

Item 8.1.1

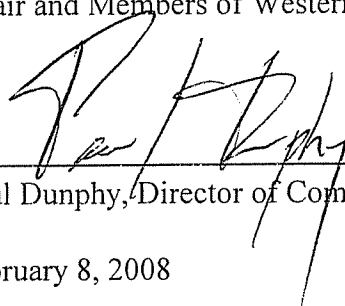


PO Box 1749  
Halifax, Nova Scotia  
B3J 3A5 Canada

Western Region Community Council  
February 25, 2007

**TO:** Chair and Members of Western Region Community Council

**SUBMITTED BY:**

  
\_\_\_\_\_  
Paul Dunphy, Director of Community Development

**DATE:** February 8, 2008

**SUBJECT:** Case 01060: Rezoning, Westwood Hills Subdivision, Upper Tantallon

**ORIGIN**

March 26, 2007 motion of Western Region Community Council requesting staff commence the process to rezone the Westwood Hills Subdivision from the MU-1 (Mixed Use) Zone to the R-A1 (General Residential) Zone.

**RECOMMENDATION**

It is recommended that Western Region Community Council:

1. Give First Reading of the proposed rezoning and schedule a public hearing;
2. Approve the rezoning, as shown on Map 1, from the MU-1 (Mixed Resource) Zone to the R-A1 (General Residential) Zone; and
3. Approve the amendments to the Planning Districts 1 & 3 (St. Margarets Bay) Land Use By-law, presented as Attachment "A" of this report, to allow two, existing day cares as existing business uses within the Westwood Hills subdivision.

## **BACKGROUND**

Westwood Hills is a residential community developed as-of-right in phases since 1993 in the communities of Upper Tantallon and Upper Hammonds Plains. The subdivision is accessed from the Hammonds Plains Road via Exit 5 on Highway 103 and contains 700 single unit dwelling lots on approximately 1,500 acres of land.

The subject lands, approximately 600 of the 700 lots, are zoned MU-1 (Mixed Use) under the Planning Districts 1& 3 Land Use By-law. (Refer to Map 1)

In 2007, the Westwood Hills Residents' Association (WHRA) requested Western Region Community Council initiate a process to rezone the entire subdivision to the RA-1 (General Residential) Zone. Subsequently, Western Region Community Council requested staff commence the rezoning process to reduce the potential land use conflicts that could arise due to the permissive nature of the existing MU-1 zone.

## **DISCUSSION**

The Westwood Hills subdivision is zoned MU-1 and is designated Mixed Use A on the generalized future land use map (Map 2). The intent of the mixed use zone and designation is to accommodate a variety of land uses including residential housing types, homes businesses, commercial operations, and a range of light industrial uses. The flexibility inherent in the MU-1 Zone is appropriate to allow large tracts of land to develop where resource based economies and rural entrepreneurship are important to the growth of the community.

The MPS also recognizes that, over time, mixed use areas will develop dominant land uses. These areas, such as the Westwood Hills subdivision, are characterized by contiguous residential development with only a few commercial entities. In these instances, Policy MU-3 (see Attachment "B") allows Council to consider rezoning to a residential zone that would restrict the development of commercial or industrial land uses. The proposed rezoning to R-A1 would reduce the number and variety of land uses permitted on the lands, with the primary use being single unit residential dwellings (see Attachment "C").

The Regional MPS designates the area surrounding and including the Westwood Hills subdivision as a Rural Commuter Centre. This designation reflects the growth of the Westwood Hills residential community and the new public infrastructure in the area, which includes:

- Highway 103 (a provincial twinned highway to Halifax completed in 2006/07);
- Sir John A MacDonald High School (constructed in 2006);
- Tantallon Public Library (opened in 2001); and
- St. Margarets Centre Recreational Complex (built in 1988).

The proposed rezoning reduces the potential for land use conflict within the subdivision and, accordingly, reinforces the area's Rural Commuter Centre designation. Conversely, the wide variety of commercial and light industrial land uses currently permitted in the MU-1 Zone does not reinforce the future growth of the area as a low density residential centre.

The commercial and recreation node at the Highway 103 off-ramp and Hammonds Plains Road intersection is zoned Comprehensive Development District (CDD) under Regional Plan Policy S-10. This zone, adjacent to Westwood Hills, has sufficient land area to accommodate a mix of commercial, residential, institutional and transit uses identified in the Regional Plan as appropriate for Rural Commuter Centres.

### **Public Information Meeting**

A public information meeting was held on October 17, 2007, the minutes of the meeting are found as Attachment "D." Although not widespread, some concern was expressed by residents over the potential loss of commercial land use development rights. Staff were able to clarify to the general satisfaction of residents that the home business provisions in the proposed R-A1 Zone would accommodate home based commercial enterprises. All other existing businesses currently permitted under the MU-1 Zone will be permitted to continue operation under the non-conforming provisions of the *Municipal Government Act*. The intent of making existing businesses non-conforming is that, over time, they should cease to exist, further reinforcing the residential character of the area. There are, however, some instances where certain existing business should be permitted to continue and expand their operations.

The Westwood Hills Residents' Association has determined convenient access to day cares is a necessary service for their community and, through their administration of restrictive covenants, permit only two commercial daycare businesses within the subdivision. Appendix C of the Planning Districts 1 & 3 Land Use By-law lists only commercial entertainment uses, including video arcades, within the Mixed Use Designations to be recognized as existing businesses. Staff recommend that the land use by-law be amended to allow these day cares as existing businesses, thereby allowing them to continue and expand.

The proposed rezoning satisfies the applicable policies of the Regional and Community MPS and further enhances the area as a Rural Commuter Centre. It is recommended that Western Region Community Council approve the rezoning application as shown on Map 1.

Should Western Region Community Council decide to proceed with a public hearing on this application, in addition to published newspaper advertisements, property owners in the immediate area will be individually notified by mail. The area of notification is shown on Map 1.

**BUDGET IMPLICATIONS**

None. The costs to process this application can be accommodated within the approved C310 operating budget.

**FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN**

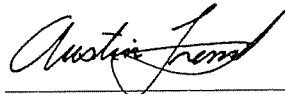
This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

**ATTACHMENTS**

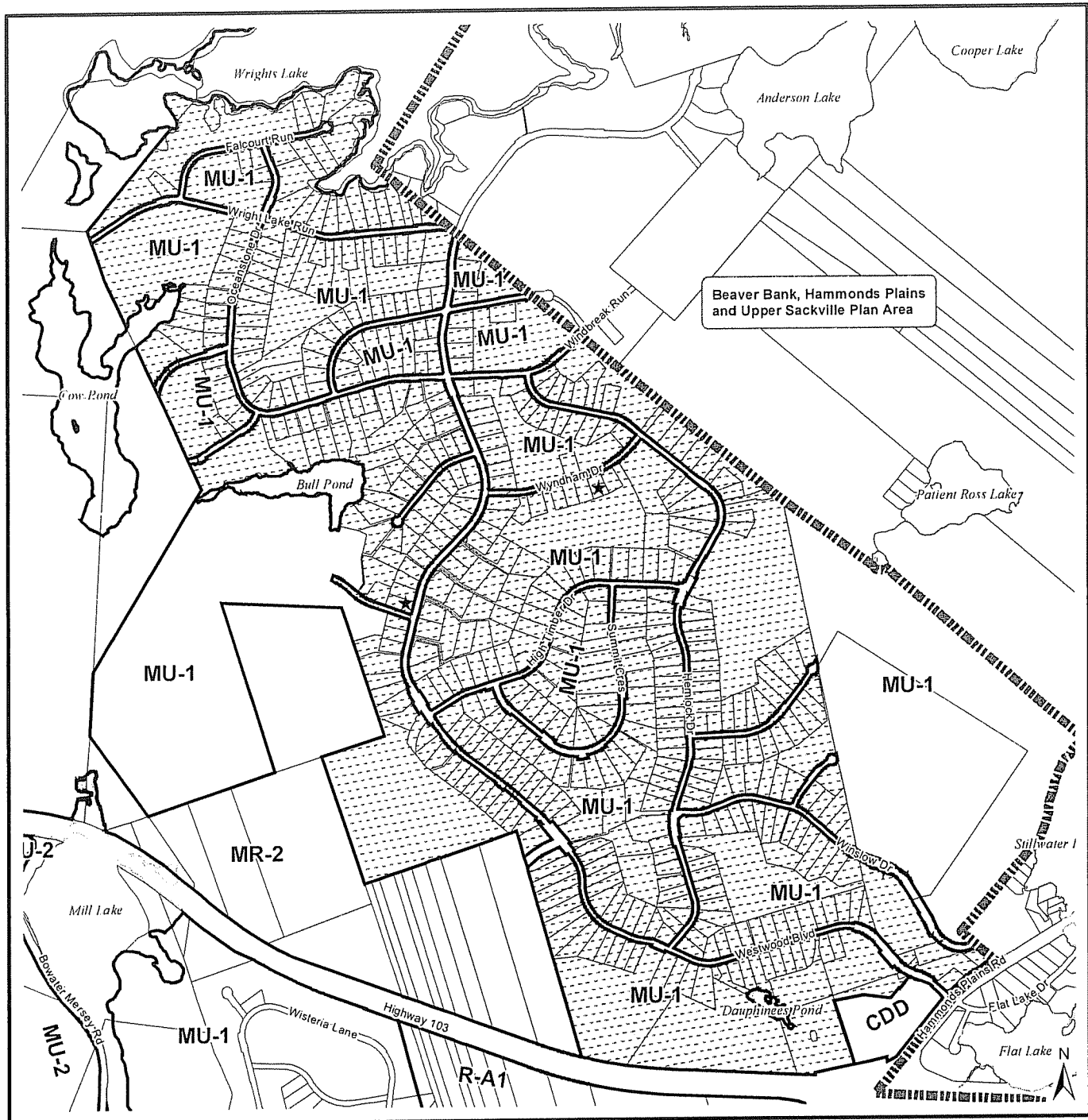
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|----------------|--|
| Map 1          | Location and Zoning  |
| Map 2          | Generalized Future Land Use  |
| Map 3          | Area of Notification   |
| Attachment "A" | Amendments to the Planning Districts 1&3 (St. Margarets Bay) Land Use By-law |
| Attachment "B" | Excerpts from the Planning Districts 1&3 (St. Margarets Bay) MPS             |
| Attachment "C" | Planning Districts 1&3 (St. Margarets Bay) Zone Comparison Table             |
| Attachment "D" | Public Information Meeting Minutes   |

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/agenda.html> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by : Brian White, Planner, 490-4793



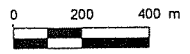
Report Approved by: Austin French, Manager, Planning Services, 490-6717



Beaver Bank, Hammonds Plains and Upper Sackville Plan Area

**Map 1 - Location and Zoning**

Westwood Hills  
Upper Tantallon



Area requested to be rezoned from MU-1 (Mixed Use 1) to R-A1 (General Residential)

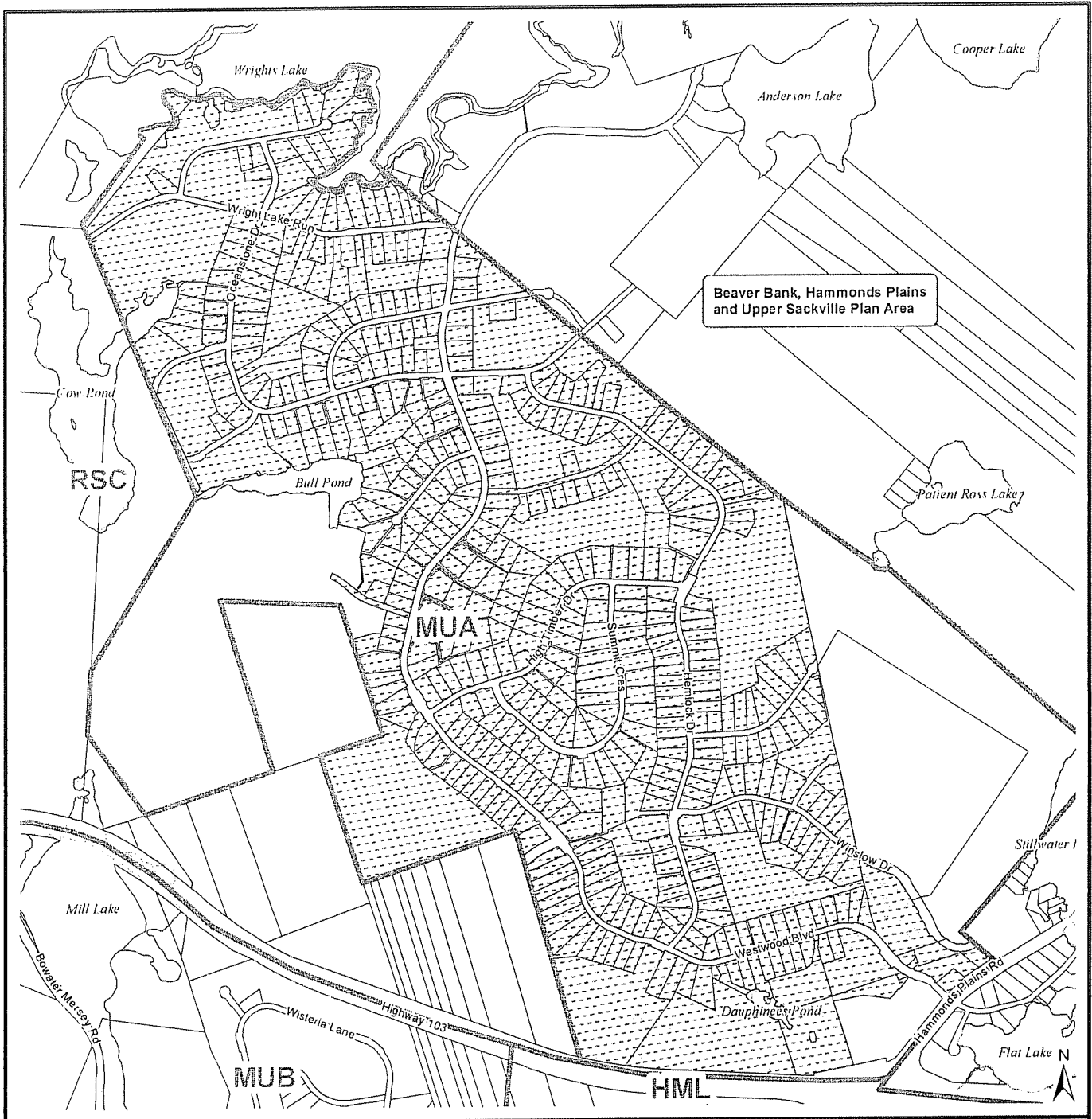
★ Daycare location

Zone	
R-A1	General Residential
MU-1	Mixed Use 1
MU-2	Mixed Use 2
MR-2	Mixed Resource 2
CDD	Comprehensive Development District

This is an unofficial reproduction of a portion of the Zoning Map for the plan area indicated

HRM does not guarantee the accuracy of any representation on this plan

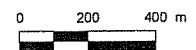
Planning Districts 1 & 3 Plan Area




**Map 2 - Generalized Future Land Use**

Westwood Hills  
Upper Tantallon

**HALIFAX**  
REGIONAL MUNICIPALITY  
COMMUNITY DEVELOPMENT  
PLANNING SERVICES



 Area requested to be rezoned  
from MU-1 (Mixed Use 1) to  
R-A1 (General Residential)

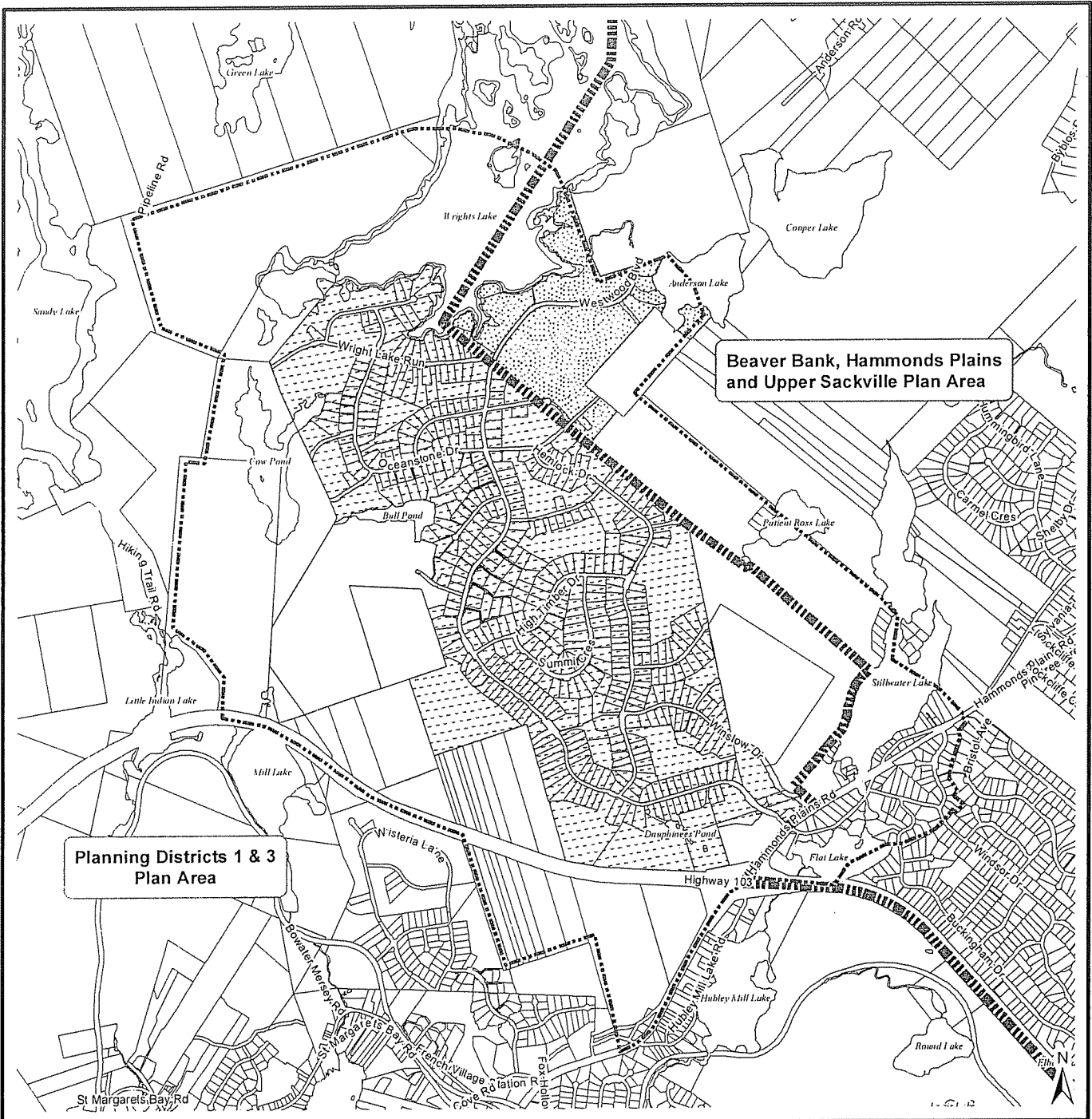
**Designation**

- MUA Mixed Use "A"
- MUB Mixed Use "B"
- HML Hubley Mill Lake
- RSC Resource

Planning Districts 1 & 3  
(St Margarets Bay) Plan Area


This is an unofficial reproduction of a  
portion of the Generalized Future Land  
Use Map for the plan area indicated


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any representation on this plan



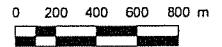
**Map 3 - Area of Notification**

Westwood Hills  
Upper Tantallon

 Area of notification

 Area requested to be rezoned  
from MU-1 (Mixed Use 1) to  
R-A1 (General Residential)

**HALIFAX**  
REGIONAL MUNICIPALITY  
COMMUNITY DEVELOPMENT  
PLANNING SERVICES



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**Attachment "A"**  
**Amendments to the Planning Districts 1&3 (St. Margarets Bay) Land Use By-law**

BE IT ENACTED by the Council of the Halifax Regional Municipality that the Land Use By-law for Planning Districts 1&3 (St. Margarets Bay) is hereby amended as follows:

- 1. By adding the text "**daycares for more than fourteen (14) children, and**" to clause (g) of Section 4.10 immediately after the word "existing", so that the clause now reads.

4.10 EXISTING USES

- (g) existing "**daycares for more than fourteen (14) children, and**" commercial entertainment uses, including video arcades, within the Mixed Use Designations according to the applicable provisions of the Mixed Use 1 Zone.
- 2. By renaming "**Appendix 'C' Existing Business Uses - Camelot Drive**" to "**Appendix 'C' Existing Business Uses**".
- 3. By adding the following to the end of the Appendix "C" Existing Businesses Uses:

<u>NAME</u>	<u>USE</u>	<u>LIMS INDEX NUMBER</u>	<u>ZONE</u>
Giant Steps Children's Centre Inc.	Daycare	41123340	MU-1
Giant Steps Children's Centre Inc.	Daycare	41225996	MU-1

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 Council of Halifax Regional Municipality held on the \_\_\_ day of \_\_\_\_\_, A.D., 2008.

GIVEN under the hand of the Municipal Clerk and under the Corporate Seal of the said Municipality this \_\_\_ day of \_\_\_\_\_, A.D., 2008.

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



**Attachment "B"**  
**Excerpts from the Planning Districts 1&3 (St. Margarets Bay) MPS**

MIXED USE DESIGNATIONS

Within the Mixed Use Designation, existing pockets of primarily residential development have built up. Such areas are characterized by contiguous residential development and an absence of commercial or resource uses.

In addition, other such areas will, in all likelihood, evolve over time within the designation. Although such areas will not be re-zoned, provisions will be made for residents in these areas to apply for residential zoning.

**MU-3** Within the Mixed Use "A" and "B" Designations Council shall only consider applying more restrictive residential zoning by amendment to the land use by-law. In considering an amendment to the by-law for such a purpose, Council shall have regard for the provisions of Policy IM-9.

EXISTING USES

**TR-5** It shall be the intention of Council to treat existing uses, not otherwise permitted in the zone in which they are located, as existing permitted uses. In addition, such uses will be afforded the development rights of the zone in which they are permitted or based on the nature of the use, to the development rights contained in the general provisions of the land use by-law.

IMPLEMENTATION

**IM-7** The following uses or zones shall only be considered by amendment to the land use by-law:

- (a) Within the Mixed Use "A" and "B" Designation:
  - (i) **residential zones according to Policy MU-3;**
  - (ii) industrial uses according to Policy MU-12;
  - (iii) salvage and scrap yards according to Policy MU-13; and
  - (iv) forestry uses over three thousand (3,000) square feet according to Policy MU-14.

**IM-9** 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 strategy, Council shall have appropriate regard to the following matters:

- (a) that the proposal is in conformity with the intent of this strategy 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 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) the potential for damage to destruction of designated historic buildings and sites.
- (c) that in development agreement 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 with respect to the steepness of grades, soil and geological conditions, locations of watercourses, marshes or bogs and susceptibility to flooding; and
- (e) any other relevant matter of planning concern.
- (f) **Within any designation, where a holding zone has been established pursuant to “Infrastructure Charges - Policy p-79F”, 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, 2002 / E-17 August 2002)**

**Attachment "C"**  
**Planning Districts 1&3 (St. Margarets Bay) Zone Comparison Table**

The MU-1 Zone permits all uses except those listed below. The R-A1 Zone only permits the uses listed.

<b>CURRENT ZONE</b>	<b>PROPOSED ZONE</b>
<b><u>MU-1 (MIXED USE 1) ZONE</u></b> A development permit may be issued for all uses in any MU-1 (Mixed Use) Zone, <u>except</u> for the following:	<b><u>R-A1 (GENERAL RESIDENTIAL) ZONE</u></b> No development permit shall be issued in any R-A1 (General Residential) Zone except for the following:
<b><u>Residential Uses Not Permitted</u></b>	<b><u>Residential Uses Permitted</u></b>
Mobile home parks Multi-unit dwellings Senior citizen housing over 20 units	Single unit dwellings One auxiliary dwelling unit Day care facilities for not more than fourteen (14) children and in conjunction with permitted dwellings Business uses in conjunction with permitted dwellings
<b><u>Commercial Uses Not Permitted</u></b> Commercial entertainment uses Bed and breakfasts in conjunction with permitted dwellings Campgrounds Marinas	<b><u>Community Uses</u></b> Open space uses Institutional
<b><u>Resource Uses Not Permitted</u></b> Agricultural uses, Intensive Extractive facilities Sawmills and industrial mills related to forestry over 3,000 square feet	
<b><u>Industrial Uses Not Permitted</u></b> Industrial uses but excepting traditional uses and service industries Salvage yards	
<b><u>C&amp;D Materials Operations Not Permitted</u></b> C&D Materials Transfer Stations C&D Materials Processing Facilities C&D Materials Disposal Sites	

**Attachment "D"**  
**Public Information Meeting Minutes**

**October 17, 2007**

In attendance: Councillor Gary Meade  
Brian White, Planner, Planning Applications  
Gail Harnish, Planning Services

**Mr. Brian White** called the public information meeting (PIM) to order at approximately 7:00 p.m. at the Tantallon Library. The purpose of tonight's meeting is to discuss a request to rezone properties within the Westwood Hills subdivision from MU-1 (Mixed Use) Zone to R-A1 (General Residential) Zone.

Mr. White reviewed the rezoning process:

- we received an application
- staff did a preliminary review of the application
- a PIM is now being held
- staff will do a detailed review of the application
- staff will prepare a staff report, with a recommendation, which is tabled with Western Region Community Council
- Community Council will either decide to schedule a public hearing, or they will reject the rezoning application
- the public hearing is held
- there is an appeal process

**An individual** questioned the timeframe for the process.

Mr. White responded it depends upon the complexity of the issue and the amount of review. In this case we would likely have it completed early in the new year.

Mr. White displayed a map, pointing out Highway 103, the Hammonds Plains Road, and the CDD area (the Hubley Shopping Centre). The red area on the map represents the two different plan areas. The majority of the Westwood Subdivision is within the Planing Districts 1&3 (St. Margarets Bay) plan area. There is a small portion of the subdivision in the northern part of the property which is within the Beaver Bank, Hammonds Plains and Upper Sackville plan area. There is a rezoning process happening in the latter plan area as well under a separate case file. There will be a separate notice going out about that one. The highlighted area on the map represents the lands being rezoned to R-A1 (General Residential), subject to Council's approval.

**An individual** questioned who made the application to rezone the other portion. Mr. White responded it's being initiated through staff.

An individual questioned the implications of having portions of Westwood within two separate plan areas.

Mr. White responded this represents about 600 properties within the St. Margarets Bay plan area. There are approximately 100 properties in the other plan area. We are rezoning both portions of the Westwood Hills subdivision so that the zoning is the same.

An individual commented it is just an extension of Westwood Hills and wondered why it couldn't be under the same zoning.

Mr. White indicated there will be a long-term intention to look at the intention of the plan for this area where we would potentially adjust that boundary to what people would think of as a separate community but that requires a much more intensive process where we would have to look at the entire municipal planning strategy (MPS).

Mr. White reviewed the uses not permitted in the Mixed Use Zone from the LUB.

“12.1 MU-1 USES PERMITTED

A development permit may be issued for all uses in any MU-1 (Mixed Use) Zone, except for the following:

Residential Uses Not Permitted

Mobile home parks  
Multi-unit dwellings  
Senior citizen housing over 20 units

Commercial Uses Not Permitted

Commercial entertainment uses  
Campgrounds  
Marinas

Resource Uses Not Permitted

Agricultural uses, Intensive  
Extractive facilities  
Sawmills and industrial mills related to forestry over 3,000 square feet

Industrial Uses Not Permitted

Industrial uses but excepting traditional uses and service industries  
Salvage yards

Construction and Demolition Materials Operations Not Permitted

C&D Materials Transfer Stations

C&D Materials Processing Facilities  
C&D Materials Disposal Sites”

Mr. White noted that when the MPS for this area was put into place, the Mixed Use Zone was put on large tracts of land as a way of letting landowners have a great deal of flexibility in terms of land uses they were permitted to do with the intent that when a predominant land use theme started to occur, the Municipality could come back and bring the zoning in line with the predominant theme. It is predominately low density residential. The proposed zone is a low density residential zone. He reviewed the uses not permitted in the R-A1 Zone from the LUB.

“8.1 R-A1 USES PERMITTED

No development permit shall be issued in any R-A1 (General Residential) Zone except for the following:

Residential Uses

Single unit dwellings  
One auxiliary dwelling unit

Day care facilities for not more than fourteen (14) children and in conjunction with permitted dwellings  
Business uses in conjunction with permitted dwellings  
Bed and breakfasts in conjunction with permitted dwellings  
Community Uses  
Open space uses  
Institutional uses”

**An individual** questioned what was meant by an institutional use. Mr. White responded it would allow things such as a school, hospital, hockey rink, and a church.

**An individual** questioned whether an auxiliary dwelling unit meant an in-law suite. Mr. White read into the record the definition of an auxiliary dwelling unit from the LUB:

“Dwelling, Auxiliary means a self contained dwelling unit within a single unit dwelling in which unrestricted access can be gained through the main dwelling unit, and which auxiliary unit comprises less than thirty-five (35) per cent of the gross floor area of the dwelling.”

Mr. White advised the lot requirements, such as lot frontage and front yard setback, remain the same for both zones (the Mixed Use zone and the General Residential zone).

Mr. White indicated the R-A1 zone permits businesses in conjunction with permitted dwellings. He reviewed the requirements from the LUB.

“8.3 OTHER REQUIREMENTS: BUSINESS USES

Where business uses are permitted in any R-A1 Zone, the following shall apply:

- (a) Any dwelling which is used for such purposes shall be the principal residence of the operator of the business.
- (b) No more than three hundred (300) square feet (28 m<sup>2</sup>) of gross floor area of any dwelling nor more than seven hundred (700) square feet (65 m<sup>2</sup>) of gross floor area of any other structure shall be devoted to any business use.
- (c) No mechanical equipment shall be used that is obnoxious and which creates a nuisance by virtue of noise, vibration, glare, odour, dust or air pollutants.
- (d) No open storage or outdoor display shall be permitted.
- (e) No more than one (1) sign shall be permitted for any business or facility and no such sign shall exceed four (4) square feet (.37 m<sup>2</sup>) in area and shall not exceed four (4) feet (1.2 m) in any one dimension.
- (g) One off-street parking space, in addition to those required for the dwelling, shall be provided according to the provisions of Section 4.27.”

Mr. White noted there are currently two day cares in this subdivision; one existing and one proposed. Those will be exempted from this zoning and will be allowed to continue. If they were rezoned, they would be non-conforming uses. It is important for people to know that if they have an auxiliary dwelling unit in their home or a home businesses, before this zoning goes ahead, they should make sure they have a development permit to ensure their non-conforming status rights meet the new standards. There is no cost for a development permit and it only takes a few days to process.

**An individual** referenced the comment that anybody having a home business could put up a sign. It was his understanding of a residential area that it would be an inconspicuous use of the basement but that you would not advertise it.

Mr. White indicated they are limited to one sign which shall not exceed 4 sq.ft. in area and shall not exceed 4' in any one dimension.

**An individual** questioned if somebody could put up a 4 sq.ft. neon sign in their front yard. Mr. White indicated he would have to check with our development officer.

**An individual** questioned how that comes into play in terms of their covenants.

**Ms. Virginia Bonn** noted covenants and zoning are two different things. In terms of the sign, she understood there is a Sign By-law where a person would have to apply for a permit.

**An individual** indicated there was a denturist on Westwood Boulevard who put up a sign. The sign was very quickly removed once they complained. It was commented that was presumably enforced through the covenants.

**An individual** stated from a legal perspective the covenants are never enforced. It is the LUB requirements that come into play. So far, Ms. Bonn has called everybody after a complaint was lodged.

**Ms. Bonn** indicated she has been there for six years and so far people are just waiting for the call and have taken down their sign.

**An individual** commented there will be a point when the developer is gone.

**Ms. Bonn** noted there will still be a residents association that can enforce the covenants.

**An individual** commented he was surprised a person would be allowed to have a sign in a residential area.

**Mr. Keith Ayling** questioned if next year when the Park and Ride is set up, whether that would be within this area or is it outside?

**Councillor Meade** noted it is the CDD area down at the bottom of the map which is outside this zoning.

**An individual** questioned how much longer they figured the contractor will use Hemlock Drive as the 401 and how much more development could occur.

**Ms. Bonn** indicated there has been a strong real estate market for the last five years. If the same conditions remain, she estimated another four or five years to complete their development. There is no more road construction but there is still house construction.

**An individual** questioned who is responsible for cleaning up the roads after they have been muddied up.

Councillor Meade responded it would be the responsibility of the contractor to clean up the mud.

**An individual** questioned how many more complaints had to be made to the owners of the companies. Even in the middle of the day when the kids are being dropped off between 2 and 3 o'clock, there are many general purpose trucks speeding down Hemlock Drive at 80+kms, even though there is a RCMP station just down the road.

Mr. White indicated people can call the HRM general inquires number, 490-4000, to make a complaint, who will dispatch the complaint to the correct department.

**Ms. Bonn** advised that if they get the licence plate number of the vehicle, the RCMP will talk to them. Right now there are ten police officers living in Westwood.



An individual commented that what people say they will do and actually do are two different things. If you call the RCMP, they will respond. There were two officers out on Westwood last night who were ticketing people.

**Mr. Hurtle** stated during the preliminary meeting they were told anybody who did not want to have their lands rezoned would not have them rezoned.

Mr. White said it would be our intent to reduce the number of properties that remained zoned as Mixed Use in order to reduce the potential for future land use conflict. For example, if you have a street primarily rezoned single family residential, and you allowed a property in the middle of the street to retain their Mixed Use zoning, they could put up a saw mill, for example, which would be problematic down the road. What happens in the next generation when someone decides to take down their single family home and put in another use? The Mixed Use zone is very permissive. It allows a lot of intensive land uses that most people do not want to live next door to. He thought they would be open to discuss with people the ability to retain the MU-1 zone, however, it would not be something they would likely do.

Mr. Hurtle indicated that is completely contrary to what Councillor Meade told them. The votes were based on the information they were given. He was told if he wanted his property to remain as MU-1, he needed to attend this meeting and identify his property. He asked if that was incorrect.

Mr. White responded he was telling him what we believed to be good planning principles for rezoning this large tract of land. He would happily give business cards out to anybody who wanted to have a sideline discussion about retaining their zoning. Also, we can provide Council with different options, ie., rezone the entire subdivision to R-A1, or retain the MU-1 zoning on individual properties. Ultimately it is Council's decision and it is ultimately support from the residents of the community that will help councilors make the decision one way or the other. He was giving his professional advice as a land use planner based on professional practice.

**An individual** questioned where in his workload this falls into play.

Mr. White responded he would prepare a staff report with a recommendation. As a planner, he did not hear all the issues from the community until he got to this meeting. He had to take all this information back and do a detailed review of the application, and then prepare a staff report for Council. That report usually contains two or three recommendations. If individuals want to retain their zoning, he needed to hear from them. Also, if you currently operate a business on your property, you can get a development permit today for that and you can maintain that business even in the new zone as a non-conforming use.

**Mr. Steve Leslie** asked for clarification on the comment they could apply for a separate permit to carry on what they have done for the last ten years.

Mr. White responded that if they have a legal use on their property, then they will have a development permit. If not, then apply for one. When the new zone comes in, the legal non-conforming uses will be permitted to continue. There are restrictions on a non-conforming use, which he urged people to speak with a development officer about.

Mr. Leslie questioned where the protection is for people who originally purchased their land because of the MU-1 zoning. When he was looking for a piece of land to purchase, he was taken to this subdivision because of the MU-1 zoning and now it appears it may be taken away.

Mr. White responded if he purchased property with MU-1 zoning and currently operated a business, he will retain those rights if he applied for a development permit. If it is a legal use on the property and a development officer issues a development permit, you retain those rights even after the rezoning.

**Ms. Bonn** stated that since 1993, Westwood was never sold as mixed use; it was developed as residential. The original purchase and sale agreement said they were buying a residential use. Commercial value is significantly different. If you get a development permit, you will be okay. They never sold Westwood as commercial property.

Mr. Leslie said they purchased a lot in Westwood as MU-1.

Mr. White noted there are zone requirements in the MU-1 zone that would have to be met in order to get a development permit.

**An individual** questioned whether applying for a development permit would change their property's tax status.

Mr. White responded he understood that is done provincially.

Ms. Bonn said they would charge them as a commercial property.

**Mr. Sheldon Barker** asked what the procedure was if somebody wanted to canvas for an off leash dog park.

**An individual** stated the Residents Association came up with a five year plan based on what the residents wanted. They compiled that data and are now starting a course of action. That is why they now have the tennis courts and soccer field. The idea of an off leash dog park would have to be raised with the Association.

**An individual** asked if the decision to proceed with the rezoning would be based solely on these meetings.

Mr. White responded no. The decision lies with Western Region Community Council. There would be a public hearing, where each individual would have five minutes to have their say. Following the closure of the public hearing, a decision would be made by Community Council.

The meeting adjourned at approximately 7:50 p.m.