

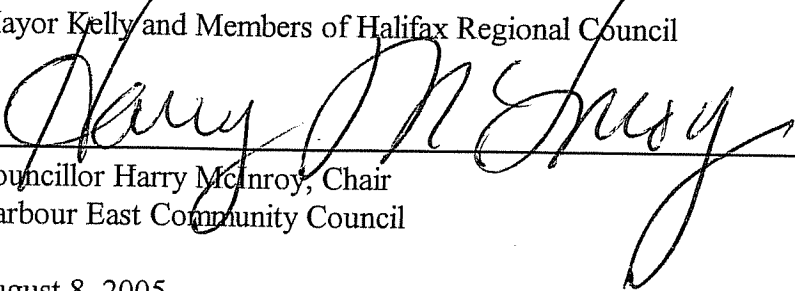
10.3.1



PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Halifax Regional Council
September 6, 2005

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY: 
Councillor Harry McInroy, Chair
Harbour East Community Council

DATE: August 8, 2005

SUBJECT: **Case 00525: Amendments to the Municipal Planning Strategy for Cole Harbour/Westphal and Dartmouth**

ORIGIN

Meeting of Harbour East Community Council held on August 4, 2005.

RECOMMENDATION

Harbour East Community Council recommends that:

1. Halifax Regional Council **refuse** to amend the Municipal Planning Strategies (MPS) and Land Use By-Laws (LUB) for Cole Harbour/Westphal and Dartmouth to realign the Plan Area Boundary as depicted on Map 1 attached to the July 25, 2005 staff report.
2. Halifax Regional Council **refuse** to extend the Water Service District boundary to those lands owned by Lake Loon Development on the south side of Loon Lake, Westphal.

DISCUSSION

Harbour East Community Council considered this matter at their August 4, 2005 meeting and approved the above recommendation.

BUDGET IMPLICATIONS

N/A

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

N/A

ATTACHMENTS

1. Staff report dated July 25, 2005.
2. Extract of Draft Minute of August 4, 2005.

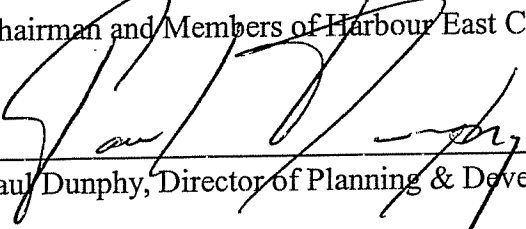
Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.
Report Prepared by: Sherryll Murphy, Legislative Assistant



PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Harbour East Community Council
August 4, 2005

To: Chairman and Members of Harbour East Community Council

Submitted by: 
Paul Dunphy, Director of Planning & Development Services

Date: July 25, 2005

SUBJECT: Case # 00525 - Amendments to the Municipal Planning Strategies for Cole Harbour/Westphal and Dartmouth

SUPPLEMENTARY REPORT

ORIGIN

1. November, 2002 request by Lake Loon Developments Limited to expand the Water Service District boundary in Westphal to residential development on central water service (see Map1).
2. February 6, 2004 staff report and April 1, 2004 Regional Council decision to initiate the process to consider MPS amendments.
3. Public meeting of June 9, 2004 held by Harbour East Planning Advisory Committee.
4. Staff report prepared for Harbour East Planning Advisory Committee in November, 2004 withdrawn at the request of the applicant.

RECOMMENDATION

It is recommended that Harbour East Community Council:

1. **Recommend that Regional Council refuse to amend the Municipal Planning Strategies (MPS) and Land Use By-laws (LUB) for Cole Harbour/ Westphal and Dartmouth to realign the Plan Area Boundary as depicted on Map 1, attached to this report;**
2. **Recommend that Regional Council refuse to extend the Water Service District boundary to those lands owned by Lake Loon Development on the south side of Loon Lake, Westphal.**

BACKGROUND

In 1994, Montague Estates was included within a Water Service District boundary as part of a broader land use/servicing policy initiative undertaken by the former Halifax County. As part of a 1999 development agreement which permitted a golf course, the applicant agreed to connect (loop) the water system between the two ends of Montague Drive and provide a service easement across the golf course lands (identified on Map 1 as “approved water service connection”).

To date, the developer has not fulfilled the requirement to loop the water system and this has been a matter of contention. The golf course has been constructed and is in operation. The developer however, has been reluctant to construct the loop as it will interfere with operation of the golf course. The developer has proposed an alternative servicing scheme which has been reviewed by the Regional Water Commission (identified on Map 1 as “alternative proposed water services connection”). This alternative alignment will satisfy the condition of the development agreement and provide water service reliability to a greater area than the original concept.

Staff wish to advise Council that the applicant's desire to subdivide and service an additional 51 acres with water service which is the basis for this application, is separate from the developer's obligation in the approved development agreement to loop the water service.

Requested Amendments

The applicant requests amendments to the municipal planning strategies for Dartmouth and for Cole Harbour/Westphal in two parts:

1. That their lands be removed from the Dartmouth plan area and added to the Cole Harbour/Westphal plan area so that they can be subject to less restrictive land use policies and zoning regulations applicable to the Cole Harbour/Westphal plan area.
2. That the Water Service District in Westphal be extended to include lands which the company owns between Forest Hills Connector (Trunk 7) and Lake Loon in Westphal (see Map 1). The intention is to accommodate the subdivision of new single unit dwellings on centralized water service.

The proposed amendments present concerns which will be elaborated on by this report. If the amendments are approved, the development potential of the Montague Estates subdivision will be increased by 25 homes. Any future development of these lands is subject to further detail and subdivision approval. At this time, no detailed studies have been conducted by the applicant to determine potential impacts on existing servicing systems to determine the appropriateness of the proposed land use, nor has any environmental analysis been provided. Therefore, there is no guarantee that the proposed subdivision will meet all criteria necessary for subdivision approval.

A staff report evaluating the applicant's requests was originally prepared in October 2004 with the intention of presenting a recommendation to Harbour East Community Council in November 2004.

However, at the request of the applicant the staff report was withdrawn in order to enable the applicant an opportunity to address concerns raised by staff.

MPS Policy and Zoning

Dartmouth Plan Area

Although the site is in Westphal, it is in the Dartmouth plan area because it was once part of the former City of Dartmouth. The lands are physically divided from the remainder of Dartmouth by the Forest Hills Connector.

The site is designated Reserve under the Dartmouth MPS and zoned H (Holding) Zone (Map 2). The Reserve designation recognizes that certain lands within Dartmouth are premature for specific development due to lack of services, public facilities or other constraints and that urban forms of development should be directed to areas of Dartmouth which can be economically serviced. Subdivision within the Reserve designation is limited to one lot per year. Development of the subject lands is currently subject to on-site servicing standards for both water and sewer.

Cole Harbour/ Westphal Plan Area

Lands situated north of Barry's Run and Mitchell Brook between Loon Lake and the Montague Road are generally within the Cole Harbour/Westphal plan area and designated Rural Residential and Watershed. Most of the Montague Estates subdivision is designated Rural Residential and is zoned R-1 (Map 2).

MPS Policies Respecting Water Service Districts

In 1993-94, Halifax County Council approved the designation of several Water Service Districts in areas served by the regional water system. Within the Cole Harbour/Westphal plan area, these areas included lands along: Bissett Road; Ross Road; Broom Road; Caldwell Road; Montague Road; the Cole Harbour Road/Ritcey Crescent area; and the Salmon River subdivision area.

Public Consultation

A public meeting for this application was held by Harbour East Planning Advisory Committee on June 9, 2004 (see Attachment C). Approximately 35 residents attended this meeting. Specific concerns raised during the meeting pertained to safety implications due to a lack of a current second access servicing the Montague Estates subdivision and Montague Links Golf Course and concern for potential habitat and watershed degradation resulting from additional waterfront residential development.

DISCUSSION

Rationale for Change

Site specific amendments to the MPS are not routine applications. While there is an ability for Council to amend its MPS, it is under no obligation to do so and there is no appeal on its decision to amend or not amend.

As the Municipal Planning Strategy is the document adopted by Council to guide the future development of the municipality, requests to change it are generally not supported. Applicants should demonstrate how circumstances have changed which make the current designation or policy no longer appropriate. If an amendment is justified, the second matter relates to what designation or policy is appropriate.

A- Request to Re-align Plan Area Boundaries

There is merit in considering a plan area boundary change in this area:

- all of the lands situated between Loon Lake and Forest Hills Connector are physically severed from the remainder of the Dartmouth plan area by the highway which was constructed after the Dartmouth MPS was adopted; and
- municipal amalgamation in 1996 effectively removed any political boundary between Dartmouth and the former County.

It should be noted that several other properties in the area are in the same situation, but are not included in this application.

Although there is general merit to consider a re-alignment of the plan area boundary for several properties, the following two technical issues impact the applicant's property:

1. The bulk of land holdings between Forest Hills Connector and Loon Lake are under ownership by the Province. The Province has expressed a desire to complete the Highway No. 107 By-pass which would see construction of one segment through lands which it has acquired immediately north of the applicant's lands (see Map 1).

A planned at-grade, signalized intersection with the Forest Hills Connector could provide direct street access to the applicant's lands. Access would be subject to provincial approval. It is not known whether the Province would permit the access. Without this access, the only apparent means of providing street access to the subject lands would be through the existing Montague Estates subdivision which leads to the second issue.

2. Montague Estates is currently served by a single access. At this time, the applicant has not demonstrated how a secondary means of access would be provided to this subdivision. Cul de sacs are not appropriate to access a large number of properties. As a general rule, the Municipality discourages cul de sacs of excessive length which are intended to serve more than 100 dwelling units. There is a clearly established public safety basis for this requirement. In its existing condition, the street being requested for extension is already 16 times the acceptable cul de sac length as provided by the MSS Guidelines.

Exceptions may be considered temporarily where a developer can confirm that additional access connections will be constructed. In this situation, the applicant proposes a second access to be constructed on Hwy. 107, owned and maintained by the Provincial government.

NSTPW has established criteria for the location of such an access, based on the proposed location of the HWY 107-Cherrybrook By-pass interchange. However, the location of this permitted access falls on lands not owned by Lake Loon Development. Furthermore, the Province will not support the construction of this intersection prior to completion of the Bypass. It is estimated that the By-pass will be completed within 10-20 years.

NSPTW has also indicated the access should be a 4-way intersection. The current land owner on the opposite side of the Forest Hills Connector is the HRWC. The HRWC is not currently in a position to comment on whether a fourth leg of an intersection on the watershed lands would be entertained. Additional study of development options for lands on the opposite side of the Forest Hills Connector would be required in order to determine whether or not such an intersection would be warranted.

Should the applicant be permitted to proceed with the extension of the street, ending with a temporary turning bulb, there is no method of ensuring the street's construction to the intersection, should permission be granted from the Province to do so. This would result in the HRM or the NSTPW having to complete the intersection and second access to the proposed development. In staff's opinion, this is potentially a high financial risk for HRM to incur. Over and above the potential financial risk to the HRM, there is the safety concern for residents of Montague Estates with regard to the length of the street network which depends on a single access point. Should a portion of the main road be blocked or rendered impassible during an emergency, there is no other method of entry to or from the development.

In June, the applicant presented a proposed emergency second access as a possible solution to address staff's concerns with regard to cul de sac length. The location for this proposed connection would generally follow the alignment of the proposed alternative water services connection indicated on Map 1 and connect the Montague Estates subdivision with Montague Road. The proposed alignment for this access utilizes lands owned by HRM and the Province and thus would require consideration and approvals from the relevant authorities. This connection would address concerns with regard to the length of the existing road network. However, the proposed road extension necessary to access the additional 51 acres of land will result in a cul de sac that is more than 10 times the acceptable cul de sac length as provided by the MSS Guidelines. In staff's opinion, the proposed emergency access does not mitigate concerns with regard to the length of the proposed street network, nor does it remove the potential financial risk to HRM for completion of the intersection and permanent second access.

B- Request to Expand Water Service District

The Cole Harbour/Westphal MPS stipulates that "central municipal water services will only be permitted within designated Water Service Districts"(pg. 22). Furthermore, the same section of the MPS provides for; "expansion of existing Water Service Districts or the establishment of new ones where it can be demonstrated that all engineering, financial, and planning concerns have been

properly addressed". Policies E-10(a) and E-10(b) are pertinent to this application (refer to Attachment A). Specifically, when considering new or expanded Water Service Districts, priority shall be given to existing communities:

- identified as experiencing problems related to insufficient quantity and/or poor quality of existing sources of water supply;
- within a reasonable distance of the central water supply system where there is a demonstrated need and conditional upon the availability of water supply capacity; and
- areas which would provide looping of existing infrastructure thereby enhancing reliability of the water system in the local area.

The subject lands do not constitute an area where there is an identified risk due to insufficient quantity or poor water supply for the following reasons:

- the lands are presently undeveloped and therefore are not an "existing community" where there is a "demonstrated need";
- the proposed alternative water service connection will provide greater water service reliability in the area. However, providing a looped water service is a requirement which the developer must fulfill as part of a commitment to approval of the existing developed subdivision. The requirement to provide looping of the existing infrastructure in Montague Estates is not contingent upon the applicant receiving approval to develop additional lands in the area.

Furthermore, the applicant has not undertaken detailed engineering studies to determine potential impacts on existing servicing systems, or planning studies to determine the appropriateness of the proposed land use, nor has any environmental analysis been provided. Clearly, the application does not meet the MPS criteria for considering this area as a "priority" for expansions to the Water Service District.

Proposed Regional Plan:

The draft Regional Plan has been presented to Regional Council. The plan proposes environmental measures, including buffers from watercourses, which are in excess of those provided under the current MPS and LUB for Cole Harbour/Westphal. In addition, the plan proposes limited extensions to or the creation of new water service districts. The subject lands are not proposed to be included in a water service district under the draft Regional Plan.

Lake Loon Developments proposes to re-designate and rezone the subject property from the Holding Zone to a residential zone that would result in as-of-right subdivision potential. If the requests are approved by Council, the proposal will have to meet whatever requirements are in place at the time of subdivision approval. This may include new regulations and policies adopted as part of the Regional Plan. Therefore, there is no guarantee that a proposed subdivision will meet all criteria

necessary for subdivision approval and Lake Loon Developments may have to modify its conceptual subdivision proposal in order to meet any new requirements which may be adopted.

Conclusion

Plan Boundary Realignment

Staff has reviewed this request from numerous angles attempting to find a solution that is suitable to all parties. Notwithstanding the pros and cons of realigning the plan area boundary, acceptable development of the site is limited by the lack of a second access. A possible future second access servicing Montague Estates via a future 107 By-pass interchange is speculative. A proposed emergency access does not mitigate staff concerns for excessive cul de sac length and potential financial risks to HRM. Since a second access cannot be guaranteed it is inappropriate to increase the total number of dwelling units from 90 to approximately 115.

Water Service District Boundary Extension

The site does not constitute a "priority area" where there is an identified risk due to insufficient quantity or poor water supply because the lands are currently undeveloped. The applicant is obligated by a previously approved development agreement to loop the water system in Montague Estates. Further looping or enhancements to the local water system resulting from the proposed development have not been demonstrated. Therefore, this application is premature and on this basis should not be approved by Council at this time.

BUDGET IMPLICATIONS

Should the applicant be permitted to proceed with the extension of the street, ending with a temporary turning bulb, there is no method of ensuring that the applicant will complete the construction of the intersection, once permission is granted from the Province to do so. This would result in the HRM or the NSTPW having to complete the intersection and second access to the proposed development. In staff's opinion, this is potentially a high financial risk for HRM to incur.

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 to the staff recommendation are identified:

1. **Regional Council** may **refuse** the requested amendments to the Municipal Planning Strategy and land use by-law to amend the Municipal Planning Strategies (MPS) and Land Use By-laws (LUB) for Cole Harbour/ Westphal and Dartmouth to realign the Plan Area Boundary as depicted on Map 1, attached to this report; and **refuse** to extend the Water Service District

boundary to lands owned by Lake Loon Development on the south side of Loon Lake, Westphal. This is the recommended course of action.

2. **Regional Council** may approve the requested amendments to the Municipal Planning Strategy and land use by-law to amend the Municipal Planning Strategies (MPS) and Land Use By-laws (LUB) for Cole Harbour/ Westphal and Dartmouth to realign the Plan Area Boundary as depicted on Map 1, attached to this report; and approve the request to extend the Water Service District boundary to lands owned by Lake Loon Development on the south side of Loon Lake, Westphal. This is not the recommended course of action for reasons identified in this report.
3. **Regional Council** may approve the requested amendments to the Municipal Planning Strategy and land use by-law to amend the Municipal Planning Strategies (MPS) and Land Use By-laws (LUB) for Cole Harbour/ Westphal and Dartmouth to realign the Plan Area Boundary as depicted on Map 1, attached to this report; and **refuse** to extend the Water Service District boundary to lands owned by Lake Loon Development on the south side of Loon Lake, Westphal. This is not the recommended course of action.
4. **Regional Council** may approve the request by Loon Lake Developments Ltd. to amend the Municipal Planning Strategies (MPS) and Land Use By-laws (LUB) for Cole Harbour/ Westphal and Dartmouth to remove only their parcel of land and include it in the Cole Harbour/Westphal Plan area and approve the request to extend the Water Service District boundary to lands owned by Lake Loon Development on the south side of Loon Lake, Westphal. This is not the recommended course of action.

ATTACHMENTS:

Map 1: Location Map & Zoning

Map 2: Generalized Future Land Use and Water Service District

Attachment A: Relevant MPS Plan Policy

Attachment B: Relevant LUB Requirements

Attachment C: Harbour East Public Meeting Minutes - June 9, 2004

Staff report dated November 1, 2004 (available upon request)

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: John MacPherson, Planner, 490-5719

Report Reviewed by: Katelyn Smith
for Kellea Redden, Financial Consultant, 490-6267



**Map 1
Zoning**

COLE HARBOUR - WESTPHAL ZONING

- R-1 Single Unit Dwelling
- R-2 Two Unit Dwelling
- R-3 Mobile Dwelling
- R-4 Multiple Unit Dwelling
- R-1a Single Unit Dwelling
- R-7 Rural Estate
- P-1 Open Space
- P-2 Community Facility
- P-4 Conservation

Property proposed to be moved to Cole Harbour - Westphal Plan

COLE HARBOUR - WESTPHAL ZONING

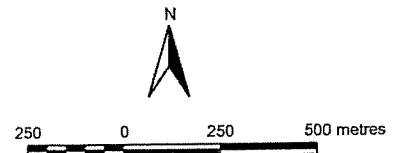
- C-4 Highway Commercial
- PUD Planned Unit Development
- Development Agreement

DARTMOUTH ZONING

- H Holding Zone
- P Park + Open Space Zone
- R-3 Multiple Family Dwelling Zone
- C Conservation Zone


HALIFAX
REGIONAL MUNICIPALITY
PLANNING SERVICES

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





**Map 2
Generalized Future
Land Use**

 **Subject Property**
(Area proposed to be added to
the Cole Harbour - Westphal
Plan Area)

HALIFAX
REGIONAL MUNICIPALITY
PLANNING SERVICES

COLE HARBOUR - WESTPHAL

 **Urban Residential**

 **Rural Residential**

 **Highway Commercial**

 **Watershed**

DARTMOUTH

 **Conservation**

 **Holding**

 **Water District Boundary**

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



250 0 250 500 metres

Attachment A
Relevant Municipal Planning Strategy Policy

Cole Harbour/Westphal (MPS)

RURAL RESIDENTIAL DESIGNATION

There remain large areas of land within the Plan Area, which are not presently accessible by public road. As discussed in Section II, concern regarding development in these areas relates to the potential demand for central water and sewer services and to the influence of larger new developments upon existing community form.

RR-1 With regard to Policy E-12, it shall be the intention of Council to establish a Rural Residential Designation as shown on the Map 2 - Generalized Future Land Use Map. Lands within the Designation shall constitute a secondary area for residential development.

RR-2 Within the Rural Residential Designation, it shall be the intention of Council to establish a rural estate zone, which shall permit open space uses and single unit dwellings located on lots having a minimum area of eighty thousand (80,000) square feet and provide for the use of dwellings for limited day care facilities and businesses operated by the owner of the dwelling. In addition, the zone shall control parking and the number and size of signs, and prohibit open storage and outdoor display.

WATER SERVICES

It is the intent of Council that central municipal water services will only be permitted within designated Water Service Districts. Council may, however, consider the expansion of existing Water Service Districts or the establishment of new ones when satisfied that all engineering, financial, and planning concerns have been properly addressed.

E-10(a) It shall be the intention of Council to establish Water Service Districts for those areas to which central municipal water services only have or may be extended in the future, as shown on the Water Service District Map (Map 2). It shall be the policy of Council that the extension of central municipal water services shall not be permitted outside of designated Water Service Districts. It shall further be the policy of Council that within the Water Service Districts, central municipal water services shall be provided to all subdivisions adjacent to existing municipal water services and which propose to provide a new or extended public street or highway.

E-10(b) Notwithstanding Policy E-10(a), Council may consider amending this planning strategy and the Municipal Subdivision By-law to permit the expansion of existing or the establishment of new Water Service Districts. When considering new or expanded Water Service Districts, priority shall be given to:

- (1) areas identified as experiencing problems related to insufficient quality and/or poor quality of existing sources of water supply;
- (2) existing communities within a reasonable distance of the central water supply system where there is a demonstrated need and conditional upon the availability of water supply capacity; and
- (3) areas which would provide looping of existing infrastructure thereby enhancing reliability of the water system in the local area.

In addition to the priority criteria outlined above, it shall also be the policy of Council when considering the establishment of new or expanded Water Service Districts, to have regard to the following:

- (a) the engineering and financial implications of such extensions as identified by the Master Infrastructure Plan, Implementation Plan, and Financial Plan carried out pursuant to Municipal Services General Specifications;
- (b) the potential scale of such development and the effects which this may have on existing and future levels of services, as well as the development pattern which is desired and deemed appropriate within this plan area as well as the larger Municipality; and
- (c) environmental considerations related to the long term integrity of on-site sewage disposal systems as well as natural water drainage systems. (C-AUGUST 29, 1994 / M-OCTOBER 21, 1994)

Attachment B
Relevant Land Use By-law Requirements

COLE HARBOUR/WESTPHAL LAND USE BY-LAW

PART 14: R-7 (RURAL ESTATE) ZONE

14.1 R-7 USES PERMITTED

No development permit shall be issued in any R-7 (Rural Estate) Zone except for the following:

Residential Uses

Single unit dwellings;
Home business uses in conjunction with permitted dwellings;
Day care facilities for not more than fourteen (14) children and in conjunction with permitted dwellings.

Community Uses

Open space uses

14.2 R-7 ZONE REQUIREMENTS: RESIDENTIAL USES

In any R-7 Zone, where uses are permitted as Residential Uses, no development permit shall be issued except in conformity with the following:

Minimum Lot Area	80,000 square feet (7432.2 m ²)
Minimum Frontage	200 feet (61 m)
Minimum Front or Flankage Yard	20 feet (6.1 m)
Minimum Rear or Side Yard	8 feet (2.4 m)
Maximum Lot Coverage	35 percent
Maximum Height of Main Building	35 feet (10.7 m)
Minimum Width of Main Building	20 feet (6.1 m)

14.3 OTHER REQUIREMENTS: HOME BUSINESS USES

Where home business uses are permitted in any R-7 Zone, the following shall apply:

- (a) Any business shall be wholly contained within the dwelling which is the principal residence of the operator of the business.
- (b) No accessory building shall be used for the storage or display of materials, goods, supplies or equipment related to the operation of the business.
- (c) No more than twenty-five (25) per cent of the gross floor area shall be devoted to any business use, and in no case shall any business use occupy more than three hundred (300) square feet (27.9 m²) gross floor area.
- (d) No mechanical equipment shall be used except that which is reasonably consistent with the use of a dwelling and which does not create a nuisance by virtue of noise, vibration, glare, odour or dust or which is obnoxious.
- (e) No outdoor storage or display of materials, goods, supplies, or equipment related to the operation of the business use shall be permitted.
- (f) No more than one (1) sign, which shall be affixed to the main dwelling, shall be permitted for any business and no such sign shall exceed two (2) square feet (0.2 m²) in area.
- (g) One (1) off-street parking space, other than that required for the dwelling shall be provided for every one hundred and fifty (150) square feet (13.9 m²) of floor area devoted to any business.
- (h) No exterior alterations to the dwelling related to the business use shall be permitted except to meet fire safety, structural safety, or health regulations.
- (i) No retail operation shall be permitted except where retail is accessory to a business use which involves the production of goods or crafts or the provision of a service.

14.4 OTHER REQUIREMENTS: COMMUNITY USES

In any R-7 Zone, where uses are permitted as Community Uses, no development permit shall be issued except in conformity with the provisions of Part 20.

14.5 OTHER REQUIREMENTS: DAY CARE FACILITIES

Where day care facilities are permitted in any R-7 Zone, the following shall apply:

- (a) With the exception of outdoor play space, any day care facility shall be wholly contained within the dwelling, which is the principal residence of the operator of the facility.
- (b) No open storage or outdoor display shall be permitted.
- (c) No more than one (1) sign shall be permitted for any facility and no such sign shall exceed two (2) square feet (0.2 m²) in area.
- (d) One (1) off-street parking space, other than that required for the dwelling, shall be provided.

DARTMOUTH LAND USE BY-LAW

H ZONE - HOLDING ZONE

47. (1) The following uses only shall be permitted in an H Zone:

- (a) R-1, C, and P uses as herein set out;
 - (b) uses accessory to any of the foregoing uses.
- (2) Buildings used for R-1, C or P uses in an H Zone shall comply with the requirements of an R-1, C or P Zone respectively

R-1 ZONE - SINGLE FAMILY RESIDENTIAL ZONE

32. (1) The following uses only shall be permitted in an R-1 Zone:

- (a) Single family dwellings;
- (b) churches or church halls;
- (c) schools, colleges, universities, libraries, art galleries, and museums;
- (d) public parks and playgrounds;
- (e) tennis clubs, quoit clubs, lawn bowling clubs, archery clubs, golf clubs;
- (f) yacht and boating clubs located within 200 feet of the shore of a lake or Halifax Harbour;
- (g) uses accessory to any of the foregoing uses;

- (2) Buildings used for R-1 uses in an R-1 Zone shall comply with the following requirements:
- (a) Lot area minimum - 5,000 square feet
 - (b) Lot coverage maximum - 35 %
 - (c) Side and rear yards shall be provided on each side and at the rear of buildings as provided by the Building By-laws of the City.
- (3) Notwithstanding anything else in this by-law, the following zone requirements shall apply to lots TH-7, TH-8, TH-9, TH-10 and TH-11 on Chinook Court and lots TH-1, TH-2, TH-13, TH-14 and TH-15 on Tutor Court in the Lancaster Ridge Subdivision only:
- (a) Zone Requirements

Minimum lot area	3000 square feet
Minimum lot frontage	36 feet
Minimum front yard	15 feet
Minimum side yards	5 feet (one side)
For dwelling	10 feet (other side)
Minimum rear yard	10 feet
Maximum lot coverage	35 per cent
 - (b) For detached garages and accessory buildings, the minimum setback from any side or rear property line is two (2) feet.
 - (c) For decks and verandahs, the minimum setback from any side or rear property line is five (5) feet.
 - (d) Notwithstanding Section 3(a), minimum sideyards, where a dwelling includes an attached garage the minimum sideyard for both sides of the dwelling shall be five (5) feet.
 - (e) On all lots where there is no attached garage, the driveway shall extend into the sideyard of the lot a minimum of fifteen (15) feet beyond the front wall of the structure.
 - (f) Where a lot fronts on the outside of a street curve having a radius of one hundred (100) feet or less, the required lot frontage may be reduced to a minimum of 25 feet.

(As amended by By-law C-730, Oct25/95)

32(4)

Notwithstanding anything else in this by-law, the following zone requirements shall apply to all new lots that were approved after October 13, 2001:

1. Zone Requirements

Minimum Side Yard 8 feet

Minimum Rear Yard 8 feet

2. The maximum building eave projection into the minimum required side yard shall be 2 feet

(Harbour East Community Council-November 1, 2001, Effective-November 25, 2001)

Attachment C
HALIFAX REGIONAL MUNICIPALITY
HARBOUR EAST PLANNING ADVISORY COMMITTEE
PUBLIC MEETING
JUNE 9, 2004
MINUTES

PRESENT:

Mr. Harold Northrup, Chair
Mr. Ray DeRoche
Councillor Harry McInroy
Councillor Ron Cooper

REGRETS:

Mr. Bob Horne
Mr. Thomas Harmes

STAFF:

Mr. John MacPherson, Planner
Ms. Sherryll Murphy, Legislative Assistant

1. CALL TO ORDER/OPENING COMMENTS

The meeting was called to order at 7:00 p.m. with approximately 35 members of the public being present.

Mr. Harold Northrup, Chair, briefly described the process to be followed and introduced members of the Committee and staff.

2. PUBLIC PARTICIPATION: CASE 00525 - APPLICATION BY LOON LAKE DEVELOPMENT LIMITED - AMENDMENT TO THE MUNICIPAL PLANNING STRATEGIES FOR COLE HARBOUR/WESTPHAL AND DARTMOUTH

A staff report dated February 6, 2004 prepared for Mr. Paul Dunphy, Director of Planning and Development Services, was before the Committee for consideration. Mr. John MacPherson, Planner, addressed the Committee and members of the public, further explaining the process. He went on to briefly review the request by Loon Lake Development Limited to expand the Water Service District boundary in Westphal in order to permit new single unit dwellings on the municipal water service on the lands between Forest Hills Connector (Trunk 7) and Loon Lake, Westphal, as found in the staff report dated February 6, 2004.

Mr. MacPherson went on to advise that while staff had recommended that Regional Council initiate the Municipal Planning Strategy, they were not in favour of extending

the Water Service District boundary. Mr. MacPherson noted that the Harbour East Community Council and Regional Council have reviewed the staff recommendation and have determined that the most appropriate course of action is to amend both the Plan and the Water Service District boundary.

Mr. Archie Hattie, the developer, addressed the Committee and members of the public noting that there were 24 lots to be developed. He went on to indicate that provision has been made for an access to the Forest Hill Connector.

Mr. MacPherson noted that such an access would require that the Highway No. 107 By-pass be completed and although the Province has indicated a desire in this regard, they have not committed to either the location or timing. Mr. MacPherson went on to note that access is a concern as Montague Estates is essentially a cul de sac which presently exceeds the requirements of HRM.

Mr. MacPherson then responded to questions from members of the Committee. Harbour East Planning Advisory Committee.

Mr. DeRoche, noting the problem with arsenic in the water in that area, indicated that it seemed reasonable to him that the Planning and Water District boundaries be extended.

Mr. Hattie reiterated that the Province has indicated they would permit access. The Chair invited members of the public to speak.

Mr. Alex Raiche-Marsden, Loon Lake

Mr. Raiche-Marsden addressed the meeting voicing a number of concerns with the proposal. He noted that his primary concerns were watershed, habitat and community. Mr. Raiche-Marsden submitted his comments by e-mail subsequent to the meeting and Mr. MacPherson clarified that the matter would be considered by the Dartmouth Lakes Advisory Board.

Ms. Gay DeWolfe, Loon Lake

Ms. DeWolfe indicated that she bought her home on the lake almost nine years ago. She went on to indicate there have been a number of changes since that time. Ms. DeWolfe expressed concern for the environment of the lake noting that there have been problems with sand being dumped into the lake as a result of residential development. Ms. DeWolfe suggested that if more people build on this two mile lake, there will be more problems. In closing, Ms. DeWolfe expressed concern regarding the impact to the lake as a result of the loss of trees.

Neil Thomas, Dartmouth

Referring to the developer's responsibility to connect (loop)the water system between the two ends of Montague Drive, Mr. Thomas asked if it was intended that this looping be undertaken.

Mr. Hattie indicated that he was required under the Development Agreement to connect the water system. The Water Commission holds a cash bond for this work and the work will be completed in 2004.

Mr. Thomas went on to express concern that if the land is to be developed, there will be increased traffic. Traffic is a concern now with the golf course traffic and other vehicles. Mr. Thomas asked what time work would begin in the morning.

In response to questions from Mr. Thomas regarding zoning, Mr. MacPherson explained that the lands are currently in a Holding Zone. The uses permitted in this zone are single family dwellings and Park and Institutional.

In response to a question from Mr. Peter Fleming, Mr. MacPherson further clarified that the R-7 zone is a residential zone.

Mr. George McCarthy, Montague Estates

Mr. McCarthy addressed the meeting indicating that he would not like to see another access to the subdivision for reasons of security. Mr. McCarthy commented that everyone should have an opportunity to live on the lake.

An unidentified resident of Montague Estates agreed with Mr. McCarthy regarding the access to Montague Estates and further noted that one access ensures there will be no shortcutting through the subdivision.

Mr. Bruce Lesbrance, Dartmouth

Mr. Lesbrance advised that he strongly supported positive growth and adherence to Provincial and Municipal rules and regulations. He commented that neighbours have the responsibility to ensure building is proceeding appropriately. Mr. Lesbrance expressed concern for the protection of the watershed, habitat and the community. There were no further persons wishing to speak.

3. CLOSING COMMENTS

The Chair thanked all those present for their participation.

4. ADJOURNMENT

As there was no further business, the meeting adjourned.

**EXTRACT - DRAFT MINUTES - HARBOUR EAST COMMUNITY COUNCIL
AUGUST 4, 2005**

10.1.1 Case 00525 - Amendments to the Municipal Planning Strategies for Cole Harbour/Westphal and Dartmouth

- A staff report dated July 25, 2005 was before Community Council.

CONFLICT OF INTEREST

Councillor Younger declared a conflict of interest due to a personal relationship.

Mr. John MacPherson, Planner briefly reviewed the the proposal as set out in the July 25, 2005 staff report. Mr. MacPherson responded to questions from members of Community Council.

MOVED by Councillor Smith, seconded by Councillor Karsten that Harbour East Community Council recommends that:

- 1. Halifax Regional Council refuse to amend the Municipal Planning Strategies (MPS) and Land Use By-Laws (LUB) for Cole Harbour/Westphal and Dartmouth to realign the Plan Area Boundary as depicted on Map 1 attached to the July 25, 2005 staff report.**
- 2. Halifax Regional Council refuse to extend the Water Service District boundary to those lands owned by Lake Loon Development on the south side of Loon Lake, Westphal.**

MOTION PUT AND PASSED UNANIMOUSLY.