regard to the height of buildings that immediately face it. Community plans limit building heights on lands that are upon Sackville Street, Brunswick Street, and Rainnie Drive. In 2011, a new YMCA recreation facility was proposed as part of a mixed-use development, extending from the south-east corner of Sackville and South Park Streets, on lands known as the CBC Radio and YMCA properties. Part of the proposal included a residential tower, to a maximum height of 49 metres, on lands where the maximum permitted height is 23 metres. The change in the height requirement to accommodate the proposal was viewed favourably given the public benefit of a recreation facility. In addition, allowing greater height on this site has limited impact upon Citadel Hill and provides an important corner building at the edge of the Spring Garden Road Precinct and at the intersection of three streets.

CH-5 HRM shall support views and viewplane policies and regulations adopted under the Halifax Secondary Planning Strategy and Halifax Peninsula Land Use By-Law, the Downtown Halifax Secondary Municipal Planning Strategy and Downtown Halifax Land Use By-Law and the Downtown Dartmouth Secondary Planning Strategy and Downtown Dartmouth Land Use By-Law. These shall not be relaxed by way of any land use regulation or development agreement process. Any alteration shall only be considered as an amendment to this Plan.

CH-5a Notwithstanding Policy CH-5, lands within the Brightwood Viewplane and Dartmouth Common Viewplane where the potential for downstream views are negated by existing structures or policy permitted building height, may be developed in a manner where the building height does not further impact the existing Viewplane penetration.

CH-5b Notwithstanding Policy CH-5, a reduction in a view corridor(s) may be permitted where it is demonstrated that additional view corridors will be created and/or an overall net gain of the intended protected view is achieved.

- CH-5c Notwithstanding Policy CH-5, but subject to the Rampart requirements of the Downtown Halifax Land Use By-Law, HRM shall, permit an increase in the maximum building height on lands at the south-east corner of Sackville Street and South Park Street from 23 metres to 49 metres, where a new multi-district recreation facility is developed in whole or as part of a mixed-use development on the lands known as the CBC Radio and YMCA properties. With the additional height, there shall be provisions for the upper storeys of a building on these lands to be stepped back from Sackville Street and South Park Street.
- CH-5d Pursuant to Policy CH-5c, a multi-district recreation facility means a building or part of a building that is a minimum of 6 500 square metres of gross floor area, which is used for community recreation activities, for which a membership or instruction fee may be charged, and that includes a gymnasium, an exercise room, a swimming pool, meeting rooms, and community gathering areas.



**Attachment G**  
**Ranking of Candidate Views**

**SUMMARY OF PUBLIC INPUT**  
**DARTMOUTH COMMON CANDIDATE VIEWS**

<b>View &amp; Ranking</b>	<b>Question 1 – What are notable objects in foreground &amp; midground of view</b>	<b>Question 2 – notable things &amp; their relationship to the background of view</b>
<b>View B</b>  <b>Overall # 1</b>	<ul style="list-style-type: none"> <li>-Railyard obscures shoreline</li> <li>Harbour, Halifax skyline, Pier 21</li> <li>-Rock formation in mid-foreground is interesting. Cut view off at trees to left of rocks. Do not show cars or cemetery. Good view of Hfx</li> <li>-Halifax &amp; George's Island</li> <li>-Parked cars, trains: are ugly &amp; block shoreline</li> </ul>	<ul style="list-style-type: none"> <li>-Harbour mouth, downtown Halifax, George's Island</li> <li>-Panoramic vista of active harbour</li> <li>-Halifax skyline but not seeing Georges Island</li> <li>-George's Island, McNabs, Eastern Passage &amp; seeing all together with harbour</li> <li>-excellent wide angle view</li> </ul>
<b>View C</b>  <b>Overall # 2</b>	<ul style="list-style-type: none"> <li>-Rolling topography to railyard &amp; harbour</li> <li>-Harbour, Halifax skyline, George's Island</li> <li>-Good mid-view of Downtown Hfx, minus railway cars &amp; parking lots</li> <li>-trees on right side, trains block shore, buildings to left, good scale, not monolithic</li> <li>-wires &amp; poles prominent</li> </ul>	<ul style="list-style-type: none"> <li>-Likes relationship between Georges &amp; waterfront</li> <li>-Utility wires obscure view</li> <li>-Harbour mouth &amp; downtown Halifax</li> <li>-Panoramic vista of active harbour</li> <li>-Utility wires &amp; poles, Halifax skyline, Georges Island to harbour entrance</li> <li>-shipping lanes, Halifax &amp; the islands are seen together</li> <li>-telephone poles &amp; wires distract from nice background</li> </ul>
<b>View D</b>  <b>Overall # 3</b>	<ul style="list-style-type: none"> <li>-Stand of trees &amp; drop from hill</li> <li>-Valley to harbour</li> <li>-Trees in summer would block view of Halifax skyline</li> <li>-Do not really like this view. But do not remove trees.</li> <li>-Trees &amp; grass</li> </ul>	<ul style="list-style-type: none"> <li>-Sweep of harbour and Halifax skyline</li> <li>-Mixed horizon &amp; skyline</li> <li>-Georges Island, view to harbour entrance, buildings in Halifax</li> <li>-harbour &amp; Halifax shore with shipping together</li> </ul>
<b>View E</b>  <b>Overall # 4</b>	<ul style="list-style-type: none"> <li>-Gazebo, trees, paths winding down</li> <li>-Alderney Manor</li> <li>-Path, gazebo, skyline, harbour, bridge</li> <li>-Nice picture of park – that is all.</li> <li>-gazebo, grass &amp; pathways. Alderney Manor blocks large amount of view</li> </ul>	<ul style="list-style-type: none"> <li>-Gazebo with skyline behind</li> <li>Downtown Halifax</li> <li>-Bridge, hfx skyline</li> <li>-Line of gazebo roof with skyline is pleasing</li> <li>-harbour &amp; downtown Halifax</li> </ul>
<b>View F</b>  <b>Overall #5</b>	<ul style="list-style-type: none"> <li>-Wide open space with path going down</li> <li>-Common meadow</li> <li>-Grassy areas, trees, buildings</li> <li>-Poor view of Halifax &amp; Downtown Dartmouth</li> <li>-Grass trees &amp; large building</li> </ul>	<ul style="list-style-type: none"> <li>-Trees screen view but suggestion of Halifax buildings interesting</li> <li>-Mouth of harbour, downtown Halifax</li> <li>-Downtown Dartmouth skyline</li> <li>Park, Halifax skyline</li> <li>-This open space needs more trees/shrubs.</li> <li>Little of harbour</li> </ul>





<b>View &amp; Ranking</b>	<b>Question 1 – What are notable objects in foreground &amp; midground of view</b>	<b>Question 2 – notable things &amp; their relationship to the background of view</b>
<b>View H</b>  <b>Overall #6</b>	-Ballfield, George's Island -Green space, Halifax skyline -Not a good view, just wide open area of ball field. -playing field, very little view	-Horizon -Halifax skyline, greenfield & trees -Macdonald bridge, George's Island -Halifax tall buildings, little else -nice framed view of George's Island
<b>View A</b>  <b>Overall # 7</b>	-Minor importance -Trees, some harbour, buildings -Can't do much to improve view. View of Halifax not very good. Do not remove trees to improve this view. -Out of balance -Skyline, Halifax & Dart -Trees, grass, gazebo	-George's, to harbour mouth & Halifax skyline -Trees & apartment building impede view -Buildings in Halifax to harbor -George's Island, active harbour, Halifax shoreline, Point Pleasant Park
<b>View G</b>  <b>Overall #8</b>	-Common meadow -Park, apt buildings, downtown Dartmouth, harbour entrance -Poor view of Halifax. Likes the park -Would like more trees, shrubs, flower beds. -grass, trees	-Downtown Dartmouth skyline -Not much view – more of a quiet escape from city -little of harbour

**General comments:**

- Would not like to see trees in park removed.
- I don't think we should lose any viewplanes from the Commons.
- One doesn't stand & look from any one point – all have their own value.
- The Dartmouth Common is a unique feature in the midst of a very attractive city – to lose any part of this would be a sacrilege.
- View planes are just a way to prevent development - Dartmouth doesn't need any, it needs investment and people!!
- Please consider building back from Alderney Drive.
- Like the idea of framing objects between buildings – makes certain views more dynamic.
- Do not under any circumstances remove any trees. There should be more trees, shrubs & flower beds.
- Static presentation of views is not a good representation of the dynamic experience of walking around & looking. The walking is very important to the experience because it is exercise that the view inspires. Exercise is a very important need along with the visual & spiritual lift given by using the Common.

- You cannot judge view planes from one stationary point. The view is experienced as you walk along therefore I find it impossible to answer your questions as posed.
- A varied building line allows intrusions into the view plane & ruins it.
- The Common is not Citadel Hill. A clear field of view for cannon was important from gun batteries to the harbour. The Common is an urban oasis which should become an urban forest. View from existing look off can be preserved due to grades & cemetery – no others needed. Plant more trees elsewhere!

**Attachment H  
 Results of Online Survey**

<b>Question</b>	<b>Agree</b>	<b>Disagree</b>
The Dartmouth Common is the primary public open space within the Circumferential Highway, with historic significance and key views of the harbour	45 (80%)	11 (20%)
Diverse views from more than one point on the Common should be protected.	36 (64%)	20 (36%)
To ensure accessibility for a wide range of Common users, viewpoints should be located in accessible, high traffic areas on the established pathway system.	44 (79%)	12 (21%)
The view plane review process should consider the potential for redevelopment of the Alderney Drive parking lots and CN yards, from Ochterloney Street to Park Avenue.	46 (82%)	10 (18%)
Should the view plane from the privately owned golf course continue to be protected?	13 (25%)	40 (75%)
If the golf course were ever to be redeveloped for other uses, HRM may be able to acquire parkland on some portion of the site. Would you support the establishment of a new view plane, from such public parkland?	25 (48%)	27 (52%)

**General Comments re Dartmouth Common Views**

- 1(c): poorly worded, too broad a statement; agree with accessibility principle, BUT, doesn't allow for a new viewpoint not on a path 1(d): from the current number and length of daily trains, this isn't going to happen soon + aren't the lots now protected by the recent amendments to HRM Charter concerning the Dartmouth Common ?
- Additional consideration should be given to protecting other potential development sites that are within the view planes as well as those that abut any potential decisions on the location and width of view planes.
- Brightwood should also have some view plane protection.
- I am not a fan of viewplane restrictions, and they need to be implemented so as not overly restrict development of downtown Dartmouth, as they have in Halifax, which is to the other extreme.
- I believe it is important to protect one or two views from the commons. After reviewing the display panels, I believe using the third approach to viewplanes is the best - the varied building height approach. While it is important to protect some key public views of the harbour and city, it is also important to let Dartmouth achieve its potential in density and vibrancy.
- I don't think Dartmouth should follow Halifax's example of avoiding development to allow for a view. What does a view mean anyway? Does it create jobs?



- I have no problem with the issue of preserving a limited viewplane(s), but this needs to be reasonably balanced with permitting high density development in downtown Dartmouth. I feel strongly that part of this balance is that if we are going to preserve some of these viewplanes, that we need to permit significant height/density in areas outside these specific limited planes.
- I think we need balance. I would like to be on the Common and have a sense of being near the Harbour and see the Harbour - but at the same time, I know we need to permit develop in Downtown Dartmouth
- It is a nice park to visit, but viewplanes from the Dartmouth Commons are unnecessary and just add red-tape.
- Let's let this city grow, enough of the view planes!!!!
- Let's not be Halifax on this issue and be clear that views of the harbour are what is important!
- More housing should be built - have CN move all the tracks. No more Alderney Gates that make a canyon on the street!!
- Since Halifax has just about lost its view planes from the Citadel, Dartmouth should try to try to have some view planes without impeding future CN yard development, ie low rise, market, etc.
- Surface parking lots are not a beneficial land use in a downtown. High caliber development should be sought here.
- The survey is very black and white and allows for little input. While the commons should be protected, the view plains issue is not so clear. Time and things change and the view plains issue is not written in stone, nor should it. We need to be more open and progressive in our thinking when considering potential options.
- There is no reason to create view planes from Dartmouth Commons; it is not Citadel Hill, which has too many view plains. This is s city. There are lots of places to see the water here in Nova Scotia, but not necessarily from either location
- Viewplanes in general are excessively limiting and do not take into account the overall economic health of the community.
- We are killing the city of HFX with this view plane stuff. If we keep this up we will keep falling behind other cities. Let's grow up and show that we in the 2011 and not the year 1700. If this city wants to live like they once did than lets rip up all the roads take power, water, etc out of HFX and make it like the city was back then. What is next no cars or buses only horses allowed in the city.

### General Comments re Brightwood Views

- Again, let's start letting this city grow
- Enough already with restrictions... However, I believe HRM has prevented this option from happening when it denied their planned move from School St.
- I answered 'No' but this is really a Maybe. It's hard to answer such a hypothetical question. It would depend on the size & location of the park, and of course, whatever developments have taken place between now & then.
- I believe sight view planes should be protected rather than from one set location. Brightwood does not equal the Citadel in Halifax for sight plane protection. There are, however, many neighbour hoods with view planes that should be protected.
- I can't comment until I see what is being offered. Right now I'm saying neither yes nor no to this question.
- I don't have a view plane from my apartment. I can walk to the harbor if I want to see it.
- I think the view planes are important to maintain, but I also recognize that they are a significant impediment to commercial development in the downtown core. View planes that are operating for the public benefit should therefore be maintained while those that benefit private lands should not. There is no proprietary right to a view and I see no reason why Brightwood should be exempt from this principal.
- If the Brightwood site was to ever go public then I believe a view plane would be appropriate, however I do not think the current one is worth keeping. It is too low and covers the entirety of downtown Dartmouth thus cutting off all potential for true density. If this view plane were to ever be reconsidered in the future it should follow the varied building height approach and perhaps not aim to protect such a wide view as the current view plane.
- In the event that Brightwood should be redeveloped, then the planners at that time, in considering a park should plan so that the enjoyment should come from the beauty developed within the park.
- It is always nice to see the harbour from the golf course. If this was going to be developed, it would be nice to still be able to see the harbour from a new parkland development.
- It should all be acquired as parkland
- Look at views to Bedford Basin from top of golf course. Won't views the other way already be protected if views from the commons are preserved?

- Once a decision is made to disallow any Brightwood view planes to revisit the situation after view planes have been established from the Dartmouth Commons would be counterproductive to subsequent development opportunities that would be approved under new Common View planes. Development is long term and it is unfair to developers to change the rules after a few years of planning when Brightwood view planes would not have been an issue.
- Residential and parkland only
- The assumption is that the existing view is superior to whatever the view would be if development ever took place. This is fundamentally flawed and such thinking should be discouraged.
- The main view plane worth protecting is from the top of the existing Dartmouth Common (Leighton Dillman Park?). This view shows the Halifax skyline and the Harbour approaches. Any development on Alderney should take this into account. Brightwood should be discontinued as a view plane.
- The view from the top of the course to Bedford Basin, and to Lake Banook are great. But they aren't threatened by development.
- There are enough restrictions on growth in the HRM, why are more needed? There are many, many vantage points for views throughout the HRM. A tall observation tower would provide a much better view.
- There is nothing historic about this potentially new view plane. I am all for a reasonable balance of development, and preservation of some of the historic views, but I do not think that moving towards adding more and more view planes for parkland that doesn't even exist right now is an untoward restriction on the ability of this city to move forward.
- View planes from the highest area of Brightwood would be wonderful to maintain if this could be park land.
- While the Dartmouth common land may have use for a view plane or two (provided they are not a major impedance to development), I don't see any purpose for the view plane to be kept at Brightwood regardless of the future uses of the land. There is no historical significance to this view plane and in my opinion serves no greater purpose. I believe with the amount of citadel view planes currently in place over downtown Halifax, HRM needs large areas within the core where high density development can occur, and I believe downtown Dartmouth could be a great place for this. The view planes only appear to threaten the possibility.
- Yes make it into a park but if you have the view plane than you will have killed the city and any growth for ever
- Yes, but this can only be accomplished if options are kept open by maintaining existing view planes.

- Although the course is currently privately owned, this may not always be the case. The course is quite publicly accessible, especially in the off season for golf. The views also enhance the golf course as an attractive asset in Dartmouth and as a potential future open space.
- Brightwood as a long standing semi-private course is open to the public during the off season and I believe is deemed as park land therefore it should not lose all of their view planes.
- Brightwood has already stated its desire to move. There is nothing to say that this land will not be developed in its own right, and no private ownership should merit view plane restriction. It is absurd that it exists as is.
- Haven't you seen it!!! What could be a more significant view in the city!!!
- If the golf course is ever sold and re zoned for residential the land and views of the harbour and lakes would be very desired.
- No question, you only need stand on the golf course and gaze out towards the mouth of our harbour and the ocean beyond to appreciate a sense of open space and one's good fortune to know you live in a city by the sea.
- Once view planes are gone, they are gone forever. The Brightwood view plane should remain. There are too few view planes left in HRM.
- The Brightwood Golf Course view plane has restricted development in Downtown Dartmouth but is PRIVATE land. There should not be any protection of a view from this land - regardless if it's a golf course or becomes redeveloped for a residential/mixed use purposes.
- The Municipality should acquire Brightwood at some point in the future when it no longer can sustain itself as a private golf course and protect it as recreational space.
- Though privately owned, the golf course is an important community feature. It is enjoyed by local residents, but also by visitors to our community, that we want to come back again.
- We should protect what little beauty of nature we have left. The last thing we want is to become a concrete city with no aspects of beauty left.
- Where and when possible without preventing reasonable development. Private view planes should not be maintained with public money and for totally private benefit.
- Will the city protect the view from my yard?? No!