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Marine Drive, Valley and Canal Community Council

June 24, 2009

Harbour East Community Council

July 2, 2009

**TO:** Chairperson and Members of Marine Drive, Valley and Canal  
Community Council  
Chairperson and Members of Harbour East Community Council

**SUBMITTED BY:**

Denise Schofield, Acting Director of Community Development

**DATE:** June 2, 2009

**SUBJECT:** Case 01266: Zone Amendment for Public Works, Planning Districts  
14 & 17

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**ORIGIN**

Application initiated by Halifax Water.

**RECOMMENDATION**

It is recommended that Marine Drive, Valley and Canal Community Council and Harbour East Community Council:

1. Give First Reading to consider proposed amendments to enable public works as permitted land use within the R-1A (Single Unit) Zone, R1-B (Suburban Residential) Zone, R-1D (Residential Auxiliary Dwelling) Zone and R-6 (Rural Residential) Zone in the Planning Districts 14 and 17 (Shubenacadie Lakes) Land Use By-law, as shown in Attachment "A" and schedule a joint public hearing. *July 2/09*
2. Approve the proposed amendments to the Planning Districts 14 and 17 (Shubenacadie Lakes) Land Use By-law, as shown in Attachment "A".

## BACKGROUND

In compliance with the recently enhanced Nova Scotia Environment (NSE) water quality regulations, Halifax Water intends to upgrade the existing Collins Park Water Treatment Facility in Wellington (Map 1 and 2). An upgrade to the existing Treatment Facility requires an expansion, however the existing facility is a non-conforming land use and therefore an expansion is not permitted in accordance with Section 253 and 255 of the *Halifax Regional Municipality Charter*.

### *The Site:*

The site of the Collins Park Water Treatment Facility is a small narrow parcel of land on Lake Fletcher located at 4123 Highway #2 in Wellington. Halifax Water intends to reconstruct the Treatment Facility (Map 1 and 2) by upgrading the existing building and water treatment equipment and purchasing a portion of the adjacent property.

### *Designation and Zoning:*

The Treatment Facility (including proposed expansion) is designated Residential (Map 1) and zoned Suburban Residential (R-1B) Zone under the Planning Districts 14 and 17 (Shubenacadie) Municipal Planning Strategy (MPS) and Land Use By-law (LUB). The R-1B zone does not permit a Water Treatment Facility. The Treatment Facility was built in 1985 and pre-dates the current MPS and LUB. As current planning documents do not permit the existing use (public works), the water treatment plant is considered a non-conforming use and is not permitted to expand beyond the existing building.

The existing LUB only provides for the development of “public works” within the P-2 (Community Facility) Zone. Other zones such as the C-2 (Community Commercial) Zone, C-4 (Highway Commercial) Zone and R-7 (Rural Estate) Zones permit public works as an Institutional Use.

Public works is a listed use but is not defined in the LUB. The Development Officer has determined a water treatment plant would be considered a “public works”. In general, public works can include projects paid for by a level of government and related agencies. In the context of this LUB, public works would likely relate to water or sewer projects on an individual parcels of land. Other government buildings such as offices, schools and recreation uses are already permitted in the zone.

Upon review of this application, staff have identified several other residential zones in this Plan Area which have existing public works such as the Waste Water Treatment Facility for Frame Subdivision which is zoned R-1A (Single Unit)<sup>1</sup>. Table 1 identifies zones, whether or not

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<sup>1</sup> Steeves Waste Water Facility (north portion of Lake Fletcher) is zoned R-6 and Lockview-MacPherson Waste Water Facility is zoned R-1A.

“public works” is a permitted use and whether or not Policy supports adding “public works” to the listed of permitted use in the zone as a LUB Amendment.

Table 1:

Zone	Public Works Permitted Use	Policy Support to Add “Public Works”
R-1A (Single Unit) *	No	Yes
R-1B (Suburban Residential) *	No	Yes
R-1C (Waterfront Residential)	No	No
R-1D (Residential Auxiliary Dwelling) *	No	Yes
R-1E (Residential Estate)	No	No
R-6 (Rural Residential) *	No	Yes
R-7 (Rural Estate)	Yes	Yes
C-2 (Community Commercial)	Yes	Yes
C-4 (Highway Commercial)	Yes	Yes
P-2 (Community Facility)	Yes	Yes

\* Zones to have “public works” added as a permitted use.

**DISCUSSION**

*Collins Park: Planning Options*

In order to enable the upgrade of the existing Collins Park Water Treatment Plant, the use (public works) must be permitted in the R-1B zone or the property be rezoned to P-2 which permits “public works”. The property can not be rezoned to P-2 because it does not meet the minimum lot size for the P-2 zone. Various options were explored to enable the expansion of Collins Park and the recommended option is to amend the Land Use By-law to permit “public works” as a land use within the R-1B (Suburban Residential) Zone.

*Other Zones: Planning Options*

Therefore, in order to preclude future issues similar to the Collins Park Water Treatment Plant, staff is recommending the inclusion of public works land use in other zones. Based on a review of MPS Policy (refer to Table 1), a proposal to add “public works” would be consistent with existing MPS policy (Attachment C) for the following additional zones:

- R-1A (Single Unit);
- R-1D (Residential Auxiliary Dwelling); and
- R-6 (Rural Residential).

Policies P-66, P-73, P-83 and P-86 (Attachment C) enable the addition of community uses in the R-1A (Single Unit) Zone, R-1D (Residential Auxiliary Dwelling) Zone and R-6 (Rural Residential) Zone. Under community uses, public work may be added as a use. This addition of this use does not appear to violate the intent of the MPS as community uses are permitted. Further it is reasonable to consider “public works” as a community use. In order to maintain the intent of the MPS that larger community uses be under the provision of the P-2 zone, staff are suggesting that “public works” within these zones be developed under the requirements of the zone to maintain compatibility in terms of scale with surrounding uses.

To enable public works in the R-1A, R-1B, R-1D and R-6 zones, amendments to the LUB are required as shown in Attachment A.

#### *Scope of Impact*

This proposal will enable the establishment of “public works” uses throughout the R-1A, R-1B, R-1D and R-6 Zones. These zones are applied to much of the lands covered by the LUB. Notwithstanding the amount of land covered, staff is of the opinion that this proposal will have a minimal impact on the community because “public works” are typically controlled by the Municipality or a related agency and that there are few public works facilities in these zones. Further the scale of any public works land use is limited and regulated by the requirements of the applied zone.

#### *Jurisdiction of Community Councils*

Planning Districts 14 and 17 straddles several electoral districts and the jurisdictions of two Community Councils, Harbour East Community Council and Marine Drive, Valley and Canal Community Council. As the proposed changes affects lands zoned R-1A, R-1B, R-1D and R-6 within both jurisdictions, both Community Councils would have to approve the proposed changes in order for them to become active as proposed.

#### *Public Information Meeting*

A public information meeting was held on April 27, 2009 in connection with the proposed amendments. Staff wish to note that at the public information meeting only the addition of public works land uses was being considered to the R-1B Zone. Minutes for this meeting are included as Attachment B. Should Community Council decide to proceed with a public hearing, residents adjacent the Collins Park Water treatment Plant will be notified of the hearing through a mailout and other residents will be notified through published newspaper advertisements.

#### *Summary*

The proposal to add “public works” as a permitted land use in the R-1B (Suburban Residential) Zone, R-1A (Single Unit) Zone, R-1D (Residential Auxiliary Dwelling) Zone and R-6 (Rural Residential) Zone as shown in Attachment “A”, is consistent with the requirements of the MPS. As a result, staff recommend that Marine Drive, Valley and Canal Community Council and

Harbour East Community Council approve the proposed amendments to the Planning Districts 14 and 17 Land Use By-law as identified in the recommendation section of this report.

### **BUDGET IMPLICATIONS**

The HRM costs associated with processing this planning application can be accommodated within the approved C310 operating budget.

### **FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN**

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

### **ALTERNATIVES**

1. Approve the proposed amendments. This is the staff recommendation.
2. Approve the proposed amendments with changes. This alternative may require additional information or a supplemental staff report. This is not the staff recommendation.
3. Refuse the proposed amendments. Pursuant to Section 245(6) of the Halifax Regional Municipality Charter, Council is required to provide reasons justifying this refusal, based on policies of the Municipal Planning Strategy for Planning District 14 and 17. This alternative is not recommended, as it would not enable the upgrade of the Collins Park Water Treatment Plant.

### **ATTACHMENTS**

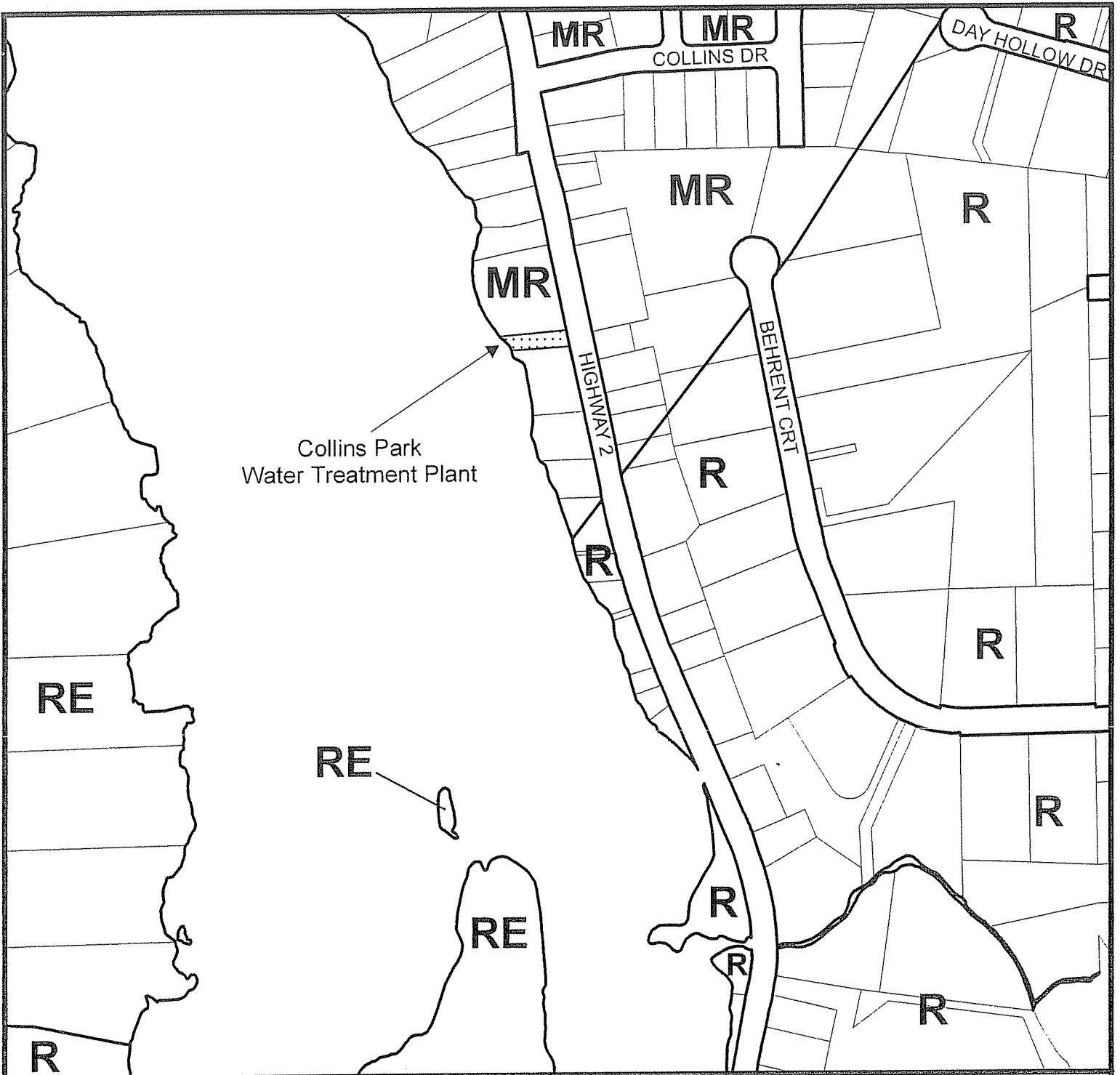
Map 1	Generalized Future Land Use Map
Map 2	Zoning Map and Notification Area
Attachment A	Amendments to the Planning District 14 and 17 Land Use By-law
Attachment B	Public Information Meeting Minutes - April 18, 2009
Attachment C	Relevant Policies of the Planning Districts 14 and 17 MPS

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

Report Prepared by : Andrew Bone, Senior Planner - 869-4226



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



Map 1  
Generalized Future Land Use



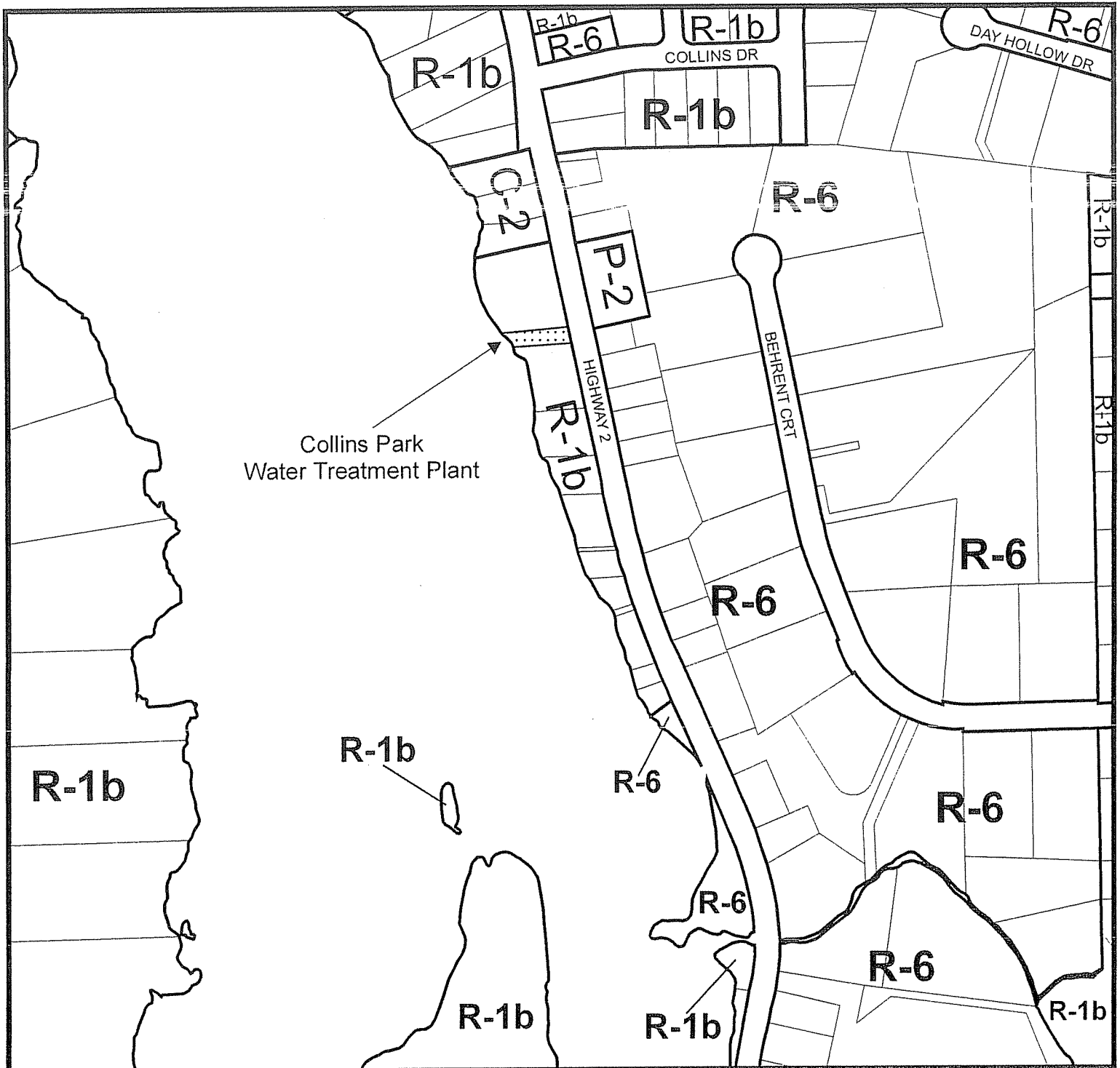
Collins Park  
Water Treatment Plant



**HALIFAX**  
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Community Development  
Planning Services

- R Residential Designation
- MR Mixed Residential Designation
- RE Resource Designation





**Map 2  
Zoning**



Collins Park  
Water Treatment Plant

- R-1b Suburban Residential Zone
- R-6 Rural Residential Zone
- P-2 Community Facility Zone
- C-2 Community Commercial Zone

**HALIFAX**  
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Community Development  
Planning Services





Attachment A

Proposed Amendments to the  
Planning District 14 and 17 Land Use By-law

BE IT ENACTED by the Council of the Halifax Regional Municipality that the Planning Districts 14 and 17 Land Use By-law as enacted by the former Halifax County Municipality on the 2nd day of May, 1989 and approved by the Minister of Municipal Affairs on the 19th day of July, 1989 as amended, is hereby further amended as follows:

1. By adding the words “ Public works” after the words “Parks and playgrounds” in Part 6, Section 6.1.
2. By adding the following words after Part 6, Section 6.4:  
  
“Notwithstanding the previous statement, public works uses shall meet the requirements of the R-1A Zone.”
3. By adding the words “ and public works” after the words “government offices” in Part 7, Section 7.1.
4. By adding the following words after Part 7, Section 7.4:  
  
“Notwithstanding the previous statement, public works uses shall meet the requirements of the R-1B Zone.”
5. By adding the words “ and public works” after the words “government offices” in Part 9, Section 9.1.
6. By adding the following words after Part 9, Section 9.5:  
  
“Notwithstanding the previous statement, public works uses shall meet the requirements of the R-1D Zone.”
7. By adding the words “ and public works” after the words “government offices” in Part 10, Section 10.1.
8. By adding the following words after Part 10, Section 10.4:  
  
“Notwithstanding the previous statement, public works uses shall meet the requirements of the R-6 Zone.”

I HEREBY CERTIFY that the amendment to the Planning District 14 and 17 Land Use By-law as set out above, was passed by a majority vote of the whole Marine Drive, Valley and Canal Community Council and the Harbour East Community Council at a meeting held on the \_\_\_\_ day of \_\_\_\_\_, 2009.

GIVEN under the hands of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this \_\_\_\_ day of \_\_\_\_\_, 2009.

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

Attachment B          Public Information Meeting Minutes- April 27, 2009

HALIFAX REGIONAL MUNICIPALITY  
PUBLIC INFORMATION MEETING  
CASE NO. 01266 - HRWC - Collins Park

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7:00 p.m.  
Monday, April 27, 2009  
Ash Lee Jefferson Elementary School

**STAFF IN**

**ATTENDANCE:**          Andrew Bone, Planner, HRM Planning Services  
Alden Thurston, Planning Technician, HRM Planning Services  
Cara McFarlane, Planning Controller, HRM Planning Services

**ALSO IN**

**ATTENDANCE:**          Councillor Barry Dalrymple, District 2  
Kenda MacKenzie, HRWC  
John Eisenor, HRWC

**PUBLIC IN**

**ATTENDANCE:**          Approximately 3

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The meeting commenced at approximately 7:02 p.m.

**1.      Opening Remarks/Introductions/Purpose of Meeting - Andrew Bone**

Mr. Bone introduced himself as the planner taking the application through the planning process; Councillor Barry Dalrymple, District 2; Kenda MacKenzie and John Eisenor, Halifax Regional Water Commission (HRWC); and Alden Thurston and Cara McFarlane, HRM Planning Services.

The purpose of this meeting is to identify that HRM has received an application, give some background on the proposal and receive some feedback.

The agenda was reviewed.

**2.      Overview of Planning Process**

A staff report will be drafted providing a recommendation to Marine Drive, Valley and Canal Community Council (MDVCCC) and Harbour East Community Council (HECC) on whether this change should be made and what the implications are; MDVCCC and HECC will review the staff report; they will then render a decision on what staff recommends for this application.

### **3. Presentation of Proposal**

The proposal is to replace and modernize the Collins Park Water Treatment Plant to improve the treatment capabilities. The proposal does not expand the distribution system. It would only affect the people who currently receive water from the system. The request is to add “public works” as a type of community land use to the R1-B Zone as it is not currently permitted. This would enable HRWC to apply for a permit.

One resident asked if it was for one piece of property or all properties zoned R1-B. Mr. Bone said staff is suggesting amending the R1-B Zone which applies to much of the plan area for Planning Districts 14/17. This would enable others within the plan area to obtain permits to do upgrades to other sewage or water treatment plant systems.

The location of Collins Park Water Treatment Plant was shown on a map. This plant was built in 1985, is located at 4123 Highway #2 on the east side of Lake Fletcher and is 5,760 square feet. There is currently a small shed on the property where the treatment system is housed. The proposal is to replace and expand the existing building to approximately four times the size.

The R1-B Zone is primarily residential and is applied to much of the plan area which covers from Waverley to Oakfield and from Old Guysborough Road area to Windsor Junction. Mr. Bone went over the residential and community uses within the R1-B Zone. Any development that would be enabled by public works would have to meet the R-1B Zone requirements.

Kenda MacKenzie mentioned that HRWC is going through the necessary steps to obtain permits to implement the overdue upgrades to the Collins Park Water Treatment Plant.

### **4. Questions/Comments**

Bill Horne, Wellington, presently receives water from the Collins Park facility. Why not just rezone one piece of property? Mr. Bone said it is more complicated. There is a community facility zone (P-2 Zone) which staff initially thought would be ideal because it already includes “public works” as a permitted land use but because of the size of the property, it is not eligible for a rezoning as it does not meet the minimum zone requirements.

Mr. Horne asked if a new building will be built on the left hand side of the present right of way. Would more homes be hooked up to the system if they were built on? There are a few lots in that area. Ms. MacKenzie asked if the lots are vacant and have a water pipe in front of them. If so, they would go through the regular process to get a building permit. If the lot was large enough to be built upon and have a septic system then the permit could be issued for water service connection.

Mr. Horne asked if the new system might be able to accommodate more properties. Mr. Bone understands that the system is being sized to house the existing demands. Mr. Eisenor said there are 79 service connections. Mr. Bone said from a municipal perspective, the intent is to enable the land use.

**Attachment C**  
**Relevant Policies of the Planning Districts 14 and 17 MPS**

RESIDENTIAL DESIGNATION

In recent years, the growth of the metropolitan area in general and the construction and subsequent improvements to the 100 series highway system have had a substantial impact on both the settlement pattern and lifestyles in the Plan Area.

While large portions of the Plan Area remain undeveloped or still exhibit the more traditional linear settlement pattern, ease of access to the metropolitan employment centres of Halifax and Dartmouth, an attractive natural environment, and lower land prices relative to centrally serviced lands, have spurred the development of many new subdivisions. This subdivision activity has generally concentrated near access points to Highway 102 as well as the boundaries of the Town of Bedford, the City of Dartmouth, and the community of Sackville. The primary type of housing being constructed is single dwellings with two unit dwellings scattered throughout. The number of new homes and the increasing establishment of new residential subdivisions throughout the Plan Area have established a transition to a more suburban environment.

The communities most affected by this increased pace of suburban development include Waverley, Fall River, Fletchers Lake and, more recently, the Enfield area. The Residential Designation is intended to recognize, support and protect the predominantly low density residential environment along with associated community uses such as churches, schools, community halls, and police and fire stations. In addition, the Residential Designation supports certain home businesses which will not be incompatible with the residential environment.

P-65 It shall be the intention of Council to establish the Residential Designation as shown on the Generalized Future Land Use Map (Map 1). Within the Residential Designation, it shall be the intention of Council to support the growth of the low density residential environment and associated community uses.

P-66 Within the Residential Designation, it shall be the intention of Council to establish a suburban residential zone which permits single unit dwellings, two unit dwellings, community uses, and limited office and day care facilities and small scale bed and breakfast establishments (C-May 27, 1997 / M-July 2, 1997) within a dwelling.

While some community uses are permitted by right within the Residential Designation, as well as the Mixed Residential Designation, there are others which should only be considered by amendment to the land use by-law in order to ensure their proper integration within the community.

P-70 It shall be the intention of Council to establish a community facility zone within the land use by-law which permits a variety of community related uses such as government offices, hospitals and medical clinics, libraries, community centres, churches, schools, and larger day care facilities which meet specialized parking and road access provisions. This zone shall be applied to existing community facility uses. In considering any amendments to the

land use by-law to permit new community facility uses within the Residential Designation and Mixed Residential Designation. Council shall have regard to the following:

- (a) the potential for adversely affecting adjacent residential development;
- (b) the impact of the proposed use on traffic volume and the local road network;
- (c) preference for a site which has adequate pedestrian access as well as street lighting;
- (d) that the facility provide a local community service; and
- (e) the provisions of Policy P-155.

There are a number of subdivisions in which deed covenants and previous zoning have limited development to single unit dwellings. In future, there may be additional areas which, due to a clear stabilization of character, feel the need to ensure that stability through the establishment of a more restrictive zone. It may be appropriate to provide for such areas within the land use by-law provided that the areas involved consist of at least five acres.

P-73 Notwithstanding Policy P-66, within the Residential Designation, it shall be the intention of Council to establish a single unit dwelling zone which would permit single unit dwellings, limited office and day care facilities **and small scale bed and breakfast establishments (C-May 27, 1997/M-July 2, 1997)** within a dwelling, and limited community uses. In considering the application of this zone by amendment to the land use by-law, Council shall have regard to the following:

- (a) that the lands to be rezoned contain at least 5 acres;
- (b) that the existing uses within the proposed area will all conform with the proposed zone;
- (c) that the area to be considered does not provide sole access from a trunk highway to an established resource activity; and
- (d) the provisions of Policy P-155.

The availability of affordable housing is a mounting issue throughout the metropolitan area. In recent years, rental accommodation has been difficult to obtain, and the cost of home ownership has surpassed the ability of many young couples to purchase their first homes.<sup>2</sup> This has had a significant perceived impact in the Village of Waverley.

In order to increase the affordability of their first homes and to provide rental accommodation in the Plan Area, it may be appropriate to establish a zone which permits relatively small apartment units within single unit dwellings.

Such a zone is considered to be experimental, the overall impact of which will be carefully monitored during the initial five (5) years of this plan and by-law. Its application will only be considered within the boundaries of the Village of Waverley and in the Charleswood Subdivision area of Windsor Junction.

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<sup>2</sup> Metropolitan Area Housing Market Report, Canada Mortgage and Housing Corporation, October 1986.

- P-83 It shall be the intention of Council to establish an auxiliary dwelling zone which will permit single unit dwellings, auxiliary dwelling units, subject to regulations concerning size, exterior access and parking, community uses, and limited day care or office uses within a dwelling. It shall further be the intention of Council that the application of this zone will only be considered within the boundaries of the Village of Waverley and in the Charleswood Subdivision area of Windsor Junction, and that in considering amendments to the land use by-law, regard shall be given to the following:
- (a) the size of the lot;
  - (b) the means by which solid and liquid waste will be treated; and
  - (c) the provisions of Policy P-155.
- P-86 Within the Mixed Residential Designation, it shall be the intention of Council to establish a Rural Residential Zone which shall permit lower density residential development, including the limited use of a residential property for business purposes, limited forestry and agricultural uses, community uses and existing industrial uses. Controls on open storage setbacks from watercourses and visual screening will also be established to ensure greater compatibility.
- P-155 In considering development agreements and amendments to the land use by-law, in addition to all other criteria as set out in various policies of this Plan, Council shall have appropriate regard to the following matters:
- (a) that the proposal is in conformity with the intent of this Plan and with the requirements of all other municipal by-laws and regulations;
  - (b) that the proposal is not premature or inappropriate by reason of:
    - (i) the financial capability of the Municipality to absorb any costs relating to the development;
    - (ii) the adequacy of central or on-site sewerage and water services;
    - (iii) the adequacy or proximity of school, recreation or other community facilities;
    - (iv) the adequacy of road networks leading or adjacent to or within the development; and
    - (v) potential for damage to or for destruction of designated historic buildings and sites.
  - (c) that controls are placed on the proposed development so as to reduce conflict with any adjacent or nearby land uses by reason of:
    - (i) type of use;
    - (ii) height, bulk and lot coverage of any proposed building;
    - (iii) traffic generation, access to and egress from the site, and parking;
    - (iv) open storage;
    - (v) signs; and
    - (vi) any other relevant matter of planning concern.
  - (d) that the proposed site is suitable in terms of the steepness of grades, soil and geological conditions, locations of watercourses, marshes or bogs and susceptibility or flooding.

- (e) Within any designation, where a holding zone has been established pursuant to “Infrastructure Charges - Policy P-64F”. Subdivision Approval shall be subject to the provisions of the Subdivision By-law respecting the maximum number of lots created per year, except in accordance with the development agreement provisions of the MGA and the “Infrastructure Charges” Policies of this MPS. (RC-July 2/02; Effective-Aug 17/02)

P-156 In considering amendments to the land use by-law or development agreements, Council shall hold a public hearing according to the provisions of Section 60 of the Planning Act.