

North West Community Council
April 26, 2012

TO: Chair and Members of North West Community Council

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

DATE: April 4, 2012

SUBJECT: Case 16891 Hartland Village Rezoning, Sackville

ORIGIN

North West Planning Advisory Committee Meeting – April 4, 2012.

RECOMMENDATION

It is recommended that North West Community Council:

1. Give First Reading to the proposed rezoning of Hartland Village from the R-6 (Rural Residential) zone to the R-6A (Rural Residential Single Unit Dwelling) zone as shown in Attachment A and schedule a public hearing; and
2. Rezone Hartland Village from the R-6 (Rural Residential) zone to the R-6A (Rural Residential Single Unit Dwelling) zone as shown in Attachment A of the staff report dated March 7, 2012.

BACKGROUND/DISCUSSION

At its meeting of April 4, 2012 the Committee reviewed and discussed the proposal to rezone Hartland Village from the R-6 (Rural Residential) zone to the R-6A (Rural Residential Single Unit Dwelling) zone.

BUDGET IMPLICATIONS

There are no budget implications.

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 staff's report dated March 7, 2012.

ALTERNATIVES

North West Community Council may choose to:

1. Rezone Hartland Village from the R-6 (Rural Residential) zone to the R-6A (Rural Residential Single Unit Dwelling) zone. This is the staff recommendation for the reasons described in the staff report dated March 7, 2012.
2. Maintain the existing R-6 (Rural Residential) Zone.


ATTACHMENTS

Staff report dated March 7, 2012.

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.

North West Planning Advisory Committee
April 4, 2012

TO: Chair and Members of the North West Planning Advisory Committee

SUBMITTED BY: 
Peter Stickings, Acting Director, Planning and Infrastructure

DATE: March 7, 2012

SUBJECT: Case 16891 Hartland Village Rezoning, Sackville

ORIGIN

March 24, 2011 motion of North West Community Council.

RECOMMENDATION

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

1. Give First Reading to the proposed rezoning of Hartland Village from the R-6 (Rural Residential) zone to the R-6A (Rural Residential Single Unit Dwelling) zone as shown in Attachment A and schedule a public hearing; and
2. Rezone Hartland Village from the R-6 (Rural Residential) zone to the R-6A (Rural Residential Single Unit Dwelling) zone as shown in Attachment A of this report.

BACKGROUND

On March 24, 2011 North West Community Council passed a motion directing staff to initiate a process to review changing the zoning in Hartland Village from R-6 (Rural Residential) to R-6A (Rural Residential Single Unit Dwelling). This request was with regard to limiting the range of uses permitted in the area.

Hartland Village is a 44 lot subdivision that was established in the early 1990's in Middle Sackville on the south side of Bambrick Road (formerly Old Sackville Road) between Orchard Park Subdivision and Sunset Ridge. The lands are designated Rural Commuter under the Regional Plan and Rural Residential under the Sackville Municipal Planning Strategy (MPS) and zoned R-6 under the Sackville Land Use By-law (LUB). (Map 1 and 2)

The R-6 and R-6A zones are very similar with respect to permitted uses and are virtually identical in terms of their development requirements. The table below indicates the uses permitted in both zones and shows the R-6 zone is less restrictive than the R-6A zone as it allows resource related uses, limited institutional uses and no restriction on the number of commercial motor vehicles that can be kept on a lot. Home businesses are permitted within both the R-6 and R-6A zones and the requirements for a home business are the same.

Permitted Uses	R-6 (Existing zoning)	R-6A (Enabled rezoning)
Residential Uses		
Single unit dwellings	✓	✓
Day care facilities for not more than fourteen (14) children and in conjunction with permitted dwellings	✓	✓
Bed and breakfasts in conjunction with permitted dwellings	✓	✓
Business uses in conjunction with permitted dwellings	✓	✓
Resource Uses		
Agricultural uses	✓	X
Forestry uses	✓	X
Fishing and fishing related uses	✓	X
Community Uses		
Open space uses	✓	✓
Institutional uses except day care facilities, medical clinics and fraternal centres and halls	✓	X
Commercial Motor Vehicles (Section 4.22)		
Number of commercial vehicles that can be kept in a residential zone	No limit	1

✓ Uses permitted

X Uses not permitted

DISCUSSION

Policy Intent

The intent of the Rural Residential designation is to reflect the existing residential environment by permitting a mix of single unit residential and resource uses while acknowledging the need to accommodate other forms of residential development and compatible local commercial use. The MPS recognizes that some areas have developed residentially in a more suburban style form. Within these areas the MPS seeks to provide appropriate levels of protection from resource, commercial and alternative forms of residential development and to maintain greater uniformity within the residentially developed area.

The MPS supports the consideration of the R-6A zone on lands designated Rural Residential according to Policy RR-4 (Attachment C). When considering a rezoning from R-6 to R-6A an evaluation of the proposal against the relevant policy criteria of the MPS is required (Attachment C). While the proposal is consistent with policy, Staff has identified the following issues for specific discussion:

Impact of the Rezoning

Under the current R-6 zoning property owners are currently permitted to engage in:

- agricultural uses, which includes the breeding and handling of livestock;
- forestry uses, which includes sawmills;
- fishing and fishing related uses; and
- limited institutional uses.

Property owners are also permitted to keep an unlimited number of commercial vehicles as defined under Part 2 Section 2.13 of the LUB and found in Attachment B of this report. By rezoning Hartland Village to R-6A, property owners would lose these land use rights. Given the existing land use pattern (establish residential subdivision bounded by Margeson Drive and Highway 101), the potential for such land uses is very minimal. However, concerns were raised by Council and area residents regarding future institutional uses and group homes.

Institutional Uses and Group Homes

Institution uses typically include such land uses as schools, churches, post offices, fire and police stations and halls, libraries, residential care facilities etc. and can be characterised as facilities which serve the community. These land uses can either be privately or publically owned and operated. Further, the Sackville Land Use By-Law does not define group homes, but does define residential care facility as an institutional use.

Institutional uses are permitted in the R-6 zone and not permitted in the R-6A zone. However, this is not to say that an institutional use could not be established within Hartland Village if rezoned. While it has been common practice for the Province to try to meet municipal zoning regulations it is not a requirement that can be imposed upon them by municipal government. It is, however, the opinion of staff this is highly unlikely and therefore a rezoning to the R-6A zone addresses the concerns of future institutional uses in the area.

Accessed of adjacent lands

Consideration of the effect upon the future use of any lands which may be accessed through the area to be rezoned is required under the enabling Policy RR-4. Hartland Village is bounded by Highway 101 to the south, Margeson Drive to the east and Bambrick Road (Formerly Old Sackville Road) to the north. There are vacant lands to the west and there are no indications these lands are being accessed through Hartland Village for any purpose. Should Hartland Village be rezoned to R-6A these vacant lands could not be accessed over an R-6A zoned for any use not permitted within the R-6A zone. However, if these lands currently are being accessed from Hartland Village that access may be considered to be a legal non-conforming access and a change in zoning will not prohibit further access.

Survey

As a means of obtaining input from the residents of Hartland Village, a survey was conducted in an attempt to identify if any of the above referenced land uses were currently occurring within Hartland Village. Of the 51 surveys circuited 16 were returned (31.3%). None of the respondents identified any of the uses list above as occurring within Hartland Village. Of the surveys returned from property owners within Hartland Village (14 total) 10 were in favour of the rezoning, 3 were not in favour and one did not submit an opinion. Detailed survey information can be found in Attachment D.

Summary

In summary, The MPS provides for the option to consider a more restrictive zone on the lands within Hartland Village but does not compel nor require a rezoning to occur. It is the opinion of staff either the R-6 or the R6A zone is reasonable for this area. However, staff is satisfied the proposal to rezone Hartland Village from R-6 to R-6A is consistent with the intent of relevant MPS policies (Attachment C) and are recommending the approval as indicated in the recommendation section of this report to address the concerns by residents relating future institutional uses.

BUDGET IMPLICATIONS

The HRM costs associated with processing this application have been accommodated within the approved 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, achieved through a Public Information Meeting held on June 6, 2011 and a survey circulated to property owners on October 3, 2011. A public hearing must be held by Council before they can consider approval of this application.

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 2. Attachment E 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 development agreement will potentially impact the following stakeholders: local residents, and property owners.

ALTERNATIVES

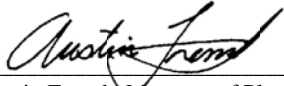
1. Council may choose to rezone Hartland Village from the R-6 (Rural Residential) zone to the R-6A (Rural Residential Single Unit Dwelling) zone. This is the staff recommendation for the reasons described above.
2. Council may choose to maintain the existing R-6 (Rural Residential) Zone.

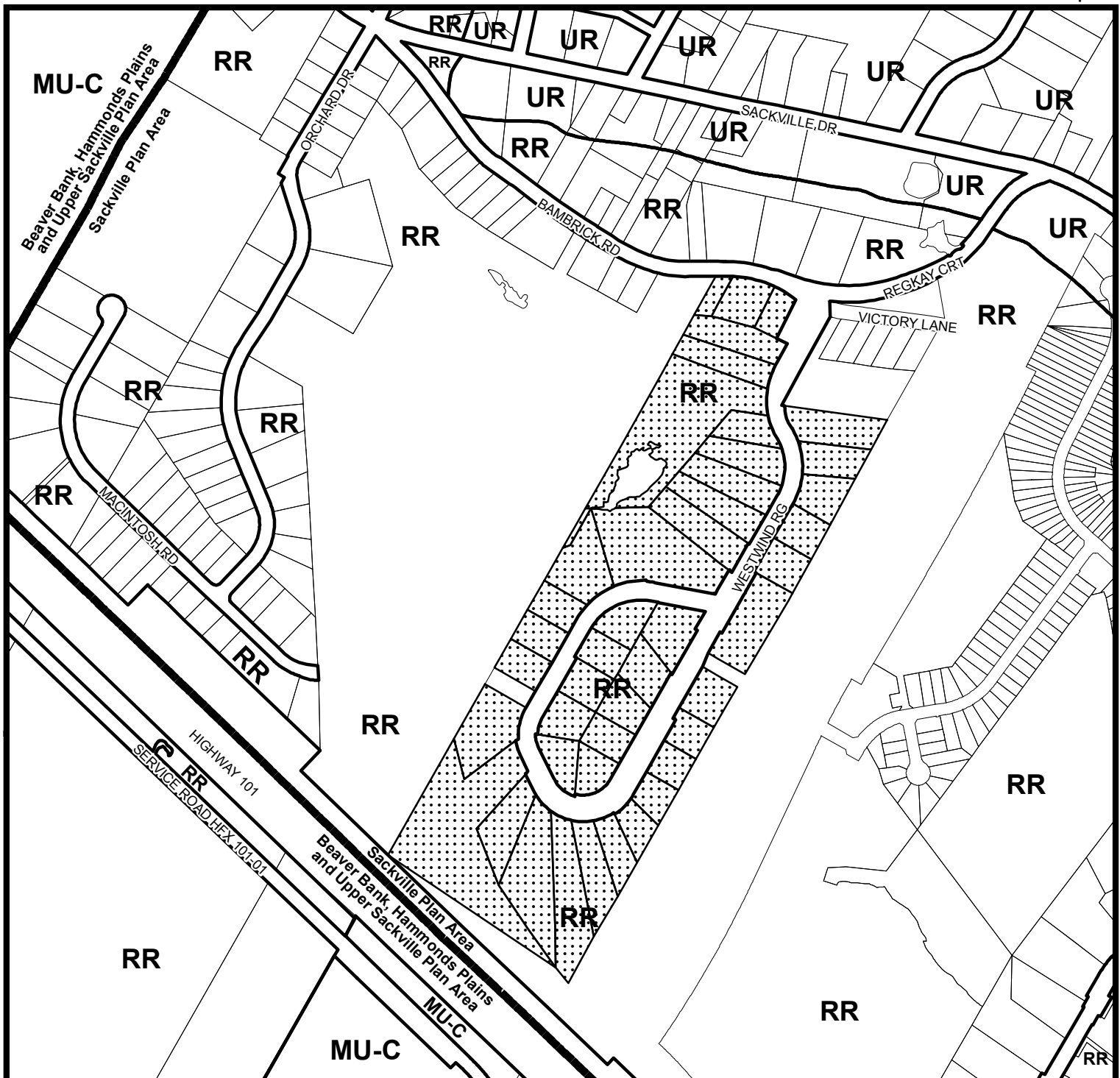
ATTACHMENTS

Map 1:	Generalized Future Land Use
Map 2:	Zoning
Map 3:	Properties Surveyed
Attachment A:	Proposed Amendments to the Sackville Land Use By-Law
Attachment B:	Excerpts from the Sackville Land Use By-Law
Attachment C:	Excerpts from the Sackville Municipal Planning Strategy and Policy Review
Attachment D:	Survey Information
Attachment E:	Public Information Meeting Minutes

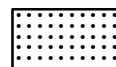
A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/cc.html> then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Jacqueline Bélisle, Planner 1, Planning and Infrastructure, 869-4262

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



Map 1
Generalized Future Land Use



Subject Area

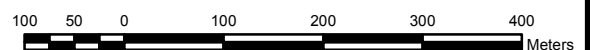


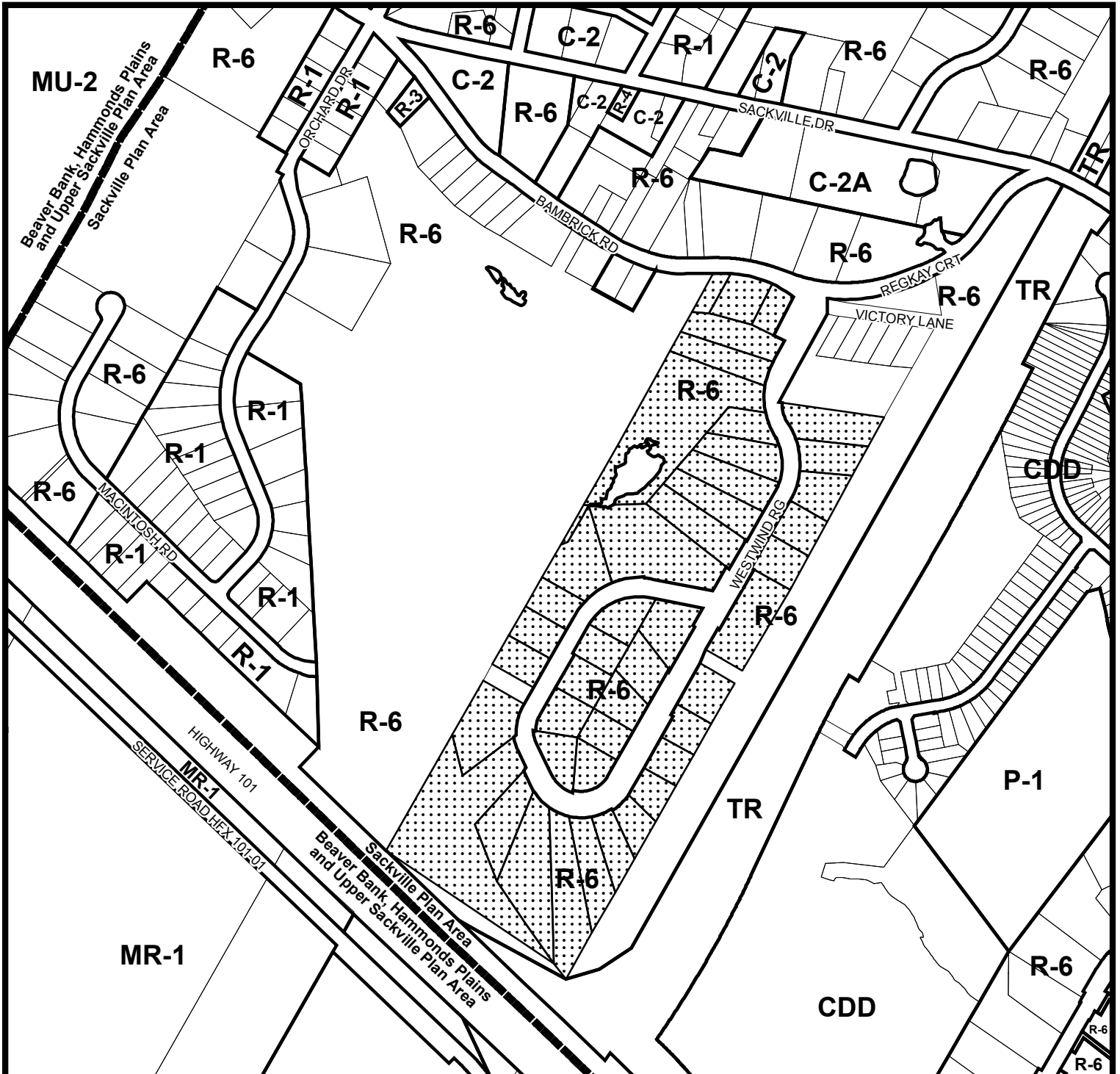
Sackville Plan Area

RR Rural Residential Designation
UR Urban Residential Designation

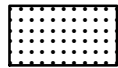
Beaver Bank, Hammonds Plains and Upper Sackville Plan Area

RR Rural Resource Designation
MU-C Mixed Use C Designation





Map 2 Zoning



Subject Area

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Planning Services

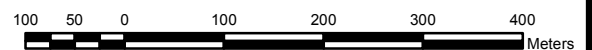


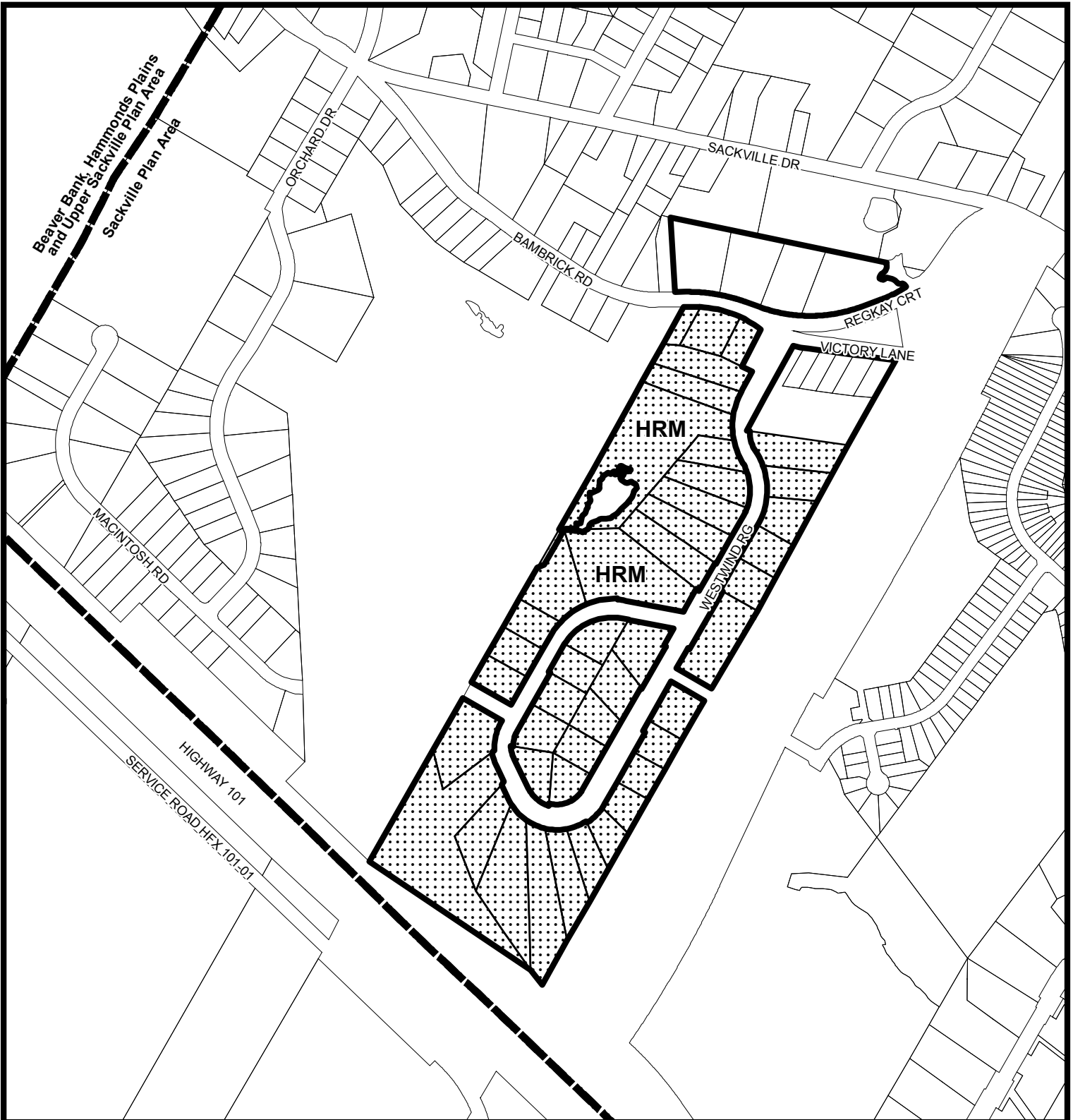
Sackville Plan Area

R-1	Single Unit Dwelling Zone
R-3	Mobile Dwelling Zone
R-4	Multiple Unit Dwelling Zone
R-6	Rural Residential Zone
C-2	Community Commercial Zone
C-2A	Minor Commercial Zone
CDD	Comprehensive Development District
TR	Transportation Reserve


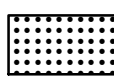
Beaver Bank, Hammonds Plains and Upper Sackville Plan Area

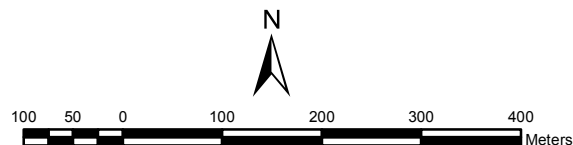
MU-2	Mixed Use 2 Zone
MR-1	Mixed Resource Zone





Map 3 Properties Surveyed

-  Properties Surveyed
-  Hartland Village



HALIFAX
REGIONAL MUNICIPALITY
Community Development
Planning Services

Attachment A
Proposed Amendments to the Sackville Land Use By-Law

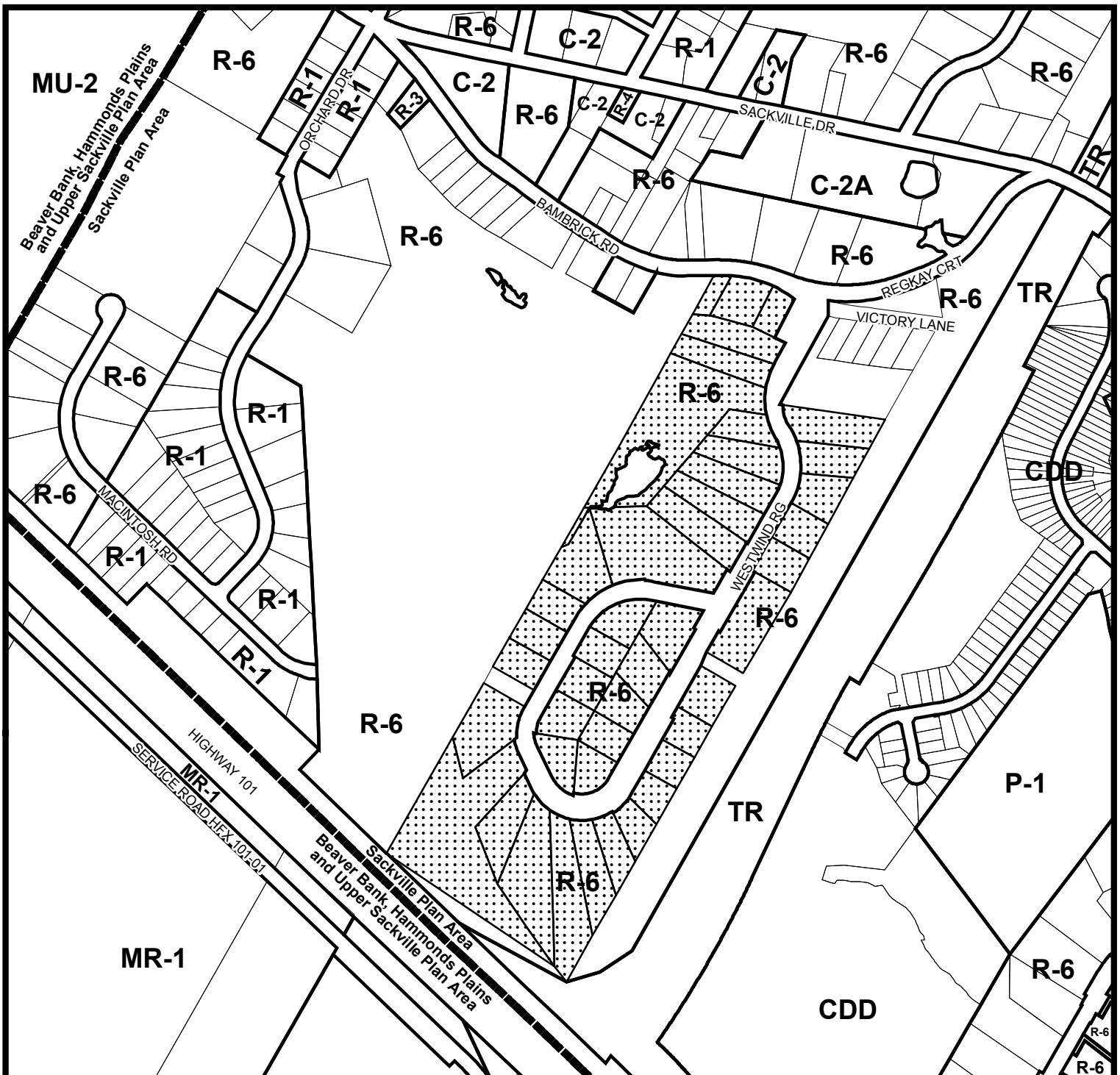
BE IT ENACTED by the North West Community Council of the Halifax Regional Municipality that the Sackville Land Use By-Law as adopted by the former Halifax County Municipality on the 5th day of April, 1994 and approved by the Minister of Municipal Affairs on the 16th day of June, 1994, which includes 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. The Sackville Zoning Map (Schedule “A”) shall be amended by rezoning Hartland Village from R-6 (Rural Residential Zone) to R-6A (Rural Residential Single Unit Dwelling Zone) as shown on the attached Schedule “A”.

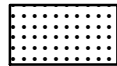
I HEREBY CERTIFY that the amendments to the Sackville Land Use By-Law, as set out above, were duly passed by a majority vote of the North West Community Council at a meeting held on the day of , 2012.

GIVEN under the hand of the Clerk and the Corporate Seal of the Halifax Regional Municipality this day of , 2012.

Municipal Clerk



Schedule A Zoning Hartland Village



Area to be Rezoned
from R-6 to R-6A

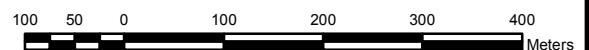
Sackville Plan Area

- R-1 Single Unit Dwelling Zone
- R-3 Mobile Dwelling Zone
- R-4 Multiple Unit Dwelling Zone
- R-6 Rural Residential Zone
- C-2 Community Commercial Zone
- C-2A Minor Commercial Zone
- CDD Comprehensive Development District
- TR Transportation Reserve

Beaver Bank, Hammonds Plains and Upper Sackville Plan Area

- MU-2 Mixed Use 2 Zone
- MR-1 Mixed Resource Zone

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Community Development
Planning Services



Attachment B
Excerpts from the Sackville Land Use By-Law

PART 2: DEFINITIONS

- 2.3 AGRICULTURAL USE means the use of land and buildings for the production of food, fibre or flora or the breeding and handling of animals and includes retail or market outlets for the sale of perishable agricultural goods or for the handling of animals except, for the purpose of this by-law, such shall not include a kennel.
- 2.13 COMMERCIAL VEHICLE means any vehicle which is licensed as a commercial carrier as determined by the Registrar of Motor Vehicles and with a registered weight of over three (3) tons (2.7 tonnes).
- 2.26 FORESTRY USE means commercial silviculture and the production of timber or pulp and any uses associated with a forestry use, including sawmills, vehicle and equipment storage and maintenance buildings and yards and retail and wholesale outlets for wood and wood products.
- 2.30 INSTITUTIONAL USE means any use listed as an Institutional Use in the P-2 (Community Facility) Zone.
- 2.60 RESIDENTIAL CARE FACILITY means a building or part of a building in which accommodation and nursing, supervisory and/or personal care is provided, or is made available for more than three persons with social, health, legal, emotional, mental or physical handicaps or problems, and includes such facilities as are licensed by the Homes for Special Care Act including extended care seniors facilities providing Level II and Level III care, the Children's Services Act, or by any other provincial legislation, **and may include an assisted living facility, (NWCC-May 26/08;E-Jun 14/08)** but does not include any public or private hospital or sanatorium, or a jail, prison or reformatory, or a hostel.

PART 4: GENERAL PROVISIONS FOR ALL ZONES

4.22 COMMERCIAL MOTOR VEHICLES

Not more than one commercial vehicle shall be kept on any lot in any Residential Zone except an R-6 (Rural Residential) Zone, and no such commercial vehicle shall exceed a registered vehicle weight of five (5) tons (4.5 tonnes) nor be kept less than ten (10) feet (3 m) from any front lot line.

PART 12: R-6 (RURAL RESIDENTIAL) ZONE

NOTE: The Municipal Development Plan and Zoning By-law for Sackville approved on May 14, 1982, as amended, remains in effect for land owned by the Nova Scotia Department of Housing and Consumer Affairs shown on Map 1, Generalized Future Land Use Map in accordance with Ministerial amendments made on June 16, 1994. Any development of these lands is subject to the 1982 Plan and By-law.

12.1 R-6 USES PERMITTED

No development permit shall be issued in any R-6 (Rural Residential) Zone except for the following:

Residential Uses

Single unit dwellings

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

Bed and breakfasts in conjunction with permitted dwellings

Business uses in conjunction with permitted dwellings

Resource Uses

Agricultural uses

Forestry uses

Fishing and fishing related uses

Community Uses

Open space uses

Institutional uses except day care facilities, medical clinics and fraternal centres and halls

12.2 R-6 ZONE REQUIREMENTS: RESIDENTIAL AND RESOURCE USES

In any R-6 Zone, where uses are permitted as residential uses or Resource Uses, no development permit shall be issued except in conformity with the following:

Minimum Lot Area:	central services	6,000 square feet (558 m ²)
	on-site services	20,000 square feet (1858.1 m ²)
Minimum Frontage:	central services	60 feet (18.3 m)
	on-site services	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 per cent
Maximum Height of Main Building		35 feet (10.7 m)
Minimum Width of Main Building		20 feet (6.1 m)

12.3 OTHER REQUIREMENTS: BUSINESS USES

- (a) Any business shall be wholly contained within the dwelling which is the principal residence of the operator of the business.
- (b) No more than twenty-five (25) per cent of gross floor area shall be devoted to any business use, and in no case shall any business use occupy more than three hundred (300) square feet (27.9 m²).
- (c) No mechanical equipment shall be used except that which is reasonably consistent with the use of a dwelling and which does not create a nuisance by virtue of noise, vibration, glare, odour or dust which is obnoxious.
- (d) No open storage or outdoor display of materials, goods, supplies, or equipment related to the operation of the business use shall be permitted.
- (e) No more than (1) sign shall be permitted for any business and no such sign shall exceed two (2) square feet (0.2 m²) in area.
- (f) One (1) off-street parking space, other than that required for the dwelling, shall be provided for every one hundred and fifty (150) square feet (14 m²) of floor area devoted to any business.
- (g) No exterior alterations to the dwelling related to the business use shall be permitted except to meet fire safety, structural safety, or health regulations.
- (h) No retail operation shall be permitted except where retail is accessory to a business use which involves the production of goods or crafts or the provision of a service.

12.4 OTHER REQUIREMENTS: DAY CARE FACILITIES

Where day care facilities are permitted in any R-6 Zone, the following shall apply:

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

12.5 OTHER REQUIREMENTS: AGRICULTURAL USES

Notwithstanding the provisions of Section 11.2, where any barn, stable or other building intended for the keeping of more than ten (10) animals is erected in any R-6 Zone, no such structure shall:

- (a) be less than fifty (50) feet (15.2 m) from any side lot line;
- (b) be less than one hundred (100) feet (30.5 m) from any dwelling or potable water supply except a dwelling or supply on the same lot or directly related to the agricultural use; and
- (c) be less than three hundred (300) feet (91.4 m) from any watercourse or waterbody.

12.6 OTHER REQUIREMENTS: BED AND BREAKFASTS

Where any bed and breakfasts are permitted in any R-6 Zone, the following shall apply:

- (a) Not more than three (3) rooms may be let.
- (b) 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.
- (c) One off-street parking space in addition to that required for the dwelling shall be provided for each room to be let.

12.7 R-6 ZONE REQUIREMENTS: COMMUNITY USES

In any R-6 Zone, where uses are permitted as community uses, no development permit shall be issued except in conformity with the provisions of Parts 19 and 20.

PART 13: R-6A (RURAL RESIDENTIAL SINGLE UNIT DWELLING) ZONE

13.1 R-6A USES PERMITTED

No development permit shall be issued in any R-6A (Rural Residential Single Unit Dwelling Zone) except for the following:

Residential Uses

Single unit dwellings

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

Bed and Breakfasts in conjunction with permitted dwellings

Business uses in conjunction with permitted dwellings

Community Uses

Open space uses

13.2 R-6A ZONE REQUIREMENTS: RESIDENTIAL USES

In any R-6A Zone, where uses are permitted as Residential Uses, no development permit shall be issued except in conformity with the following:

Minimum Lot Area	central services	6,000 square feet (558 m ²)
	on-site services	20,000 square feet (1858.1 m ²)
Minimum Frontage	central services	60 feet (18.3 m)
	on-site services	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)
Minimum Width of Main Building		20 feet (6.1 m)

13.3 OTHER REQUIREMENTS: BUSINESS USES

Where home business uses are permitted in any R-6A Zone, the following shall apply:

- (a) Any business shall be wholly contained within the dwelling which is the principal residence of the operator of the business.
- (b) No more than twenty-five (25) per cent of the gross floor area shall be devoted to any business use, and in no case shall any business use occupy more than three hundred (300) square feet (27.9 m²).
- (c) No mechanical equipment shall be used except that which is reasonably consistent with the use of a dwelling and does not create a nuisance by virtue of noise, vibration, glare, odour or dust or which is obnoxious.
- (d) No open storage or outdoor display of materials, goods, supplies, or equipment related to the operation of the business use shall be permitted.

- (e) No more than one (1) sign, which shall be permitted for any home business and no such sign shall exceed two (2) square feet (0.2 m²) in area.
- (f) One (1) off-street parking space, other than that required for the dwelling shall be provided for every one hundred and fifty (150) square feet (13.9 m²) of floor area devoted to any home business.
- (g) No exterior alterations to the dwelling related to the business use shall be permitted except to meet fire safety, structural safety, or health regulations.
- (h) No retail operation shall be permitted except where retail is accessory to a business use which involves the production of goods or crafts or the provision of a service.

13.4 OTHER REQUIREMENTS: DAY CARE FACILITIES

Where day care facilities are permitted in any R-6A Zone, the following shall apply:

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

13.5 OTHER REQUIREMENTS: BED AND BREAKFASTS

Where any bed and breakfasts are permitted in any R-6A Zone, the following shall apply:

- (a) Not more than three (3) rooms may be let.
- (b) 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.
- (c) One off-street parking space in addition to that required for the dwelling shall be provided for each room to be let.

13.6 OTHER REQUIREMENTS: COMMUNITY USES

In any R-6A Zone, where uses are permitted as Community Uses, no development permit shall be issued except in conformity with the provisions of Part 19.

Attachment C
Excerpts from the Sackville Municipal Planning Strategy and Policy Review

RURAL RESIDENTIAL DESIGNATION

The area outside the municipal development boundary has a semi-rural character, with larger lot sizes than found in the serviced area as well as a wider range of land uses, including agricultural and forestry operations.

As this area is not slated to receive municipal sewer and water services, development will continue to occur with on-site septic tank and well systems. This area has been designated as Rural Residential, which is intended to reflect the existing residential environment by permitting a mix of single unit residential and resource uses while acknowledging the need to accommodate other forms of residential development and compatible local commercial uses.

RR-1 Within the Rural Residential Designation, as shown on the Map 1 - Generalized Future Land Use, it shall be the intention of Council to recognize the area's existing low density rural nature and to support continued development with on-site sewer and water services.

RR-2 Within the Rural Residential Designation, it shall be the intention of Council to establish a rural residential zone, which permits single unit dwellings, most community facility uses, agricultural, fishing, forestry and open space uses. In addition, the land use by-law shall provide for limited business and day care uses within a dwelling where such is compatible with the rural nature of the area. In addition, the zone shall control parking and the number and size of signs, and prohibit open storage and outdoor display.

Although the Rural Residential Designation is intended to support a semi-rural environment, it also recognizes there are areas where new suburban style residential development is taking place. In areas where this suburban transition has occurred, appropriate levels of protection will be provided so as to maintain a greater uniformity within residential environments.

RR-4 Notwithstanding Policy RR-2, within the Rural Residential Designation, it shall be the intention of Council to support the transition of certain areas to a more suburban residential environment through the application of a more restrictive rural residential "A" zone. In considering amendments to the land use by-law, Council shall have regard to the following:

Policy Criteria	Staff Comment
(a) the land to be rezoned consists of a minimum of five (5) acres;	Hartland Village encompasses approximately 26.3 hectares (65 acres)
(b) the effect of the proposed amendment to the overall community form;	The community form of Hartland Village is established and is not anticipated to change should the area be rezoned from R-6 to R-6A

(c) the effect upon the future use of any lands which may be accessed through the area to be rezoned;	Hartland Village is bounded by Highway 101 to the south, Margeson Drive to the east and Bambrick Road (Formerly Old Sackville Road) to the north. There are vacant lands to the west. We have no indication these lands are being accessed through Hartland Village for any purpose. Should Hartland Village be rezoned to R-6A these vacant lands could not be accessed over R-6A zoned for any use not permitted within the R-6A zone. However, if these lands currently are being accessed from Hartland Village that access may be considered to be a legal non-conforming access and a change in zoning will not prohibit further access. Please note that Public Street right-of-ways are typically not zoned and should a public street be constructed from Hartland Village to these lands access would be permitted via that public street.
(d) that the existing use of surrounding lands is compatible with such a suburban environment; and	Suburban environment is currently in existence
(e) the provisions of Policy IM-13.	See table below

IM-13 In considering amendments to the land use by-law or development agreements, in addition to all other criteria as set out in various policies of this planning strategy, the Sackville Community Council shall have appropriate regard to the following matters:	
Policy Criteria	Staff Comment
(a) that the proposal is in conformity with the intent of this planning strategy and with the requirements of all other municipal by-laws and regulations;	Policy RR-4 exists to enable rezoning to the R-6A Zone in suburban style residential areas to ensure appropriate levels of protection for the area as well as to maintain greater uniformity within the residential environment.
(b) that the proposal is not premature or inappropriate by reason of:	...
(i) the financial capability of the Municipality to absorb any costs relating to the development;	There is no anticipated cost to the municipality relating to the development
(ii) the adequacy of sewer and water services;	Hartland Village is currently serviced with individual on-site well and septic
(iii) the adequacy or proximity of school,	Should the area be rezoned from R-6 to R-6A no

recreation and other community facilities;	additional dwelling units would be enabled, therefore no impact is expected on existing schools, recreation or community facilities
(iv) the adequacy of road networks leading or adjacent to, or within the development; and	Road networks would not be affected by any rezoning from R-6 to R-6A
(v) the potential for damage to or for destruction of designated historic buildings and sites.	No historic buildings or sites have identified within Hartland Village
(c) that controls are placed on the proposed development so as to reduce conflict with any adjacent or nearby land uses by reason of:	...
(i) type of use;	Uses permitted within the R-6 and R-6A zones are detailed in the Land Use By-law
(ii) height, bulk and lot coverage of any proposed building;	Requirements for buildings in the R-6 and R-6A zone are the same
(iii) traffic generation, access to and egress from the site, and parking;	As no additional residential units would be enabled nor any commercial uses traffic patterns are not expected to change. The limit on the number commercial motor vehicles permitted in the R-6A zone is one (1). Currently under the R-6 zone there is no limit on this number.
(iv) open storage;	Neither the R-6 nor R-6A zone permits open storage
(v) signs; and	Sign requirements do not differ from the R-6 to the R-6A zone
(vi) any other relevant matter of planning concern.	See IM-13(e) below
(d) that the proposed site is suitable in terms of steepness of grades, soil and geological conditions, locations of watercourses, potable water supplies, marshes or bogs and susceptibility to flooding;	No issues with regard to steepness of grades, soil and geological conditions, locations of watercourses, potable water supplies, marshes or bogs or susceptibility to flooding have been identified
(e) any other relevant matter of planning concern; and	Based on staffs public consultation there have been no reports of any agricultural uses currently occurring within Hartland Village, including the keeping of livestock (chickens, horses, cows etc.). Currently under the existing R-6 zones agricultural uses are permitted, should Hartland Village be rezoned to R-6A this uses would no

	longer be permitted.
(f) Within any designation, where a holding zone has been established pursuant to “Infrastructure Charges - Policy IC-6”, Subdivision Approval shall be subject to the provisions of the Subdivision By-law respecting the maximum number of lots created per year, except in accordance with the development agreement provisions of the MGA and the “Infrastructure Charges” Policies of this MPS.	No holding zone has been established within Hartland Village and no further subdivision of the lands would be enabled through any

Attachment D

Survey Information

On October 3, 2011 a survey was circulated to the registered owners of 42 properties within Hartland Village (2 properties are owned by HRM) as well as 9 property owners which own properties near or abutting Hartland Village. Please See Map 3 for a visual representation of properties surveyed.

The intent of the survey was to:

- Gather information pertaining to the existing land uses with Hartland village;
- Gauge public opinion on the potential rezoning from R-6 to R-6A; and
- Determine if the potential rezoning should encompass any surrounding properties.

Number of surveys circulated: 51

Number of surveys Returned: 16 (14 from properties located within Hartland Village, 2 from properties in close proximity to Hartland Village)

Detailed response information:

- Asked “Did you attend the Public Information Meeting held on Monday June 6th, 2011 at the Sackville Heights Community Centre?”
10 responded yes, 6 responded no
- No surveys identified any resource or institutional uses occurring within Hartland village.
- Asked “Do you feel Hartland Village should be rezoned from R-6 to R-6A?”
11 responded yes, 4 responded no, 1 survey left blank with comment “Don’t see the point of it all”
- Asked “If you own property near or abutting Hartland Village do you feel your property should be included in this rezoning application?”
1 responded yes, 1 responded no

Staff Comment: Of the 9 properties included in the survey as near or abutting Hartland Village it’s not felt that a split response with only a 22% response rate is an adequate sample to recommend these lands be included with Hartland Village as having potential to be rezoned.

- Asked “Do you have any specific concerns regarding the possible rezoning of Hartland Village from R-6 to R-6A?” the following comments were submitted:

“There is no problem in our neighbourhood. Leave well enough alone.”

“My concern is regarding the # of commercial vehicles permitted. Only have 2, but if re-zoning occurs will become a problem due to a limit of 1.”

“Would this rezoning have any possible effect on our property tax?”

Staff Comment: Generally zoning does not have a direct correlation to taxation. Properties are taxed based on their actual use (residential single unit, residential two unit, commercial, industrial, etc.) not their zoned use. For example: A property may be zoned commercially but used for only residential purposes, in this case they are taxed residentially and not commercially. If a property owner changes the use on their property they should expect to see that change reflected in their property tax assessment. This proposed rezoning does not enable any additional land uses. Further the municipality is not responsible for property tax assessments; these are dealt with independently through Property Valuation Services.

Attachment E
Public Information Meeting Minutes

HALIFAX REGIONAL MUNICIPALITY
Public Information Meeting
Case No. 16891

Monday, June 6, 2011
7:00 p.m.
Sackville Heights Community Centre

STAFF IN

ATTENDANCE: Jacqueline Belisle, Planner, HRM Planning Services
Thea Langille, Supervisor, HRM Planning Services
Alden Thurston, Planning Technician, HRM Planning Services
Cara McFarlane, Planning Controller, HRM Planning Services

ALSO IN

ATTENDANCE: Councillor Brad Johns, District 19

PUBLIC IN

ATTENDANCE: Approximately 26

1. Call to order – Councillor Brad Johns

Councillor Johns called the public information meeting (PIM) to order at approximately 7:00 p.m. and thanked everyone for attending. HRM will do a quick presentation on a possible rezoning in the Hartland Village subdivision which came from the executive that is looking after the Hartland Village Homeowner's Association. A PIM is being held to explore what opportunities are available with the current and proposed zones. HRM did not bring this forward. Tonight's meeting is for information exchange and nothing is set in stone to do anything. At some point, if the association would like to go through process, the opportunity will be there.

Purpose of Meeting – Jacqueline Belisle

Ms. Belisle introduced her colleagues, Thea Langille, Alden Thurston and Cara McFarlane.

The purpose of the PIM is to identify the scope of this application and receive feedback on any issues and concerns from the public. It's for information exchange only.

No decisions will be made tonight. Any decisions would be made at a later date by North West Community Council (NWCC).

2. Overview of planning process – Jacqueline Belisle

The PIM is the very beginning of any planning process. Staff take the comments and concerns from the PIM and do a detailed staff review with our internal staff including the HRM Development Officer and our Development Engineer. A staff report is prepared which contains a recommendation to North West Planning Advisory Committee (NWPAC) as to whether staff thinks it should proceed or not. From there, the staff report goes to NWCC who decides if the application should proceed to the public hearing stage. With this type of planning process, there is always the ability to appeal.

3. Presentation of Proposal – Jacqueline Belisle

On January 27, 2011, NWCC requested that Planning staff prepare an information report regarding the options for possibly rezoning Hartland Village from the R-6 Zone to either an R-1 Zone or and R-6A Zone. On March 24, 2011, NWCC passed the motion directing staff to initiate the rezoning process and explore this option. This application was requested from area residents to the Councillor, through NWCC and then to staff.

The properties are designated Rural Residential under the Sackville Municipal Planning Strategy (MPS) and are zoned Rural Residential under the Sackville Land Use By-law (LUB). With respect to the R-1 Zone, that option is not available because there is no policy in the MPS to enable it, but Policy RR-4 enables rezoning Hartland Village to the R-6A Zone. Policy RR-4 was reviewed. The criteria that Council and staff have to consider are: a) the lands to be rezoned consist of a minimum of five acres; b) the effect of the proposed amendment to the overall community form; c) the effect upon which future use of any lands which may be accessed through the area to be rezoned; d) that the existing use of the surrounding lands is compatible with the suburban environment; and e) the provisions of Policy IM-13.

Included in the hand-out is a table indicating the differences between the R-6 and R-6A Zone. None of the residential uses change and the criteria in the zone is the same. Mobile home parks are not allowed to exist in either zone. The difference seen in both zones is which resource uses are permitted. In the R-6 Zone agricultural, forestry, fishing/fishing related uses are permitted but not permitted under the R-6A Zone (more restrictive). Institutional Uses found in the P-2 Zone such as schools, churches, fire and police stations, government offices, etc., are permitted in the R-6 Zone but not under the R-6A Zone. Also, under the R-6A Zone, one commercial motor vehicle per residential property is permitted whereas currently there is no limit. The definition of a commercial motor vehicle was reviewed.

Staff would like to know if Hartland Village was captured accurately on the map.

A non-conforming use was explained. A non-conforming use is allowed to continue to exist but the Halifax Regional Municipality Charter and the Municipal Government Act puts restrictions on that business (can't cease operation for more than six months and it can't expand). There are ways to avoid making a use non-conforming during the rezoning process; therefore, it is important to know about any institutional, agricultural, forestry or fishing/fishing related uses.

4. Questions and Comments

Walter Regan, Sackville River Association – Does fishing as a resource use mean industrial fishing operations or recreation? Ms. Belisle said it would mean as a commercial use.

Mike Forrest, Hartland Village – If rezoned, will this affect property taxes? Ms. Belisle was not sure. The question should be directed to Property Valuation Services. Ms. Langille said in this particular case, both zones are residential; therefore, should not have a direct impact on property taxes. Although, as assessed values and other services increase in the area, that may have an impact, but not likely for exact zoning changes.

David Borden, Hartland Village – Asked for explanation of “institutional uses except for daycare facilities, medical clinics, and fraternal centres/ halls”. Ms. Belisle said currently in the R-6 Zone you are allowed institutional uses except daycare facilities (commercial daycare not a home occupation). A daycare facility is not permitted if you have more than 14 children or if there is no dwelling component. Also, the institutional uses refer back to the P-2 Zone in the LUB (the list will be put up on the website). Under the R-6A Zone, institutional uses are not permitted.

Bruce Brine, Hartland Village – Before we moved into the neighbourhood, the province had been looking at purchasing our property for a group home. Is that permitted now? Would it be allowed under the R-6A Zone? Ms. Belisle said group homes are considered similar to residential care facilities. Therefore, under the R-6 Zone a residential care facility is permitted but under the R-6A Zone it is not. The province tries to work with HRM and respect the zoning; however, she understands that the province can supercede the municipal LUB. Councillor Johns explained that if a particular property does not have a permitted use, typically, the province would look for something in the general vicinity to achieve the same goal.

Mike Forrest – Asked for more information on the number of commercial vehicles that can be kept in a residential zone? Councillor Johns wanted to mention for the record that the water truck property is not being addressed in this discussion. Mr. Forrest said that there are some contractors who live in the subdivision that have several pieces of equipment. Will the rezoning affect them? Ms. Belisle explained that a registered motor vehicle with a weight of over three tons is considered a commercial motor vehicle. The provision mentions that there should be no open display or outside storage of any materials, goods, supplies or equipment related to the operation of a business use. Some of this equipment probably classifies as equipment rather than a commercial vehicle under the definition in the LUB.

Jean Decker Samson, Hartland Village – Is a logo on a truck considered commercial? Ms. Belisle asked if it would be over three tons. Ms. Decker Samson said the trailer may be. Councillor Johns said it would be more like dump trucks or school buses in the subdivision.

Rose Brine, Hartland Village – Wondered if Blackrock Construction would still be allowed to have their trailers? Councillor Johns said Mr. Thurston drove around the subdivision to check to make sure that non-conforming uses wouldn't be created. Blackrock Construction was noted but there shouldn't be an issue with what is there. Ms. Belisle explained that the requirements for

any home business now are the exact same as what the requirements would be under the R-6A Zone and any home business is required to have a development permit from development Services.

Chris Cox, Hartland Village - How do you notate for the record that somebody's property is conforming today and if this should go through, that it has been exempt? Ms. Belisle explained that any of the uses that would potentially become non-conforming would be an agricultural, forestry, fishing/fishing related, or institutional use. If staff is aware of any of those uses in the subdivision, it can be confirmed and specifically written into the R-6A Zone within the LUB document that this particular property and this particular use are existing. Mr. Cox wondered what the time frame would be. Ms. Belisle said it would have to happen before the public hearing which would be months. Mr. Cox asked if the residents would receive further information or is this the only notification they will get thus far should this proceed into a staff report in favor of the application. Ms. Belisle said there will be another notice for the public hearing. Given the schedule and Council's agendas, potentially a public hearing could be held in September but not sooner.

David Borden – To his knowledge, the agriculture, forestry and fishing uses would not conflict with anyone who currently lives in the subdivision. The only difference between the two zones is the institutional use, daycare facility, etc. What is the advantage of rezoning? Ms. Belisle explained that uses in the subdivision would be limited by rezoning to an R-6A Zone. It would also be limiting the number of commercial vehicles allowed in the subdivision. For example, being R-6A Zone would not allow someone to buy the house next door and establish a forestry use there. Referring to the map, for example, if a forestry use was established on the vacant lands behind the subdivision, it would not be accessible from Hartland Village because it is not a use that is permitted in the subdivision. Ms. Langille believes the biggest difference between the two zones for the community is the ability to store the commercial motor vehicles, maybe one or two uses that you would find in an Institutional Zone, the possibility of a full blown daycare or the residential care facility. HRM staff is looking to the community to find out if those are enough of a concern to want to rezone to the R-6A Zone.

Rose Brine – Would a wood lot be allowed? Ms. Belisle said it would have to meet the criteria as set out in the LUB. She believes there are certain criteria that talks about setbacks from adjacent properties. Ms. Brine asked if existing businesses would be grandfathered and nothing would change for those businesses. Ms. Belisle said that the requirements are identical. Councillor Johns explained that all businesses should have all necessary permits. There is no difference between the two zones, so technically if the business wasn't registered, there would be no change for those businesses but if they don't have a permit, then that is a different issue.

Jean Decker Samson – Is concerned that there could be a group home or a halfway house in the subdivision. She absolutely does not want that. This would be cause for property values to go down. Ms. Belisle mentioned that a residential care facility is the technical term. The R-6A Zone does not permit residential care facilities under the municipality's guidelines but HRM can't control the province who licenses and deals with those facilities. Councillor Johns believes that residential care facilities are to house a certain number of people. He doesn't want residents to think that by doing a rezoning all of those things will be eliminated. There are different types of

residential care facilities. Some are called small option homes and typically they have three or less residents; therefore, they may be permitted under the R-6A Zone. Ms. Belisle read the definition for Residential Care Facilities and will post it on the website. According to the definition, if the facility houses three and under, it could be in any zone.

Chris Cox – Wondered if there were any issues found when assessing the neighbourhood. Ms. Belisle reminded everyone that the PIM (information exchange only) is the first official step of the planning process. After this, she may drive around the neighbourhood to have a look. Mr. Thurston did do a preliminary drive around before tonight's meeting but a detailed evaluation has not been done. Mr. Cox asked if the information on any issues will be available prior to a public hearing. Ms. Belisle said it will be included in a staff report which will be made available.

David Borden – Wondered if the size of garages on the properties would be affected. Ms. Belisle said that it would be the same requirements as the R-6 Zone but be more restrictive. It can be addressed in the staff report. Councillor Johns explained that Hartland Village is included in the Sackville planning area which allows garages of a particular size. Some people have suggested a review that would allow their properties to be included in the Middle/Upper Sackville section versus the Sackville Plan, same as Berry Hill, because it allows a few extra things (size of garages can be a bit bigger). A much bigger process independent of this would have to occur in order for that to go forward.

Chuck Russell, Hartland Village – What is the undeveloped property behind Hartland Village zoned and if developed, what would it be zoned? Ms. Belisle said currently, it is zoned R-6, the same as Hartland Village. Mr. Russell wondered if, depending on this application, it controls what happens on that property. Ms. Belisle explained that only if that property is being used for a use that would not be permitted in and being accessed through Hartland Village Subdivision. If the use was being accessed from another location, there wouldn't be any control. Currently, the land could be accessed from Old Sackville Road.

Rose Brine – When someone is released from a legal situation and have to live in a certain home, could they live in our community? Ms. Belisle said according to the definition of residential care facility, it appears that could happen. The municipality cannot control who lives where.

Mike Forrest – Wondered if taking in three foster children under the R-6A Zone would be permitted. Ms. Belisle is not sure if foster children falls under that requirement but will try to find the answer.

Desmond Cooper, Hartland Village – Wondered if renting a house is permitted. Ms. Belisle said yes. The municipality does not control renters. Mr. Cooper wondered if the daycare facilities under 14 children is allowed. Ms. Belisle said it would be permitted with a development permit through Development Services. She believes if the daycare has over six or seven children, the province has certain requirements for Provincial licensing. According to the municipality, a daycare with under 14 children in conjunction with a permitted dwelling is permitted.

Joe Harvey, Hartland Village – Wondered if someone could build an apartment building on

their property. Ms. Belisle said it is not zoned for apartment buildings. Only single-unit dwellings are permitted, two-unit and multi-unit dwellings are not.

Rose Brine – Wondered if someone could set up a kennel and individual housing for a number of dogs. Ms. Belisle mentioned that kennels can take on a lot of different meanings. Sometimes it just refers to the fence enclosure and the LUB refers to the operation of breeding and boarding animals. If a dog is for personal use, then that would be accessory to one's house. As far as the agricultural use, there is a definition of that in the LUB as well (definition reviewed). Kennel has another definition (reviewed). Ms. Brine said that covenants are able to control some things in the subdivision. Although, once a developer is finished with a subdivision, the covenants no longer apply. Ms. Belisle explained that the zoning option presented tonight would restrict some uses that have been discussed and HRM could enforce that.

Councillor Johns - Asked that during the AGM for the resident's association, a vote be taken to see whether or not the majority of people would like to proceed with the rezoning application. The next step would be for HRM to send out a letter to homeowners to see if they want to proceed. If the majority of them came back positive, staff can proceed to the next steps of the process.

Bruce Brine – Wondered about the three properties on Victory Lane. Those property owners could decide not to belong to Hartland Village. Ms. Belisle said it would be simple for staff to adjust the zoning line if they chose to opt out.

5. Closing Comments

Ms. Belisle thanked everyone for coming and expressing their comments and concerns regarding this application.

6. Adjournment

The meeting adjourned at approximately 7:48 p.m.