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PO Box 1749
Halifax, Nova Scotia
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Halifax Regional Council
January 20, 2004

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY: Julia Hetherington
for Councillor Bruce Hetherington, Chair
Harbour East Community Council

DATE: January 9, 2004

SUBJECT: Case 00415: Amendment to the Municipal Planning Strategy for
Dartmouth (Wright's Cove Area)

ORIGIN

Harbour East Community Council - January 8, 2004

RECOMMENDATION

The Harbour East Community Council recommends that:

1. **Regional Council give First Reading and set a public hearing date to consider amendments to the Municipal Planning Strategy (MPS) for Dartmouth as outlined in the staff report dated December 19, 2003.**
2. **Regional Council approve the proposed amendments to the Municipal Planning Strategy for Dartmouth, as shown in Attachment 1 of the staff report, to apply a Holding Zone to the parcels of land in Wright's Cove identified on Map 1.**

PLEASE RETAIN REPORT FOR PUBLIC HEARING

BACKGROUND

The Amendment to the Dartmouth Municipal Planning Strategy (MPS) to apply a Holding Zone to parcels of land in the Wright's Cove area was presented to the Harbour East Community Council on January 8, 2004.

DISCUSSION

At the Harbour East Community Council meeting, Councillor Smith expressed concern that the rezoning only applied to those properties with homes on them.

ATTACHMENTS

Staff report dated December 19, 2003


Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

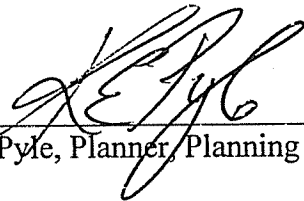
Report Prepared by: Julia Horncastle, Legislative Assistant

Harbour East Community Council
January 8, 2004

TO: Harbour East Community Council

SUBMITTED BY:


Paul Dunphy, Director of Planning and Development Services


Kurt Pyle, Planner, Planning and Development Services

DATE: December 19, 2003

SUBJECT: **CASE 00415: Amendment to the Municipal Planning Strategy for Dartmouth (Wright's Cove Area)**

Supplementary Report

ORIGIN:

- On April 22, 2003, Regional Council reviewed a Staff Report dated November 14, 2002 (Attachment 2), and a recommendation from Harbour East Community Council.
- Regional Council requested staff to initiate the process to amend the Municipal Planning Strategy for Dartmouth to permit the application of the Holding (H) Zone to existing residential properties containing a dwelling in the Wright's Cove area, Dartmouth.

RECOMMENDATION:

It is recommended that Harbour East Community Council:

1. **Recommend that Regional Council move first reading and set a public hearing date to consider amendments to the Municipal Planning Strategy (MPS) for Dartmouth as outlined in this report;**
2. **Recommend that Regional Council approve the proposed amendments to the Municipal Planning Strategy for Dartmouth, as shown in Attachment 1 of this report, to apply a Holding Zone to the parcels of land in Wright's Cove identified on Map 1.**

BACKGROUND:

- In 2001, Regional Council initiated and approved amendments to the Industrial Designation and Zoning for Wright's Cove, Dartmouth
- During the amendment process, residents living in Wright's Cove area on Greenbank Court, Cove Lane, and Basinview Drive requested their properties be rezoned to reflect their residential use (currently zoned industrial) - see Map 1.
- Council did not support the resident's request. Instead, Council adopted amendments to the MPS and LUB documents that provide a higher degree of protection for existing homes in the area from industrial development on adjacent lands. Residents felt that the amendments had not gone far enough to address their issues.
- Councillor Smith requested staff to prepare a report describing how residential zoning could be applied to two areas of land in the Wright's Cove area of Dartmouth. Regional Council agreed that Harbour East Community Council should first review and discuss the report.
- On March 6, 2003, Harbour East Community Council reviewed a Staff Report dated November 14, 2002 (Attachment 2) which recommended against applying any type residential zoning in Wright's Cove. However, Council agreed to consider applying the Holding Zone to those properties in the Cove with existing dwellings.
- On April 22, 2003, Regional Council reviewed the Staff Report and Harbour East Community Council recommendation and initiated the amendment process.

Public Information Meeting

A public information meeting was held on June 16, 2003 to discuss the proposed amendments. Attachment 3 contains a copy of the minutes of this meeting. The main issues raised were:

- replacement of existing dwellings;
- in-ability to obtain mortgages under current zoning;
- future use of the area for residential development; and
- recognition of existing dwellings.

MPS Policy and Zoning

Under Dartmouth's MPS, lands within Wright's Cove have been designated and zoned industrial since the 1970's. The current zoning permits general and harbour-oriented industrial sites. The Industrial Designation policies also recognize instances where homes exist on lands designated for industrial use and attempts to accommodate these existing uses. However, the designation prohibits "...subdivision for new residential uses, additional dwelling units, or dwellings on vacant lots..." (Policy M-8). Consequently, the Holding Zone cannot be considered on lands within the Industrial designation under current MPS policy. If Council wishes to consider the Holding Zone in the subject area, the MPS (ie. Industrial Designation) must be amended.

The H Zone has been applied to those lands within Dartmouth which are considered premature for application of a specific land use designation by reason of lack of services, public facilities or other constraints. The Holding Zone maintains a comparatively high degree of development control and permits residential development (single unit dwellings). Holding zones have been applied to other areas of the Municipality in order to permit a limited level of residential development rights while reserving areas for future development pending availability of infrastructure.

DISCUSSION:

To apply the H (Holding) Zone to those residential properties in Wright's Cove, the Industrial Designation must be amended to permit its application. Given this issue is unique to the Wright's Cove area, the Holding Zone will only be applied there. Further, Policy M-8 does not permit subdivision for new residential uses, additional dwelling units, or dwellings on vacant lots. Thus, the H Zone would only be applied to lots with existing dwellings.

In order to permit the application of the Holding Zone, additional policy and preamble text is required. Attachment 1 contains the relevant amendments. To implement the new policy, zoning applied to lots containing a dwelling on October 2, 2001 (before this date a dwelling could not be replaced) will be changed from I-3 to H (see Map 1).

If Council approves the proposed amendments, the affected lots would be consistent with the zoning applied to the surrounding residential developments in Wallace Heights and Shannon Park. The H Zone would:

- not hinder existing dwellings from being replaced, repaired, or renovated;
- accurately reflects the character and development in this area; and
- recognizes the potential for a change in land use in the future.

BUDGET IMPLICATIONS:

If Council applies the Holding Zone to the subject properties, Council may receive requests for the extension of municipal services (ie. sanitary). Due to the lack infrastructure in the immediate area, extending services would be costly.

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.

ALTERNATIVES:

The following alternatives are identified:

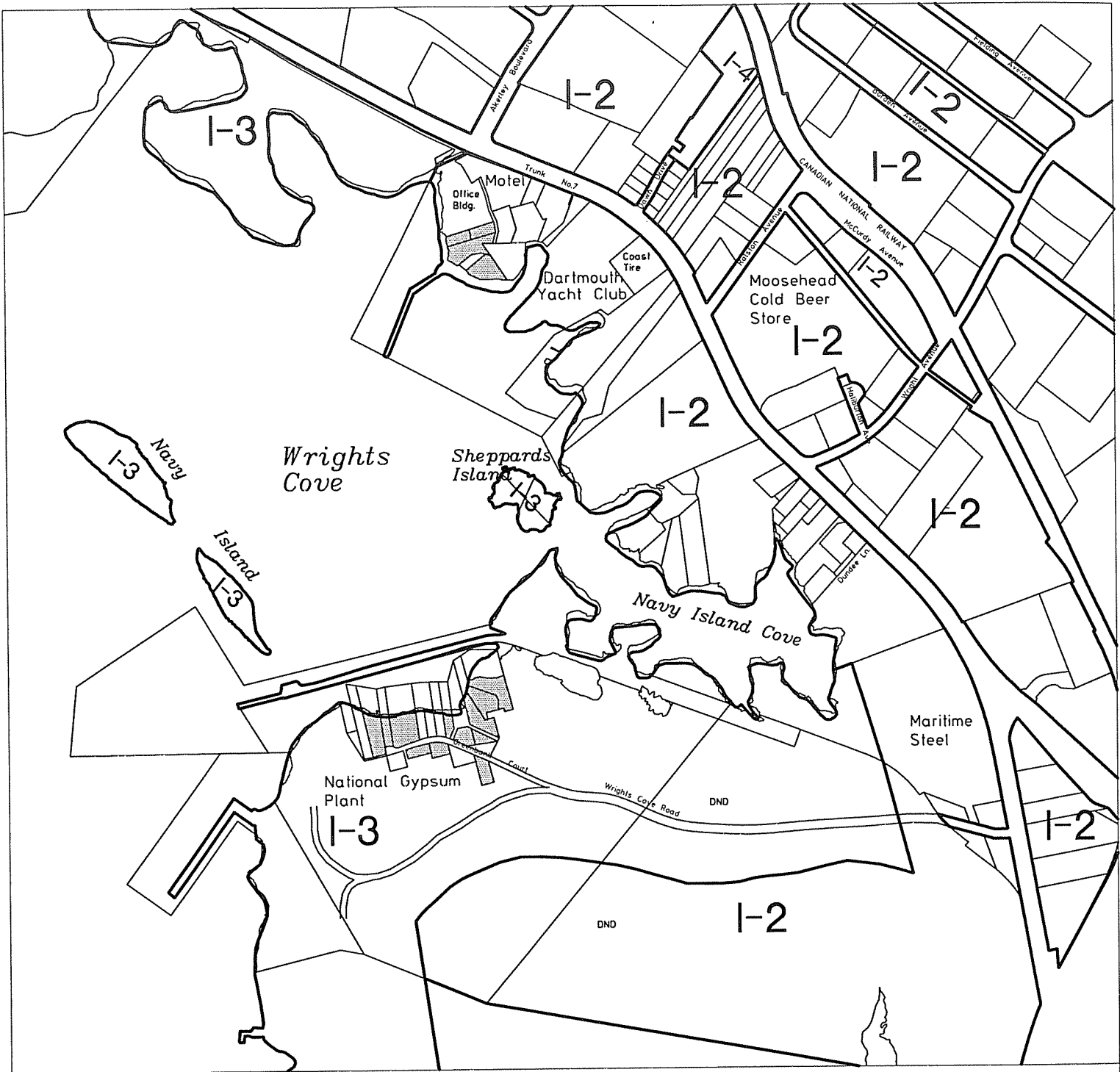
1. Regional Council may wish to follow staff's recommendation.
2. Regional Council may wish to reject staff's recommendation. Staff do not support this action for the reasons stated in this report.

ATTACHMENTS:


Map 1	Location Map and Areas to be Rezoned
Attachment 1:	Amendments to Municipal Planning Strategy
Attachment 2:	Staff Report dated November 14, 2002
Attachment 3:	Minutes of Public Information Meeting

Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report prepared by: Kurt Pyle, Planner, 490-4428



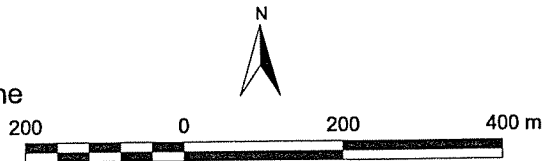
**Map 1
Location Map &
Areas To Be Rezoned**

 Parcels of land to be rezoned from I-3 to H

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PLANNING SERVICES

- I-2 General Industrial Zone
- I-3 Harbour Oriented Industrial Zone

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



Attachment 1

Amendments to
Municipal Planning Strategy for Dartmouth

The Municipal Planning Strategy for Dartmouth is hereby amended by:

1. Deleting one sentence from the preamble under "*Existing Housing in Industrial Areas*" as shown below:

"For example, on Greenbank Court, Cove Lane, and Basinview Drive, near Wright's Cove, there are clusters of homes which do not have municipal sewer service."

2. Adding new text and policy immediately following Policy M-8:

"Near Wright's Cove, there are clusters of homes which have been in existence for a number of years but are not serviced with municipal sewer. The homes are located on Greenbank Court, Cove Lane, and Basinview Drive. Due to the geographic location of the homes, character of development, adjacent land uses/owners, prohibition on new homes on vacant lots, and the potential for a change in land use in the future, the Holding (H) Zone shall be applied to those properties on Greenbank Court, Cove Lane, and Basinview Drive that contained a residential dwelling on October 2, 2001.

Policy M-9 Notwithstanding Policy M-8, properties on Greenbank Court, Cove Lane, and Basinview Drive containing a residential dwelling which existed on October 2, 2001 shall be rezoned Holding (H)."

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 Halifax Regional Council of Halifax Regional Municipality held on the ____ day of ____, A.D. 2003.

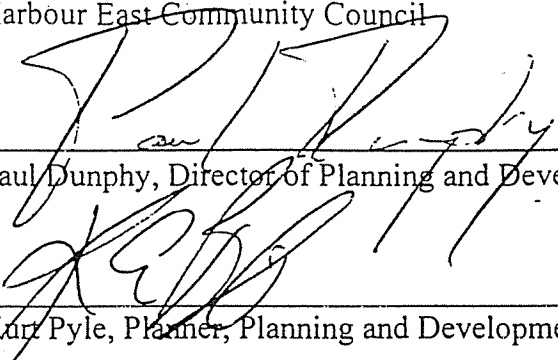
Given under the hand of the Municipal Clerk and under the corporate seal of the said Municipality this ____ day of _____, A.D., 2003.

Jan Gibson
Deputy Municipal Clerk

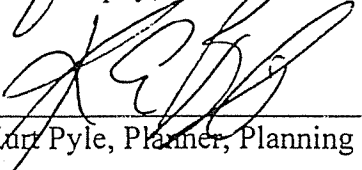
Harbour East Community Council
November 28, 2002

TO: Harbour East Community Council

SUBMITTED BY:



Paul Dunphy, Director of Planning and Development Services



Kurt Pyle, Planner, Planning and Development Services

DATE: November 14, 2002

SUBJECT: **CASE 00415: Amendment to the Municipal Planning Strategy for Dartmouth (Wright's Cove Area)**

ORIGIN:

At Regional Council, (status sheet item 8.11 - October 23, 2001) Councillor Smith requested staff to prepare a report on how residential zoning could be applied to two areas of land in the Wright's Cove area of Dartmouth, currently designated industrial. Regional Council agreed that Harbour East Community Council should first review and discuss the report.

RECOMMENDATION:

It is recommended that the Municipal Planning Strategy for Dartmouth not be amended to apply residential zoning within the Industrial Designation.

BACKGROUND:

In 2001, Regional Council initiated and approved amendments to the Industrial Designation and Zoning (I-2 and I-3 Zones) for Wright's Cove, Dartmouth, in response to a rezoning request by HRM Real Estate Services (Map 1). The properties rezoned fronted on Windmill and Bancroft Roads and were rezoned to permit general industrial and commercial uses in the area.

During the amendment process, residents living in Wright's Cove on Greenbank Court, Cove Lane, and Basinview Drive expressed concern about Industrial zoning which had been applied to their properties. Concerns relate to restrictions on replacing their homes, adding second units, or building on vacant lots (Map 1). Residents requested that residential properties in the area be rezoned to reflect their residential use. Staff did not support the application of residential zoning to the subject areas for several reasons:

- (1) providing for expansion of the residential area would ignore the existing dominant mix of industrial and commercial uses in the area, and could lead to a higher incidence of land use conflicts.
- (2) Wright's Cove area and Burnside have been identified since 1978 for commercial and industrial development, and this should continue as the primary land use policy direction of the area.
- (3) existing homes in the area are not accessible to centralized services, except for municipal water, and encouraging additional housing development may lead to demands for additional municipal services.
- (4) the proximity of the area to the D.N.D. ammunition depot on Magazine Hill makes it generally unsuitable for new housing, as residential uses are the highest risk land use.

To address residents' concerns, staff prepared amendments to the MPS and LUB documents that would provide a higher degree of protection for existing homes in the area from industrial development on adjacent lands. The amendments contained requirements for setback from watercourses, separation and buffering, and broader development options. Attachment 1 contains a summary of the amendments. Regional Council approved the amendments but residents felt that these had not gone far enough to address their issues. Residents desire the R-1 (Single Family Residential) Zone to be applied to their properties.

MPS Policy and Zoning

Under Dartmouth's MPS, certain lands within the Industrial Designation along Halifax Harbour and Bedford Basin are identified as potential harbour-oriented industrial sites. Policy M-6 states that

these areas will be reserved for this use. The entire shoreline of Bedford Basin from the MacKay bridge north to the DND Magazine lands is identified. However, I-2 zoning was applied north of Wright's Cove to Akerley Boulevard, in recognition of existing uses at the time. Areas identified for harbour oriented use include the Navy Island area offshore, the gypsum pier, and substantial DND holdings adjacent to the Wallis Heights residential area. The shoreline areas between the bridge and Wright's Cove are zoned I-3, while the I-2 zone apply to landlocked parcels. An H (Holding) Zone applies to the Wallis Heights' housing development.

The Industrial Designation policies recognize that there are instances where homes exist on lands designated for industrial use and accommodate these existing uses. The designation discourages residential development from being established (Policy M-8). Consequently, no rezoning to any residential zone within the Industrial designation may be entertained by Council. If Council wishes to consider such a rezoning of the subject areas, Dartmouth's MPS (ie. Industrial Designation) must be amended.

Halifax Port Authority

The Port Authority has commissioned a land use plan to address both its current holdings, and future needs. This plan is now in draft form. The authority has an interest in the Navy Island area, just west of Wright's Cove, where it manages the National Gypsum Company jetty, the wharf access road, and the offshore ship base of Wrights Cove Holdings Limited (Secunda Marine).

The Halifax Port Authority was contacted to determine what impact the proposed rezoning may have on their operations. Port Authority has indicated that they do not support residential zoning in this area.

DISCUSSION:

Staff do not recommend that residential zoning be applied within the Wright's Cove area, neither to accommodate existing homes nor on any other lands. The area has been identified since at least 1978 as the principal industrial centre for Dartmouth. Considerable commercial and industrial investment has occurred in the area since that time, in addition to pre-existing uses such as National Gypsum and the wharf facilities. The presence of residential zoning in the Wrights Cove area could restrict industrial development on adjacent or nearby lands. Residential uses are generally incompatible with marine and industrial uses. Further, such a change in zoning would increase the demand for municipal services which would not be cost effective.

Residential Zoning Options

If Council wishes to consider requests for residential zoning in these areas, either the R-1 (Single Family Residential) Zone or H (Holding) Zones could be applied, subject to an MPS amendment. Both zones permit only single unit dwellings, in addition to certain institutional and recreational uses (Attachment 2).

The R-1 Zone has traditionally been applied to serviced subdivisions that have developed over time with single unit dwellings. Both of the subject areas are serviced with water but not with central sanitary services. The application of the R-1 Zone would increase the demand for full municipal services which would be costly, as the nearest sanitary services are on Windmill Road.

The H Zone has been applied to certain lands within Dartmouth which are considered premature for application of a specific land use designation by reason of lack of services, public facilities or other constraints. The Holding Zone maintains a comparatively high degree of development control and permits residential development.

Regardless of the zone chosen, Council would be required to amend the Industrial Designation to permit residential zone in one or both areas. Policy M-8 states that "subdivision for new residential uses, additional dwelling, units, or dwelling on vacant lots shall not be permitted". If Council wishes to apply either zone, it should only be applied to lots having existing dwellings.

If Council wishes to apply residential zoning to the areas, staff recommends the H Zone be applied as it would be consistent with the zoning applied to the surrounding residential developments in Wallace Heights and Shannon Park areas. Further, the H Zone would not hinder existing dwellings from being replaced, repaired, or renovated. The H Zone is applied to a number of subdivisions in Dartmouth, including:

Portland Estates (Phase 1)	Portions of Keystone Estates
Alpine Drive (adjacent Portland Estates)	Inishowen Subdivision (17 lots in Dartmouth)
Lakeshore Estates	

Also, the H Zone more accurately reflects the character and development in this area and the potential for change to non-residential uses.

BUDGET IMPLICATIONS:

If Council applies the residential zoning to the subject area, Council may receive requests for the extension of municipal services (ie. sanitary). Due to the lack infrastructure in the immediate area, extending services would be costly.

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.

ALTERNATIVES:

The following alternatives are identified:

1. Community Council may wish to follow the staff recommendation. In this case, no further action is required.
2. Alternatively, Council may choose to initiate the process to amend the Municipal Planning Strategy for Dartmouth to apply residential zoning to existing residential development within the Industrial Designation. In this case, amendments to apply either the R-1 Zone or the H Zone would be prepared and tabled with Regional Council for a public hearing.

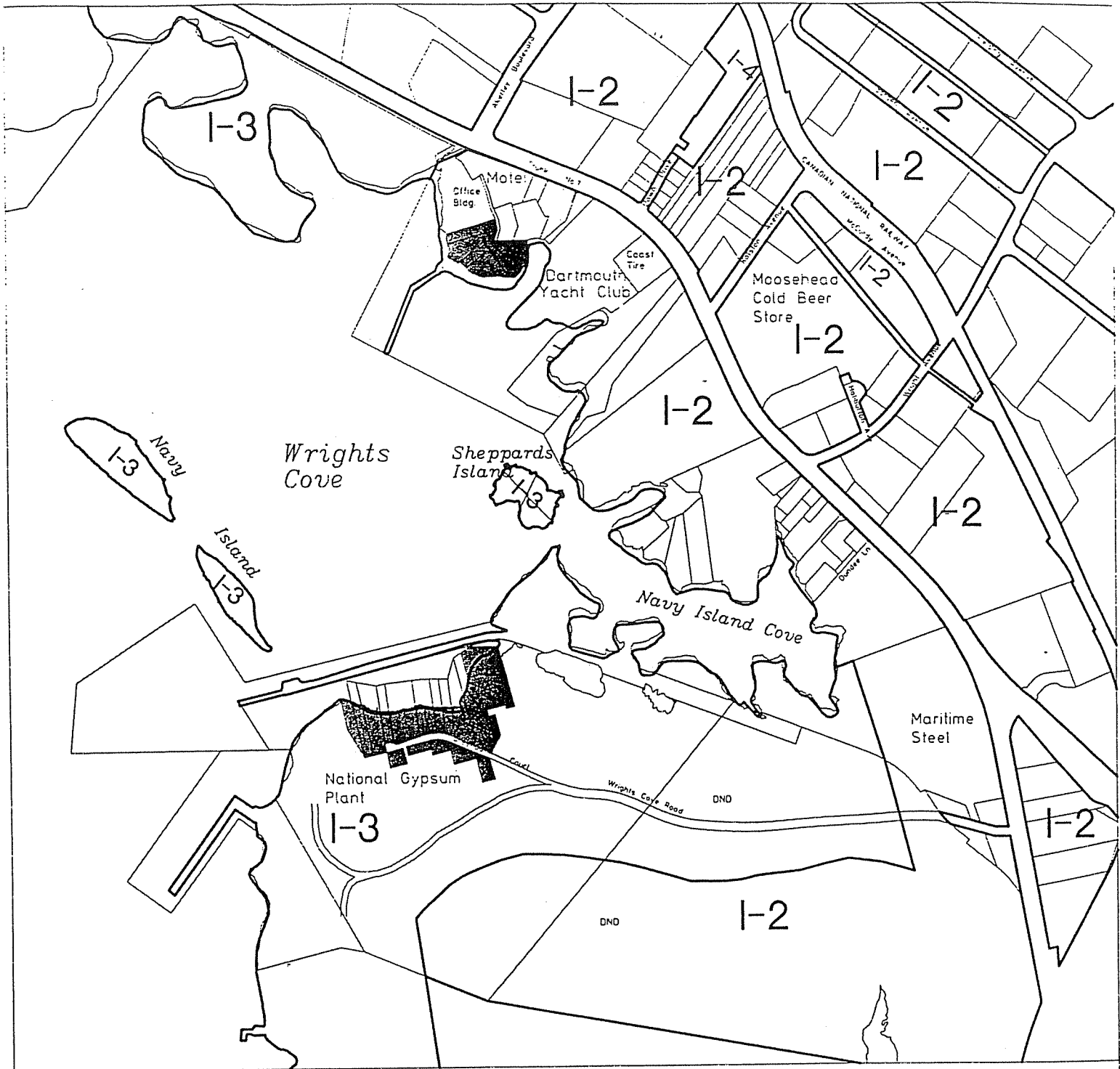
ATTACHMENTS:

Map 1 Location Map


Attachment 1: Summary of Recent Amendments: Industrial Designation
Attachment 2: Permitted Uses: R-1 and H Zones

Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report prepared by: Kurt Pyle, Planner, 490-4428



Map 1
Zoning
Wrights Cove

 Subject Areas

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PLANNING SERVICES

- I-2 General Industrial Zone
- I-3 Harbour Oriented Industrial Zone



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

Attachment 1
Summary of Recent Amendments to Industrial Designation
(Dartmouth MPS)

- (1) Setback from Watercourses:
 - (a) no building shall be permitted within 50 feet of a watercourse;
 - (b) reduction of the setback via minor variance process; and
 - (c) uses (ie. container pier) that require access to the water are exempt.

- (2) Separation and Buffering Requirements:
 - (a) minimum 30 foot setback;
 - (b) industrial use must be screen from residential and park uses;
 - (c) requirement for landscaping measures for industrial uses; and
 - (d) within 500 feet of a residence or park, certain industrial uses must be conducted within a building.

- (3) Development Options:
 - (a) allows for home occupations;
 - (b) prohibits expansion of dwellings that create additional units;
 - (c) prohibits new lots or dwellings on vacant lots; and
 - (d) replacement of existing dwellings.

Attachment 2
 Permitted Uses: R-1 and H Zones

R-1 (Single Family Residential) Zone	H (Holding) Zone
single family dwellings;	all R-1 Zone uses
churches or church halls;	recreational fields and facilities;
schools, colleges, universities, libraries, art galleries, and museums;	golf courses;
public parks and playgrounds;	cemeteries;
tennis clubs, quoit clubs, lawn bowling clubs, archery clubs, golf clubs;	circuses, sports meets or uses of a similar nature on motion of the City Council for limited periods of time;
yacht and boating clubs located within 200 feet of the shore of a lake or Halifax Harbour;	conservation related projects;
uses accessory to any of the foregoing uses;	watersheds;
	passive recreational activities;
	facilities for storage, transmission, treatment, distribution or supply of water;
	uses accessory to any of the foregoing uses.

**Attachment 3:
Minutes of Public Information Meeting**

**HALIFAX REGIONAL MUNICIPALITY
PLANNING & DEVELOPMENT SERVICES
PUBLIC INFORMATION MEETING
CASE NO. 00415 - WRIGHTS COVE**

7:00 p.m.
Monday, June 16, 2003
Dartmouth North Community Centre

STAFF: Kurt Pyle, Planning Services
Connie Moore, Planning Services

OTHER: Councillor Jim Smith
Jerry Pye, MLA

**MEMBERS OF
THE PUBLIC:** 8 approximately

The meeting commenced at 7:15 p.m.

1. INTRODUCTIONS - COUNCILLOR JIM SMITH

Councillor Smith welcomed Jerry Pye, MLA and introduced members of staff in attendance. He described the purpose of the meeting is to discuss a request by Halifax Regional Council to consider amendments to the Municipal Planning Strategy for Dartmouth to enable the application of the Holding Zone to existing dwellings in the Wright's Cove area (located on Greenbank Court, Cove Lane, and Basinview Drive). In April 2003, Regional Council passed a resolution to start a process to amend the Municipal Planning Strategy. The first step in this process is to hold a public information meeting. Staff will provide some background information, followed by a question and answer session. Minutes are being recorded and will be attached to the staff report to Regional Council. First reading will take place in September and a public hearing date will be set.

2. PRESENTATION - KURT PYLE, PLANNING SERVICES

Kurt Pyle explained in 2001, Regional Council started a process and adopted amendments specific to the Wrights Cove area. Residents came out and made it clear to staff they did not want industrial zoning. Staff did not support residential zoning for this area. With the use of an overhead, the areas affected were identified. A request was made to look at rezoning options in terms of applying the R-1 (Single Family Residential) Zone or the H (Holding) Zone. Both options permit residential uses, however, staff did not support either option. If Regional Council wished to proceed and look at residential zoning, Staff recommended the Holding Zone which is consistent with nearby uses. On

March 6, 2003, a staff report was submitted to Harbour East Community Council (HECC). Two residents of Greenbank Court made presentations with regard to the R-1 Zone. HECC's recommendation is to apply the Holding Zone. On April 22, 2003, Regional Council reviewed this recommendation and agreed to proceed with applying the Holding Zone which is why we are here tonight. MPS policy states there be no more residential zoning applied to the area known as Wrights Cove. The Holding Zone will only be applied to existing residential properties.

3. QUESTIONS AND COMMENTS

John MacInnis, 292 Portland Street asked if a house could be built on an empty lot?

Kurt Pyle indicated it could not.

John MacInnis indicated he has a letter from HRM stating he can build with no restrictions.

Kurt Pyle asked when the letter was dated? HRM's Engineering "Red Book" indicates in order to build, the dwelling must be hooked into central services.

John MacInnis noted his letter was from Cathy Spencer, Development Officer.

Kurt Pyle explained he spoke with Development Services regarding the potential for vacant lots. He was advised this area is within the serviceable boundary and would therefore have to be connected to central services.

Ed Schumacher, 12 Basinview Drive commented why would HRM be willing to allow a business on Greenbank Court. The business would have to put in services as well.

Kurt Pyle noted that services would be paid for by the Developer.

Ed Schumacher stated that Seapro invested \$35,000 into the new intersection and HRM spent \$500,000 in upgrades for McDonalds, Subway and Mighty Muffler.

Kurt Pyle responded that HRM made money from this investment through the sale of land.

Councillor Smith asked why isn't the Holding Zone being applied to existing vacant lots?

Kurt Pyle indicated that MPS policy states there will be no new residential dwellings.

Harvey Adams, 30 Greenbank Court stated he purchased three vacant lots off of Greenbank Court that would eventually like to live there. He asked when was the MPS policy for Wright's Cove amended?

Kurt Pyle indicated it was approved October 2001. In terms of residential dwellings, they are within the industrial designation.

Harvey Adams indicated he was not consulted regarding the change. There are 7 or 8 vacant lots in this area and the residents would like to have the choice whether or not to build homes on them.

Kurt Pyle explained in terms of the two areas, there are 22 lots.

Harvey Adams asked if that includes Basinview Drive?

Kurt Pyle responded yes, there are 11 lots on Basinview Drive.

Jerry Pye asked when the policy change took place, was there a public information meeting prior to approval?

Kurt Pyle responded there were two meetings. One meeting was held by Stephen Feist in 1999 and the second was held by Mitch Dickey in 2000. The meetings discussed applying a residential zone to the area. A public hearing followed these meetings and was advertised.

Jerry Pye asked when there is a significant change to a Municipal Planning Strategy, is there a recourse to the Province?

Kurt Pyle explained to rezone a property from I-2 to I-1 is a straight rezoning and is appealable. In this case, the Municipal Planning Strategy was amended and therefore the option to appeal is not there.

Jerry Pye noted the amendments are restrictive to the residents.

Kurt Pyle stated the 2001 amendments gave residents more rights because prior to their approval the dwellings were non-conforming. In 2001, the houses were recognized and now have more rights.

Jerry Pye commented many of the property owners would like to be able to get mortgages. He asked if there are restrictions under the H (Holding) Zone?

For comparison purposes, Kurt Pyle explained that Phase 1 of Portland Estates, parts of Keystone Village, Innoshoven Subdivision and Lakeshore Estates are all zoned Holding and the lots within these subdivisions and being bought and sold constantly.

Ed Schumacher stated this situation is different than the others because it gets HRM off the hook. He asked Mr. Pyle to explain specifically which properties will be applied the Holding Zone?

With the use of an overhead, Kurt Pyle identified the properties.

Ed Schumacher questioned why some of the lots are remaining industrially zoned. He asked why the entire block was not being rezoned?

Kurt Pyle explained if the subject properties were changed to Holding Zone, in order to put a house on those lots, the property owner would have to run a sewer line.

Ed Schumacher remarked that it should be the option and choice of the property owner.

Kurt Pyle responded the problem is the status of the road.

Ed Schumacher asked if there are other ways to get rid of effluent. We don't necessarily have to hook into it.

Kurt Pyle indicated it is a requirement of the "Red Book".

Ed Schumacher asked staff to explain the rationale behind not wanting any more residential? He asked what is the status of Navy Island and will it ever be developed.

Kurt Pyle explained that the Port Authority has been contacted and they do not want their zoning to change.

Ed Schumacher pointed out the greater part of Navy Island is DND.

Kurt Pyle explained they saw there is still potential for shipping purposes. We sent the Port Authority a letter and they said no.

Ed Schumacher questioned what authority they do have.

Kurt Pyle explained they would have the same authority as any other person. They can come to Council and speak at the public hearing.

Ed Schumacher indicated HRM contacted the Halifax Port Authority because they were looking for negative comments.

Kurt Pyle explained it is a requirement to contact them.

Ed Schumacher commented the Port Authority's comments are worth more than local residents. The Dartmouth waterfront is commercial development from the Narrows to Eastern Passage. The only new development taking place is the dock by Imperial Oil. There are a lot of under-utilized waterfront areas. Why hold up something that could potentially happen here. He questioned staff and asked what is there that they want to protect?

Kurt Pyle explained there is limited available waterfront land which is the basis for the Port Authority's decision.

Ed Schumacher commented the Port Authority does not want the land. Staff should be looking at who lives in this area. The water is far too shallow for industrial development. He indicated he does not understand why this land is being locked up.

Kurt Pyle remarked that Council could decide in two to three years time that there should be more residential development in this area via the Regional Planning exercise.

Bruce Baugild, 74 Ardwell Avenue suggested in the next five to ten years ago, staff should make some changes and stop holding people back.

Kurt Pyle indicated Council can change their decision at anytime. The Municipal Government Act allows opportunity for change. Perhaps in five years time, Council will have a different point of view.

Councillor Smith pointed out the Municipal Planning Strategy for Dartmouth was adopted in 1978. In order to change the direction of the plan, the entire policy would have to be reviewed. There are a lot of policies which would be affected.

Jerry Pye noted prior to becoming MLA for Dartmouth North, he was an Alderman with the City of Dartmouth. If the decision of Council in 1978 was revisited, it would be known that one vote made this area Industrial. Since that time, families have lost significantly. There is something wrong in the Municipal Government Act which speaks about the order of good government. There needs to be a time frame in which the municipal documents are reviewed such as every five to ten years. There is still some developable waterfront land which would make prime residential development. In the 1980s, there was a review of the Dartmouth Municipal Planning Strategy which never got approved. In 1996, at the time of amalgamation, the document remained unchanged.

Kurt Pyle noted the opportunity is here sooner than you think because the Regional Plan is underway. The Municipal Planning Strategy only looked at Dartmouth whereas the Regional Plan is looking at the whole municipality. Staff will look at whether these lands are still required. This will happen in the next two years. This may be an avenue to voice your concerns. The Regional Plan will look at the entire waterfront and staff will determine if Dartmouth's vision is still appropriate.

Bruce Baugild asked if it was a two year project?

Jerry Pye asked if there will be public meetings?

Kurt Pyle noted the two year time frame was correct and that a series of public meetings will be held during the two year period.

Ed Schumacher pointed out that a lot of money is being spent on the Harbour Cleanup and it does not make sense to block it off.

Kurt Pyle responded he agrees.

Gary Hill, 86 Portland Estates Boulevard indicated there are some properties on the overhead that are not marked with an S. He asked why they are shaded?

Kurt Pyle responded the properties marked with an S are not included in the Holding Zone. Gary Hill stated the shading means nothing.

Kurt Pyle explained the shaded lots will remain I-2.

Gary Hill asked if the lots are rezoned to Holding Zone, residents can develop and get mortgages. If they want to go away from the Holding Zone and develop an office building, would it be difficult?

Kurt Pyle explained an office building is commercial and therefore would have to be zoned back to industrial zone through the rezoning process.

Mike Graham, 14 Greenbank Court asked what is the purpose of the rezoning?

Kurt Pyle responded the rezoning will apply the Holdings Zone to the existing dwellings.

Mike Graham noted that is not what will happen because vacant lots cannot be developed. Nothing has changed so why bother. Will the taxes be cheaper with the Holding Zone? We will never get sewer in this area so why not leave things alone. The residents have fought three different zonings so far. If our homes burn down, we can now rebuild and fix up our structures. Why change to the Holding Zone. The last saltwater marsh is located in this area and it should be saved. He indicated he has attended Waterfront meetings, and the people do not even know the residents of Wrights Cove exist. Why bother changing a thing - leave it alone.

Councillor Smith explained the reason for the rezoning is because people cannot get mortgages with the existing zoning. At present, people can only borrow a certain amount of money against their property.

Ed Schumacher pointed out it might be possible that Council will consider something better for this area in a few years time.

Jerry Pye remarked there is a Holding Zone in Portland Estates and Keystone Village but they have a significant advantage. There is no clause stating that we have to say it will covert back. It only exists for those with residential now.

Ed Schumacher asked what about those who want to build. There are some parcels which had dwellings that were removed for some reason. Is that a problem?

Kurt Pyle explained in terms of additional residential development, Council does not want more residential to occur.

Ed Schumacher suggested putting an S on all of the shaded properties that currently were not marked.

Kurt Pyle referred to Basinview Drive and explained if sewer were brought in, it would make sense to put in one main line.

Jerry Pye questioned the properties that have already been torn down?

Kurt Pyle explained the rezoning will only affect properties which currently have dwellings.

Jerry Pye asked if an exception could be made to those parcels that recently had dwellings?

Kurt Pyle stated he would have to know when the buildings were demolished.

Gary Hill explained John MacInnis had a dwelling which was taken down only a year ago. He indicated he also demolished some of his own buildings. He explained he had them boarded up but HRM instructed him to tear them down.

Kurt Pyle explained if the buildings were demolished after the amendments came into effect, then they can be considered for the rezoning.

John MacInnis stated the lot next to his does not have an S and it burnt down.

Gary Hill asked what would be the regulation for a house that burnt down? He indicated he has a letter from the City stating he can rebuild.

Jerry Pye stated when Glen Lesberance was with HRM someone asked if they could build a house onto their shed. The rule, at that time, was that you could only build onto a structure that was lived in. It turns out that somebody had been living in their shed for two years.

Kurt Pyle noted he would have to look into it.

Gary Hill asked if the circumstance would qualify?

Kurt Pyle remarked to be on the safe side, his answer would be “no”.

Gary Hill indicated he had structures on two other properties and HRM instructed him to tear them down. He asked if there would be any advantage at all to rebuild?

Kurt Pyle asked when were the buildings demolished?

Gary Hill responded approximately 18 months ago.

Kurt Pyle requested to see a copy of the letter when was sent to Mr. Hill by the Municipality.

Gary Hill asked if there would be any problem including those two properties in the Holding Zone?

Kurt Pyle stated you could always rezone it back but the neighbours would have an opportunity to comment on the rezoning?

Jerry Pye stated in Mr. Hill's case, he was instructed to tear them down. He is now at a disadvantage.

Kurt Pyle commented if the buildings were unsafe, the Municipality had a right to ask him to tear them down.

Jerry Pye indicated this is a disadvantage because in Portland Estates, if a building is torn down, the property owner would have the option of rebuilding.

Kurt Pyle stated depending on the date Mr. Hill was instructed to tear the buildings down, he may be able to rebuild.

Ed Schumacher remarked it is a ridiculous statement to say if my house burns down I cannot rebuild on that property.

Kurt Pyle indicated it happens more than you think. A good example would be the Woodlawn Bottle Exchange. They maybe unable to rebuild because the building burnt down more than 75 percent.

Ed Schumacher stated we are limited in options. If our house burns down, what do we do with our properties. Housing prices continue to increase but we cannot take advantage of it.

Kurt Pyle pointed out there is a house for sale on Greenbank Court for \$219,000.

Ed Schumacher commented he can go to Shore Drive in Bedford and pay \$700,000 for a home.

A resident asked if they can tear their house down and rebuild?

Kurt Pyle indicated "yes".

A resident stated in the old days you had to build onto an existing dwelling. It was asked if a resident wished to consolidate with a property that was marked S, would both lots become "S"?

Kurt Pyle responded "no", the S would remain on the original. The key would be to make the application to consolidate before Council makes a decision. After the process is complete, it is a separate rezoning process.

A resident asked if they should make application to consolidate now?

Kurt Pyle stated not necessarily. In five to ten years time, sewer could come in and the lots would become more valuable. He suggested the individual come into the office to discuss it further.

Jerry Pye asked what is the likelihood of the Holding Zone being applied to all 22 properties?

Kurt Pyle indicated Council's policy is to say no.

Jerry Pye asked what was the original vote?

Kurt Pyle explained it was 12 to 10.

A resident asked about the greenbelt. We have been trying to buy it for 15 years. Are we able to buy it now?

Kurt Pyle suggested calling HRM Real Estate.

A resident explained that HRM is stating they do not own the property on Greenbank Court.

Kurt Pyle noted he would look into it.

A resident explained it is a greenbelt for a body of water. It is access to the water with a 10 foot right-of-way to the back property.

Kurt Pyle stated he will ask HRM Real Estate why they are interested in keeping it.

Harvey Adams asked if it is possible to have the Holding Zone applied to all 22 lots?

Kurt Pyle explained Regional Council has not directed staff to do that. This is the reason for this public information meeting.

A resident asked when are the minutes available?

Kurt Pyle responded they are available once Council sees them.

Gary Hill asked what is the next step in the process?

Kurt Pyle explained staff will prepare a staff report to Harbour East Community Council for a recommendation. Regional Council will then hold a public hearing and a decision will be made. He asked that everyone sign the attendance sheet to ensure public hearing notices are sent to everyone interested.

4. ADJOURNMENT

Councillor Smith thanked everyone for coming. There being no further questions, the meeting adjourned at approximately 8:30 p.m.