

12.1.1

North West Community Council  
May 5, 2011

**TO:** Chair and Members of North West Community Council

**SUBMITTED BY:** Ann B. Merritt  
Ann Merritt, Chair, North West Planning Advisory Committee

**DATE:** April 6, 2011

**SUBJECT:** **Case 15894: MPS/LUB Amendments, Westwood Hills Subdivision,  
Upper Tantallon**

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**ORIGIN**

North West Planning Advisory Committee meeting – April 6, 2011.

**RECOMMENDATION**

It is recommended that North West Planning Advisory Committee recommend that North West Community Council recommend to Regional Council:

1. Give First Reading to the proposed amendments to the Beaver Bank, Hammonds Plains and Upper Sackville Municipal Planning Strategy and Land Use By-law as provided in Attachments C and D of the staff report dated March 11, 2011, and schedule a Public Hearing;
2. Approve the proposed amendments to the Beaver Bank, Hammonds Plains and Upper Sackville Municipal Planning Strategy and Land Use By-law as provided in Attachments C and D of the staff report dated March 11, 2011.

**BACKGROUND/DISCUSSION**

At its meeting on April 6, the Committee reviewed the proposed application to amend the plan area boundaries so that the entire subdivision falls within the Planning Districts 1 & 3 (St. Margaret's Bay) MPS and LUB. This change would affect the northeast portion of the subdivision (refer to Appendix A and B in Attachments A through D). As a result, this portion of the subdivision would no longer fall under the jurisdiction of the North West Community Council and PAC, but would be solely under that of Western Region Community Council. If Council adopts the proposed amendments, the Planning District 1 & 3 zoning maps will be replaced with a new, consolidated version.

### **BUDGET IMPLICATIONS**

None associated with this report.

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

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

### **COMMUNITY ENGAGEMENT**

As per the staff report dated March 11, 2011.

### **ALTERNATIVES**

1. Council may choose to approve the proposed amendments to the Municipal Planning Strategies and Land Use By-laws for Planning Districts 1 and 3 and Beaver Bank, Hammonds Plains and Upper Sackville as outlined in the March 11, 2011 staff report and presented in Attachments A through D. This is the recommended alternative.
2. Council may choose to modify the proposed amendments to the Municipal Planning Strategies and Land Use By-laws for Planning Districts 1 and 3 and Beaver Bank, Hammonds Plains and Upper Sackville as presented in Attachments A through D. If this alternative is chosen, specific direction regarding the requested modifications and amendments is required. Substantive amendments may require another public hearing be held before approval is granted.
3. Council may choose to refuse the amendments to the Municipal Planning Strategies and Land Use By-laws for Planning Districts 1 and 3 and Beaver Bank, Hammonds Plains and Upper Sackville as presented in Attachments A through D. This is not the recommended course of action.

### **ATTACHMENTS**

Staff report dated March 11, 2011.

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A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/cc.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.

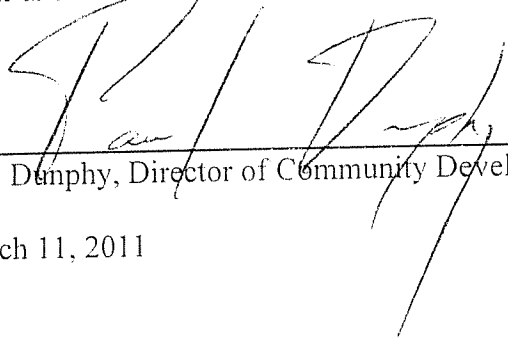
Report Prepared by: Donna Honeywell, 490-4937

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**North West Planning Advisory Committee – April 6, 2011  
Western Region Community Council – April 18, 2011**

**TO:** Chair and Members of North West Planning Advisory Committee  
Chair and Members of Western Region Community Council

**SUBMITTED BY:**

  
Paul Dempsey, Director of Community Development

**DATE:** March 11, 2011

**SUBJECT:** Case 15894: MPS/LUB Amendments, Westwood Hills Subdivision,  
Upper Tantallon

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**ORIGIN**

November 10, 2009 motion of Regional Council.

**RECOMMENDATION**

**It is recommended that Western Region Community Council recommend that Regional Council:**

1. Give First Reading to the proposed amendments to the Planning Districts 1 & 3 (St. Margaret's Bay) Municipal Planning Strategy and Land Use By-law as provided in Attachments A and B of this report, and schedule a Public Hearing;
2. Approve the proposed amendments to the Planning Districts 1 & 3 (St. Margaret's Bay) Municipal Planning Strategy and Land Use By-law as provided in Attachments A and B of this report.

**It is recommended that North West Planning Advisory Committee recommend that North West Community Council recommend that Regional Council:**

1. Give First Reading to the proposed amendments to the Beaver Bank, Hammonds Plains and Upper Sackville Municipal Planning Strategy and Land Use By-law as provided in Attachments C and D of this report, and schedule a Public Hearing;
2. Approve the proposed amendments to the Beaver Bank, Hammonds Plains and Upper Sackville Municipal Planning Strategy and Land Use By-law as provided in Attachments C and D of this report.

## **BACKGROUND**

On November 10, 2009, Regional Council passed the following motion:

*“MOVED BY Councillor Lund, seconded by Deputy Mayor Johns that Halifax Regional Council direct staff to initiate the process to amend the St. Margarets Bay and Beaver Bank, Hammonds Plains and Upper Sackville Municipal Planning Strategies and Land Use By-laws to place the entire Westwood Hills subdivision within the St. Margarets Bay plan area to provide for consistent land use regulations throughout the subdivision”.*

Since 1993, the Westwood Hills subdivision, off the Hammonds Plains Road in Upper Tantallon was developed in phases through as-of-right processes. The subdivision contains approximately 700 dwelling lots on roughly 1,500 acres of land and straddles two municipal planning areas (refer to Map 1). The majority of properties in the subdivision are located within the St. Margarets Bay plan area (Planning Districts 1 and 3). These properties fall within the “Mixed-Use A” land use designation and are zoned R-A1 (General Residential). In recent years as a result of land acquisitions by the developer, the subdivision has grown beyond the boundaries of the St. Margarets Bay plan area into the neighbouring Beaver Bank, Hammonds Plains and Upper Sackville plan area. Properties in that portion of the subdivision fall within the Rural Resource Designation and are zoned R-1 (Single Unit Dwelling). There is now a desire to have consistent land use policies and regulations throughout the entire subdivision.

Prior to 2008, the subdivision’s zoning permitted a variety of mixed-use and resource land uses, but also permitted low-density residential uses. In early 2008, due to some community concerns over the types of land uses permitted within the subdivision and some technical issues regarding the subdivision approval process, the Western Region Community Council rezoned the subdivision to the above-noted low density residential zones.

### **Proposal**

The proposal is to amend the plan area boundaries so that the entire subdivision falls within the Planning Districts 1 & 3 (St. Margaret’s Bay) MPS and LUB. This change would affect the northeast portion of the subdivision (refer to Appendix A and B in Attachments A through D). As a result, this portion of the subdivision would no longer fall under the jurisdiction of the North West Community Council and PAC, but would be solely under that of Western Region Community Council. If Council adopts the proposed amendments, the Planning District 1 & 3 zoning maps will be replaced with a new, consolidated version.

## **DISCUSSION**

The proposed amendments provide a reasonable, consistent approach to the current situation, as other large subdivisions in the Upper Tantallon and Hammonds Plains areas are consistently zoned and do not encompass more than one planning region. The northeast portion of Westwood Hills subdivision physically relates more with the St. Margaret’s Bay plan area, from which it obtains its public road access to the Hammonds Plains Road. The proposal satisfies the policies of the Rural Commuter Centre designation of the Regional MPS.

The proposed change in zoning of the northeast portion of the subdivision from R-1 (Single Unit Dwelling) to R-A1 (General Residential) to match the remainder of Westwood Hills will result in the following land use changes which will apply to the subject properties (notwithstanding deed covenants, etc.):

- RA-1 zone permits “auxiliary dwelling units” which are small, secondary units within the larger dwelling;
- RA-1 zone permits slightly larger daycares within the dwelling (up to 14 children instead of 7 child maximum);
- Home occupations may be located within detached garages as well as within the dwelling unit;
- Detached garages may be permitted up to 25 feet in height, instead of 15 feet in some cases in the current R-1 zone;
- Institutional uses (schools, churches, etc.) are permitted in RA-1 zone;
- Larger setback requirements of buildings from Wright’s Lake may occur in some instances.

#### Setbacks from Wright’s Lake

One issue which arose during the community consultation process is the setbacks of new buildings from Wright’s Lake in the northernmost portion of the subdivision and the impact this may have on lot sizes in this area. Building lots within the St. Margaret’s Bay portion of the subdivision currently have a greater minimum building setback from the lake (30.5 metres) than is the case within the Beaver Bank, Hammonds Plains and Upper Sackville portion (20 metres). This is not unusual, as many plan areas within HRM designate such larger watercourse setbacks, where appropriate, from certain lakes, rivers and sections of coastline. These setbacks are minimum requirements and may increase, depending on the slope of land, up to 60 metres. At present, the resultant setbacks in some cases may be greater within the St. Margaret’s Bay portion of the subdivision than within the Beaver Bank, Hammonds Plains and Upper Sackville portion

The proposed amendments propose to extend the 30.5 metre minimum setback requirement along the entire southern shoreline of the lake. This is in keeping with Council’s motion of November 10, 2009 which calls for consistent regulations throughout the subdivision. Reconsideration of setbacks from Wright’s Lake, if any, should only occur through MPS/ LUB amendments which follow the Tantallon community visioning process and which will be informed by the watershed study for that area.

#### Conclusion

Pursuant to Council’s request, as the proposed amendments provide consistent land use regulations throughout the subdivision and are in keeping with the Regional MPS, it is recommended that Council adopt the proposed amendments.

## **BUDGET IMPLICATIONS**

The costs to process this planning application can be accommodated within the approved 2010/2011 operating budget for C310 Planning & Applications.

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

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

## **COMMUNITY ENGAGEMENT**

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy. The level of community engagement was consultation. In accordance with Regional Council's Public Participation Program for MPS amendments, a public information meeting was held on May 26, 2010. The minutes of the meeting are included as Attachment E. Should Regional Council decide to schedule a public hearing, property owners within the notification area shown on Map 1 will be notified of the hearing by mail. Public notices will be posted in the local newspaper and on the HRM website. The proposed amendment and rezoning will potentially impact the following stakeholders: local residents, property owners, community or neighbourhood organizations.

## **ALTERNATIVES**

1. Council may choose to approve the proposed amendments to the Municipal Planning Strategies and Land Use By-laws for Planning Districts 1 and 3 and Beaver Bank, Hammonds Plains and Upper Sackville as outlined in this report and presented in Attachments A through D. This is the recommended alternative.
2. Council may choose to modify the proposed amendments to the Municipal Planning Strategies and Land Use By-laws for Planning Districts 1 and 3 and Beaver Bank, Hammonds Plains and Upper Sackville as presented in Attachments A through D. If this alternative is chosen, specific direction regarding the requested modifications and amendments is required. Substantive amendments may require another public hearing be held before approval is granted.
3. Council may choose to refuse the amendments to the Municipal Planning Strategies and Land Use By-laws for Planning Districts 1 and 3 and Beaver Bank, Hammonds Plains and Upper Sackville as presented in Attachments A through D. This is not the recommended course of action.

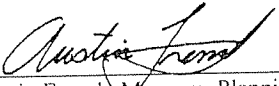
**ATTACHMENTS**

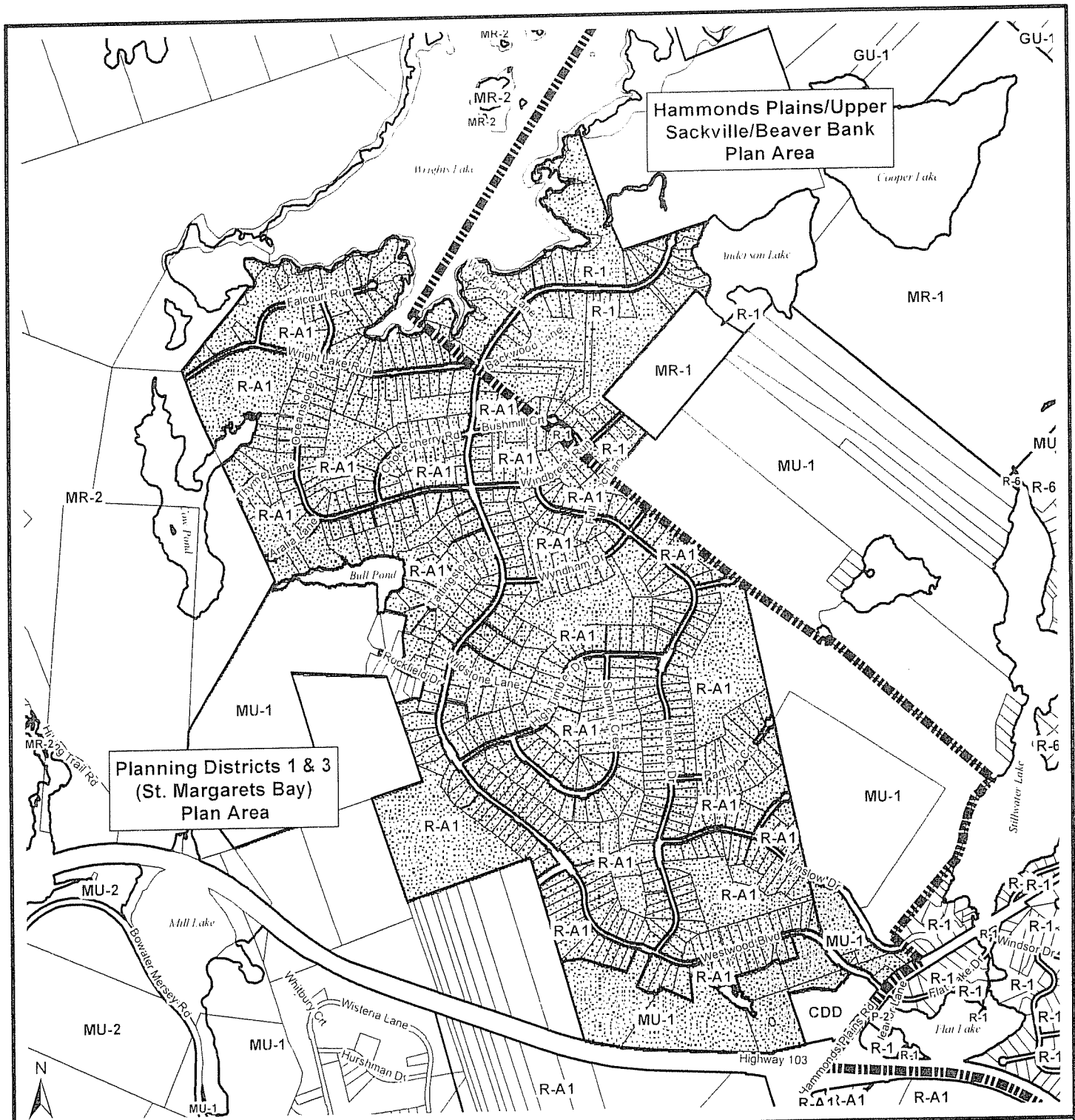
Map 1	Location and Context
Attachment A	Amendments to the MPS for Planning Districts 1 & 3
Attachment B	Amendments to the LUB for Planning Districts 1 & 3
Attachment C	Amendments to MPS for Beaver Bank/Hammonds Plains/Upper Sackville
Attachment D	Amendments to LUB for Beaver Bank/Hammonds Plains/Upper Sackville
Attachment E	Minutes of Public Information Meeting, May 26, 2010

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A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/cc.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 : Paul Sampson, Planner I. 490-6259

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



**Map 1 - Location and Context**

Westwood Hills Subdivision  
Upper Tantallon

-  Westwood Hills Subdivision/  
area of notification
-  Current plan area boundary

Hammonds Plains/Upper Sackville/Beaver Bank Plan Area  
Planning Districts 1 & 3 Plan Area

**Zone - Hammonds Plains/Upper Sackville/Beaver Bank**

- R-1 Single Unit Dwelling
- R-1A Auxiliary Dwelling Unit
- MU-1 Mixed Use 1
- MR-1 Mixed Resource

**Zone - Planning Districts 1 & 3**

- R-1 Single Unit Dwelling
- RA-1 General Residential
- MU-1 Mixed Use 1
- MU-2 Mixed Use 2
- CDD Comprehensive Development District



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

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



Attachment A

**Amendments to the Municipal Planning Strategy for Planning Districts 1 & 3**

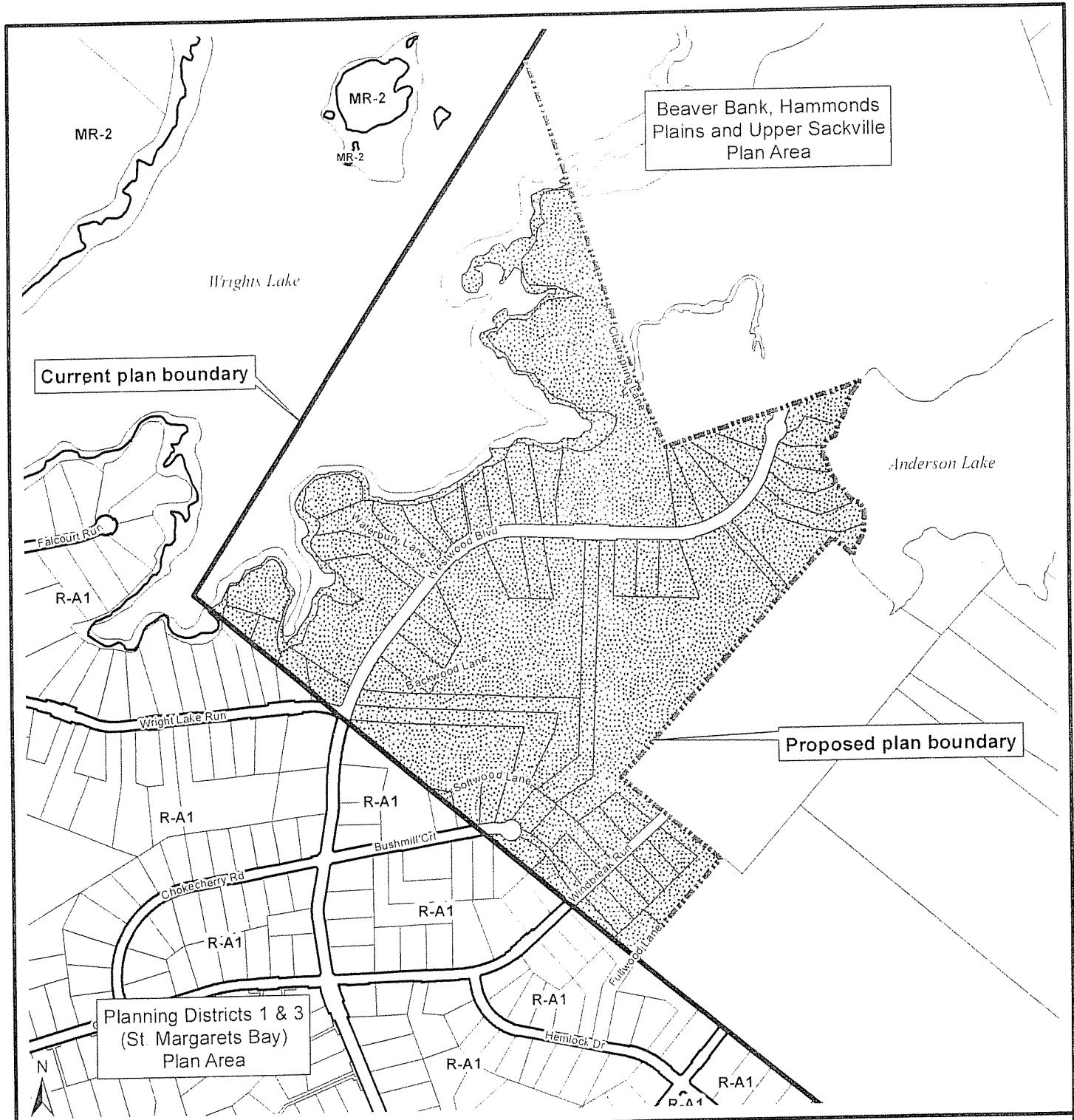
BE IT ENACTED by the Regional Council of the Halifax Regional Municipality that the Municipal Planning Strategy for Planning Districts 1 & 3 as adopted by the Council of Halifax County Municipality on the 3<sup>rd</sup> day of April, 1995 and approved by the Minister of Municipal Affairs on the 23<sup>rd</sup> day of May, 1995, which includes all amendments thereto which have been adopted by the Halifax Regional Municipality and are in effect as of the [insert date of hearing] is hereby amended as follows:

1. Amend the Generalized Future Land Use Map (Map 1) by amending the Plan Area boundary and land use designation as shown on the attached Appendix A.
2. Amend the Plan Area Map to reflect the changes outlined in amendment # 1 above.

I HEREBY CERTIFY that the amendments to the Municipal Planning Strategy for Planning Districts 1 & 3, as set out above, were duly passed by a majority vote of the Halifax Regional Municipal Council at a meeting held on the      day of      , 2011.

GIVEN under the hand of the Clerk and the Corporate Seal of the Halifax Regional Municipality this      day of      , 2011.

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



Beaver Bank, Hammonds Plains and Upper Sackville Plan Area

Current plan boundary

Proposed plan boundary

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

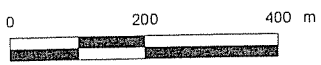
**APPENDIX A**

**Planning Districts 1 & 3 (St Margarets Bay) Municipal Planning Strategy and Land Use By-Law Proposed Amendments**

Westwood Hills Subdivision  
Upper Tantallon



Area proposed to be allocated to Planning Districts 1 & 3 Plan Area, zoned R-A1 (General Residential) and designated Mixed Use "A"



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

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

Planning Districts 1 & 3 Plan Area

## Attachment B

### **Amendments to the Land Use By-law for Planning Districts 1 & 3**

BE IT ENACTED by the Regional Council of the Halifax Regional Municipality that the Land Use By-law for Planning Districts 1 & 3 as adopted by the Council of Halifax County Municipality on the 3<sup>rd</sup> day of April, 1995 and approved by the Minister of Municipal Affairs on the 23<sup>rd</sup> day of May, 1995, which includes all amendments thereto which have been adopted by the Halifax Regional Municipality and are in effect as if the [insert date of hearing] is hereby amended as follows:

1. Schedules A-1 to A-5, B-1 to B-5, C-2 to C-6, D-2 to D-7, E-4 to E-6, F-4 to F-6, G-4 to G-5 and H-5 (Zoning Maps) shall be consolidated and replaced with the attached Schedule A (Zoning Map), which implements the amendments to the Plan Area boundary and zoning designation as shown on the attached Appendix A.

2. Section 3.2 (Zoning Maps) shall be deleted and replaced with the following:

#### “3.2 ZONING MAPS

- (a) Schedule A, attached hereto, may be cited as the Planning Districts 1 and 3 Zoning Map and is hereby declared to form part of this By-law.
  - (b) The extent and boundaries of all zones are shown on Schedule A and for all such zones the provisions of this By-law shall apply to all such zones.
  - (c) The symbols used on Schedule A refer to the appropriate zones established by Section 3.1 above.”
3. The Table of Contents shall be amended by replacing “Schedules A-1, A-2, A-3, A-4, A-5, B-1, B-2, B-3, B-4, B-5, C-2, C-3, C-4, C-5, D-3, D-4, D-5, D-6, E-4, E-5, E-6, F-4, F-5, F-6, G-4, G-5, H-5 Zoning Maps” with the following:

“Schedule A Zoning Map”

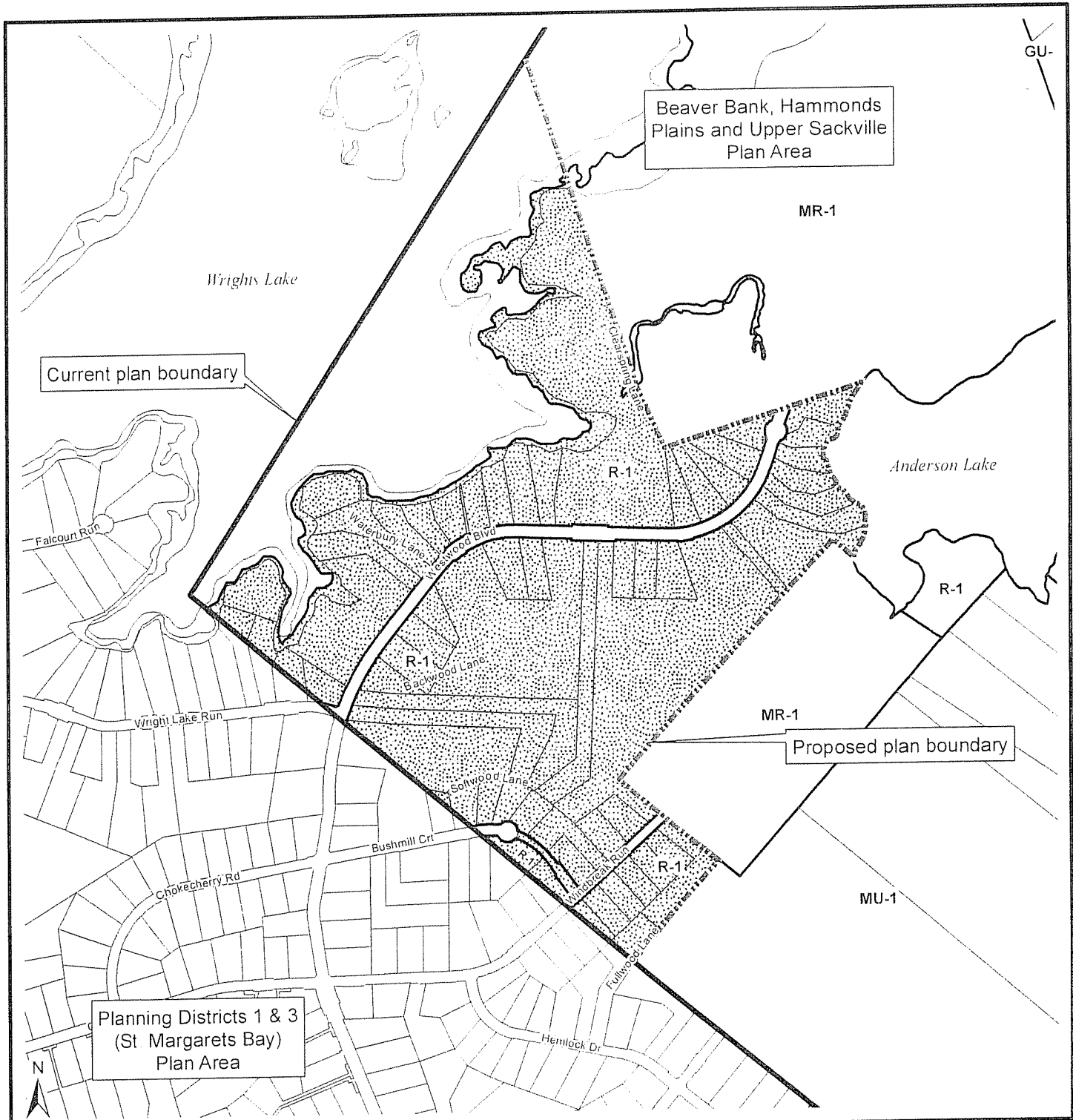
4. All references to “zoning maps” and “zoning schedules” shall be replaced with “zoning map” and “zoning schedule”, respectively.
5. Schedule I (Areas of Elevated Archaeological Potential) and Schedule J (Wetlands Map) shall be amended to reflect the changes outlined in amendment # 1 above.

I HEREBY CERTIFY that the amendments to the Land Use By-law for Planning Districts 1 & 3 as set out above, were duly passed by a majority vote of the Halifax Regional Municipal Council at a meeting held on the      day of      , 2011.

GIVEN under the hand of the Clerk and the Corporate Seal of the Halifax Regional Municipality this      day of      , 2011.

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Municipal Clerk



**Appendix B**

Beaver Bank, Hammonds Plains and Upper Sackville  
Municipal Planning Strategy and Land Use By-Law  
Proposed Amendments

Westwood Hills Subdivision  
Upper Tantallon



Area proposed to be allocated to  
Planning Districts 1 & 3 Plan Area



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

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

Beaver Bank, Hammonds Plains and Upper Sackville Plan Area

Attachment C

**Amendments to the Municipal Planning Strategy for Beaver Bank, Hammonds Plains and Upper Sackville**

BE IT ENACTED by the Regional Council of the Halifax Regional Municipality that the Municipal Planning Strategy for Beaver Bank, Hammonds Plains and Upper Sackville as adopted by the Council of Halifax County Municipality on the 9<sup>th</sup> day of November, 1999 and approved by the Minister of Municipal Affairs on the 4<sup>th</sup> day of May, 2000, which includes all amendments thereto which have been adopted by the Halifax Regional Municipality and are in effect as of the [insert date of hearing] is hereby amended as follows:

1. Amend Map 1D (Generalized Future Land Use Map) by amending the Plan Area boundary as shown on the attached Appendix B.
2. Amend the Regional Context Map to reflect the changes outlined in amendment # 1 above.

I HEREBY CERTIFY that the amendments to the Municipal Planning Strategy for Beaver Bank, Hammonds Plains and Upper Sackville, as set out above, were duly passed by a majority vote of the Halifax Regional Municipal Council at a meeting held on the day of \_\_\_\_\_, 2011.

GIVEN under the hand of the Clerk and the Corporate Seal of the Halifax Regional Municipality this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

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

**Attachment D**

**Amendments to the Land Use By-law for Beaver Bank, Hammonds Plains and Upper Sackville**

BE IT ENACTED by the Regional Council of the Halifax Regional Municipality that the Land Use By-law for Beaver Bank, Hammonds Plains and Upper Sackville as adopted by the Council of Halifax County Municipality on the 9<sup>th</sup> day of November, 1999 and approved by the Minister of Municipal Affairs on the 4<sup>th</sup> day of May, 2000, which includes all amendments thereto which have been adopted by the Halifax Regional Municipality and are in effect as if the [insert date of hearing] is hereby amended as follows:

1. Schedule 1-D (Zoning Map) shall be amended by amending the Plan Area boundary and zoning boundary as shown on the attached Appendix B.
2. Schedule F (Areas of Elevated Archaeological Potential) and Schedule G (Wetlands Map) shall be amended to reflect the changes outlined in amendment # 1 above.

I HEREBY CERTIFY that the amendments to the Land Use By-law for Beaver Bank, Hammonds Plains and Upper Sackville as set out above, were duly passed by a majority vote of the Halifax Regional Municipal Council at a meeting held on the day of \_\_\_\_\_, 2011.

GIVEN under the hand of the Clerk and the Corporate Seal of the Halifax Regional Municipality this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

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

## Attachment E

### **Public Information Meeting Case 15894 May 26, 2010**

In attendance: Councillor Lund  
Paul Sampson, Planner, Planning Applications  
Shanan Pictou, Planning Technician  
Gail Harnish, Planning Services

#### **Call to order, opening remarks**

**Mr. Paul Sampson** called the public information meeting (PIM) to order at approximately 7:00 p.m. at St. Margaret's Centre, Upper Tantallon.

The purpose of the meeting is to discuss a proposal to amend the Municipal Planning Strategies (MPS) for Planning Districts 1 & 3 (St. Margarets Bay) and Beaver Bank, Hammonds Plains and Upper Sackville. Referencing a map, he pointed out the Westwood Hills subdivision which straddles the line between the two plan areas. The northeastern portion of the Westwood Hills subdivision goes into the Beaver Bank, Hammonds Plains and Upper Sackville plan area.

#### **Background and overview and planning process**

The St. Margarets Bay MPS was created in the early 1990s. Mixed Use zoning was in place from 1995 onwards for the area. Around that time, in the early to mid 1990's, was when Westwood Hills began the early stages of subdivision. For a number of years there was mixed use zoning in the subdivision. Community Council rezoned the subdivision in 2008. The first rezoning was to rezone the portion of the subdivision in the Beaver Bank, Hammonds Plains and Upper Sackville plan area from MR-1 to R-1. Shortly afterwards, Community Council rezoned the larger portion of the subdivision in the St. Margarets Bay plan area from Mixed Use to R-A1. Two day cares were grandfathered and allowed expansion rights. The entire subdivision was downzoned to allow less uses as-of-right. Recently it was identified that the full subdivision should have consistent zoning which is what prompted this application.

Mr. Sampson briefly reviewed the planning process:

- Regional Council initiated the process to consider the MPS amendment
- the PIM is now being held
- staff will do a detailed review of the application
- staff will prepare a report which will be tabled with the North West Planning Advisory Committee
- the North West PAC's recommendation and the report are forwarded to the Western Region Community Council and the North West Community Council
- the Community Council's recommendations are forwarded to Regional Council
- Regional Council will decide whether or not to schedule a public hearing and, if so, a public hearing is held



Mr. Sampson provided highlights of the main differences.

The current R-A1 zoning which applies to most of Westwood Hills would stay intact and the northeastern portion would be given the same zoning.

The R-A1 zoning permits:

- auxiliary dwelling units which are basically in-law suites and basement apartments within the dwelling
- slightly larger day cares in the home
- home occupations can be in the home but they can also be in an attached garage
- institutional uses are permitted
- detached garages can be a little higher than in the Hammonds Plains plan area
- there is a larger watercourse setback (30m) versus 20m under the Regional Plan. That applies to Wrights Lake only.

Mr. Sampson advised this does not impact the current covenants in the subdivision. Covenants are not enforced by HRM; they have to be enforced by private property owners and Residents Associations. The proposal being discussed tonight in no way impacts those covenants.

### Questions and comments

**Mr. Dormand Skinner**, Haliburton Hills, indicated Westwood Hills is asking for a by-law change. Why can't the R-1 zoning in Hammonds Plains be brought up to the same standard as they have in Westwood Hills? The Hammonds Plains people are being left out. He has requested on many occasions that properties in Hammonds Plains be given equal rights. Once again they want to divide off a small piece of land and zone it R-1. They are going to put policies in place once again and leave the Hammonds Plains people out of the equation. All areas, including Hammonds Plains and Westwood Hills, should have equal zoning. He could not understand why Hammonds Plains could not have access to those policies.

Mr. Sampson responded what quite often happens is that entire subdivisions get lumped into plan areas and each of these community plans and by-laws are done separately and involve the community. That plan area would have been developed with input from the Beaver Bank, Hammonds Plains and Upper Sackville communities. In this case what happened was that the subdivision was in one plan area and crossed over that line when it expanded. This proposal is not to look at the bigger picture or all those subdivisions but to address the issue of this smaller subdivision.

Mr. Skinner said he understood but HRM is picking off small pieces of land from Hammonds Plains Road like the recent proposal for the development at the entrance to Kingswood. He thought it made sense to look at the whole area and bring everybody into the same zoning. He could not use his existing building but somebody in Westwood Hills could. They should be allowed to do the same things as those in Westwood Hills. He has asked the question and has been denied because the policies are not in place, but it is being said tonight that it can be done. They should be given the same rights in Hammonds Plains.

**Christina Parker**, Highland Park, stated everybody should be on the same page in this subdivision. She questioned how they started the process to change the designation. She has spoken to several business owners and she too would like to see the communities in the other plan area have the same process.

Mr. Sampson advised we get requests for changes to zoning through a variety of sources. Sometimes it is developers that make the request and sometimes Council initiates the request. The councillor for this area brought it to the attention of Regional Council who initiated this process. If it is a process that involves a change to a planning strategy that has to go to Regional Council. If it is similar to what was done two years ago when they did the two rezonings, it can be approved by Community Council. It can be done on an individual basis, or perhaps a Residents Association can get together and meet with the councillor and talk about the concerns. If there is some rationale to bring it forward, we will look at it.

**Ms. Virginia Bonn**, Development Manager for Westwood Hills, stated they did not make this request. She thought Mr. Skinner was looking for a boundary review versus R-1 zoning in Hammonds Plains and R-A1 zoning in St. Margarets Bay.

Mr. Bonn indicated her main concern had to do with the watercourse buffer. When she laid out the lots and got subdivision and Department of Environment approval, there was no watercourse buffer. When they apply for a building permit for the area near Wrights Lake they have to redesign the lots. She was concerned with increasing the buffer from 66' to 100'. She understood why the councillor made the request. It would probably be simpler for everybody if there was one set of rules for the entire Westwood Hills subdivision. She suggested they make the watercourse buffer consistent with the Regional Plan. There are quite a few homes on Wrights Lake already in Hammonds Plains and wondered about their watercourse buffer.

All the land use by-laws state "no development permit shall be issued for any development within 20m of the ordinary high water mark of any watercourse." Right now HRM is taking the 20m from the edge of the wetland and not the ordinary high water mark. Her only objection to the proposed MPS amendment was increasing the watercourse buffer zone.

**Mr. Mark MacGregor** stated he agreed with the proposal put forward by Councillor Lund. Consistency should be applied at the development stage by HRM in conjunction with the developers. Approximately a dozen homes in the northern portion of Westwood Hills cross through both land use by-laws which does not make sense.

Mr. MacGregor said he agreed the R-A1 zoning should be applied and the boundary looked at as a whole. Amalgamation happened in 1996 and was supposed to streamline things. Westwood Hills being one subdivision is a smart way to go. The watercourse setback is an interesting issue which should be looked at. Wrights Lake is a man made lake.

**Mr. Robert Sager** stated he agreed with Ms. Bonn in terms of the watercourse buffer. It should be consistent across the board with the Regional Plan. Also, the measurement should be taken

from the high water mark and not randomly. As for changing the boundary of the subdivision, he thought that was fine.

**Mr. Dormand Skinner** said it has been his experience that developers can get access to these changes but residents cannot. There are no policies. He has been told five times they are not accepting applications. We have the developer and the councillor coming out of the blue and asking for these changes.

**Mr. Mark MacGregor** pointed out he was the individual who contacted Councillor Lund and initiated this change. It was not the developer. He purchased a place in Westwood Hills thinking he was in the same plan area. He felt the high water mark and the watercourse setback should be evaluated again at the development stage. If there are any wetlands, they should be applied by the Department of Environment in conjunction with a review body as needed to best suit the environment and the subdivision as a whole.

Mr. Sampson advised changes to zoning regulations and planning strategies can be initiated by one property owner, although it is not common. When we get a request we look at the aspects of the particular situation and make an evaluation. What often happens is that a subdivision comes forward and requests changes. In this area over the last ten years St. Margarets Village came forward as they were interested in changing the zoning that applied to that subdivision, so there are a number of subdivisions in the area with similar zoning. Haliburton Hills falls under the same zoning as Whitehills Subdivision and Kingswood. We look at what is the most appropriate as subdivisions progress.

What often happens is that broad zoning that had applied to the area gets changed to more restrictive zoning to reflect that a residential subdivision exists. The two examples of rezoning he talked about at the beginning of the meeting are what we refer to as downzoning. It is basically to apply more restrictive zoning that is reflective of the subdivision, as opposed to the zoning originally put in place which permits industrial and forestry uses which are not likely to happen in a subdivision.

Different communities are grouped together in different areas. We have twenty separate planning strategies in HRM. That is a bigger issue than we are not able to look at tonight, but it is something we have to look at over time. Our business unit has a Community Planning group that looks at the larger picture and the Planning Applications group looks at the smaller issues.

The Regional Plan which brought in the 20m setback was something that was applied HRM wide. When that was done, the areas with larger setbacks already in place were left alone. The main idea was to make sure that 20m was the minimum and applied consistently. If it means looking at how it is applied, that will be done, and perhaps they will look at excluding marshes.

**Mr. Dormand Skinner** stated Hammonds Plains includes Westwood and Haliburton Hills and Nottingham Drive. They are one of the fastest growing areas in HRM. They live right on the Hammonds Plains Road. They see changes coming down the highway. Every time one of these designations change, they should be looking at what is happening in the whole community. They are asking that the whole area be looked at including the Hammonds Plains Road.

**Councillor Lund** indicated as the subdivision grows into the other plan area, they need to be consistently looking at the existing boundaries. All the subdivisions should be consistent. As Westwood Hills grew, it crossed into another plan area. It makes sense to have the whole subdivision in the same plan area. They have the same issues in terms of tax boundaries, which is something he wanted looked at as well through a separate process. Adjustments should be made as they grow.

Councillor Lund said he had no idea there was a 30m setback. That is something we need to take a look at as well. We as Council have real issues with respect to setbacks from wetlands. There are so many wetlands all over the place. It is causing us, as councillors and planners and developers, real concerns in terms of planned growth in HRM.

Councillor Lund indicated to Mr. Skinner that is one of the reasons why he would like a Business Association to take a look at the issues taking place along the Hammonds Plains Road. He welcomed that Association forming and taking a unified voice.

**Mr. Dormand Skinner** stated this is a change for staff and HRM to look at that. The councillor is aware of the problems on the Hammonds Plains Road. He did not think they should have to form an association for that to happen.

Councillor Lund indicated he was waiting for a report to come back from the Traffic Authority in terms of left-hand turning lanes.

Mr. Sampson noted there are a number of visioning exercises being undertaken right now and one of them will be for the Upper Tantallon area.

### **Adjournment**

The meeting adjourned at approximately 7:40 p.m.