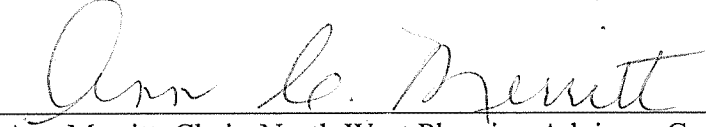


North West Community Council
June 23, 2011

TO: Chair and Members of North West Community Council

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

DATE: June 1, 2011

SUBJECT: **Case 16423: Plan Amendment for Monarch and Rivendale
Subdivision, Beaver Bank**

ORIGIN

North West Planning Advisory Committee meeting – June 1, 2011.

RECOMMENDATION

It is recommended that North West Community Council:

1. Recommend that Regional Council give First Reading to consider amendments to the Municipal Planning Strategy and Land Use By-law for Beaver Bank, Hammonds Plains and Upper Sackville as identified in Attachment A, B and C of the staff report dated April 5, 2011 and schedule a joint public hearing with North West Community Council; and
2. Recommend that Regional Council approve the proposed amendments to the Municipal Planning Strategy and Land Use By-law for Beaver Bank, Hammonds Plains and Upper Sackville as identified in Attachment A, B and C of the staff report dated April 5, 2011.
3. Give First Reading to consider the proposed amending development agreement for the remaining phase of the Monarch subdivision as shown in Attachment D of the staff report dated April 5, 2011 , and schedule a joint Public Hearing with Regional Council;
4. Following Ministerial approval for the Municipal Planning Strategy and Land Use By-law amendments, approve, by resolution, the discharge the existing development agreement for the completed phases of Monarch Subdivision as shown on Map 4 and in Attachment E of the staff report dated April 5, 2011;

5. Following Ministerial approval for the Municipal Planning Strategy and Land Use By-law amendment, approve the proposed amending development agreement for the incomplete phase as shown in Attachment D of the staff report dated April 5, 2011; and
6. Require the agreement be signed by the property owner within 120 days, or an extension thereof granted by Council on request of the property owner, from the date of final approval by Council and any other bodies as necessary, including applicable appeal periods, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.

BACKGROUND/DISCUSSION

At its meeting on June 1, 2011 the Committee reviewed the proposal to amend the Municipal Planning Strategy and Land Use By-law for Beaver Bank, Hammonds Plains and Upper Sackville as presented in the staff report dated April 5, 2011. This committee concurs with the findings and recommendations provided in the staff report.

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 April 5, 2011.

ALTERNATIVES

1. Regional Council may choose to approve the amendments to the Municipal Planning Strategy and Land Use By-law for Beaver Bank, Hammonds Plains and Upper Sackville to add a new zone and to apply this zone only to the lands subject to the development agreement in Monarch Subdivision as shown on Map 3. This is not the recommended approach for the reasons stated in the staff report dated April 5, 2011.

2. Regional Council may choose not to approve the amendments to the Municipal Planning Strategy and Land Use Bylaw for Beaver Bank, Hammonds Plains and Upper Sackville and rezone the lands to an existing zone. Should Council choose this option, more public consultation may be required. This is not the recommended approach for the reasons stated in the staff report dated April 5, 2011
3. North West Community Council may chose not to approve, by resolution, the discharge the existing development agreement for the completed phases of Monarch Subdivision as shown on Map 4 and in Attachment E of this report. This is not the recommended approach for the reasons stated in the staff report dated April 5, 2011
4. North West Community Council may chose not to approve, by resolution, the discharge of the existing development agreement for the incomplete phase of the Monarch Subdivision as shown on Map 4 of the staff report dated April 5, 2011 and not approve the proposed amending development

ATTACHMENTS

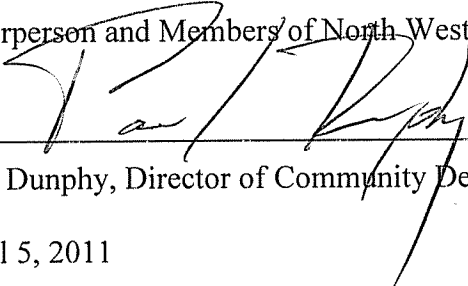
Staff report dated April 5, 2011.

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, Administration/PAC Coordinator 490-4937

Item No.
North West Planning Advisory Committee
June 1, 2011

TO: Chairperson and Members of North West Planning Advisory Committee

SUBMITTED BY: 
Paul Dunphy, Director of Community Development

DATE: April 5, 2011

SUBJECT: Case# 16423: Plan Amendment for Monarch and Rivendale Subdivision,
Beaver Bank.

ORIGIN

- March 2, 2010 Regional Council approved a Local Improvement Charge (LIC) to bring water services to Monarch and Rivendale subdivisions in Beaver Bank.
- At the same meeting, Regional Council initiated a planning process to consider amending the Municipal Planning Strategy for Beaver Bank, Hammonds Plains and Upper Sackville to accommodate a discharge of the existing development agreement for Monarch Estates and Rivendale Subdivisions and apply zoning as deemed appropriate and direct staff to follow the public participation program as approved by Council in February 1997.

RECOMMENDATION

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

1. Recommend that **Regional Council** give First Reading to consider amendments to the Municipal Planning Strategy and Land Use By-law for Beaver Bank, Hammonds Plains and Upper Sackville as identified in Attachment A, B and C of this report, and schedule a joint public hearing with North West Community Council; and
2. Recommend that **Regional Council** approve the proposed amendments to the Municipal Planning Strategy and Land Use By-law for Beaver Bank, Hammonds Plains and Upper Sackville as identified in Attachment A, B and C of this report.

3. Give First Reading to consider the proposed amending development agreement for the remaining phase of the Monarch subdivision as shown in Attachment D of this report, and schedule a joint Public Hearing with Regional Council;
4. Following Ministerial approval for the Municipal Planning Strategy and Land Use By-law amendments, approve, by resolution, the discharge the existing development agreement for the completed phases of Monarch Subdivision as shown on Map 4 and in Attachment E of this report; and
5. Following Ministerial approval for the Municipal Planning Strategy and Land Use By-law amendment, approve the proposed amending development agreement for the incomplete phase as shown in Attachment D of this report; and
6. Require the agreement be signed by the property owner within 120 days, or an extension thereof granted by Council on request of the property owner, from the date of final approval by Council and any other bodies as necessary, including applicable appeal periods, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.

BACKGROUND

The Monarch and Rivendale subdivisions have four different zones and a portion of the land is subject to a development agreement all of which allow a wide variety of uses. In order to appropriately reflect the current development pattern in these communities, a new zone is proposed on these lands, the development agreement is to be discharged from the completed phases and amended to reflect these changes on the final phase.

The Monarch subdivision is a multi phased development that gained initial approvals in 2001, while the Rivendale subdivision was developed earlier in the 1990's. The homeowners in these subdivisions have experienced significant water shortages and requested that Halifax Water extend water services to their community. On March 2, 2010 Regional Council adopted Local Improvement By-law L-132 that enabled Halifax Water to extend water services to the Monarch-Rivendale subdivisions.

Part of the Monarch subdivision is subject to a development agreement (Map 4). This development agreement states that all lots are to be developed with on site services. Now that water service is extended to these areas, they are not in compliance with the development agreement. As most of these lands are now in separate ownership it is very difficult to amend the existing agreement as there are many landowners who would have to sign the amending agreement. To allow the water service and address other development issues in the area such as the mixed zoning, the development agreement must be discharged on the completed phases and a standard zone applied on all the lands as shown on Map 3 and 4.

Zoning and Designation

- Rural Commuter designation in Regional Municipal Planning Strategy

- Monarch subdivision is designated Mixed Use A and Rural Resource and the Rivendale subdivision is designated Mixed Use A (Map 1)
- Monarch subdivision zoned Comprehensive Development District (CDD) and Mixed Use 1 (MU-1) and the Rivendale subdivision zoned Mobile Dwelling (R-3) with a strip of Single Unit Dwelling (R-1) (Map 2).

DISCUSSION

The lands in the study area are generally described as low density, single unit residential dwellings with a lot size between 1.25 and 2 acres (0.5 to 0.8 ha) in size. However the zoning is quite permissive, with a wide variety of uses allowed that would be incompatible with the existing built form. The proposed amendments are a blending of the regulations across the entire study area. The proposed regulations will allow the community to develop in a manner that better reflects the current land use and the land use options provided under the existing agreement. The chart entitled "Existing Regulations and Proposed Zone" (Attachment F) provides a quick comparison of the current regulations in the area with the proposed R-1B Zone. The lot standards are similar to those in the existing zones, but are more relaxed than those used in the existing development agreement.

Land Use

The land uses in the existing zones range from single unit dwellings, with home offices and small daycares in the R-1 zone, to the R-3 zone which permits mobile dwellings, single and two unit residential dwellings, home daycare and home business uses, to the MU-1 zone which permits a wide range of uses from residential to commercial, to trucking, landscaping, excavating, composting and agriculture uses (see Attachment F for further detail). The area that is subject to the development agreement permits single units with an auxiliary dwelling, home business and home daycare uses. There is a lack of consistency in the range of land uses permitted in the area. The proposed zone restricts the land uses in the area to single units with an auxiliary dwelling and two unit residential uses, with the potential for a home business and home daycare uses.

Survey

Staff surveyed the community at the September 30, 2010 Public Information Meeting and discussed three specific items, (a) boundaries, (b) home business needs and (c) accessory units. The survey results indicated the importance of home businesses and accessory units to the community. The public also indicated that the lands on Windgate Drive as being distinct from the Monarch and Rivendale subdivisions. Staff supports this conclusion as the lands on Windgate Drive have a rural development pattern and a wide range of mixed uses, whereas Monarch and Rivendale have a suburban style of development and, due to this difference, are not being considered for the rezoning.

Home Business

Home business uses were identified as a high priority for the community. The existing development agreement allowed home businesses of 500 sq ft (46.45 m²) whereas lands located in Rivendale were allowed home business uses of up to 1,000 sq ft (92.9 m²). The proposed

zone reflects this and has kept the same provisions that are currently in the Rivendale subdivision and applied those across the larger study area.

Auxiliary Dwellings

Members of the public strongly expressed their desire to maintain the ability to have an auxiliary dwelling unit. Staff agrees with this as these uses are currently permitted in all areas, except the R-1 zone. Additionally, this allows the community to accommodate new residents, without a change to the built form, which has the potential to improve service provision. These uses are currently permitted in all areas and the new zone maintains this existing use.

Watercourse Setbacks

The development agreement requires a 100ft (30.5m) setback from a watercourse. The Regional Municipal Planning Strategy has since set a regional watercourse setback of 66ft (20m). Through the discharging of the development agreement and the application of a new zone, the regional standard of 66ft (20m) would be applied. As the lands are already developed, this new setback would only affect lands at such time as when they are redeveloped or through the placement of accessory buildings.

Development Agreement

All the lands have been developed as identified in the existing development agreement, except for Phase 6 of the project. The entire parkland component has been developed and there are no outstanding clauses in the existing development agreement. However, to protect development rights, staff recommends the development agreement remain on the incomplete portion of the lands (Phase 6) and the agreement be amended to remove unnecessary clauses as described in Attachment D.

The existing development agreement was approved under plan policy which has since been replaced by Policy P-3 of the Beaver Bank, Hammonds Plains and Upper Sackville Municipal Planning Strategy (Attachment G). The proposed amendments maintain the intent of this policy and the existing development agreement. The amending agreement takes out all references to the completed phases and updates the clauses to only refer to the final phase. It also extends the expiration date, to allow the land owner more time to develop the property. The intent of the agreement remains the same—the content is simply being updated to reflect the appropriate land area.

Summary

Due to the extension of water services into the Monarch community, the lands are no longer in compliance with the development agreement. This agreement must be discharged and appropriate zoning placed on the lands. As the lands in the larger community (Rivendale) currently permit a wide range of land uses that no longer reflects the current or the desired usage, changes are also proposed on these lands. The proposed zone consists of a blending of regulations across the Monarch and Rivendale subdivisions that restricts uses to residential and home business and home daycare uses and would be applied to both subdivisions.

BUDGET IMPLICATIONS

The costs to process this project can be accommodated within the proposed 2011/12 operating budget for C310 Planning and 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, achieved through a Public Information Meeting held on September 30, 2010. A public hearing has to be held by Council before they can consider approval of any amendments. For the Public Information Meeting, notices were posted on the HRM website, in the newspaper and mailed to property owners within the notification area as shown on Map 1. Attachment H contains a copy of the minutes from the meeting. Should Council decide to proceed with a Public Hearing on this application, in addition to the published newspaper advertisements, property owners within the notification area will be notified as shown on Map 2.

The proposed MPS amendment, rezoning, land use bylaw amendment, amending agreement and DA discharge will potentially impact the following stakeholders: local residents and property owners.

ALTERNATIVES

1. Regional Council may choose to approve the amendments to the Municipal Planning Strategy and Land Use By-law for Beaver Bank, Hammonds Plains and Upper Sackville to add a new zone and to apply this zone only to the lands subject to the development agreement in Monarch Subdivision as shown on Map 3. This is not the recommended approach for the reasons stated in the report.
2. Regional Council may choose not to approve the amendments to the Municipal Planning Strategy and Land Use Bylaw for Beaver Bank, Hammonds Plains and Upper Sackville and rezone the lands to an existing zone. Should Council choose this option, more public consultation may be required. This is not the recommended approach for the reasons stated in the report.
3. North West Community Council may chose not to approve, by resolution, the discharge the existing development agreement for the completed phases of Monarch Subdivision as shown on Map 4 and in Attachment E of this report. This is not the recommended approach for the reasons stated in the report.
4. North West Community Council may chose not to approve, by resolution, the discharge of the existing development agreement for the incomplete phase of the Monarch Subdivision as shown on Map 4 and not approve the proposed amending development

agreement for the incomplete phase as shown in Attachment D of this report. This is not the recommended approach for the reasons stated in the report.

ATTACHMENTS

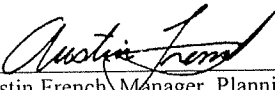
Map 1: Generalized Future Land Use
Map 2: Zoning
Map 3: Proposed Rezoning to R1-B
Map 4: Area subject to Development Agreement

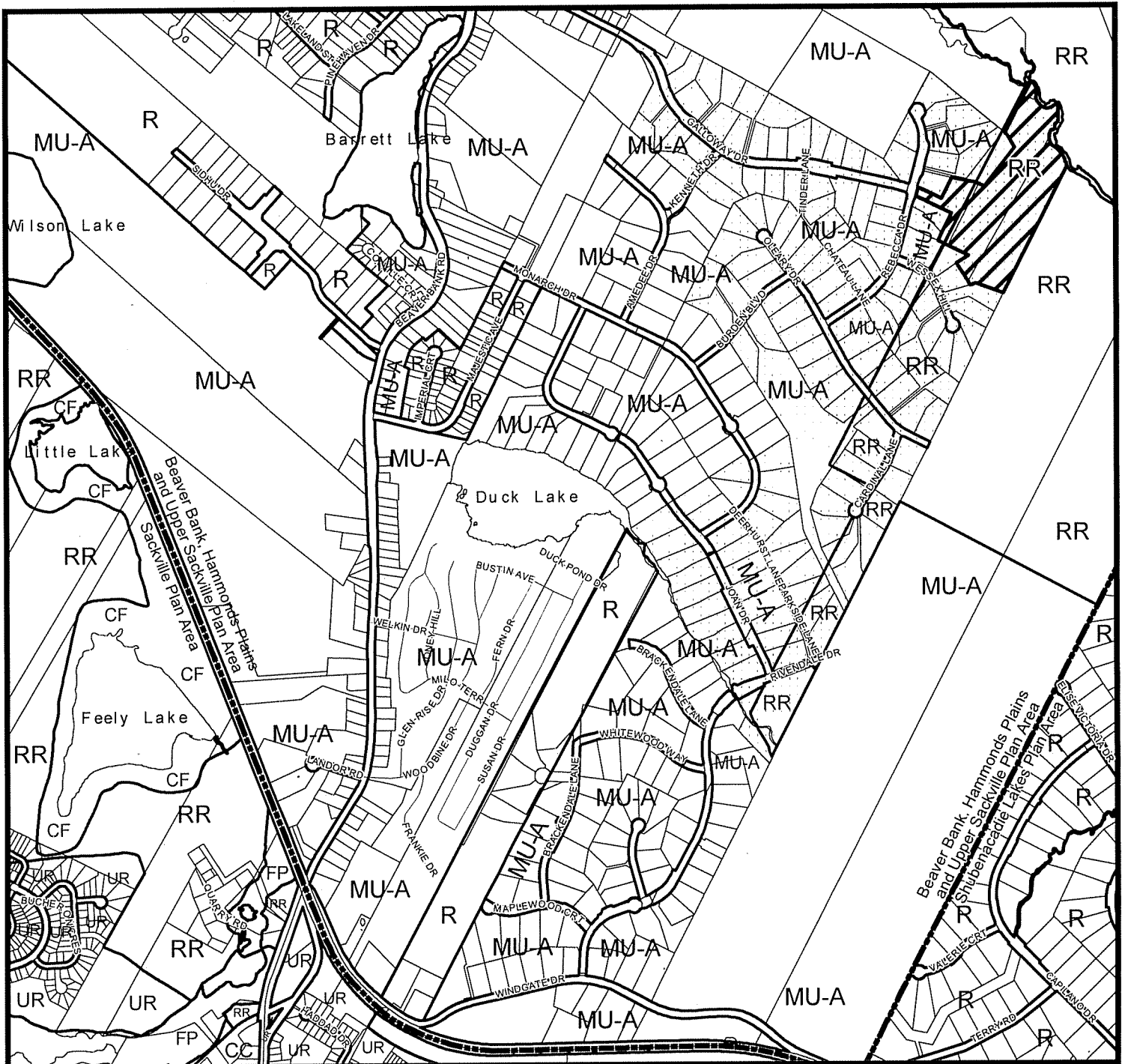
Attachment A: Proposed Municipal Planning Strategy Amendment
Attachment B: Proposed Land Use Bylaw Amendment (Zone Provisions)
Attachment C: Proposed Land Use Bylaw Amendment (Rezoning)
Attachment D: Proposed Amending Agreement
Attachment E: Proposed Discharge Resolution
Attachment F: Existing and Proposed Zone and Regulations
Attachment G: Enabling Policies
Attachment H: Public Information Meeting Minutes Sept 30, 2010

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

Report Prepared by: Jennifer Chapman, Planner 1, Regional Planning 490-4949

Report Approved by:


Austin French, Manager, Planning Services, 490-6717



Map 1 Generalized Future Land Use



 Existing Development Agreement

 Phase 6

Beaver Bank, Hammonds Plains and Upper Sackville Plan Area

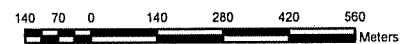
Sackville Plan Area

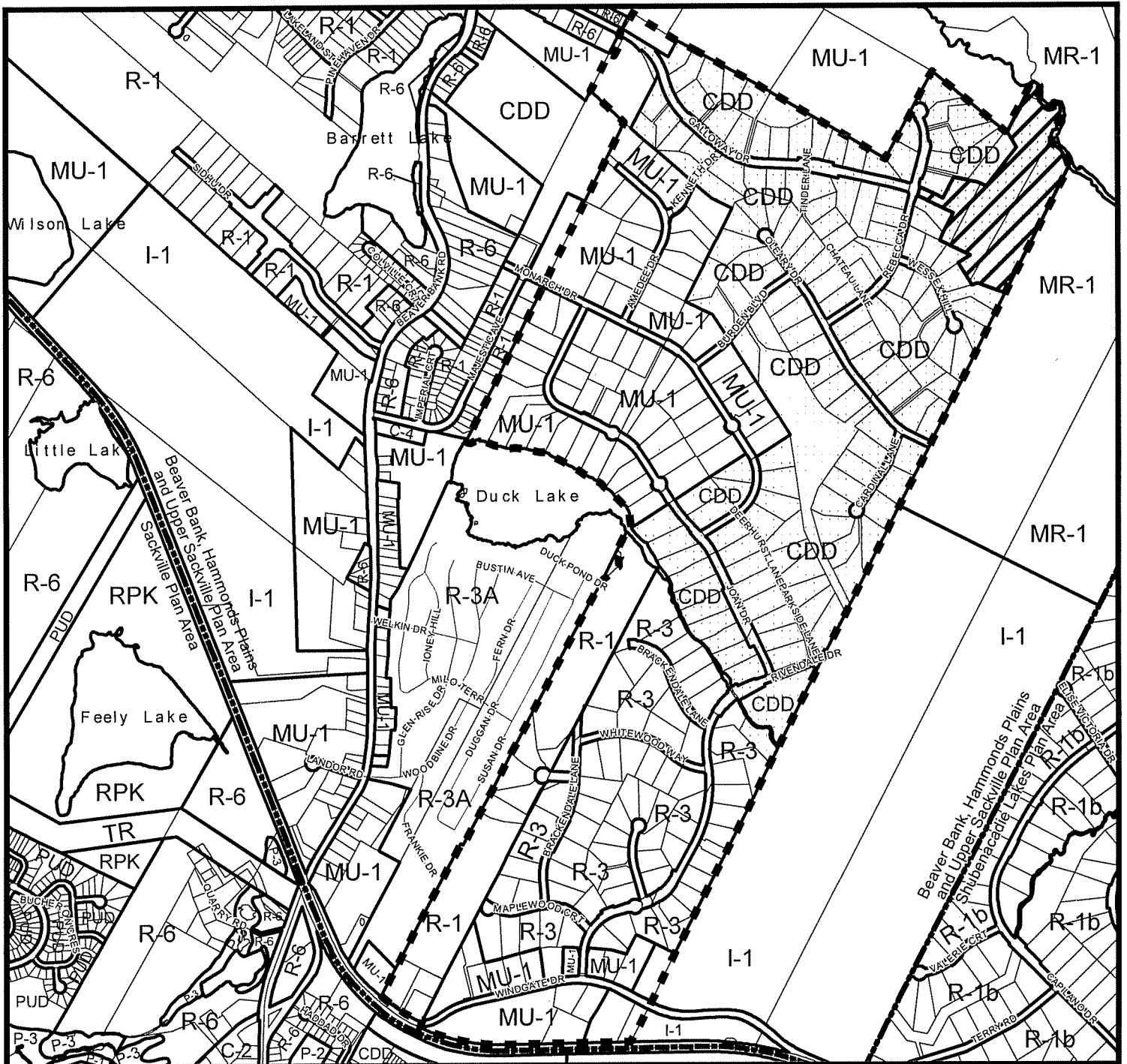
Shubenacadie Lakes Plan Area

- R Residential Designation
- MU-A Mixed Use A Designation
- RR Rural Resource Designation

- UR Urban Residential Designation
- RR Rural Residential Designation
- CC Community Commercial Designation
- CF Community Facility Designation
- FP Floodplain Designation

- R Residential Designation





Map 2 Zoning

Existing Development Agreement

Phase 6

Notification Area



Beaver Bank, Hammonds Plains and Upper Sackville Plan Area

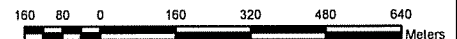
Sackville Plan Area

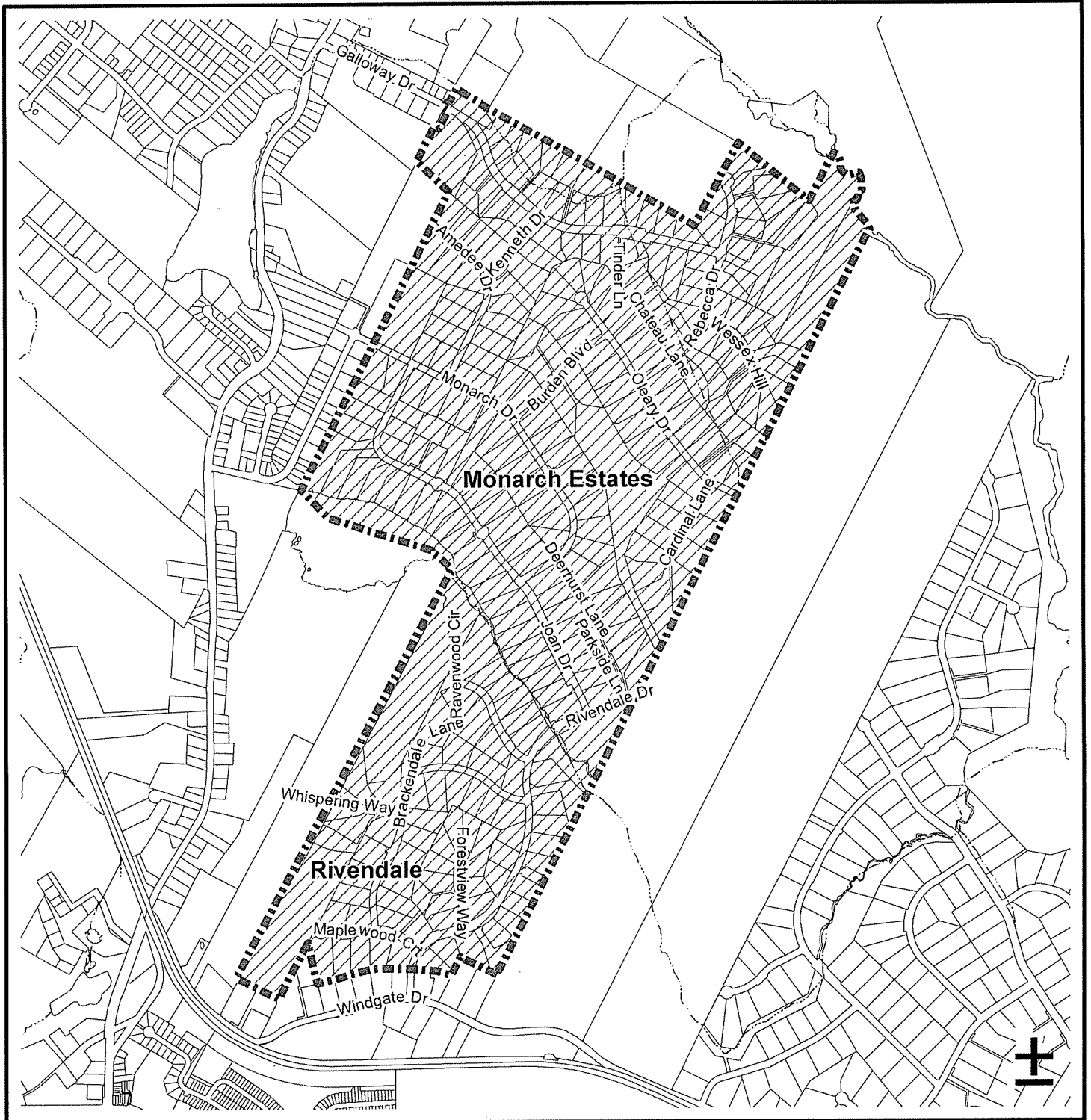
Shubenacadie Lakes Plan Area

- R-1 Single Unit Dwelling Zone
- R-3A Mobile Home Park Zone
- R-3 Mobile Unit Dwelling Zone
- R-6 Rural Residential Zone
- MU-1 Mixed Use 1 Zone
- MR-1 Mixed Resource Zone
- CDD Comprehensive Development District
- I-1 Mixed Industrial Zone

- R-6 Rural Residential Zone
- PUD Planned Unit Development
- CDD Comprehensive Development District
- P-1 Open Space Zone
- P-3 Community Facility Zone
- C-2 Community Commercial Zone
- RPK Regional Park Zone
- TR Transportation Reserve Zone

- R-1b Suburban Residential Zone

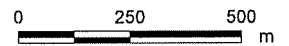




Map 3
Proposed Rezoning to R-1B
 Monarch/Rivendale

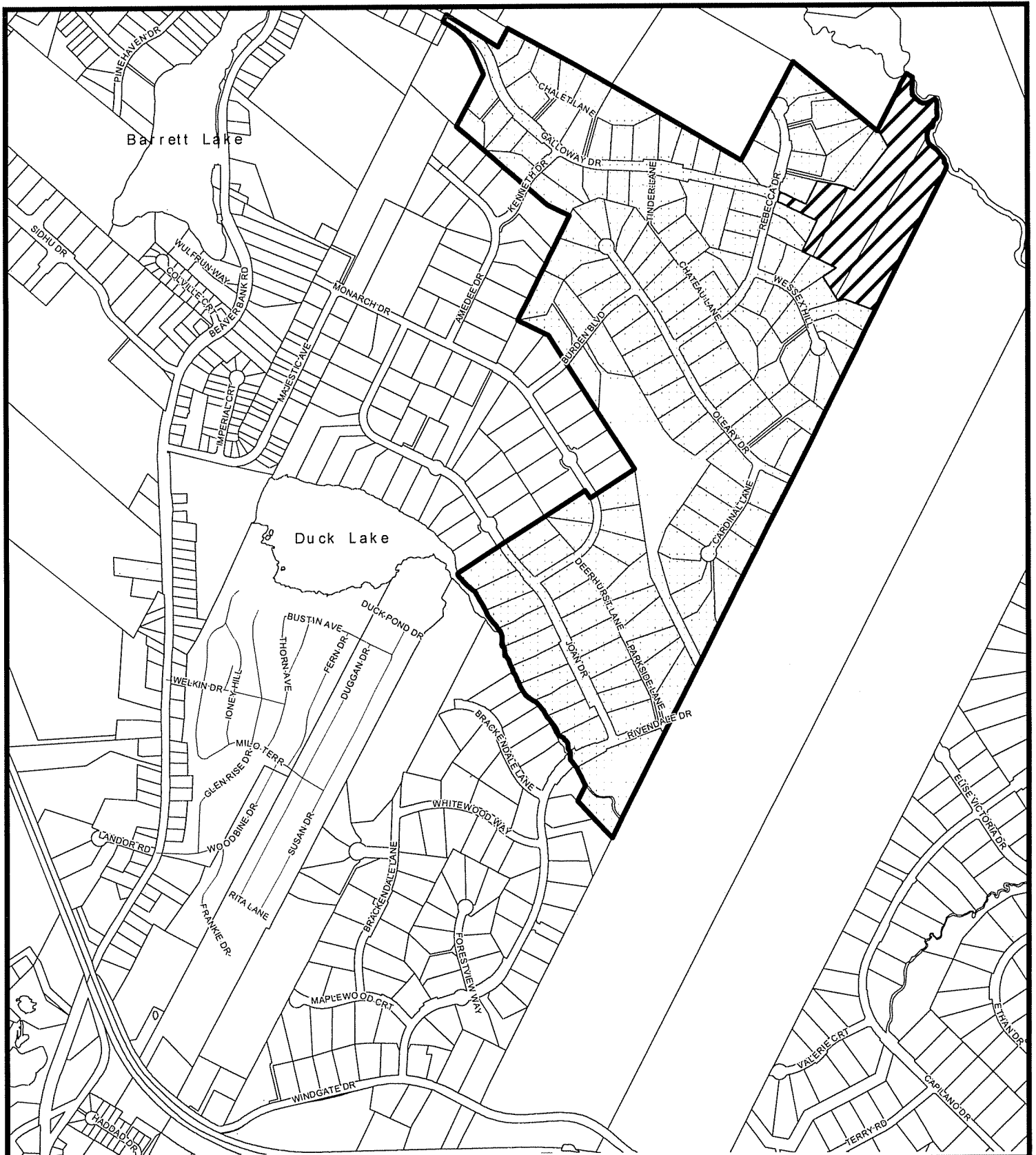


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 PLANNING SERVICES






Beaver Bank/Hammonds Plains/Upper Sackville
 Plan Area

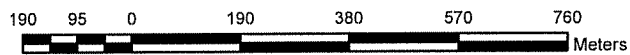
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 representation on this plan.



Map 4 Area Subject to Development Agreement

-  Existing Development Agreement
-  Completed Phases
-  Incomplete Phase

HALIFAX
REGIONAL MUNICIPALITY
Planning Services



Attachment A

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

BE IT ENACTED by the Regional Council of the Halifax Regional Municipality that the Beaver Bank, Hammonds Plains, and Upper Sackville Municipal Planning Strategy as adopted by the Regional Council on the 9th day of November, 1999, and approved by the Minister of Municipal Affairs on the 4th day of May, 2000, which includes all amendments thereto which have been adopted by Halifax Regional Municipality and are in effect as of the (INSERT DATE OF HEARING), is hereby amended as follows:

1. Add the following wording after Policy P-17 (Auxiliary Dwelling Units):

Monarch and Rivendale Subdivisions

The Rivendale subdivision was developed following an as-of-right subdivision approval process in the early 1990s while the majority of the Monarch Estates subdivision was developed since 2001 under the terms of a development agreement. The homeowners in both subdivisions have experienced water shortages and on March 2, 2010, Regional Council approved an extension of water services to the area to address this issue. However, the Monarch development agreement specifies that the subdivision is to have on-site wells. To allow the water service the development agreement must be discharged from the completed phases and a zone placed on the lands.

Further, the Monarch and Rivendale subdivisions contain several zones including the development agreement. Therefore, staff surveyed the public and it was determined the residents wanted to maintain the land use rights they currently have but enhance home businesses provisions and restrict the potential to erect mobile dwellings. As there was no zone that would match what the community wanted, a new zone was required that would permit larger home businesses, auxiliary dwelling units and recognize existing lots with reduced frontage requirements.

P-17A It shall be the intention of Council to create an Auxiliary Dwelling Unit with Home Business (R-1B) Zone which permits auxiliary dwelling units, expanded home business uses and home daycare uses in addition to all uses permitted in the R-1A (Auxiliary Dwelling) Zone. This zone shall control maximum gross floor area of the auxiliary unit, parking and the number of entrances along the front wall of the dwelling. It shall allow existing flag lots, but new lots will

have to meet a larger frontage requirement. This zone will be applied to the lands in the Monarch and Rivendale subdivisions as shown on Schedule P17-A.

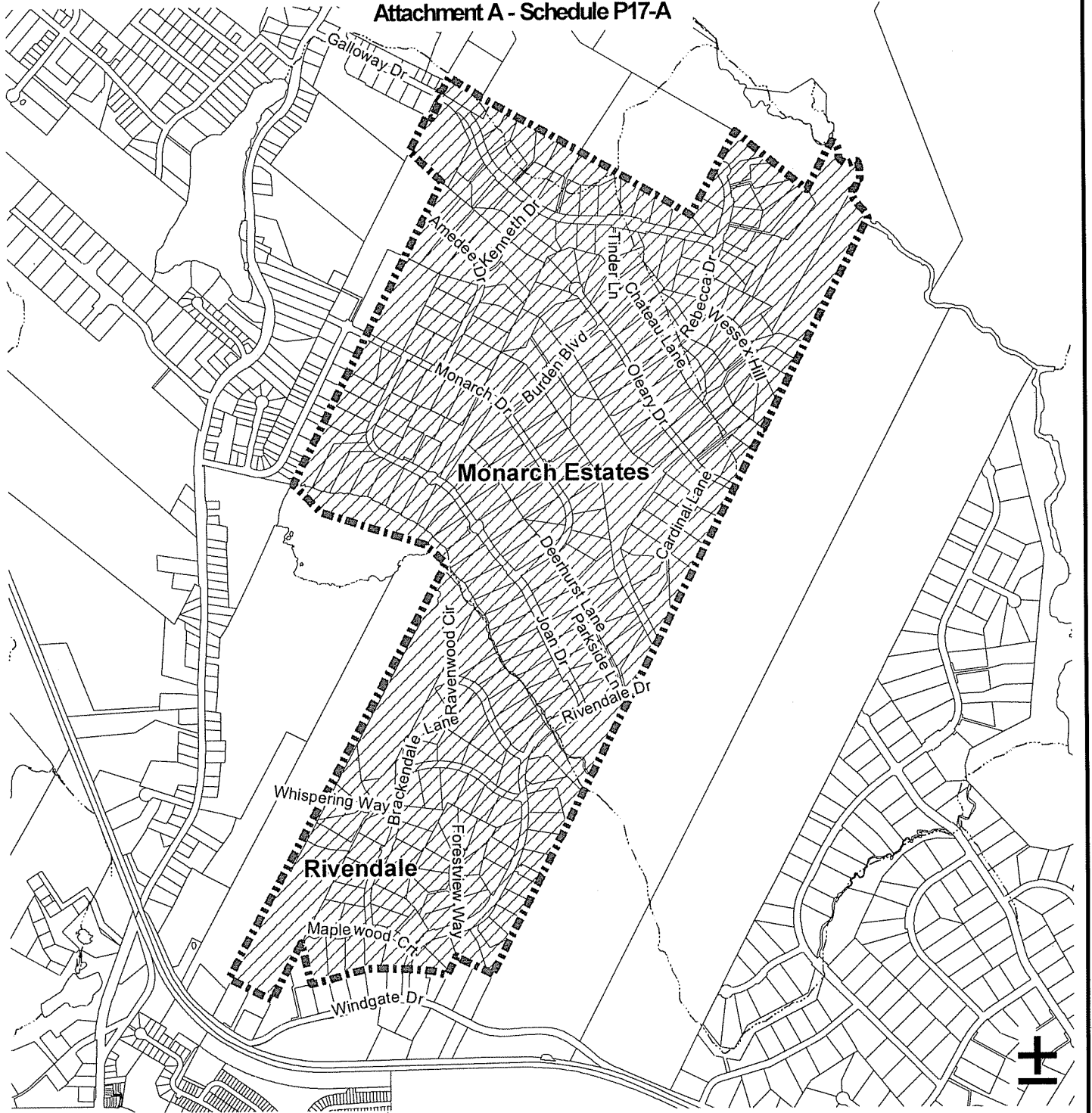
I HEREBY CERTIFY that the amendment to the Municipal Planning Strategy for Beaver Bank, Hammonds Plains and Upper Sackville as set out above, was passed by a majority vote of the Regional Council of the Halifax Regional Municipality at a meeting held on the ____ day of _____, 2011

GIVEN under the hands of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this ____ day of _____, 2011

Cathy Mellett

Municipal Clerk

Attachment A - Schedule P17-A

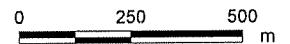


Schedule P17-A
Lands of the R-1b Zone (Auxilliary Dwelling with Home Business)
Monarch/Rivendale

 Applied Area

Beaver Bank/Hammonds Plains/Upper Sackville
Plan Area

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REGIONAL AND COMMUNITY
PLANNING SERVICES



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

Attachment B

Proposed Amendments to the Beaver Bank, Hammonds Plains and Upper Sackville

Land Use By-law

BE IT ENACTED by the Regional Council of the Halifax Regional Municipality that the Beaver Bank, Hammonds Plains, and Upper Sackville Land Use Bylaw as adopted by the Regional Council on the 9th day of November, 1999, and approved by the Minister of Municipal Affairs on the 4th day of May, 2000, which includes all amendments thereto which have been adopted by Halifax Regional Municipality and are in effect as of the (INSERT DATE OF HEARING), is hereby amended as follows:

1. Adding the text "Part 7A: R-1B (Auxiliary Dwelling with Home Business) Zone" after Part 7: R-1A (Auxiliary Dwelling) Zone in the Table of Contents.
2. Adding new Part after Part 7: R 1A (Auxiliary Dwelling Unit) Zone as follows:

**PART 7A: R-1B (AUXILIARY DWELLING WITH HOME BUSINESS)
ZONE**

7A.1 R-1B USES PERMITTED

No development permit shall be issued in any R-1B (Auxiliary Dwelling With Home Business) Zone except for the following:

Single unit dwellings

Auxiliary dwellings

Day care facilities for not more than fourteen (14) children and in conjunction with permitted dwellings

Business uses in conjunction with permitted dwellings

Open space uses

7A.2 R-1B ZONE REQUIREMENTS

In any R-1B Zone, no development permit shall be issued except in conformity with the following:

Minimum Lot Area	29,064 square feet (2700 m²)
Minimum Frontage	100 feet (30.5 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)

7A.3 EXEMPTION: EXISTING LOTS WITH REDUCED FRONTAGE

Notwithstanding the lot frontage requirements of Section 7A.2, existing lots with reduced frontage as of (INSERT-- Date of Public Hearing) will be permitted with a lot frontage of 20 feet (6.1 m).

7A.4 R-1B ZONE REQUIREMENTS: OPEN SPACE USES

In any R-1B Zone, where open space uses are permitted, no development permit shall be issued except in conformity with the provisions of Part 22.

7A.4 OTHER REQUIREMENTS: AUXILIARY DWELLING UNITS

Where auxiliary dwelling units are permitted in any R-1A Zone, the following shall apply:

- (a) the maximum gross floor area of any auxiliary dwelling unit shall not exceed (40) per cent of the gross floor area of the dwelling.
- (b) there shall be no more than one (1) entrance along the front wall of the dwelling;
- (c) the power meter for the auxiliary dwelling unit shall not be located on the front facade of the dwelling; and
- (d) one (1) off-street parking space shall be provided for any auxiliary dwelling unit.

7A.5 OTHER REQUIREMENTS: BUSINESS USES

Where any business is permitted in any R-1B Zone, the following shall apply:

- (a) No individuals who are not residents in the dwelling shall be employed in the business.
- (b) No more than fifty (50) percent of the gross floor area shall be devoted to any business, and in no case shall any business occupy more than one thousand (1000) square feet (92.9 m²).
- (c) No outdoor storage or outdoor display shall be permitted.
- (d) Not more than one (1) business sign shall be permitted and no such sign shall exceed two (2) square feet (0.2 m²) in area. The height of the sign shall be restricted to eight (8) feet or less and not be attached to a dwelling.
- (e) One off-street parking space, other than that required for the dwelling, shall be provided for every one hundred and fifty (150) square feet (14 m²) of floor area devoted to any business.

7A.6 OTHER REQUIREMENTS: DAY CARE FACILITIES

Where day care facilities are permitted in any R-1B 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 principle residence of the operator of the facility.
- (b) No outdoor storage or outdoor display shall be permitted.
- (c) Not more than one (1) business sign shall be permitted and no such sign shall exceed two (2) square feet (0.2 m²) in area. The height of the sign shall be restricted to eight (8) feet or less and not be attached to a dwelling.
- (d) One off-street parking space, other than that required for the dwelling shall be provided.

7A.7 OTHER REQUIREMENTS: BED AND BREAKFASTS

Where a bed & breakfast is permitted in any R-1B Zone, the following shall apply:

- (a) The bed & breakfast shall be wholly contained within the dwelling which is the principle residence of the operator of the establishment;
- (b) Not more than three (3) rooms may be let;
- (c) No window display and not more than one (1) business sign shall be permitted and no such sign shall exceed two (2) square feet (0.2 m²) in area; and
- (d) One off-street parking space in addition to that required for the dwelling shall be provided for each room to be let.

7A.8 OTHER REQUIREMENTS: COMMERCIAL MOTOR VEHICLES

In any R-1B Zone, not more than one commercial vehicle shall be kept on any lot and no such commercial motor vehicle shall exceed a registered vehicle weight of five (5) tons nor be kept less than ten (10) feet from any front lot line.

I HEREBY CERTIFY that the amendment to the Land Use By-law for Beaver Bank, Hammonds Plains and Upper Sackville as set out above, was passed by a majority vote of the Regional Council of the Halifax Regional Municipality at a meeting held on the ____ day of _____, 2011

GIVEN under the hands of the Municipal Clerk and
under the Corporate Seal of the Halifax Regional
Municipality this ___ day of _____, 2011

Cathy Mellett

Municipal Clerk

Attachment C

**Amendment 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 Beaver Bank, Hammonds Plains, and Upper Sackville Land Use Bylaw as adopted by the Regional Council on the 9th day of November, 1999, and approved by the Minister of Municipal Affairs on the 4th day of May, 2000, which includes all amendments thereto which have been adopted by Halifax Regional Municipality and are in effect as of the (INSERT DATE OF HEARING), is hereby amended as follows:

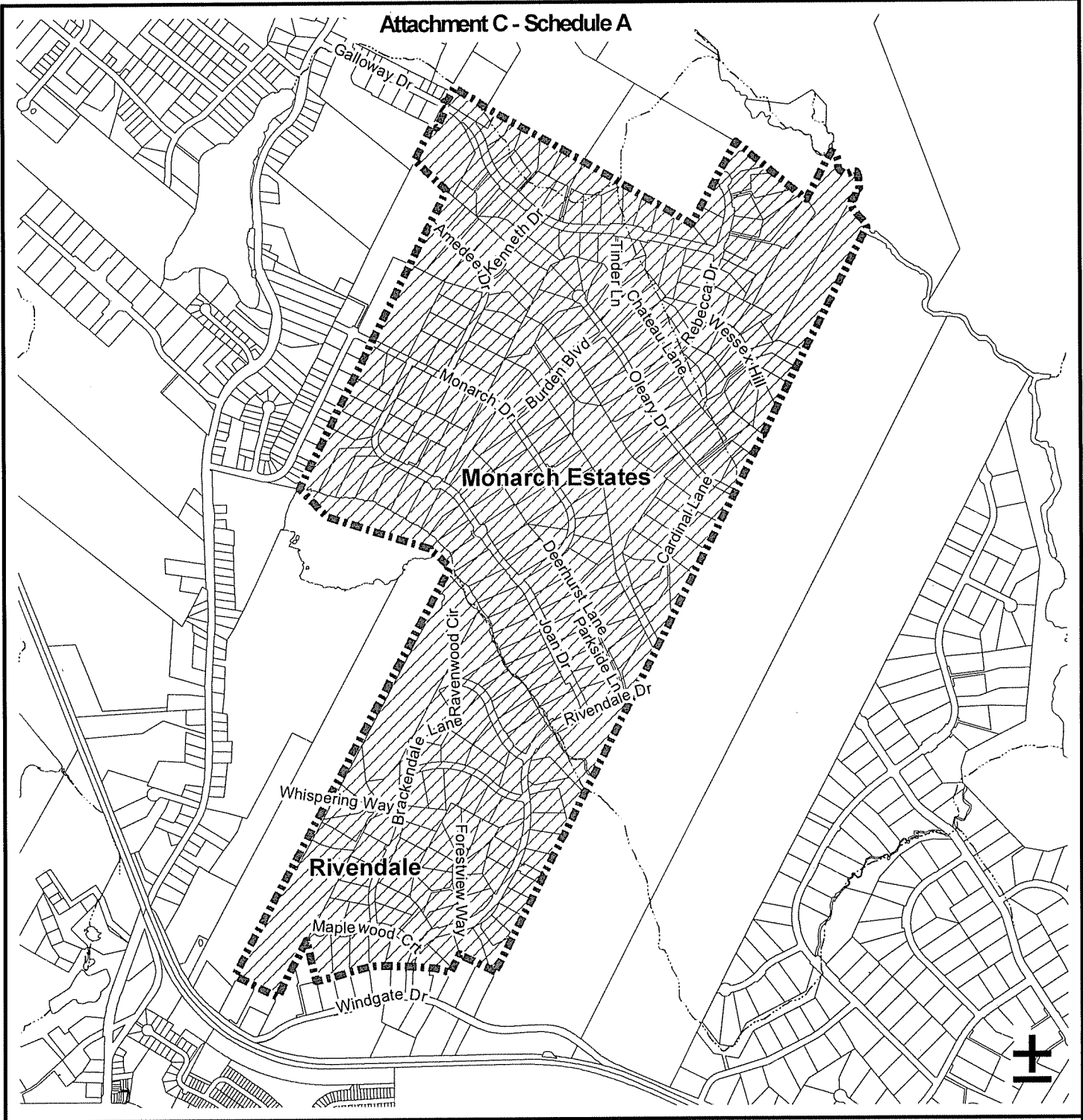
1. Map 1C of the Land Use By-law shall be amended as shown in the attached Schedule "A".

I HEREBY CERTIFY that the motion as set out above, was passed by a majority vote of the North West Community Council of the Halifax Regional Municipality at a meeting held on the ____ day of _____, 2011.

GIVEN under the hands of the Municipal Clerk and Under the Corporate Seal of the Halifax Regional Municipality this ____ day of _____, 2011.

Cathy Mellett
Municipal Clerk

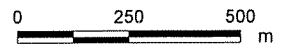
Attachment C - Schedule A



Attachment C - Schedule A
Proposed Rezoning to R-1B
 Monarch/Rivendale



Beaver Bank/Hammonds Plains/Upper Sackville
 Plan Area



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

Attachment D
AMENDING AGREEMENT

THIS THIRD AMENDING AGREEMENT made this day of , 2011,

BETWEEN:

(INSERT PROPERTY OWNER)
a body corporate, in the Province of Nova Scotia
(hereinafter called the "Developer")

OF THE FIRST PART

and

HALIFAX REGIONAL MUNICIPALITY,
a municipal body corporate, in the Province of Nova Scotia
(hereinafter called the "Municipality")

OF THE SECOND PART

WHEREAS the Developers are the registered owner of certain lands PID's #41077660 , 41077652 and 40014052, and which said lands are more particularly described in Schedule A hereto (hereinafter called the "Lands");

AND WHEREAS the North West Community Council of the Municipality approved an application by the Developer to enter into a Development Agreement to allow for an expansion to Monarch Estates and Rivendale subdivisions at a rate greater than 20 lots/ 4 years on the Lands on August 29, 2001, which said Development Agreement was registered at the Registry of Deeds in Halifax as Document Number 32650 in Book 6852, at Pages 60-91 (hereinafter called the "Initial Agreement");

AND WHEREAS the North West Community Council of the Municipality previously amended the Initial Agreement by entering into an Amending Agreement with Ramar Developments Limited and Barrett Enterprises Limited on September 25, 2003, as Municipal Case Number 00612 to enable the relocation of Park-3, said Agreement was registered at the Registry of Deeds in Halifax as Document Number 51094 in Book 7538, at Pages 57-61 (hereinafter called the "First Amending Agreement");

AND WHEREAS Marine Valley Drive Community Council of the Municipality underwent a larger area boundary change on November 4, 2004 which brought the Lands under their jurisdiction;

AND WHEREAS Marine Valley Drive Community Council of the Municipality, amended the First Amending Agreement by entering into an Amending Agreement with Ramar Developments Limited and Barrett Enterprises Limited on January 18, 2006 as Municipal Case Number 00715 to allow an additional 20 dwelling units, said Agreement was registered at the Registry of Deeds Office in Halifax as Document Number 85157064 (hereinafter called the "Second Amending Agreement");

AND WHEREAS the North West Community Council underwent a boundary change on January 12, 2010 to bring the Lands back under their jurisdiction;

AND WHEREAS North West Community Council discharged the agreement from the completed phases, Phases 1-5, which were owned by Ramar Development Limited, leaving the remaining phase, Phase 6, owned solely by [INSERT PROPERTY OWNER];

AND WHEREAS the Developer wishes to further amend the Second Amending Agreement, to permit development on central water services and to update the content to reflect the discharge of the development agreement from the completed phases of the Lands, into the Initial Agreement and all Amending Agreements of the "Lands" pursuant to the provisions of the Municipal Government Act, (hereinafter called the " Third Amending Agreement);

AND WHEREAS the North West Community Council for the Municipality approved this request at a meeting held on [INSERT-Date], referenced as Municipal Case Number 16423;

THEREFORE in consideration of the benefits accrued to each party from the covenants herein contained, the Parties agree as follows:

1. To delete Schedule "A", Schedule "B" and Schedule "B-1" and add a new Schedule "A" and Schedule "B" in Section 2.1.
2. To change the number of units in Section 2.2 (a) to "12 units".
3. To add new wording to Section 2.2 as follows:
" [Or]
(e) Any uses permitted within the existing zone applied to the Lands subject to the provisions contained within the Land Use By-law for Beaver Bank, Hammonds Plains and Upper Sackville as amended from time to time."
4. To replace the title of Section 2.3.1 with the title "Site Preparation".

5. To delete the clauses (a), (b) and (d) in Section 2.3.1.
6. To delete the wording “for each Phase (including Phase V)” found in clause (c) of Section 2.3.1.
7. To delete the wording “Duck Lake Brook,” found after the wording “... or the 1: 100 year flood plain, whichever is greater,” in Section 2.3.5.
8. To delete clause 2.3.8 (a) and replace with the following:

(a) The street network shall be developed as generally shown on Schedule “B”. The Development Officer, in consultation with the Development Engineer, may give consideration to minor incidental changes to the street network provided the changes do not alter or affect (a) the construction of Galloway Drive Extension as a minor collector, (b) traffic flows and volumes and (c) the intent of this agreement.

9. To delete clauses 2.3.8 (f) and (g).
10. To delete the phrase “and D” found after the words “...Roads F...” in clause 2.3.8 (i).
11. To delete the clauses (k), (l), (m), (n), (o), (p) and (q) in Section 2.3.8.
12. To delete entire section 2.3.9.
13. To delete Section 2.3.10.
14. To delete Section 2.3.11.
15. To delete Section 2.3.12.
16. To delete section 2.4.
17. To delete the last sentence of clause 2.5 (a) and replace it with the following:

“The design of this system shall be developed to be generally in conformance with the recommendations of the Master Stormwater Management Plan, as shown in Schedule “D”, as applicable to the lands shown on Schedule “B”.”

18. To delete the wording “... including the maintenance and monitoring program of Duck Lake Brook and Box Mill Brook” from clause 2.5 (c).
19. To delete clauses (e) and (h) in Section 2.5.
20. To add the word “control” after the wording “...erosion and sedimentation...” in clause 2.5(f).

21. To delete the wording "... Duck Lake Brook," found after the phrase "...or the 1:100 year flood plain, whichever is greater," from clause 2.5 (i).
22. To delete the wording "... other than Duck Lake Brook," found after the phrase "A reduction of this setback requirement may be considered for individual lots in proximity to a watercourse..." from clause 2.5(i).
23. To delete the wording "...of Duck Lake Brook," found after the phrase "...or the 1:100 year flood plain, whichever is greater," and the wording "This provision also applies to Open Space and Recreation Lands unless otherwise specified in this agreement." from clause 2.5 (j).
24. To delete the wording "(well and septic)..." found after the phrase "...protected from disturbance during the installation of services..." from clause 2.5 (k).
25. To delete Section 3.1 and replace with the following:

"All amendments to the Agreement shall be deemed to be substantial."
26. To delete Section 4.6.
27. To replace the wording "Upon the completion of all Phases..." with the wording "Upon completion of the development..." in clause 4.7.
28. To replace the wording "10 years" with "15 years" in clause 4.7.
29. All other terms of the Initial Agreement shall remain in full force and effect.
30. This Amending Agreement and everything contained herein shall be binding upon the Parties hereto, their heirs, successors and assigns.

WITNESS that this Amending Agreement, made in quadruplicate, was properly executed by the respective Parties on this _____ day of _____, A.D., 2011.

SIGNED, SEALED AND DELIVERED)	(INSERT PROPERTY OWNER)
)	
in the presence of)	
per _____)	per: _____
)	
)	
SEALED, DELIVERED AND)	
ATTESTED to by the proper)	
signing officers of Halifax Regional)	
Municipality duly authorized)	

in that behalf in the presence
MUNICIPALITY

) HALIFAX REGIONAL

)

)

per _____

) per:

MAYOR

)

)

per _____

) per:

MUNICIPAL CLERK

)

Schedule A of Attachment D

Schedule "A" Legal Description of the Lands

Legal Description of PID 40014052
Lands of Barrett Enterprises Limited, South East of Rebecca Drive,
Beaver Bank, Halifax County, Nova Scotia

All that certain piece or parcel of land being PID number 40014052 adjoining phase 3A Monarch & Rivendale CDD in Beaver Bank and is shown on a sketch dated March 2, 2005 prepared by Alderney Surveys Ltd, filed as drawing No. 033858-SK2 and attached hereto, said Lands being more particularly described as follows:

Beginning at a point on the northwestern boundary of Lot BL-RR-1 (PID No. 41043597), Lands of Barrett Lumber Company Limited at the northeast corner of Lot 317,

THENCE North 26 degrees 52 minutes 16 seconds East a distance of 185.852 metres along a southwestern boundary of said Lot BL-RR-1 to a point,

THENCE North 26 degrees 39 minutes 10 seconds East a distance of 223.346 metres more or less along a southwestern boundary of said Lot BL-RR-1 to a point at the ordinary high water mark of Box Mill Brook,

THENCE in a northwesterly direction along the varying ways and courses of Box Mill Brook a distance of 206.3 metres more or less to a point, said point being a Northeast corner of Lands of Barrett Enterprises Limited (PID Number 41077652), said point being North 11 degrees 06 minutes 58 seconds West a distance of 172.698 metres from the last mentioned point,

THENCE South 27 degrees 20 minutes 38 seconds West a distance of 555.508 metres more or less along the Southeastern boundary of the said Lands of Barrett Enterprises Limited to a point on the northeast boundary of Lot 318,

THENCE South 31 degrees 33 minutes 18 seconds East a distance of 20.348 metres along a northeastern boundary of said Lot 318 to a point on the northern boundary of lot 317,

THENCE North 73 degrees 53 minutes 13 seconds East a distance of 17.000 metres along a northern boundary of said Lot 317 to a point,

THENCE South 69 degrees 33 minutes 50 seconds East a distance of 82.443 along a northern boundary of said Lot 317 to the place of beginning.

Said parcel of land containing an area of 5.129 hectares.

All bearings are based on 3degree M.T.M. Grid North, Central Meridian 64 degrees 30 minutes West Longitude.

BEING and intended to be a portion of the lands conveyed to Barrett Enterprises Limited by a Deed recorded at the Registry of Deeds Office, Halifax, Nova Scotia, on April 1, 1986, as document no. 18873 in book 4150 at page 68.

SUBJECT TO a Development Agreement between Barrett Enterprises Limited and Halifax Regional Municipality recorded at the Registry of Deeds, Halifax, on September 6, 2001 as document # 32650 in book 6852 at page 60.

SUBJECT TO amendments to the aforesaid Development Agreement as set out in an Agreement recorded at the Registry of Deeds, Halifax, on November 17, 2003, as document no. 51094 in book 7538 at page 57.

Legal Description of PID 41077652
Lands of Barrett Enterprises Limited, South East of Rebecca Drive,
Beaver Bank, Halifax County, Nova Scotia

All that certain piece or parcel of land being PID number 441077652 adjoining phase 3A Monarch & Rivendale CDD in Beaver Bank and is shown on a sketch dated March 2, 2005 prepared by Alderney Surveys Ltd, filed as drawing No. 033858-SK2 and attached hereto, said Lands being more particularly described as follows:

Beginning at a point on the northeastern boundary of Lot 318, said point also being the southwest corner of Lands of Barrett Enterprises Limited (PID 40014052),

THENCE North 27 degrees 20 minutes 38 seconds East a distance of 555.508 metres more or less along the northwestern boundary of said lands of Barrett Enterprises Limited (PID 40014052) to a point at the ordinary high water mark of Box Mill Brook,

THENCE in a northwesterly direction along the varying ways and courses of Box Mill Brook a distance of 126 metres more or less to a point, said point being a Northeast corner of Lands of Grove Building and Realty Limited (PID Number 41064544), said point being North 45 degrees 47 minutes 13 seconds West a distance of 95.936 metres from the last mentioned point,

THENCE South 27 degrees 20 minutes 22 seconds West a distance of 165.607 metres more or less along the Southeastern boundary of the said Lands of Grove Building and Realty Limited to a point, said point also being the Northeast corner of Parcel K-B2BX (PID Number 41077660),

THENCE South 27 degrees 18 minutes 08 seconds West a distance of 240.826 metres along the Southeastern boundary of said Parcel K-B2BX to a point,

THENCE South 26 degrees 57 minutes 00 seconds West a distance of 115.936 metres along the Southeastern boundary of said Parcel K-B2BX to a point on the northeastern boundary of Lot 319,

THENCE South 63 degrees 34 minutes 11 seconds East a distance of 64.807 metres along the

northeastern boundary of said Lot 319 to a point,

THENCE South 56 degrees 32 minutes 44 seconds West a distance of 39.812 metres along a portion of the southeastern boundary of said Lot 319, to a point at the northern corner of Lot 318,

THENCE South 31 degrees 33 minutes 18 seconds East a distance of 52.473 metres along a northeastern boundary of said Lot 318 to place of beginning. Said parcel of land containing an area of 4.661 hectares.

All bearings are based on 3-degree M.T.M. Grid North, Central Meridian 64 degrees 30 minutes West.

SUBJECT TO a Development Agreement between Barrett Enterprises Limited and Halifax Regional Municipality recorded at the Registry of Deeds, Halifax, on September 6, 2001 as document # 32650 in book 6852 at page 60.

SUBJECT TO amendments to the aforesaid Development Agreement as set out in an Agreement recorded at the Registry of Deeds, Halifax, on November 17, 2003, as document no. 51094 in book 7538 at page 57.

Saving and Excepting Parcel BE-1 as shown on Registry Plan No. 92522342.

Legal Description of PID 41077660
Lands of Barrett Enterprises Limited
Rebecca Drive, Beaver Bank, Halifax County, Nova Scotia

All that certain piece or parcel of land lying and being at Rebecca Drive in Monarch-Rivendale CDD, Phase 5, Beaver Bank, Halifax County, Nova Scotia, and being shown as Parcel A on a plan of survey of Lots 501 to 532 Inclusive and Parcels GD-3 & RD-3, a Subdivision of Lands of Ramar Developments Limited and Barrett Enterprises Limited, signed by Joseph R. Alcorn, N.S.L.S., dated November 27, 2008 and is filed as Plan No. 92522342 at the Halifax County Land Registration Office. Said lands being more particularly described as follows:

BEGINNING at a point on the eastern boundary of Rebecca Drive (Parcel RD-3), said point also being northwest corner of Lot 513 as shown on the above-mentioned plan;

THENCE North 14 degrees 50 minutes 36 seconds East a distance of 25.229 metres along the eastern boundary of Rebecca Drive to a point of curvature, said point also being the southwest corner of Lot 514 as shown on the above mentioned plan;

THENCE in an easterly direction along a curve to the right having a radius of 512.500 metres an arc distance of 35.426 metres to a point of curvature;

THENCE South 63 degrees 39 minutes 32 seconds East a distance of 37.401 metres to a point;

THENCE North 26 degrees 20 minutes 28 seconds East a distance of 65.852 metres to a point on

the southern boundary of Lot 515;

THENCE South 78 degrees 33 minutes 01 seconds East a distance of 65.515 metres to a point;

THENCE South 69 degrees 22 minutes 36 seconds East a distance of 14.090 metres to a point;

THENCE South 27 degrees 18 minutes 08 seconds West a distance of 79.605metres to a point;

THENCE South 26 degrees 57 minutes 00 seconds West a distance of 115.936 metres to a point on the northern boundary of Lot 320 (PID 41158023);

THENCE North 63 degrees 34 minutes 11 seconds West a distance of 31.122 metres along said northern boundary of said Lot 320 to a point on the southeast corner of Lot 512;

THENCE North 26 degrees 20 minutes 28 seconds East a distance of 86.382 metres to a point being the northeast corner of Lot 513;

THENCE North 63 degrees 39 minutes 32 seconds West a distance of 81.046 metres to a point of curvature;

THENCE in a westerly direction along a curve to the left having a radius of 487.500 metres an arc distance of 30.388 metres to the point of BEGINNING.

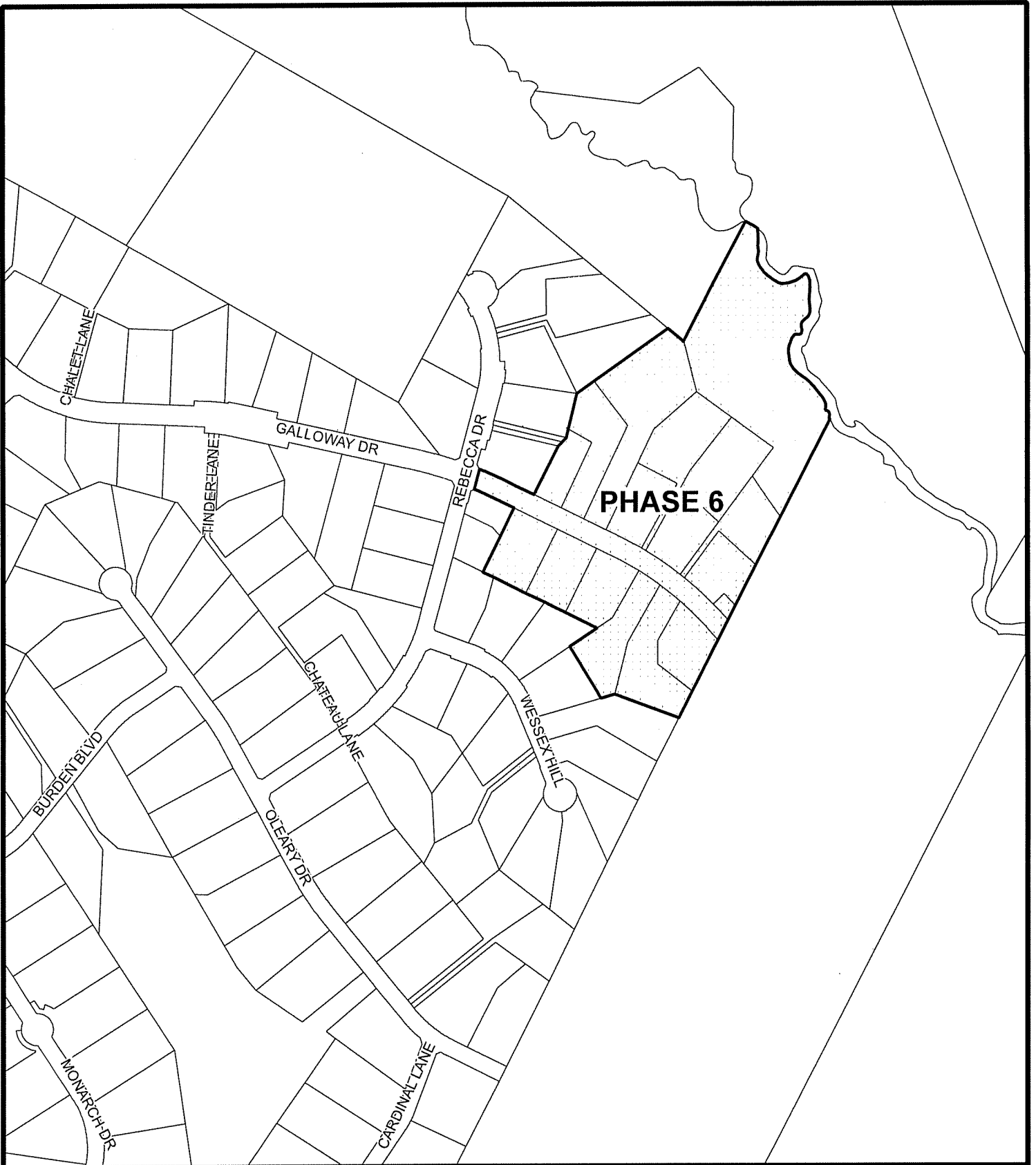
The above described parcel containing an area of 12,153 square metres.

All bearings are based on 3 degree M.T.M. Grid North, Central Meridian 64 degrees 30 minutes West Longitude.

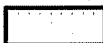
SUBJECT TO a Development Agreement recorded at the Halifax Land Registry Office in Book 6852, at Page 60.

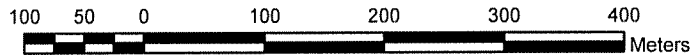
ALSO SUBJECT TO amendments to the aforesaid Development Agreement as set out in an Agreement recorded in Book 7538, at Page 57; and further amendments as set out in an Agreement recorded as Document No. 85157064.

ALSO SUBJECT TO a Development Agreement as described in Document No. 88536058.



Schedule B
Concept Plan

 Subject Area (Phase 6)



**Attachment E
DISCHARGING RESOLUTION**

**IN THE MATTER OF the Halifax Regional Municipality Charter
being Chapter 39 of the Acts of 2008**

- and -

**IN THE MATTER OF the development of certain lands
known as Monarch Subdivision;**

WHEREAS the North West Community Council of the Halifax Regional Municipality granted approval on May 23, 2001 of a development agreement for a Comprehensive Development District known as Monarch Subdivision (hereinafter called the "Lands") for the area as shown on Map 1, which was recorded at the Registry of Deeds in Halifax as Document Number 32650 in Book 6852, Page 60-91 (hereinafter called the "Agreement");

AND WHEREAS amendments to the Agreement were approved by the North West Community Council of the Halifax Regional Municipality on March 22, 1995, which were recorded at the Registry of Deeds as Document Number 10337 in Book 5699, Page 219;

AND WHEREAS further amendments to the Agreement were made by North West Community Council on July 24, 1996, which were recorded at the Registry of Deeds as Document Number 49421 in Book 5978, Pages 87-90;

AND WHEREAS pursuant to the procedures and requirements contained in the *Halifax Regional Municipality Charter*, the North West Community Council approved the discharge of this Agreement by resolution at a meeting held on the ___th day of XXXXX 2011, referenced as Municipal Case Number 16423;

NOW THEREFORE this resolution approves as follows:

1. The Agreement, including all amendments thereto, is hereby discharged from the completed phases, as shown on Map 1 and shall no longer have any force or effect.
2. Any future development of the completed phases of the Lands, as shown on Map 1, which were subject to the Agreement shall conform with all applicable provisions and requirements of the Beaver Bank, Hammonds Plains and Upper Sackville Land Use By-law, as amended from time to time, and any future subdivision of the Lands shall conform with all applicable provisions and requirements of the Regional Subdivision By-law, as amended from time to time.

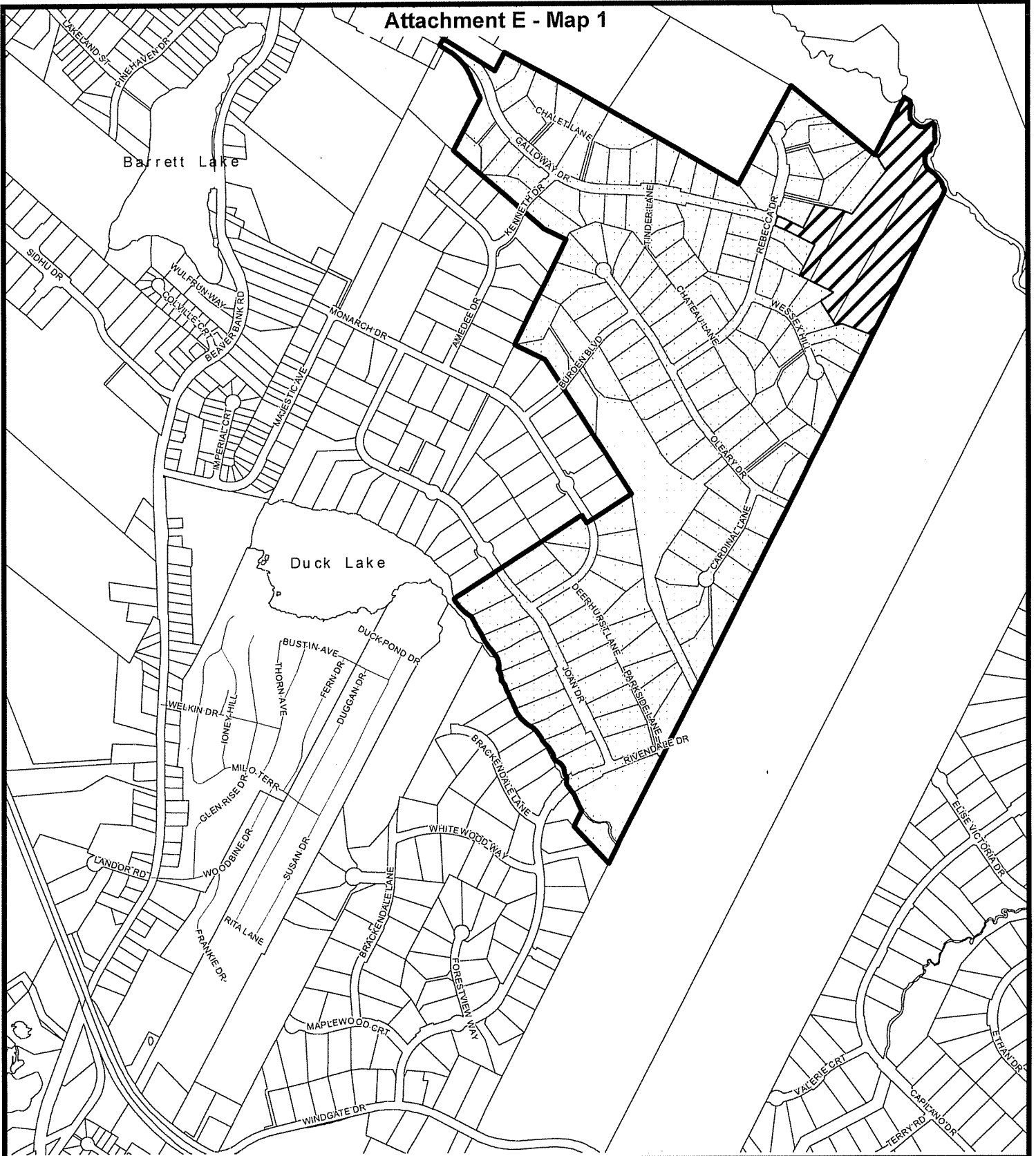
I HEREBY CERTIFY that the motion as set
out above, was passed by a majority vote of

the North West Community Council of the
Halifax Regional Municipality at a meeting
held on the ____ day of _____, 2011.




GIVEN under the hands of the Municipal
Clerk and Under the Corporate Seal of the
Halifax Regional Municipality this ____ day
of _____, 2011.

Municipal Clerk

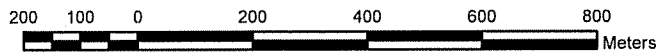
Attachment E - Map 1



Map 1 Area Subject to Development Agreement

-  Existing Development Agreement
-  Area to discharge development agreement
-  Area to amend development agreement

HALIFAX
REGIONAL MUNICIPALITY
Planning Services



Attachment F
Existing Regulations and Proposed Zone

Zoning	DA	R-1	R-3	MU-1	R-1B (Proposed Zone)
Land Use	single unit with auxiliary dwelling, home business, home daycare, public open space and recreation	Single unit, existing two unit, existing mobile dwellings, bed and breakfasts, home daycare, home offices, open space	Mobile dwellings, Single unit, two unit, home daycare, home business, open space	Single unit, two unit, boarding and rooming house, bed and breakfasts, seniors housing, existing mobile dwellings, existing multiple unit, home daycare, home business, institutional except police and fire, open space, C-2 commercial uses, trucking, paving, landscaping and excavating uses, agriculture, forestry and wooden furniture manufacture and composting	Single unit, auxiliary dwelling, two unit, home daycare, home business, open space
Lot area	30 000 sq ft	29 064 sq ft	29 064 sq ft	29 064 sq ft	29 064 sq ft
Watercourse Setback	30.5 m	20 m	20 m	20 m	20 m
Home Business	home business, 500 sq ft	Home offices, 300 sq ft	home business 1000 sq ft	home business 1000 sq ft	home business 1000 sq ft,
Daycare	7 children	7 children	14 children	14 children	14 children
Auxillary Dwelling	permitted	Only existing permitted	permitted	permitted	permitted

Attachment G

Enabling Policy from the Beaver Bank, Hammonds Plains and Upper Sackville Municipal Planning Strategy

P-3 **It shall be the intention of Council to establish a Comprehensive Development District (CDD) Zone in the Land Use By-law which permits the development of a mix of low density residential uses, associated community facility uses, local commercial uses, home-based offices and small-scale bed and breakfasts. This zone may be applied to those lands for which an application for rezoning was submitted prior to the first notice of the intention to adopt the Regional Municipal Planning Strategy for Halifax Regional Municipality. It will also be retained on those lands that were previously zoned CDD where an application for a development agreement was submitted prior to the first notice. When considering applications for rezoning submitted prior to first notice, Council shall have regard for the following: (RC-Jun27/06;E-Aug26/06)**

- (a) that the development is within the Mixed Use A, Mixed Use B, Mixed Use C, Residential, Upper Hammonds Plains Community, Resource and/or Springfield Lake designations;
- (b) that the development is contiguous to a final approved residential subdivision that has a minimum of 10 lots that is serviced by its own internal road network;
- (c) that a traffic impact study, where determined by the Municipality and/or the Nova Scotia Department of Transportation & Public Works, is submitted by the applicant to demonstrate that the proposed development will not reduce the “level of service” of the external transportation network below an acceptable “level of service” as defined by the Municipality and/or the Nova Scotia Department of Transportation & Public Works;
- (d) that there are sufficient school, recreation or community facilities and services to support the development; and
- (e) the provisions of Policy P-137.

NORTH WEST PLANNING ADVISORY COMMITTEE
PUBLIC MEETING
MINUTES
September 30, 2010

PRESENT: Ms. Ann Merritt, Chair
Mr. Walter Regan, Vice Chair

REGRETS: Ms. Jessica Alexander

ABSENT: Ms. Gloria Lowther
Mr. Marcel Parsons
Mr. Robert Wooden
Mr. David Merrigan
Mr. David MacLean
Councillor Harvey
Councillor Outhit

STAFF: Ms. Jennifer Chapman, Planner, Planning Applications
Mr. Jamie Hannam, Halifax Water
Ms. Thea Langillé, Supervisor Planning Applications
Ms. Melody Campbell, Legislative Assistant

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1.	Call to Order.....	3
2.	Case 16423 - HRM initiated request to amend the Municipal Planning Strategy and Land Use By-law for Beaver Bank, Hammonds Plains and Upper Sackville to add a new zone that will be applied to lands in the Monarch subdivision and discharge the existing development agreement. Lands in the Rivendale subdivision will also be rezoned.....	3
3.	Closing comments.....	3
4.	Adjournment.....	6

1. CALL TO ORDER

The meeting was called to order at 7:00 p.m. at the Church of the Good Shepherd, 28 Trinity Lane, Beaver Bank.

Mr. Ann Merritt, Chair, of the North West Planning Advisory Committee, introduced the Committee and welcomed the public to the Information Meeting.

2. Case 16423 - HRM initiated request to amend the Municipal Planning Strategy and Land Use By-law for Beaver Bank, Hammonds Plains and Upper Sackville to add a new zone that will be applied to lands in the Monarch subdivision and discharge the existing development agreement. Lands in the Rivendale subdivision will also be rezoned.

Mr. Jamie Hannam, Halifax Water, provided an update on the Water Servicing Project. Ms. Jennifer Chapman, Planner with the Halifax Regional Municipality, provided the background and a presentation on Case 16423 - HRM initiated request to amend the Municipal Planning Strategy and Land Use By-law for Beaver Bank, Hammonds Plains and Upper Sackville to add a new zone that will be applied to lands in the Monarch subdivision and discharge the existing development agreement. Lands in the Rivendale subdivision will also be rezoned.

Ms. Chapman stated that staff have prepared a survey and requested that those in attendance to fill it out and she requested that those in attendance pass on the survey to any residents in the area affected by this case. She advised members of the public that this meeting is an information exchange and that no decision on the case would be made at this time.

The floor was opened for the members of the North West Planning Advisory Committee to present any questions regarding the proposal. There were no questions of clarification from Committee members.

Ms. Merritt advised the public of the ground rules of the meeting and requested that anyone who wanted to speak to proposed amendments come forward. The floor was opened for comments from the public.

Ms. Kelly Peckham questioned the types of zoning being considered. Ms. Langille, Supervisor, Planning Applications, advised that there are currently four different types of zones in the area. She added that staff are requesting residents' input and will consider zoning that will work best for the community.

Ms. Sherry Best raised concern regarding Wingate Drive. She suggested that Wingate

Drive should not be considered in the Monarch Rivendale subdivision. She advised that her property is zoned as a MU-1 and wants it to remain zoned as such. She stated that she and her husband bought their land so they could have livestock and a barn which is permitted under MU-1 zoning. She added that a trucking company operates down the road.

Mr. Daniel Sequin questioned the obligations relating to covenants. Ms. Chapman advised that covenants are not enforced by the Municipality and that land in HRM is zoned.

Ms. Langille advised the residents that changes have to be made to the Development Agreement noting that the current development agreement does not permit residents to have municipal water.

Mr. Roger Gauvin expressed concern that if zoning changes are made, he will no longer be able to have an apartment as part of his home. He added that if this were the case it would change his future revenue and earning potential. Ms. Chapman advised that the apartment would remain as the apartment was part of the property when it was bought under the old agreement.

Mr. Brad Conrad suggested that the rezoning exclude Wingate Drive.

In response to a question by **Mr. Daniel Sequin**, Ms. Chapman advised that zoning will be considered that is consistent and works well for the community.

Ms. Elda Brown questioned whether the proposed zones permitted another unit in the home. Ms. Chapman advised that another unit is permitted in the home in all proposed zones.

Mr. Daniel Sequin expressed concern that residents may split lots now that larger lots are will not be required to maintain septic fields.

Ms. Debbie Sequin advised that zoning needs to accommodate community needs. She questioned whether the development agreement overrides a covenant.

Mr. Roger Gauvin added that at R-3 zoning, 29,000 square feet cannot be developed so lands could not be subdivided.

Ms. Chapman urged the community members in attendance write all of their concerns on the survey, including the issue regarding subdividing lots.

Mr. Vaughn Munden questioned how his tax rate would be affected. Ms. Chapman

advised that this plan does not affect the tax rate. Mr. Hannam advised that tax rates are affected by assessments and if your assessment goes up, then your tax rate will increase. It was noted that tax rate increases are capped at 3%. It was also noted that tax rates could raise if a property goes from residential to commercial.

Ms. Langille advised the residents in attendance the process as the case moves from the public meeting on to Council. Members in attendance advised that it is difficult for some members of the community to attend a public hearing in Halifax. Ms. Merritt, Chair of North West Planning Advisory Committee, suggested that the community appoint spokespersons to address Council. Staff advised that written submissions will also be accepted through the Clerk's Office prior to the public hearing. Staff advised that reports are available and can be viewed online at www.halifax.ca

Mr. Brad Cross advised that he bought in the subdivision because of the ability to have a large lot. He added that the construction phase has been good. In response to a question by Mr. Cross, staff advised that it is not mandatory for homes to hook up to the Halifax Water system.

In response to a question by **Mr. Daniel Sequin**, Mr. Hannam advised that residents are paying for the system through a local improvement charge, noting that the costs benefit the community.

In response to a question by **Ms. Debbie Sequin**, staff advised that another permit will not be required for her to continue her business.

In response to a question by **Mr. Tom Best**, staff advised that costs are divided among all residents to cover the water main costs running in front of dead zones.

Ms. Chapman thanked the residents in attendance for their input to the process. She advised that residents can contact her at any time if they have any questions or comments. She requested that surveys and residents' input be submitted to her by the end of October.

3. CLOSING COMMENTS

Ms. Merritt thanked the residents for their comments and input to the process and outlined the process and timelines for the application as it proceeds to Regional Council.

4. ADJOURNMENT

The meeting was adjourned at 8:17 p.m.

Melody Campbell
Legislative Support