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Halifax Regional Council
December 14, 2004

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY:



Dan English, Acting Chief Administrative Officer

DATE: December 9, 2004

SUBJECT: **Case 00698: Amendments to Dartmouth's Municipal Planning Strategy and Land Use - Lake Protection.**

ORIGIN:

- In May 2004, Harbour East Community Council received a request from Save Our Lakes Coalition to develop and implement land use policies and regulations aimed at providing a broad range of measures to protect all of Dartmouth's lakes from impacts of urban development.
- Staff reviewed the request and have determined that most aspects of the project should not proceed at this time. Staff feel that it is appropriate, however, to consider one aspect of the request at this time. This entails the adoption of land use regulations to limit the height of new buildings developed in proximity to Lake Banook.

RECOMMENDATION:

It is recommended that :

1. **Regional Council authorize staff to initiate a process to amend the Dartmouth Municipal Planning Strategy and Land Use By-law to establish a maximum height restriction for development around Lake Banook; and**
2. **Request that public participation be undertaken in accordance with the Public Participation Resolution adopted by Regional Council on February 25, 1997.**

BACKGROUND:

- In 2003, a number of residents of Dartmouth formed the “Save Our Lakes Coalition” in response to development activity occurring around Dartmouth’s lakes. The Coalition is concerned with the protection of all lakes within Dartmouth.
- The Coalition sent a letter to Harbour East Community Council requesting that Council initiate a planning process, consisting of a Citizen’s Advisory Committee, to “provide the necessary standards of development and protection of the lakes through existing and updated regulations”.
- Staff met with representatives of the Coalition on three occasions to discuss and clarify the scope of the proposed amendments and method of implementation.
- The scope of the proposed planning process is broad and entails a review of existing municipal practices and piped service infrastructure in order to assess possible impacts on all of Dartmouth’s lakes. This, along with other aspects of the proposal, has significant impacts on budgets, staff resources and priorities of other HRM business units.
- Additionally, environmental policies aimed at protecting the quality of lakes and watercourses are being developed for the proposed Regional Plan. Should these be adopted it is likely that regional policies will achieve the same results for lake protection that an individual project such as this would achieve.
- Consequently, staff have determined that it is not appropriate to proceed with most aspects of this project at this time.
- However, there is one aspect of the request (protection of the Lake Banook canoe course) which can be considered under current municipal resource commitments and project priorities. The importance of protecting the Lake Banook Canoe Course from large-scale development was recently highlighted in a Wind Impact Study on the Lake Banook Canoe Course for two developments abutting the lake.
- Lake Banook canoe course is one of the best natural canoe courses in the world and it hosts both national and international canoe events (only course in Atlantic Canada). The paddling and rowing regattas that occur on the lake are major recreational events and have a significant historical, economic and social benefits to the region. Thus, wind impacts that prevents these regattas from being held on Lake Banook would be dramatic. Consequently, HRM needs to protect the course from changes in wind speed and direction resulting from new development.
- The Coalition and Atlantic Division of Canadian Canoe Association were advised of staff’s intention and both groups agreed that the course needs to be protected. However, the Coalition stands firm on its request for HRM to establish better environmental measures on all lakes within Dartmouth and the Canoe Association wants the height restriction applied to Lake MicMac as it is used for training purposes by both paddlers and rowers.

DISCUSSION:

In 2004, HRM undertook to prepare a Wind Impact Study related to two separate proposals to develop condominium apartments buildings on lands which front on Lake Banook and the Canoe Course. The Study highlighted the potential impact large buildings can have on the canoe course. Staff feel that it is appropriate for Council to consider adopting land use regulations to restrict the height of new buildings which may be developed around Lake Banook in the future. There is a concern commercial zoning that has been applied to certain properties in the area may not provide adequate protection of the canoe course from wind associated impacts related to larger-scale buildings. Negative impacts on the canoe course could negatively affect the canoe course's capability to serve as a venue for national and international events.

The lands surrounding Lake Banook are already developed, except for a few small lots. The vast majority of the lands are designated, zoned, and used for residential purposes. Within Dartmouth, residential zones do not restrict the height of a building. Further, Dartmouth's MPS allows for various residential uses to be considered either by rezoning (two unit dwellings/townhouses) or by development agreement (such as apartment buildings) with no specified height restriction. Of the remaining lands around Lake Banook, most are designated, zoned, or used for commercial purposes. Commercial zones also do not restrict the height of a building except for office buildings.

Due to the importance of protecting the Lake Banook canoe course, the potential for large-scale buildings to negatively impact the course and the lack of height restrictions for most land uses, staff considers it advisable for Council to adopt a maximum height threshold for all buildings, regardless of land use, around Lake Banook.

The Atlantic Division of Canadian Canoe Association has requested that HRM also apply similar height restriction to lands around Lake MicMac as it is used as a training area for both paddlers and rowers. A height restriction around Lake MicMac would benefit both paddlers and rowers on the lake but would not enhance the Lake Banook canoe course and its function as a venue for national or international events which is the reason for the proposed restriction. Further, a height restriction would be difficult to define due to the lack of definitive training course on Lake Mic Mac. If Council wishes to consider a height restriction around Lake MicMac, it should be less restrictive than what may be considered for lands in the vicinity of Lake Banook.

BUDGET IMPLICATIONS:

The initiation of this plan amendment process has no budget implications.

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 and utilization of Capital and Operating reserves, as well as any relevant legislation.

ALTERNATIVES:

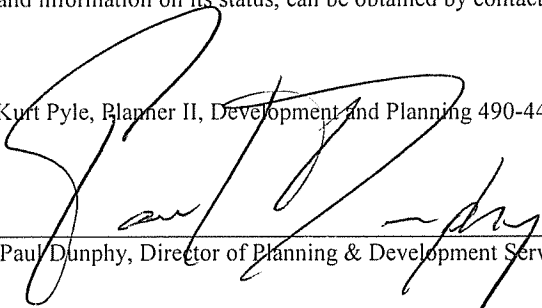
1. Authorize staff to initiate the process to amend Dartmouth's Municipal Planning Strategy and Land Use By-law to establish a maximum height restriction for development around Lake Banook. This is recommended course of action for the reasons described above.
2. Authorize staff to initiate the process to amend Dartmouth's Municipal Planning Strategy and Land Use By-law to establish a maximum height restriction for development around Lakes Banook and Lake MicMac. This is not the recommended course of action for the reasons described above.
3. Refuse the request to undertake any amendments at this time. A request to amend a Municipal Planning Strategy is at Council's discretion and cannot be appealed. This is not recommended for the reasons outlined above.

ATTACHMENTS:

Map 1: Location and Zoning Map

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.

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Report Approved by: 
Paul Dunphy, Director of Planning & Development Services



Map 1
Zoning & Location

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|--------------------------------------|--------------------------------|
| R-1 Single Family Residential Zone | C-2 General Business Zone |
| R-2 Two Family Residential Zone | PK Park & Open Space Zone |
| R-3 Multiple Family Residential Zone | DN Downtown Neighbourhood Zone |
| H Holding Zone | |
| P Park Zone | |
| S Institutional Zone | |

