



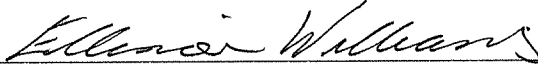
PO Box 1749
Halifax, Nova Scotia
B3J 3A5, Canada

Item No.

Marine Drive Valley and Canal Community Council

December 10, 2009

TO: Chair and Members of the Marine Drive Valley and Canal Community Council

SUBMITTED BY: 
A. Ellinor Williams, Chair, Halifax Watershed Advisory Board

DATE: November 26, 2009.

SUBJECT: **Case 01320: Amendment to Development Agreement –
Oakfield Golf & Country Club.**

ORIGIN

On Wednesday, 21st October, an application from the Oakfield Golf & Country Club to amend an existing Development Agreement to allow for flexibility related to the construction and expansion of accessory buildings, was presented to the Board by Miles Agar and Jillian MacLellan, Planners.

RECOMMENDATION

Having raised a number of concerns about this application, all of which were satisfactorily answered, the Board recommends that this proposal go forward as presented.

BACKGROUND

The Club needs to construct an 8,000 sq. ft. maintenance building but there are no provisions under either of the Development Agreements pertaining to this site to allow further accessory buildings outside the requirements of the Land Use By law for this area. The application requests flexibility for accessory buildings in order to address both short term and long term needs related to the maintenance and the logistics of operating a golf and country club.

DISCUSSION

Questions were raised concerning the relocation of the greenhouse, containment for the gas tanks, a permeable surface for the parking lot, rainwater management and the location of the septic disposal field. All of these matters were addressed to the satisfaction of the Board.

BUDGET IMPLICATIONS

Budget Implications associated with the recommendations have not been identified. Any associated budget implications would need to be determined by HRM staff and disclosed to Regional Council in a subsequent report.

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

Implications to any Financial Management Policies or Business Plans associated with the recommendations have not been identified. Any associated implications would need to be determined by HRM staff and disclosed to Regional Council in a subsequent report.

ALTERNATIVES

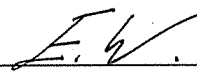
None suggested

ATTACHMENTS

Staff memorandum dated October 21, 2009.

A copy of this report can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by:


A. Ellinor Williams, Chair, HWAB



PO Box 1749
Halifax, Nova Scotia
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MEMO

TO: Chair and Members of Halifax Watershed Advisory Board

FROM: Miles Agar, Planner 1
Jillian MacLellan, Planner 1

DATE: Wednesday, October 21, 2009

SUBJECT: **CASE 01320: Amendment to development agreement - Oakfield Golf and Country Club**

Application

HRM is processing an application from Oakfield Golf and Country Club (OGCC) to amend an existing development agreement to allow for flexibility related to the construction and expansion of accessory buildings, including a proposed new maintenance building.

Location

The property is located at 6055 Highway 2 (PID 00526749) in Oakfield. The property is approximately 400 acres and abuts Grand Lake and Fish Lake. It has been home to the OGCC since 1962. The property is designated Residential under the Municipal Planning Strategy for the Planning Districts 14 and 17 (see Map 1).

Site Features

Approximately half of the property is densely treed while the other half is landscaped for the golf course. The property is generally flat. There are several watercourses that run through the property as shown on Map 3. The majority of these watercourses are concentrated in the south-west portion of the property. According to the Land Use Constraints Map prepared by the Nova Scotia Department of Natural Resources in 2001, the bedrock aggregate potential for the property is classified as Quartzite Potential and the area is designated as a non-designated water supply area¹.

Surrounding properties range in size and are significantly smaller than the subject property (13 acres to 30,000 square feet). These properties are residentially zoned (see Map 2).

Background

Although the OGCC has been located at 6055 Highway 2 since 1962, there was no development agreement on the property until February of 2002. This development agreement was approved for a small addition to its clubhouse. In July of 2004 an amending development agreement that was approved, which allowed for the construction of a storage shed (for golf carts).

¹ Prime, G (compiler) 2001 : Map of land use constraints in the Halifax-Dartmouth metropolitan area, Nova Scotia, Nova Scotia Department of Resources, Minerals and Energy Branch, Open File Map ME 2001-2, scale 1 : 100 000.

The OGCC has an immediate need to construct a single story 8,000 square foot maintenance building, however there are no provisions under the 2002 development agreement and the 2004 amending development agreement to allow further accessory buildings, outside of the requirements of Section 4.11 of the Land Use Bylaw for Planning Districts 14 and 17 (see Attachment B).

The proposed location of the building is more than 1,000 feet from the closest residentially developed property. The proposed maintenance shed is located approximately 500 feet from Grand Lake and several hundred feet from a small pond located near the parking area for the site. There will be a slight adjustment of the grade of the property and approximately 2-3 trees will be removed to accommodate the construction of the proposed maintenance shed. More detail concerning site preparation, storm water retention and other aspects concerning the construction of the proposed maintenance shed will be required during the building permit application stage. The OGCC has indicated they currently draw their water from a lake source and intend to service the maintenance building from the same source. This will require approval from Nova Scotia Environment.

In an attempt to address both short term (i.e. - a new maintenance building) and long term needs related to the maintenance and logistics of operating a golf and country club, the application requests flexibility for accessory buildings beyond the rights established in the existing and amending development agreement.

Section 4.17 of the Land Use By-law for Planning Districts 14 and 17 outlines requirements for development adjacent to a watercourse (See Attachment B). These requirements will continue to apply to the subject property.

Proposal

As the property is currently under a development agreement and an amending development agreement, this proposal will address the current need to construct one accessory building at a maximum size of 10,000 square feet, as well as enable future accessory buildings at a maximum size of 5,000 square feet. Requirements related to the height and setbacks of accessory buildings permitted under this proposed development agreement will reflect the increase allowable building area.

Public Information Meeting

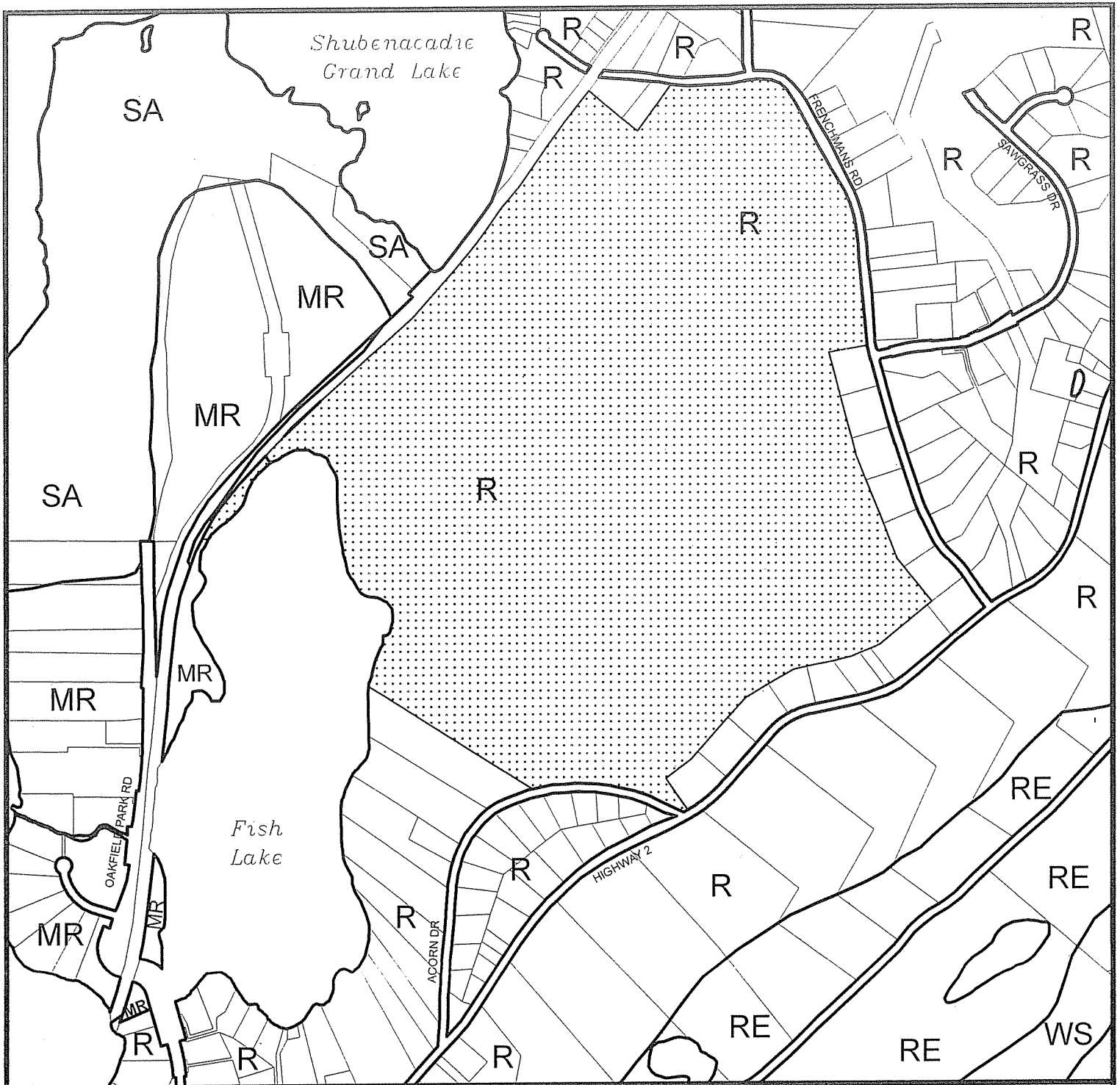
A public information meeting was waived by Councillor Dalrymple.

Watershed Advisory Board:

Pursuant to the Board's terms of reference, the Board's input with respect to the potential impact of this development on Shubenacadie Grand Lake, Fish Lake, other watercourses on the property and downstream watercourses is requested.

Attachments:

Map 1:	Generalized Future Land Use Map
Map 2:	Zoning Map and Public Hearing Notification Area
Map 3:	5m Contour Interval Aerial Map
Map 4:	Proposed Location of New Maintenance Building
Map 5:	Proposed Site Plan of New Maintenance Building
Attachment A:	Applicable MPS Policies
Attachment B:	Applicable LUB Requirements



Map 1
Generalized Future Land Use

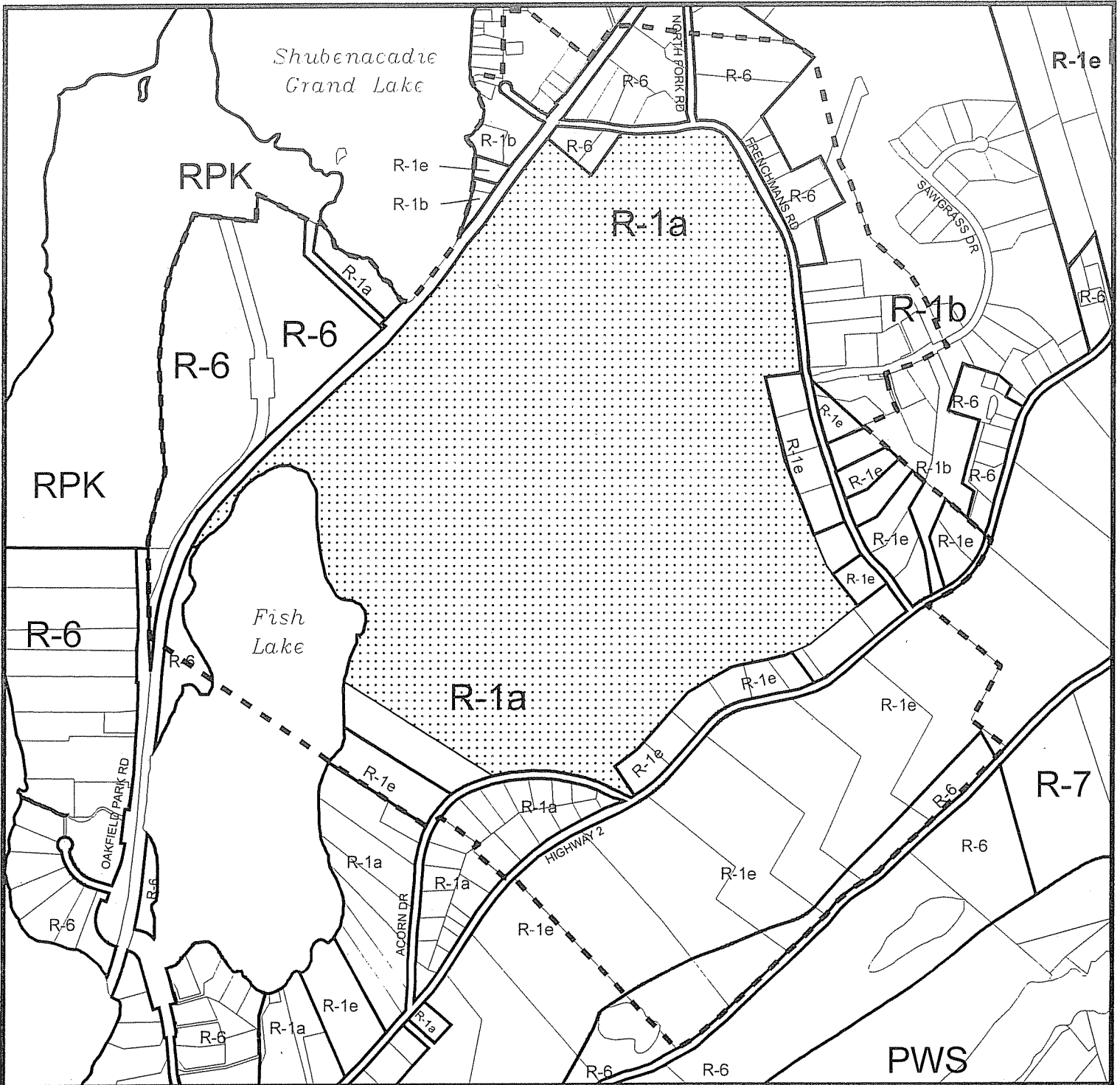


Subject Property

- R Residential Designation
- MR Mixed Residential Designation
- SA Special Area Designation
- RE Resource Designation
- WS Watershed Designation

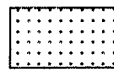
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Community Development
Planning Services





**Map 2
Zoning**

- R-1a Single Unit Dwelling Zone
- R-1b Suburban Residential Zone
- R-1e Residential Estate Zone
- R-6 Rural Residential Zone



Subject Property

- R-7 Rural Estate Zone
- RPK Regional Park Zone
- PWS Protected Water Supply Zone

--- Notification Area



Attachment A
Applicable Sections of the MPS

Within the Plan Area, there are a number of larger commercial recreation uses which serve a more regional market. Golf courses are located at Goffs, Fall River and Oakfield and a private equestrian ring is located at Miller Lake. Given the substantial lake system within the Plan Area, there is also considerable potential for the development of marina facilities. As a result of the attractive natural environment, accessibility, and relatively lower land prices, pressures may exist for additional commercial recreation proposals.

While new commercial recreation uses can provide both local and regional benefits, it is important that such uses do not negatively affect either the natural or residential environments. Commercial recreation uses which create disturbances by reason of noise, dust, or excessive traffic are not to be encouraged. Since many such uses entail the use of large amounts of land or are intended to serve either a metropolitan or regional market, particular attention must be given to both the hours of operation and long-term maintenance, among other matters.

P-91 Within the Mixed Residential Designation, and the Residential Designation, it shall be the intention of Council to consider permitting the expansion of existing or the development of new commercial recreation uses according to the provisions of Sections 55, 66, and 67 of the Planning Act. In considering such an agreement, Council shall have regard to the following provisions:

- (a) the effects of the development on the natural environment as contained in a report from the appropriate provincial or federal government authority;
- (b) the volume, pattern, and projected impacts of any additional traffic created by the proposed use;
- (c) the manner by which solid and liquid waste will be treated;
- (d) that there are adequate fire protection measures for the proposed use;
- (e) that the hours of operation will not unreasonably interfere with the use of surrounding properties;
- (f) that the architectural design and scale of any building(s) is compatible with nearby land uses;
- (g) any other matters relative to the impact of the proposed use upon the community;
- (h) that proper separation distances and visual buffering from surrounding land uses is provided;
- (i) that the use does not involve racing, motorized vehicles or firearms; and
- (j) the provisions of Policy P-155.

P-155 In considering development agreements and amendments to the land use by-law, in addition to all other criteria as set out in various policies of this Plan, Council shall have appropriate regard to the following matters:

- (a) that the proposal is in conformity with the intent of this Plan and with the requirements of all other municipal by-laws and regulations;
- (b) that the proposal is not premature or inappropriate by reason of:
 - (i) the financial capability of the Municipality to absorb any costs relating to the development;
 - (ii) the adequacy of central or on-site sewerage and water services;
 - (iii) the adequacy or proximity of school, recreation or other community facilities;
 - (iv) the adequacy of road networks leading or adjacent to or within the development; and

- (v) potential for damage to or for destruction of designated historic buildings and sites.
- (c) that controls are placed on the proposed development so as to reduce conflict with any adjacent or nearby land uses by reason of:
 - (i) type of use;
 - (ii) height, bulk and lot coverage of any proposed building;
 - (iii) traffic generation, access to and egress from the site, and parking;
 - (iv) open storage;
 - (v) signs; and
 - (vi) any other relevant matter of planning concern.
- (d) that the proposed site is suitable in terms of the steepness of grades, soil and geological conditions, locations of watercourses, marshes or bogs and susceptibility or flooding.
- (e) Within any designation, where a holding zone has been established pursuant to "Infrastructure Charges - Policy P-64F", Subdivision Approval shall be subject to the provisions of the Subdivision By-law respecting the maximum number of lots created per year, except in accordance with the development agreement provisions of the MGA and the "Infrastructure Charges" Policies of this MPS. (RC-July 2/02; Effective-Aug 17/02)

Attachment B
Applicable LUB Requirements

- 2.1 ACCESSORY BUILDING OR STRUCTURE means a building or structure which is used exclusively for an accessory use and which is not attached in any way to the main building and which conforms with all applicable requirements of this by-law. (MC/SCC-Jun 26/95;E-Jul 22/95)
- 2.2 ACCESSORY USE means a use which is subordinate, normally incidental, and exclusively devoted to a main use or building permitted under the provisions of this by-law and, where residential uses are permitted by this by-law, shall include home occupations related to the domestic arts of cooking, sewing, tutoring or repairing household articles, or related to traditional crafts carried on within a dwelling without alteration to the dwelling and without devoting any space within the dwelling exclusively to such occupations. (MC/SCC-Jun 26/95;E-Jul 22/95)
- 2.11 COMMERCIAL RECREATION USE means a building or lot or part of a building or lot used solely for commercial recreation, sport or entertainment purposes and without limiting the generality of the foregoing, may include such establishments as dance halls, animal or vehicle racing tracks, rifle ranges, marinas, bowling alleys, golf courses, bingo halls, roller skating rinks, drive-in theatres, and may include a dwelling unit or dwelling units for maintenance or security personnel.

4.6 EXISTING USES

Except as may be stated elsewhere in this By-law, the uses listed below shall be permitted as existing uses within any zone, subject to the following:

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- (g) Existing commercial recreation uses are permitted to the extent that they presently exist and no expansion or enlargement to any main building or area of land devoted to the use shall be permitted. New accessory buildings, or the expansion or replacement of existing accessory buildings, shall be permitted subject to the requirements of Section 4.11. (MC-Mar 14/94,SCC-Apr 12/94,E-May 7/94)

4.10 ACCESSORY USES AND BUILDINGS

Provisions made under this by-law to permit uses, buildings, and structures shall, unless otherwise stated by this by-law, also be deemed to include any accessory uses buildings or structures provided that:

- (a) the accessory use, building, or structure is located within the same zone as the principal building or use it is intended to serve or is located within an abutting zone in which the principal use or building is permitted;
- (b) the accessory use building or structure is located on a lot which directly abuts or is directly across a public street or highway, private road or private right-of-way from the lot containing the principal building or use it is intended to serve; and
- (c) all other applicable conditions and requirements of this by-law are satisfied. (MC/SCC-Jun 26/95;E-Jul 22/95)

4.11 ACCESSORY BUILDINGS

- (a) Accessory uses, buildings and structures shall be permitted in any zone but shall not:
- (i) be used for human habitation except where a dwelling is a permitted accessory use;
 - (ii) be built closer to the front lot line than the minimum distance required for the main building or be built closer than eight (8) feet (2.4 m) to any other lot line except that:
 1. in any Residential Zone, garages which are accessory to dwellings shall be a minimum of four (4) feet (1.2 m) from any side or rear lot line;
 2. common semi-detached garages may be centred on the mutual side lot line;
 3. boat houses, boat docks and float plane hangars may be built to the lot line when the line corresponds to the high water mark;
 4. accessory buildings and structures in a P-2 (Community Facility) Zone shall not be built closer to any side or rear lot line than ten (10) feet (3.0 m) or one half (½) the height of such building or structure, whichever is the greater; and
 5. accessory structures shall be permitted to be constructed within the front yard of an AE-1 (AeroTech Core) Zone and AE-2 (General Airport) Zone, but shall not be permitted within the minimum required front yard.
 - (iii) Exceed a height of:
 1. twenty five (25) feet (7.62 m) in any R-1A zone or the height of the main building, whichever is less; (MDVCCC-Dec 6/07;E-Dec 22/07)
 2. twenty five (25) feet (7.6 m) in any R-1B, R-1C, or R-1D zone;
 3. thirty five (35) feet (10.7 m) in any R-6 or R-7 zone;
 - (iv) Exceed a gross floor area of:
 1. seven hundred and fifty (750) square feet (70 m²) in any R-1A, R-1B, R-1C or R-1D zone; or
 2. one thousand (1,000) square feet in any R-6 or R-1E zone. (C-Jun 29/93;M-Aug 6/92)
 - (v) (deletion - MC-Mar 28/94;SCC-Apr 12/94;E-May 7/94)
 - (vi) Be built within eight (8) feet (2.4 m) of the main building within any Residential Zone or twelve (12) feet (3.7 D) in any other zone.
 - (vii) be used for the keeping of livestock, except where agriculture is a permitted use. (C-Aug 27/90;E-Sep 22/90)
- (b) Notwithstanding anything else in this By-law, drop awnings, clothes poles, flag poles, garden trellises, fences and retaining walls shall be exempted from the requirements of Subsection (a).

4.17 WATERCOURSE SETBACKS AND BUFFERS

- (1) (a) No development permit shall be issued for any development within 20m of the ordinary high water mark of any watercourse, except on lots zoned R-1C.
- (b) Where the average positive slopes within the 20m buffer are greater than 20%, the buffer shall be increased by 1 metre for each additional 2% of slope, to a maximum of 60m.
- (c) Within the required buffer pursuant to clauses (a) and (b), no excavation, infilling, tree, stump and other vegetation removal or any alteration of any kind shall be permitted in relation to a development.
- (d) Within the required buffer pursuant to clauses (a) and (b), activity shall be limited to the placement of one accessory structure or one attached deck not exceeding a footprint of 20 m² or a combination of an accessory structure and attached deck not exceeding 20 m², fences, boardwalks, walkways and trails not exceeding 3 metres in width, wharfs, boat ramps, marine dependent uses, fisheries uses, conservation uses,

parks on public lands, historic sites and monuments, and public road crossings, driveway crossings and wastewater, storm and water infrastructure.

(e) Notwithstanding clause (a), the required buffer for construction and demolition operations shall be as specified under the applicable CD Zone.

(f) Within the buffer required pursuant to clause (e), no excavation, infilling, tree, stump and other vegetation removal or any alteration of any kind shall be permitted in relation to a development.

(2) Notwithstanding subsection (1), where an existing residential main building is located within the required buffer, accessory structures, subject to meeting other requirements of this by-law, shall be permitted provided they are located no closer to the watercourse than the existing main building.

(3) Where the configuration of any existing lot, including lots approved as a result of completed tentative and final subdivisions applications on file prior to the effective date of the Regional Municipal Planning Strategy, is such that no main building could be located on the lot, the buffer distance shall be reduced in a manner which would provide the greatest possible separation from a watercourse having regard to other yard requirements.

(4) Notwithstanding subsection (1), nothing in this by-law shall prohibit the removal of windblown, diseased or dead trees, deemed to be hazardous or unsafe.

(5) Notwithstanding subsection (1), the selective removal of vegetation to maintain the overall health of the buffer may be authorized by the Development Officer where a management plan is submitted by a qualified arborist, landscape architect, forester or forestry technician.

(6) Every application for a development permit for a building or structure to be erected pursuant to this section, shall be accompanied by plans drawn to an appropriate scale showing the required buffers, existing vegetation limits and contours and other information including professional opinions, as the Development Officer may require, to determine that the proposed building or structure will meet the requirements of this section. (RC-Jun 27/06, E-Aug 26/06)