

Councillor MacKay asked about the permitted uses under the R-6 zoning because a corner of the lot in question appears to be zoned R-6. Mr. Hanusiak advised that only a very small portion of the lot is zoned R-6. This R-6 portion of the property would amount to less than one-half of the size of any proposed dwelling lot. The Department of Planning and Development has held in the past that where a lot is split, the land use will be dictated according to the zoning of the larger portion of the lot. Councillor MacKay asked if R-6 Zoning allows for single family dwellings with on-site services. Mr. Hanusiak clarified that the Land Use By-law for Eastern Passage/Cow Bay requires minimum 20,000 square foot lots. It was never anticipated that the R-6 lots would have water and sewer services under this particular Land-Use By-law, and there is no provision for such. Councillor MacKay clarified that R-6 zoning calls for single family dwellings with on-site services on a minimum of 20,000 square foot lots. In this situation, R-5 zoning would be predominant allowing the lot to be developed as R-5.

SPEAKERS IN FAVOUR OF THIS APPLICATION

Vern Paul, husband of the developer, informed that it is his opinion there could be 18 units rather than 17 as mentioned earlier. This was accomplished by shortening the road to allow for more road frontage on the unit at the back. All regulations of the County would have to be met. He advised the reason for the rezoning request was initiated from the consideration for costs of duplexes and the large number being built in the area. They are currently selling in the \$65,000+ area. There is a need for adequate housing that can be provided cheaper. The proposed units will be sold for less \$63,000, although they are about 40 square feet larger than a duplex. They will also have many features that the average duplex would not have in this price range. He advised this proposal has been before the Ratepayers Association in Eastern Passage, and they agreed to it. Most of the residents in the area have been contacted by the developers, and they have shown no opposition to the proposal. It was welcomed as something besides duplexes being developed in this area.

QUESTIONS FROM COUNCIL

Councillor Deveaux agreed there have been many duplexes built in the area over the past 1 1/2 years, and there have been concerns about this. He asked if the row-house concept will take away from the view of Eastern Passage. He asked if they will be more attractive than some of the duplexes in the area. Mr. Paul informed that these row-houses will have large bow windows, which are attractive. There is brick half-way up the building and larger sundeck in the back. They will not be sold as condominiums; they are individual units that will be owned and sold individually as townhouses.

Councillor Deveaux asked if this development will affect the surrounding area as far as assessment is concerned. Mr. Paul advised assessment will not be detrimentally effected at all. There is a fine development such as this located on Auburn Court, Forest Hills. These are designed much like those on Auburn Court, which originally sold in the

\$63,000 range and are now selling in the \$69,000 range. These units in Forest Hills have not affected the sale of any other surrounding properties.

Councillor Deveaux stated that since this development has been approved by the ratepayers and others that he has spoken to in the community, he is in favour of the application.

Councillor MacKay clarified that the units will be two stories with a foundation underneath. He asked if the height would be the same as a semi-detached. Mr. Paul advised the height would be the same, but they would not be down in the view-plain area near the ocean.

SPEAKERS IN OPPOSITION TO THIS APPLICATION

Joseph Jeddry, 396 Cow Bay Road, advised that he is opposed to this application. He stated that there have been a large number of duplexes built in the area, especially across Cow Bay Road, which is directly across from his property. Now these row-houses will be directly in back of his property. He advised he is concerned about how this will effect the value of the single unit dwellings surrounding this development. He advised he would rather see single unit dwellings being built on this property.

QUESTIONS FROM COUNCIL

Councillor Deveaux stated that he can understand Mr. Jeddry's concerns. However, with the present zoning on the land, duplexes can go there now, regardless of whether or not it is rezoned. Therefore, the matter is between duplexes and row-houses. He also stated that Mr. Paul had advised this proposal will not depreciate the assessments in the area, and Councillor Deveaux felt it would not cause any more depreciation than a duplex would.

It was moved by Councillor Deveaux, seconded by Councillor Randall:

"THAT the rezoning of Lot XY-22A, located off Cow Bay Road at Eastern Passage, from R-2 (Two Unit Dwelling) Zone to R-5 (Rowhouse Dwelling) Zone be approved by Municipal Council."
MOTION CARRIED UNANIMOUSLY.

APPLICATION NO. ZA-EP/CB-30-86-06 - APPLICATION BY THE NOVA SCOTIA DEPARTMENT OF HOUSING TO AMEND THE LAND-USE BY-LAW FOR EASTERN PASSGAE/COW BAY

Councillor McInroy declared a conflict of interest.

Mr. Hanusiak outlined the application and the staff report as presented to the Planning Advisory Committee on February 10, 1986.

QUESTIONS FROM COUNCIL

None

SPEAKERS IN FAVOUR OF THIS APPLICATION

None

SPEAKERS IN OPPOSITION TO THIS APPLICATION

None

It was moved by Councillor Fralick, seconded by Councillor Snow:

"THAT the amendments to the Eastern Passage/Cow Bay Land Use By-law as outlined in Appendix "A" be approved by Council."
MOTION CARRIED UNANIMOUSLY.

ADJOURNMENT

It was moved by Councillor DeRoche, seconded by Councillor Fralick:

"THAT this Public Hearing adjourn."
MOTION CARRIED.

POLICY DIVISION
MEMORANDUM

TO: Warden A. MacKenzie & Members of Council

FROM: J. M. Hanusiak, Policy Division

RE: Public Hearings, June 16, 1986

DATE: June 16, 1986

Please be advised that the following Public Hearings are scheduled for this evening:

1. Application No. DA-SA-37-85-16, DA-SA-38-85-16, DA-SA-39-85-16 - Proposed Development Agreements between the Municipality of the County of Halifax and Tri-Arm Developments Ltd., for the construction of two unit dwellings on Lots 14, 15, and 16 of the Riverview Subdivision, located on Sami Drive at Lower Sackville.
2. Application No. RA-CH/W-09-86-21 - Application by Mrs. Linda Tanner to rezone Lot TD-18 of the Forest Hills Land Assembly, located at 479 Arklow Drive at Cole Harbour, from R-1(Single Unit Dwelling)Zone to P-2(Community Facility)Zone.
3. Application No. RA-EP/CB-27-86-06 - Application by Dianne Paul and Norma Denton to rezone Lot XY-22A of the Lands of Dianne Paul and Norma Denton, located off the Cow Bay Road at Eastern Passage, from R-2(Two Unit Dwelling)Zone to R-5(Row-house Dwelling)Zone.
4. Application No. ZA-EP/CB-30-86-06 - Application by the Nova Scotia Department of Housing to amend the Land Use By-law for Eastern Passage/Cow Bay.

D16

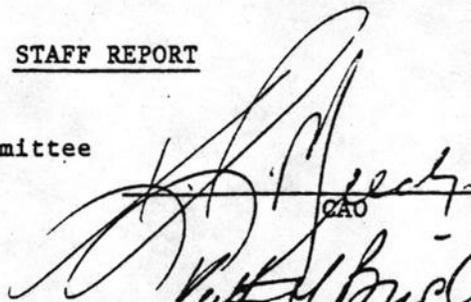
STAFF REPORT

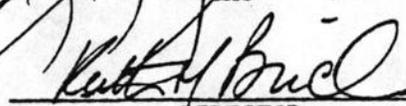
TO: The Planning Advisory Committee

FROM: Planning and Development

DATE: April 7, 1986

APPLICATION NO.: DA-SA-37-85-16
DA-SA-38-85-16
DA-SA-39-85-16



CAO


DIRECTOR

RECOMMENDATION

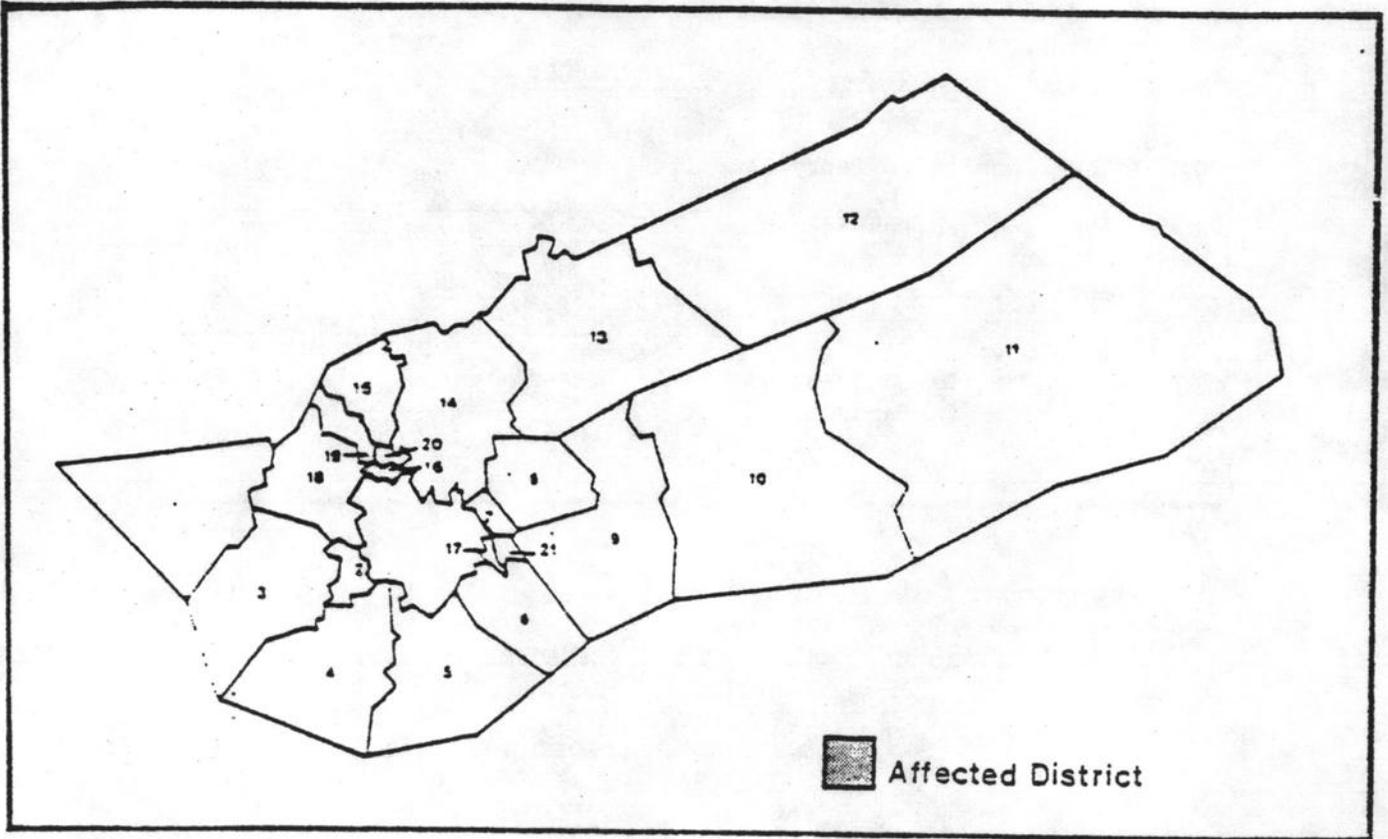
THAT THE DEVELOPMENT AGREEMENTS BETWEEN THE MUNICIPALITY OF THE COUNTY OF HALIFAX AND TRI-ARM DEVELOPMENTS LTD., FOR THE CONSTRUCTION OF TWO UNIT DWELLINGS ON LOTS 14, 15 AND 16 OF THE RIVERVIEW SUBDIVISION, LOCATED ON SAMI DRIVE AT LOWER SACKVILLE, BE APPROVED BY MUNICIPAL COUNCIL.

Information:

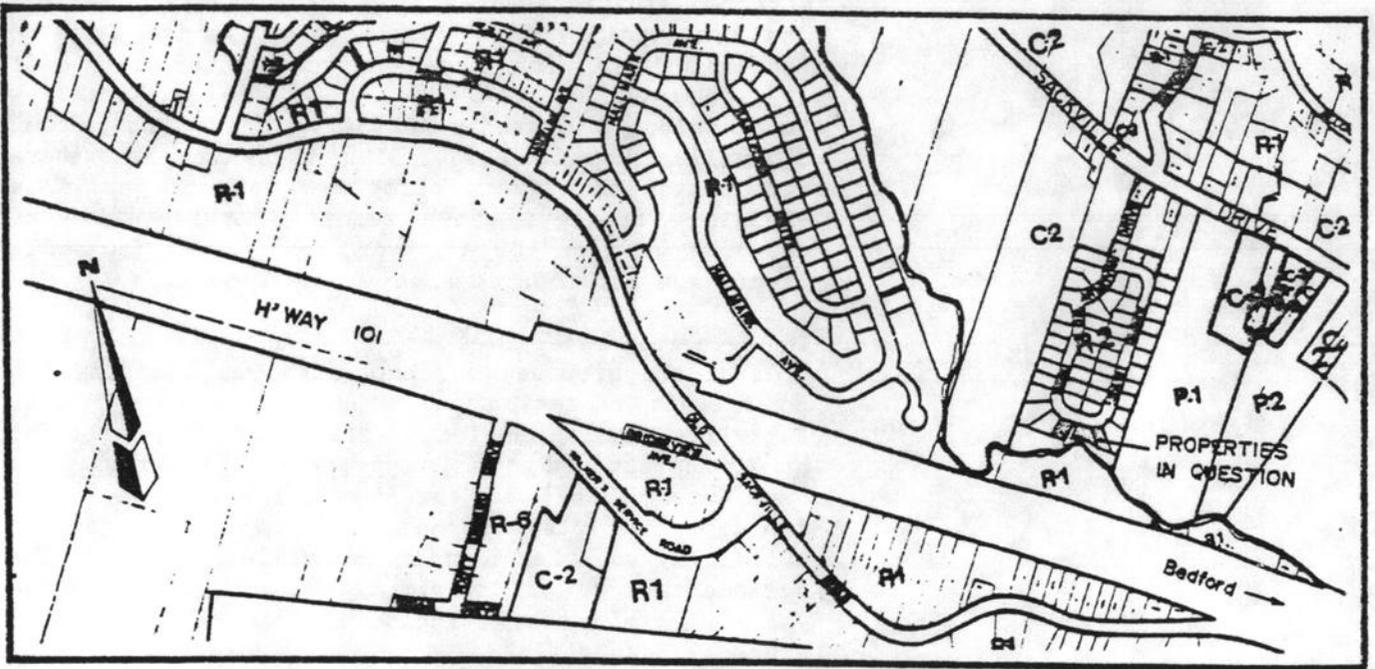
Attached are proposed development agreements between the Municipality and Tri-Arm Developments Ltd. of Bedford, N.S., for the construction of two unit dwellings on Lots 14, 15 and 16 of the Riverview Subdivision, located on Sami Drive at Lower Sackville, Map 3 (p.3). The necessity for these agreements stems from Policy P-87 of the Sackville Planning Strategy, which permits consideration of new uses within 100 feet of the Little Sackville River, subject to a development agreement.

The general objectives of these agreements are to protect the proposed developments from flooding and to prevent siltation and erosion along the Little Sackville River. Municipal staff and the applicant have determined an appropriate method for development based on the physical and topographic features the lots and the proximity of the proposed buildings to the Little Sackville River. The agreements sets out specific instructions on a wide variety of matters including floor elevations, general landscaping and environmental protection measures.

MAP 1



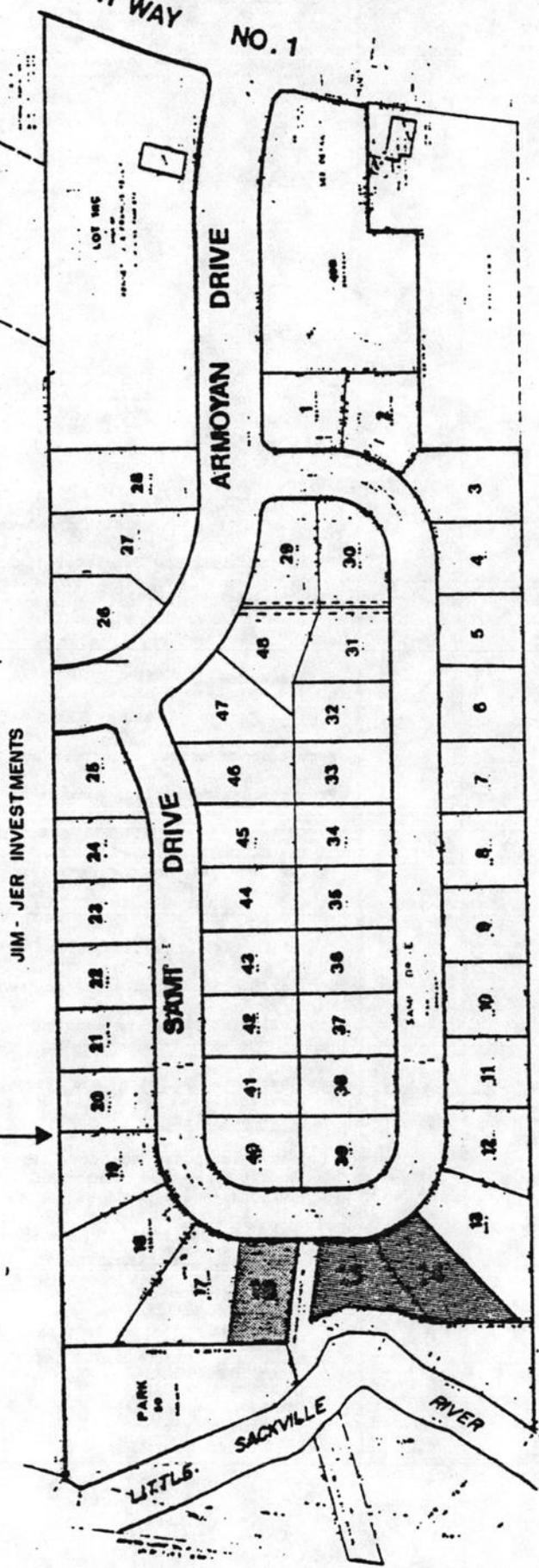
MAP 2



H'WAY NO. 1



(RIVERVIEW SUBDIVISION) →
SCALE 1" = 163'



THIS AGREEMENT MADE THIS DAY OF A.D., 1986

BETWEEN:

TRI-ARM DEVELOPMENTS LTD., a body corporate
of Bedford, Nova Scotia, hereinafter called the
"Developer"

OF THE FIRST PART

-and-

THE MUNICIPALITY OF THE COUNTY OF HALIFAX, a
body corporate, hereinafter called the
"Municipality"

OF THE SECOND PART

WHEREAS the Developer has good title to lands known as Lot 16 of the Riverview Subdivision, located on Sami Drive at Lower Sackville, in the County of Halifax, Province of Nova Scotia, said lands (hereinafter called the "Property") being more particularly described in Schedule "A" of this Agreement;

AND WHEREAS the Developer has requested that it be permitted to erect, construct or otherwise locate a two unit dwelling on the Property, said dwelling unit to be hereinafter called the "Building";

WITNESS that in consideration of the sum of One Dollar (\$1.00) now paid by the Developer to the Municipality (the receipt of which is hereby acknowledged), the request to erect, construct or otherwise locate the Building is agreed upon between the Developer and the Municipality pursuant to Section 3.6 (c) of the Zoning By-law for Sackville and subject to the following terms and conditions:

- 1(a) That the Building and Property be used solely for those land use activities as identified under Section 7.1, PART 7, of the ZONING BY-LAW FOR SACKVILLE.
- (b) Notwithstanding the provisions of subsection (a), where a side-by-side duplex has been constructed, the basement portion of the individual dwelling units shall not be converted to a separate dwelling unit.
2. That the Building conform to all applicable regulations as set forth in the NATIONAL BUILDING CODE OF CANADA 1980 and any amendments made thereafter.
3. That the Building be erected, constructed or otherwise located on the Property in conformity with the following requirements:

Minimum Front Yard	20 feet
Minimum Side Yard	8 feet
Maximum Lot Coverage	35 per cent
Maximum Height	35 feet

4. That no portion of the Building shall extend beyond a distance of fifty-five (55) feet from the front lot line, except in the case of a fence, uncovered patio, sundeck or set of steps, wherein the distance from the front lot line to the rear of said structures shall not exceed sixty (60) feet.
5. That the erection, construction or otherwise locating of any accessory building on the Property be in conformity with the Following requirements:

Minimum Front Yard	20 feet
Minimum Side or Rear Yard	4 feet
Maximum Height	15 feet
Maximum Floor Area	120 square feet
Minimum Distance to any other Structure	0 feet
6. That prior to the signing of this Agreement by the Parties, the Developer shall supply to the Municipality all necessary plans and written materials to accurately show and explain the following:
 - the proposed location of the Building;
 - the manner in which the Property is to be serviced;
 - the existing grade of the Property;
 - the proposed grade of the Property upon completion of the Building;
 - the manner in which siltation of the Little Sackville River is to be prevented during any land filling operation and during construction of the Building;
 - the manner in which erosion of the Property is to be prevented upon completion of the Building.
7. That all plans and written materials required under Section 6 of this Agreement shall meet with the approval of the Development Officer for the Municipality, wherein said plans and written materials shall form an appendix(s) to this Agreement.
8. That within thirty (30) days the issuance of an occupancy permit for the Building, the Developer shall bring the Property to its agreed upon final grade and condition and upon the issuance of the said occupancy permit, shall not from that point onward alter the final grade or condition of the Property without consent of the Municipality.
9. For the purposes of this Agreement, all words shall carry their customary meaning except those defined under Part 2 of the Zoning By-law for Sackville where such words shall carry the meaning defined therein.
10. Subject to the provisions of this Agreement, the Developer shall be bound by all by-laws and regulations of the Municipality as well as to any applicable statutes and regulations of the Province of Nova Scotia.
11. Upon breach by the Developer of any of the terms or conditions of this Agreement the Municipality, may, after thirty days notice in writing to the Developers of the breach, enter and perform any of the terms and conditions of the Agreement. It is agreed that all reasonable expenses whether arising out of the entry of from the performance of the terms and conditions may be recovered from the Developers by direct suit and shall form a charge upon the Property.
12. This Agreement shall run with the land and be binding upon the Developer's heirs, assigns, mortgagees, lessees, successors, and occupiers of the Property from time to time.

SCHEDULE "A"

Legal Description of Lot 16

Lot 16 being all that certain piece and parcel of land situate and being in the Riverview Subdivision in Sackville, Halifax County, Nova Scotia as shown on a plan by Norval S. Higgins, N.S.L.S dated November 13, 1985, revised November 19, 1985 and filed as Alderney Consultants Ltd. Plan No. 3679-4. Lot 16 being more particularly described as follows:

Beginning at a point at a northern corner of lot 50 also being a point on the southwestern boundary of Sami Drive,

Thence South $38^{\circ}04'44''$ West a distance of 30.833 m along a northwestern boundary of lot 50 to a point,

Thence North $60^{\circ}24'30''$ West a distance of 18.500 m along a portion of a northeastern boundary of lot 50 to a point at the southern corner of lot 17,

Thence North $38^{\circ}04'44''$ East a distance of 31.175 m along a southeastern boundary of lot 17 to a point at the eastern corner of lot 17 also being a point on the southwestern boundary of Sami Drive,

Thence through a left-hand curve having a radius of 30.500 m a distance of 4.518 m in a southeasterly direction along a portion of the southwestern boundary of Sami Drive to a point,

Thence South $60^{\circ}24'30''$ East a distance of 13.949 m along a portion of the southwestern boundary of Sami Drive to the place of beginning and containing an area of 564.76 square metres.

All bearings are based on 3° M.T.M. Grid North Central Meridian $64^{\circ}30'$ West.

Tom Swanson

Tom Swanson, N.S.L.S.

THIS AGREEMENT MADE THIS DAY OF A.D., 1986

BETWEEN:

TRI-ARM DEVELOPMENTS LTD., a body corporate
of Bedford, Nova Scotia, hereinafter called the
"Developer"

OF THE FIRST PART

-and-

THE MUNICIPALITY OF THE COUNTY OF HALIFAX, a
body corporate, hereinafter called the
"Municipality"

OF THE SECOND PART

WHEREAS the Developer has good title to lands known as Lot
15 of the Riverview Subdivision, located on Sami Drive at Lower Sackville, in
the County of Halifax, Province of Nova Scotia, said lands (hereinafter
called the "Property") being more particularly described in Schedule "A" of
this Agreement;

AND WHEREAS the Developer has requested that it be
permitted to erect, construct or otherwise locate a two unit dwelling on the
Property, said dwelling unit to be hereinafter called the "Building";

WITNESS that in consideration of the sum of One Dollar
(\$1.00) now paid by the Developer to the Municipality (the receipt of which
is hereby acknowledged), the request to erect, construct or otherwise locate
the Building is agreed upon between the Developer and the Municipality
pursuant to Section 3.6 (c) of the Zoning By-law for Sackville and subject to
the following terms and conditions:

1(a) That the Building and Property be used solely for those land use
activities as identified under Section 7.1, PART 7, of the ZONING BY-LAW
FOR SACKVILLE.

(b) Notwithstanding the provisions of subsection (a), where a side-by-side
duplex has been constructed, the basement portion of the individual
dwelling units shall not be converted to a separate dwelling unit.

2. That the Building conform to all applicable regulations as set forth in
the NATIONAL BUILDING CODE OF CANADA 1980 and any amendments made
thereafter.

3. That the Building be erected, constructed or otherwise located on the
Property in conformity with the following requirements:

Minimum Front Yard	20 feet
Minimum Side Yard	8 feet
Maximum Lot Coverage	35 per cent
Maximum Height	35 feet

4. That no portion of the Building shall extend beyond a distance of fifty-five (55) feet from the front lot line, except in the case of a fence, uncovered patio, sundeck or set of steps, wherein the distance from the front lot line to the rear of said structures shall not exceed sixty (60) feet.
5. That the erection, construction or otherwise locating of any accessory building on the Property be in conformity with the following requirements:

Minimum Front Yard	20 feet
Minimum Side or Rear Yard	4 feet
Maximum Height	15 feet
Maximum Floor Area	120 square feet
Minimum Distance to any other Structure	0 feet
6. That prior to the signing of this Agreement by the Parties, the Developer shall supply to the Municipality all necessary plans and written materials to accurately show and explain the following:
 - the proposed location of the Building;
 - the manner in which the Property is to be serviced;
 - the existing grade of the Property;
 - the proposed grade of the Property upon completion of the Building;
 - the manner in which siltation of the Little Sackville River is to be prevented during any land filling operation and during construction of the Building;
 - the manner in which erosion of the Property is to be prevented upon completion of the Building.
7. That all plans and written materials required under Section 6 of this Agreement shall meet with the approval of the Development Officer for the Municipality, wherein said plans and written materials shall form an appendix(s) to this Agreement.
8. That within thirty (30) days the issuance of an occupancy permit for the Building, the Developer shall bring the Property to its agreed upon final grade and condition and upon the issuance of the said occupancy permit, shall not from that point onward alter the final grade or condition of the Property without consent of the Municipality.
9. For the purposes of this Agreement, all words shall carry their customary meaning except those defined under Part 2 of the Zoning By-law for Sackville where such words shall carry the meaning defined therein.
10. Subject to the provisions of this Agreement, the Developer shall be bound by all by-laws and regulations of the Municipality as well as to any applicable statutes and regulations of the Province of Nova Scotia.
11. Upon breach by the Developer of any of the terms or conditions of this Agreement the Municipality, may, after thirty days notice in writing to the Developers of the breach, enter and perform any of the terms and conditions of the Agreement. It is agreed that all reasonable expenses whether arising out of the entry of from the performance of the terms and conditions may be recovered from the Developers by direct suit and shall form a charge upon the Property.
12. This Agreement shall run with the land and be binding upon the Developer's heirs, assigns, mortgagees, lessees, successors, and occupiers of the Property from time to time.

SCHEDULE "A"

Legal Description of Lot 15

Lot 15 being all that certain piece and parcel of land situate and being in the Riverview Subdivision in Sackville, Halifax County, Nova Scotia as shown on a plan by Norval S. Higgins, N.S.L.S. dated November 13, 1985, revised November 19, 1985 and filed as Alderney Consultants Ltd. Plan No. 3679-4. Lot 15 being more particularly described as follows:

Beginning at a point at the northwestern corner of lot 14 also being a point on the southwestern boundary of Sami Drive,

Thence South $14^{\circ}16'53''$ West a distance of 7.129 m along a western boundary of lot 14 to a point,

Thence South $09^{\circ}05'06''$ East a distance of 24.602 m along a western boundary of lot 14 to a point at the southwestern corner of lot 14 also being a point on the northeastern boundary of lot 50,

Thence North $41^{\circ}56'32''$ West a distance of 12.239 m along a northeastern boundary of lot 50 to a point,

Thence North $55^{\circ}53'48''$ West a distance of 15.490 m along a northeastern boundary of lot 50 to a point,

Thence North $77^{\circ}28'07''$ West a distance of 12.183 m along the northern boundary of lot 50 to a point,

Thence North $38^{\circ}04'44''$ East a distance of 23.734 m along a southeastern boundary of lot 50 to a point at the eastern corner of lot 50 also being a point on the southwestern boundary of Sami Drive,

Thence South $60^{\circ}24'30''$ East a distance of 9.883 m along a portion of the southwestern boundary of Sami Drive to a point,

Thence through a left-hand curve having a radius of 30.500 m a distance of 8.150 m in a southeasterly direction along a portion of the southwestern boundary of Sami Drive to the place of beginning and containing an area of 557.74 square metres.

All bearings are based on 3° M.T.M. Grid North Central Meridian $64^{\circ}30'$ West.

Tom Swanson

Tom Swanson, N.S.L.S.

4. That no portion of the Building shall extend beyond a distance of sixty-five (65) feet from the front lot line, except in the case of a fence, uncovered patio, sundeck or set of steps, wherein the distance from the front lot line to the rear of said structures shall not exceed seventy (70) feet.
5. That the erection, construction or otherwise locating of any accessory building on the Property be in conformity with the following requirements:

Minimum Front Yard	20 feet
Minimum Side or Rear Yard	4 feet
Maximum Height	15 feet
Maximum Floor Area	120 square feet
Minimum Distance to any other Structure	0 feet
6. That prior to the signing of this Agreement by the Parties, the Developer shall supply to the Municipality all necessary plans and written materials to accurately show and explain the following:
 - the proposed location of the Building;
 - the manner in which the Property is to be serviced;
 - the existing grade of the Property;
 - the proposed grade of the Property upon completion of the Building;
 - the manner in which siltation of the Little Sackville River is to be prevented during any land filling operation and during construction of the Building;
 - the manner in which erosion of the Property is to be prevented upon completion of the Building.
7. That all plans and written materials required under Section 6 of this Agreement shall meet with the approval of the Development Officer for the Municipality, wherein said plans and written materials shall form an appendix(s) to this Agreement.
8. That within thirty (30) days the issuance of an occupancy permit for the Building, the Developer shall bring the Property to its agreed upon final grade and condition and upon the issuance of the said occupancy permit, shall not from that point onward alter the final grade or condition of the Property without consent of the Municipality.
9. For the purposes of this Agreement, all words shall carry their customary meaning except those defined under Part 2 of the Zoning By-law for Sackville where such words shall carry the meaning defined therein.
10. Subject to the provisions of this Agreement, the Developer shall be bound by all by-laws and regulations of the Municipality as well as to any applicable statutes and regulations of the Province of Nova Scotia.
11. Upon breach by the Developer of any of the terms or conditions of this Agreement the Municipality, may, after thirty days notice in writing to the Developers of the breach, enter and perform any of the terms and conditions of the Agreement. It is agreed that all reasonable expenses whether arising out of the entry of from the performance of the terms and conditions may be recovered from the Developers by direct suit and shall form a charge upon the Property.
12. This Agreement shall run with the Land and be binding upon the Developer's heirs, assigns, mortgagees, lessees, successors, and occupiers of the Property from time to time.

THIS AGREEMENT MADE THIS DAY OF A.D., 1986

BETWEEN:

TRI-ARM DEVELOPMENTS LTD., a body corporate of Bedford, Nova Scotia, hereinafter called the "Developer"

OF THE FIRST PART

-and-

THE MUNICIPALITY OF THE COUNTY OF HALIFAX, a body corporate, hereinafter called the "Municipality"

OF THE SECOND PART

WHEREAS the Developer has good title to lands known as Lot 14 of the Riverview Subdivision, located on Sami Drive at Lower Sackville, in the County of Halifax, Province of Nova Scotia, said lands (hereinafter called the "Property") being more particularly described in Schedule "A" of this Agreement;

AND WHEREAS the Developer has requested that it be permitted to erect, construct or otherwise locate a two unit dwelling on the Property, said dwelling unit to be hereinafter called the "Building";

WITNESS that in consideration of the sum of One Dollar (\$1.00) now paid by the Developer to the Municipality (the receipt of which is hereby acknowledged), the request to erect, construct or otherwise locate the Building is agreed upon between the Developer and the Municipality pursuant to Section 3.6 (c) of the Zoning By-law for Sackville and subject to the following terms and conditions:

1(a) That the Building and Property be used solely for those land use activities as identified under Section 7.1, PART 7, of the ZONING BY-LAW FOR SACKVILLE.

(b) Notwithstanding the provisions of subsection (a), where a side-by-side duplex has been constructed, the basement portion of the individual dwelling units shall not be converted to a separate dwelling unit.

2. That the Building conform to all applicable regulations as set forth in the NATIONAL BUILDING CODE OF CANADA 1980 and any amendments made thereafter.

3. That the Building be erected, constructed or otherwise located on the Property in conformity with the following requirements:

Minimum Front Yard	20 feet
Minimum Side Yard	8 feet
Maximum Lot Coverage	35 per cent
Maximum Height	35 feet

- 13. This Agreement shall be filed by the Municipality in the Registry of Deeds at Halifax, Nova Scotia, and shall form a charge or encumbrance upon the Property.
- 14. The Developer shall pay the costs of recording and filing all documents in connection with this Agreement.
- 15. The provisions of this Agreement are severable from one another and the invalidity or unenforceability of one provision shall not prejudice the validity or enforceability of any other provisions.
- 16. The Development Officer shall endorse a final Plan of subdivision dividing the Property into two lots, provided that the dimensions and areas of the individual lots are equal to or greater than the dimensions and areas identified in Appendix "A" of this Agreement and subject to all other applicable provisions of the Subdivision By-law for the Municipality.

WITNESS that this Agreement, made in triplicate, was properly executed by the respective parties on this _____ day of _____, A.D., 1986.

SIGNED, SEALED AND DELIVERED)
 in the presence of)
)
)
)
)
)
)
)
)

 TRI-ARM DEVELOPMENTS

SEALED, DELIVERED AND ATTESTED)
 to by the proper signing)
 officer of the Municipality)
 of the County of Halifax duly)
 authorized in that behalf in)
 the presence of)
)
)
)
)

 MUNICIPALITY OF THE COUNTY OF HALIFAX

 WARDEN

 CLERK

SCHEDULE "A"

Legal Description of Lot 14

Lot 14 being all that certain piece and parcel of land situate and being in the Riverview Subdivision in Sackville, Halifax County, Nova Scotia as shown on a plan by Norval S. Higgins, N.S.L.S. dated November 13, 1985, revised November 19, 1985 and filed as Alderney Consultants Ltd. Plan No. 3679-4. Lot 14 being more particularly described as follows:

Beginning at a point at the northwestern corner of lot 13 also being a point on the southern boundary of Sami Drive,

Thence South $13^{\circ}51'55''$ East a distance of 45.958 m along the western boundary of lot 13 to a point at the southwestern corner of lot 13 also being a point on the northeastern boundary of lot 50,

Thence North $60^{\circ}24'30''$ West a distance of 27.278 m along a portion of the northeastern boundary of lot 50 to a point at the southern corner of lot 15,

Thence North $09^{\circ}05'06''$ West a distance of 24.607 m along an eastern boundary of lot 15 to a point,

Thence North $14^{\circ}16'53''$ East a distance of 7.129 m along an eastern boundary of lot 15 to a point at the northeastern corner of lot 15 also being a point on the southern boundary of Sami Drive,

Thence through a left-hand curve having a radius of 30.500 m a distance of 14.983 m in an easterly direction along a portion of the southern boundary of Sami Drive to the place of beginning and containing an area of 712.05 square metres.

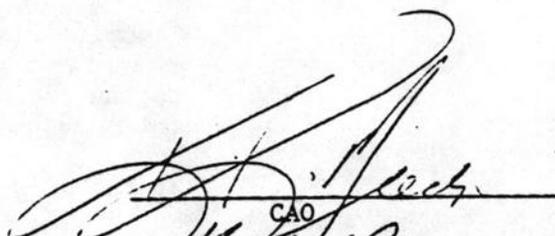
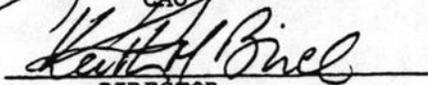
All bearings are based on 3^d M.T.M. Grid North Central Meridian $64^{\circ}30'$ West.

Tom Swanson

Tom Swanson, N.S.L.S.

STAFF REPORT

TO: Planning Advisory Committee
FROM: Department of Planning & Development
DATE: April 7, 1986
Application No. RA-CH/W-09-86-21


CAO

DIRECTOR

RECOMMENDATION

THAT THE REZONING OF LOT TD-18 OF THE FOREST HILL LAND ASSEMBLY, LOCATED AT 479 ARKLOW DRIVE AT COLE HARBOUR, FROM R-1 (SINGLE UNIT DWELLING) ZONE TO P-2 (COMMUNITY FACILITY) ZONE BE APPROVED BY MUNICIPAL COUNCIL.

Information

An application has been submitted by Mrs. Linda Tanner to rezone the property identified in Map No 3 (p.4) to P-2 (Community Facility) Zone. The purpose of the rezoning is to permit the existing single unit dwelling to be converted to a full-scale day-care centre.

A small day care facility is now in existence at this location. It is operated in conjunction with the residential aspect of the dwelling unit, but is limited under the Cole Harbour/Westphal land use by-law to fourteen (14) children.

Description

M.P.S.:	Cole Harbour/Westphal
Area:	Approximately 7,400 square feet
Surrounding Land	
Uses & Zoning:	As illustrated by Map No. 3 (p.4)

ANALYSIS

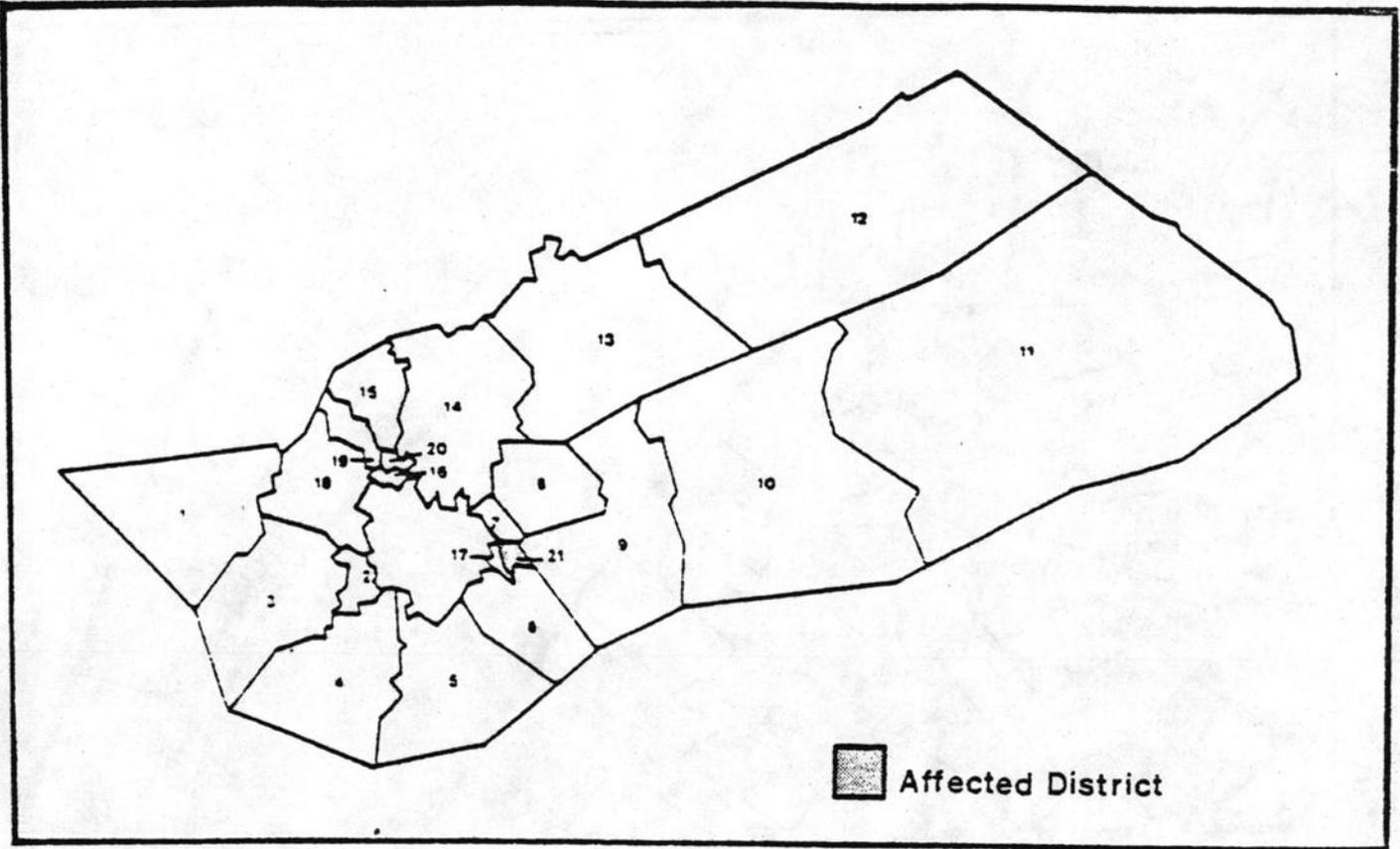
The planning strategy for Cole Harbour/Westphal designates this property Residential A. The designation is designed to support the continued development of various residential uses while permitting professional offices and small day care facilities in conjunction with a home.

The plan also states that larger day care centres and other community supporting uses can make an important contribution to the overall development of residential areas. However, in order to ensure a proper integration within the community, such uses, can only be considered by amendment to the land use by-law.

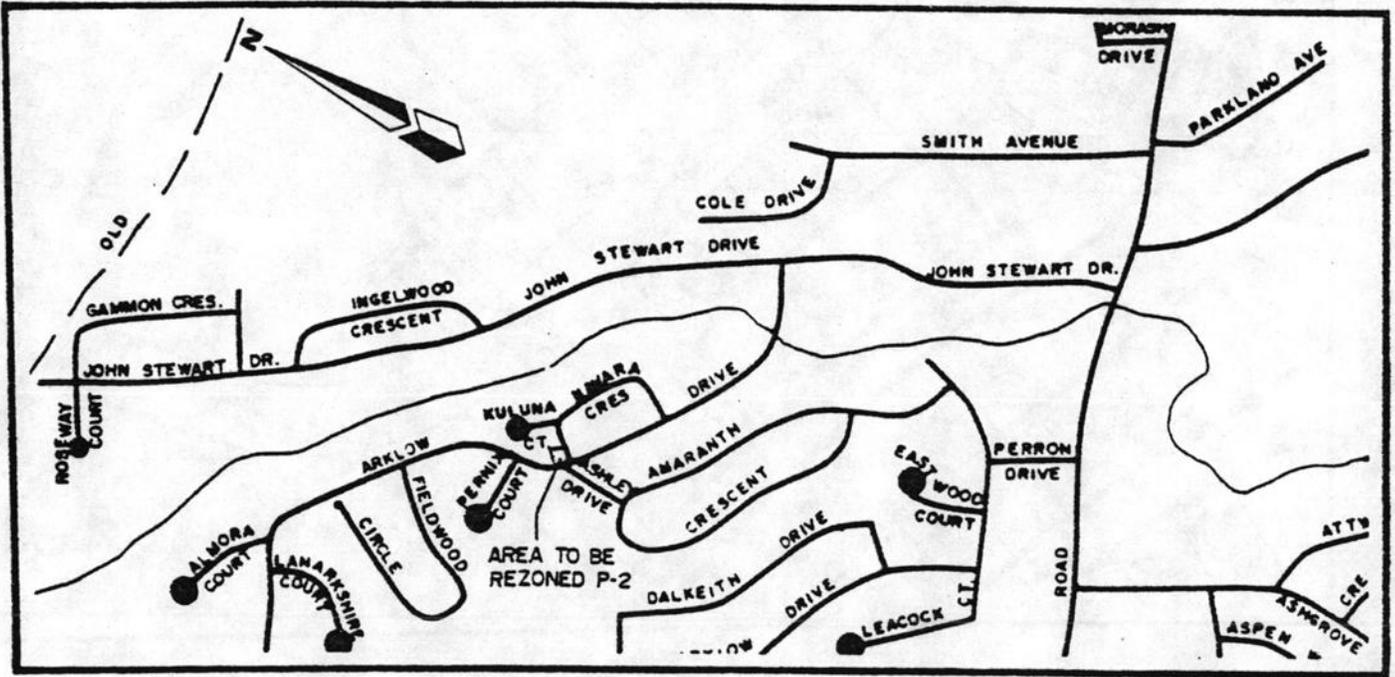
The Department of Planning and Development recommends approval of the proposed rezoning for a number of reasons. First, as illustrated by Map 3 (p.4), there is wide variety of residential, commercial and open space uses in the vicinity of the Tanner property. Therefore the proposed day care centre can be integrated into the existing development pattern without adversely effecting either the appearance or the day-to-day functions of the neighbourhood. In this regard, the rezoning will be in keeping with the plan's intent to accommodate a variety of compatible land uses within the Residential A Designation.

Second, the existing dwelling unit can be converted to a full-scale day care centre in accordance with all applicable regulations of the Cole Harbour/Westphal land use by-law. Specifically, the property's front yard and flankage yard can be utilized to construct a parking lot that conforms to all design requirements of the by-law. In addition, vehicular ingress and egress points can be positioned at an acceptable distance from the intersection of Arklow Drive and Navara Crescent. It should be noted that the side and rear yards will be maintained in their present state, thereby reducing the any effect of the development on abutting residential properties.

Finally, the need for additional day care centres in the Cole Harbour area will continue to escalate as the population increases. Given that the applicant's existing facility has proven to be an asset to the community, it should be permitted to expand to meet the future demands of area residents.



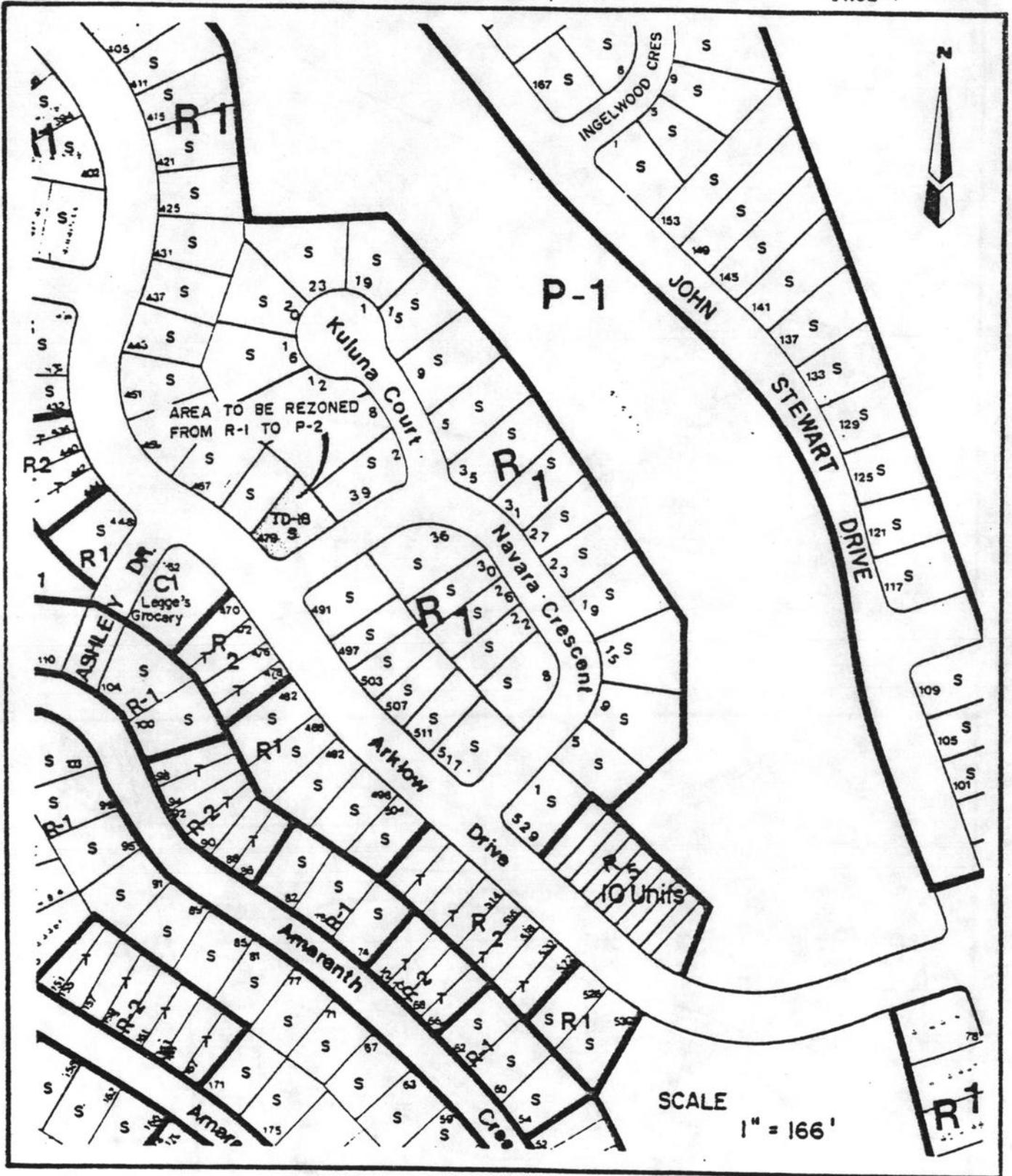
MAP 2



SURROUNDING LAND USES AND ZONING

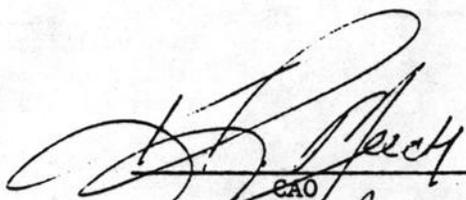
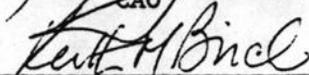
MAP 3

PAGE 4



STAFF REPORT

TO: Planning Advisory Committee
FROM: Department of Planning & Development
DATE: April 7, 1986
Application No. RA-EP/CB-27-86-06


CAO

DIRECTOR

RECOMMENDATION

THAT THE REZONING OF LOT XY-22A, LOCATED OFF COW BAY ROAD AT EASTERN PASSAGE, FROM R-2 (TWO UNIT DWELLING) ZONE TO R-5 (ROWHOUSE DWELLING) ZONE BE APPROVED BY MUNICIPAL COUNCIL.

Information

An application has been submitted by Diane Paul and Norma Denton, to rezone Lot XY-22A of the lands of Diane Paul and Norma Denton identified on Map No. 3 (p.4) from R-2 (Two Unit Dwelling) Zone to R-5 (Rowhouse Dwelling) Zone.

The purpose of the rezoning is to permit the construction of three rowhouse buildings. While the number of units for the proposed buildings has yet to be determined, the frontage requirements imposed by the land use by-law for Eastern Passage/Cow Bay limits the total number of potential units to seventeen. The present R-2 (Two Unit Dwelling) Zone permits a total number of potential units of twelve. Therefore, should the rezoning be approved, the applicant would be permitted to construct an additional five units.

Description

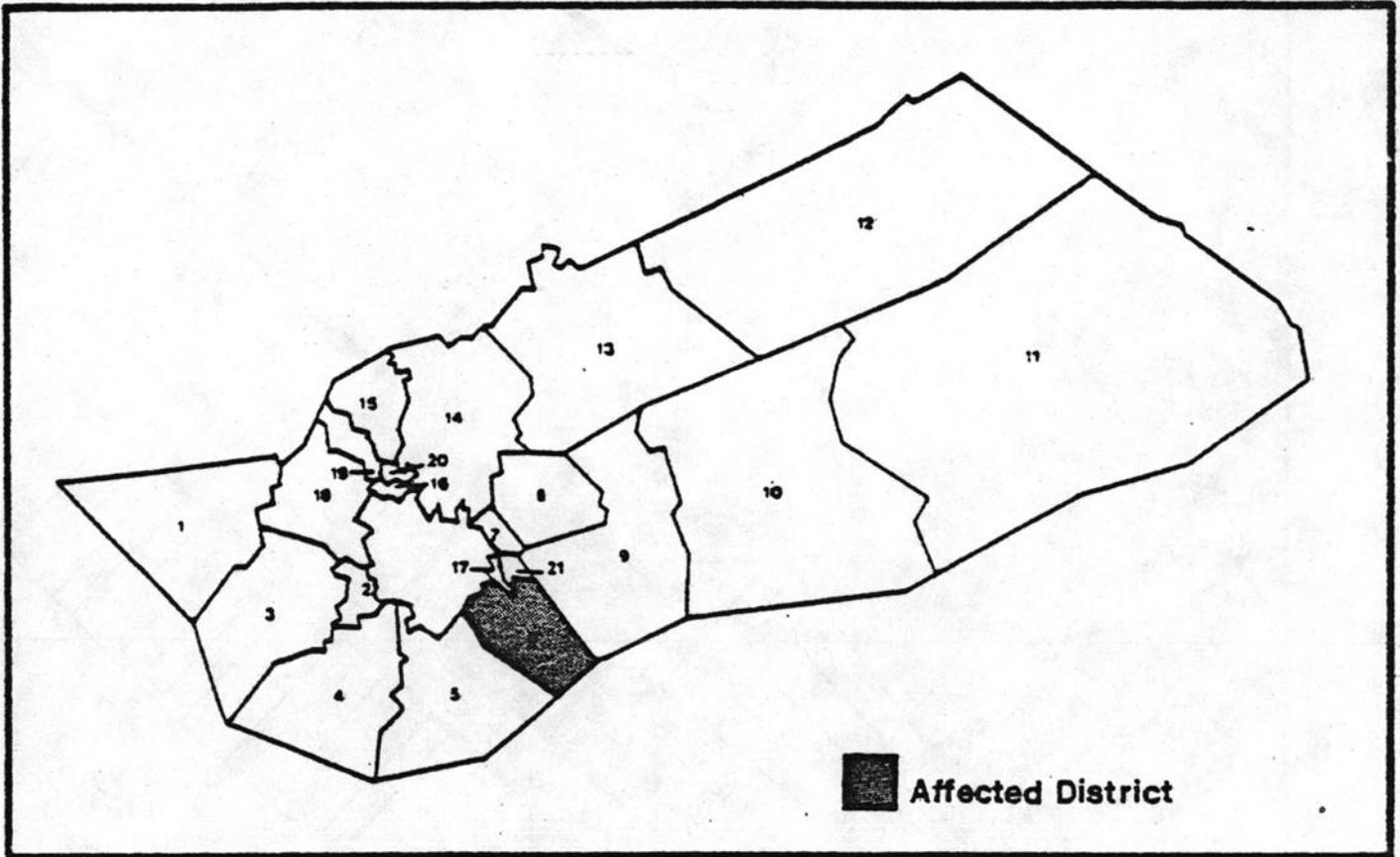
Area:	80,981.6 square feet
Dimensions:	As illustrated by Map No. 3 (p.4)
Features:	- Municipal sewer and water available - Fairly level and partially covered with softwood trees and shrubs - No visible signs of poor or impaired drainage
Surrounding Land Uses & Zoning	As illustrated by Map No. 3 (p.4)

ANALYSIS

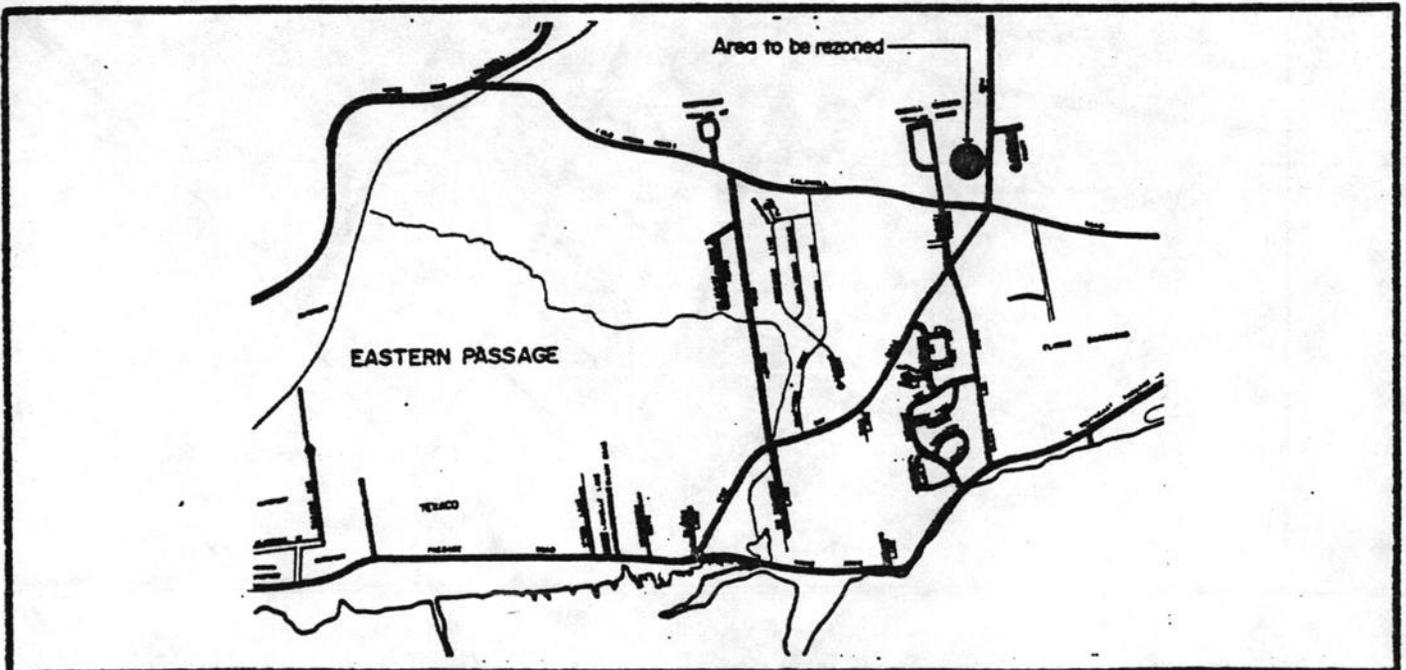
The municipal planning strategy for Eastern Passage/Cow Bay designates Lot XY-22A as Residential A. This designation encourages a housing mix and specifically includes rowhouse dwellings. Thus, the proposed rezoning is in conformity with the plan's intent to accommodate a mixture of housing stock within the designation.

As shown on Map No. 3 (p.4) the lot is located in an area comprising of a variety of land uses, including a church and cemetery, fire hall, school, local convenience store, and a mixture of single unit and two unit dwellings. The proposed rowhouse buildings would be compatible with the area and could be accommodated without seriously affecting surrounding land uses.

The Department of Engineering and Works has advised that adequate water and sewer services are available to accommodate the proposal.



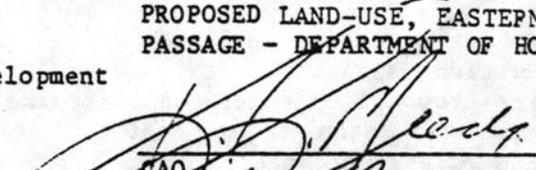
MAP 2



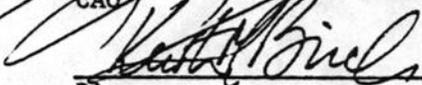
STAFF REPORT

TO: Planning Advisory Committee
FROM: Department of Planning and Development
Date: February 10, 1986
File No. ZA-EP/CB-30-86-06

PROPOSED LAND-USE, EASTERN
PASSAGE - DEPARTMENT OF HOUSING



CAO



Director

RECOMMENDATION

THAT THE AMENDMENTS TO THE EASTERN PASSAGE/COW BAY LAND USE BY-LAW OUTLINED IN APPENDIX "A" OF THIS REPORT BE APPROVED BY COUNCIL.

BACKGROUND

The Department of Housing is currently considering the purchase of a portion of the Ocean View Manor property in Eastern Passage with the intent of constructing a 15-20 unit senior citizen building. The intention of the Department of Housing is to connect the two buildings in order that residents of the new building would have easy access to the medical services of Ocean View Manor (Figure No. 1, Page 4).

To date, only a rough outline of the project has been prepared by the Department of Housing (See Figure No. 2, page 5). Among its elements are the following:

1. it would face the Cow Bay Road;
2. it would be connected to Ocean View Manor by an elevator and linked directly into a tunnel leading from the main administration building of Ocean View Manor; and
3. a 40 foot wide landscaped buffer strip would separate the parking areas for the Manor and the new project.

The proposed connection of the two buildings is not permitted under the existing Eastern Passage/Cow Bay land use by-law which requires that buildings within the P-2 (Community Facility) Zone maintain a sideyard clearance of one-half the height of the main building. In order to connect the buildings a "zero setback" would have to be permitted.

In its letter of application, the Department of Housing has requested that the Eastern Passage/Cow Bay municipal planning strategy be amended so as to permit its proposal by development agreement. The letter states, "The purpose of the plan amendment is to achieve the sideyard setback of zero feet though the contract development process which offers this flexibility".

Plan Policies

Ocean View Manor is located within the Community Facility Designation, which is considered to be the institutional and recreational focus of the plan area (Policy P-68). Much of the land within the area surrounding Ocean View Manor is presently owned by the Municipality. It is within this context that the request by the Department of Housing should be reviewed.

The P-2 (Community Facility) Zone permits a variety of community related uses which benefit from shared or joined facilities, e.g. a church and a community hall, a fire station and police station, a library and a school. While benefitting from a close union, there may also be financial or other reasons why the uses must remain on separate properties.

Planning Considerations

The request by the Department of Housing to attach a new senior citizen's building to the existing Ocean View Manor is desirable. Sharing services through the union of the two structures is for the improved convenience and benefit of the users.

Yard requirements are required as a means of controlling the density of development, contributing to fire protection and promoting compatibility of uses. While these are important reasons for overall requirements, it is also true that the senior citizens complex being proposed could, by right, be joined to Oceanview Manor as an "addition". An amendment is only made necessary by the fact that the Department of Housing wishes to retain ownership of the land and building.

Given the intention of the plan to promote the Community Facility Designation as the institutional and recreational focus of the community, it is desirable to provide as much flexibility as possible in achieving this goal.

Conclusion

The request by the Department of Housing to join a new senior citizen's building to Oceanview Manor is one which has considerable merit. Other uses permitted within the Community Facility Designation might also benefit from the ability to combine facilities yet retain separate legal ownership.

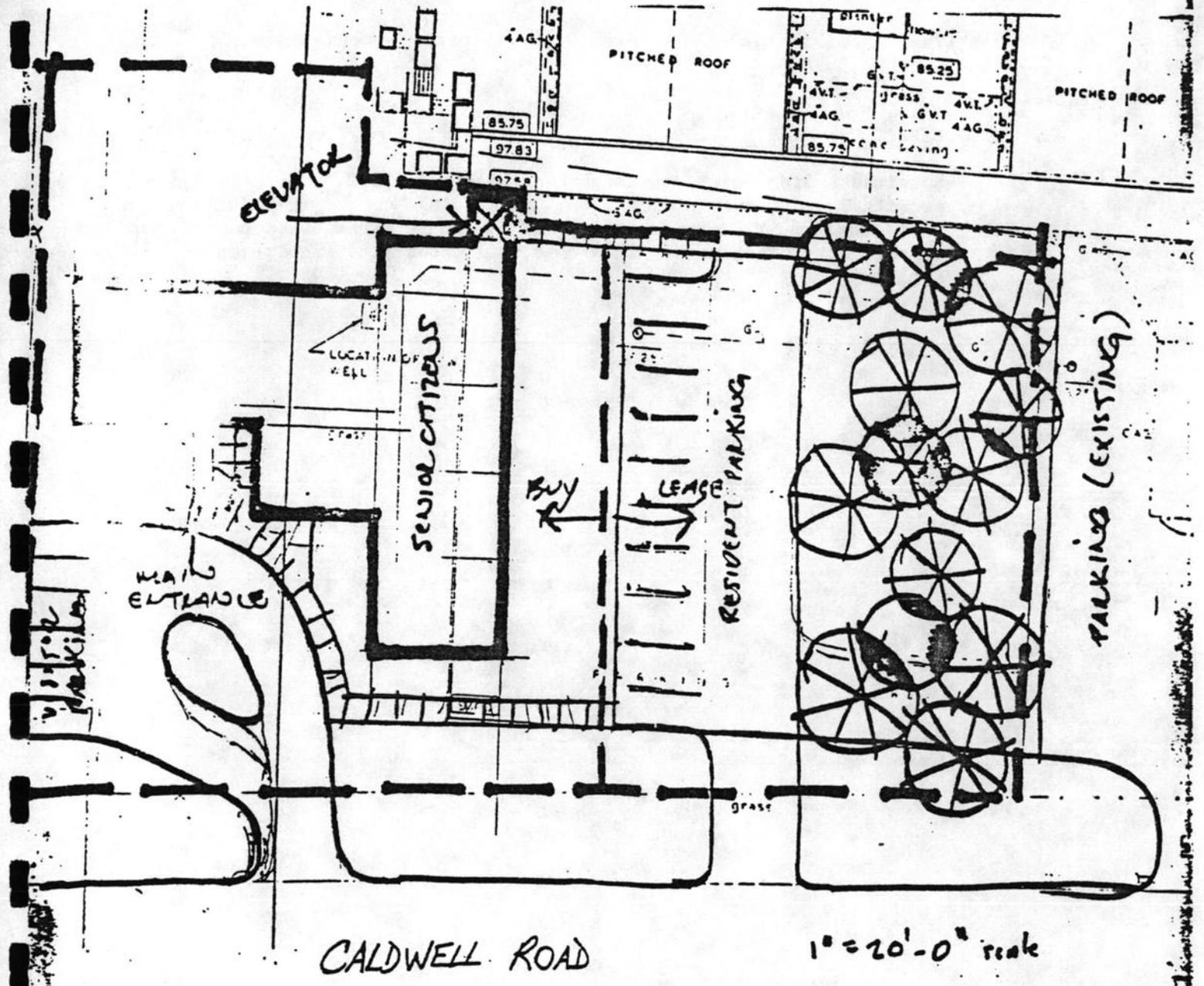
The Department of Housing's request can be accommodated by an amendment to the P-2 (Community Facility) Zone which would permit the side or rear yard requirement to be eliminated where buildings are to be joined together. A plan amendment as requested by the Department of Housing is not necessary.

While the Department of Housing has requested that a development agreement process be approved in order to permit the reduction of sideyard requirements it is the opinion of this report that requiring a development agreement simply for this reason is unwarranted.

Permitting the flexibility requested by the Department of Housing is reasonable within the context of the Community Facility Designation and is a provision which could also be of benefit to other community facility uses in providing services to the public.

An amendment to the land use by-law reducing the yard requirement where buildings are to be joined is, therefore, recommended.

Figure No. 2



APPENDIX "A"

A BY-LAW TO AMEND THE ZONING BY-LAW FOR
EASTERN PASSAGE/COW BAY

The Zoning By-law for Eastern Passage/Cow Bay is hereby amended by:

- a) inserting immediatly following Part 21.4 (Exemption: Open Space Uses) the following:

21.5 EXEMPTION: INSTITUTIONAL USES

Notwithstanding the provisions of Section 21.2, where uses are permitted as Institutional Uses, a building may be exempted from a yard requirement in order to permit it to be joined to a building on an adjacent parcel and in this case, all other yard requirements shall apply.

PUBLIC HEARING

JUNE 23, 1986

PRESENT WERE: Warden MacKenzie
Councillor Poirier
Councillor Fralick
Councillor P. Baker
Councillor C. Baker
Councillor Deveaux
Councillor DeRoche
Councillor Randall
Councillor Bayers
Councillor Reid
Councillor Lichter
Councillor Snow
Councillor Merrigan
Councillor MacKay
Councillor McInroy
Councillor MacDonald
Deputy Warden Wiseman

ALSO PRESENT: Mr. D.D. Reinhardt, Deputy Municipal Clerk
Mr. R.G. Cragg, Municipal Solicitor

SECRETARY: Glenda Higgins

Warden MacKenzie called the meeting to order with the Lord's Prayer at 7 p.m.

Mr. Reinhardt called the Roll.

APPOINTMENT OF RECORDING SECRETARY

It was moved by Councillor DeRoche, seconded by Councillor McInroy:

"THAT Glenda Higgins be appointed as Recording Secretary."
MOTION CARRIED

RA-CH/W-08-86-21 - APPLICATION TO REZONE LOT MR-1 OF THE MURRY RITCEY SUBDIVISION, LOCATED ON RITCEY CRESCENT, COLE HARBOUR, FROM R-1 (SINGLE UNIT DWELLING) ZONE TO R-2 (TWO UNIT DWELLING) ZONE

Mr. Wishart outlined the staff report as presented to the Planning Advisory Committee dated March 13, 1986. He advised that the area of the lot should read 135,000 square feet instead of 95140.9 square feet.

QUESTIONS FROM COUNCIL

None.

SPEAKERS IN FAVOUR OF THIS APPLICATION

None.

SPEAKERS IN OPPOSITION TO THIS APPLICATION

None.

It was moved by Councillor DeRoche, seconded by Councillor Snow:

"THAT the request to rezone Lot MR-1 of the Murry Ritcey Subdivision, located on Ritcey Crescent, Cole Harbour, from R-1 (Single Unit Dwelling) Zone to R-2 (Two Unit Dwelling) Zone be approved by Municipal Council."
MOTION CARRIED UNANIMOUSLY

RA-CH/W-20-86-17 - APPLICATION TO AMEND THE COLE HARBOUR/WESTPHAL LAND USE BY-LAW BY REZONING A PORTION OF LOT 176R OF THE FOREST HILLS LAND ASSEMBLY LOCATED AT 95 CIRCASSION DRIVE AT COLE HARBOUR FROM C-1 (LOCAL BUSINESS) ZONE TO R-2 (TWO UNIT DWELLNG) ZONE

Mr. Wishart reweived the report as presented to the Planning Advisory Committee on April 21, 1986.

QUESTIONS FROM COUNCIL

None.

SPEAKERS IN FAVOUR OF THIS APPLICATION

None

SPEAKERS IN OPPOSITION TO THIS APPLICATION

None

It was moved by Councillor McInroy, seconded by Councillor Fralick:

"THAT the request to amend the Cole Harbour/Westphal Land Use By-law by rezoning a portion of Lot 176R of the Forest Hills Land Assembly located at 95 Circassion Drive at Cole Harbour, from C-1 (Local Business) Zone to R-2 (Two Unit Dwelling) Zone be approved by Municipal Council."
MOTION CARRIED UNANIMOUSLY

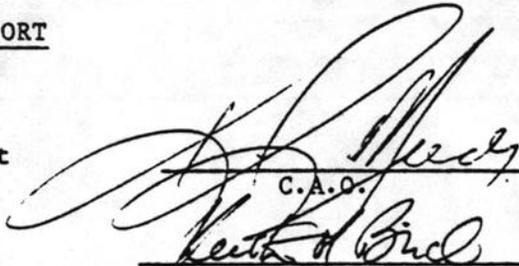
ADJOURNMENT

It was moved by Councillor DeRoche, seconded by Councillor Deveaux:

"THAT this Public Hearing adjourn."
MOTION CARRIED

STAFF REPORT

To: Planning Advisory Committee
 From: Department of Planning & Development
 Date: March 13, 1986
 Application No.: RA-CH/W-08-86-21


 C.A.O.
 DIRECTOR

RECOMMENDATION

THAT THE REQUEST TO REZONE LOT MR-1 OF THE MURRY RITCEY SUBDIVISION, LOCATED ON RITCEY CRESCENT AT COLE HARBOUR, FROM R-1 (SINGLE UNIT DWELLING) ZONE TO R-2 (TWO UNIT DWELLING) ZONE, BE APPROVED BY MUNICIPAL COUNCIL.

Information

An application has been submitted by Mr. and Mrs. Heinz Parusel to rezone the land identified in Map 3 (p3) to R-2 (Two Unit Dwelling) Zone. A basement apartment is being occupied on the property by one of the owner's parents, which is a violation of the land use by-law for Cole Harbour/Westphal. The purpose of the rezoning request is to bring the two unit dwelling on the lot into conformity with the by-law.

Description

MPS: Cole Harbour/Westphal
 Area: 175,000⁺ 95140.9 square feet
 Dimensions: As illustrated by Map 3 (p3).
 Features: - On-site services.
 - Gently sloping downwards from Ritcey Crescent.
 - Completely cleared.
 Surrounding Land
 Use and Zoning: As illustrated by Map 3(p3).

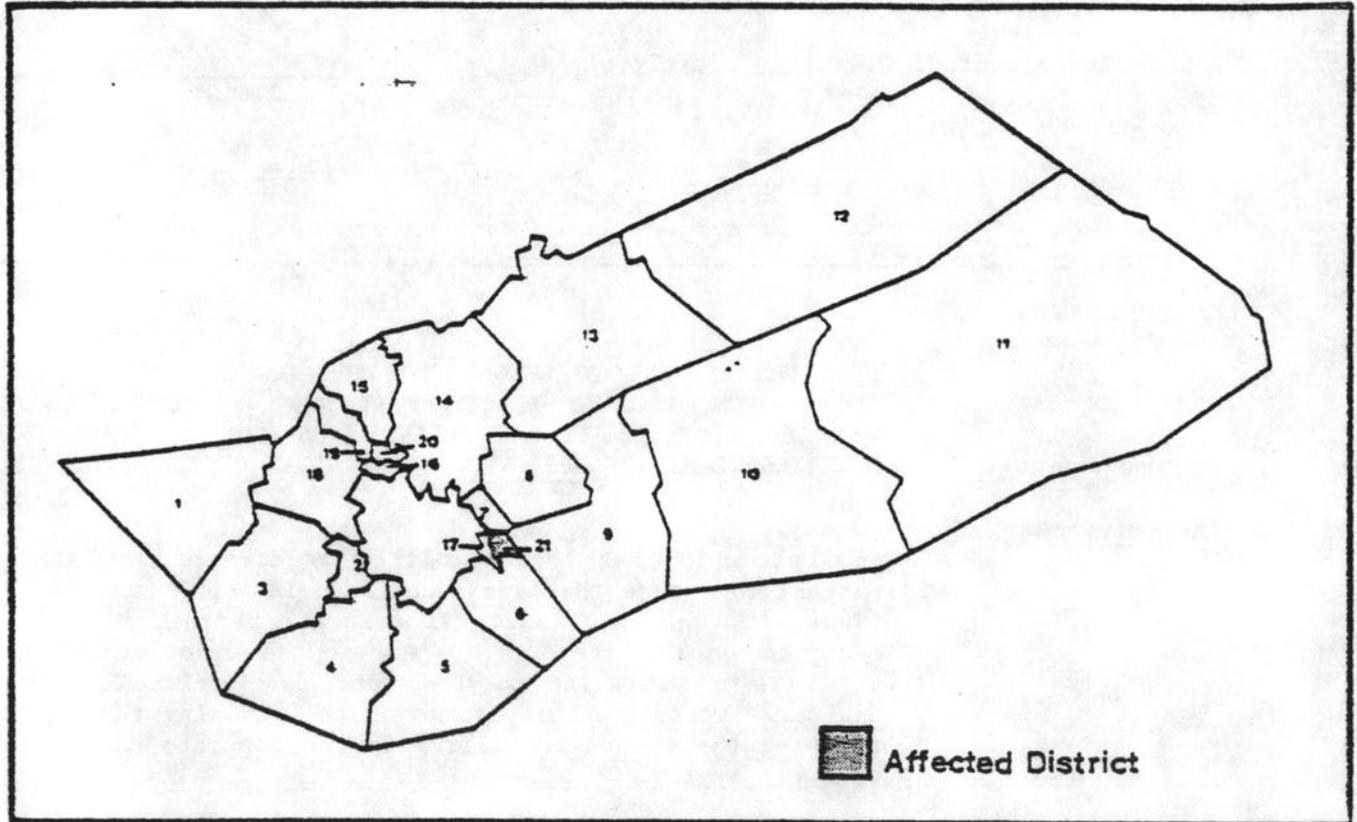
ANALYSIS

The municipal planning strategy for Cole Harbour/Westphal designates the property Residential "A". The designation allows for the development of a variety of housing types, including two unit dwellings, by amendment to the land use by-law.

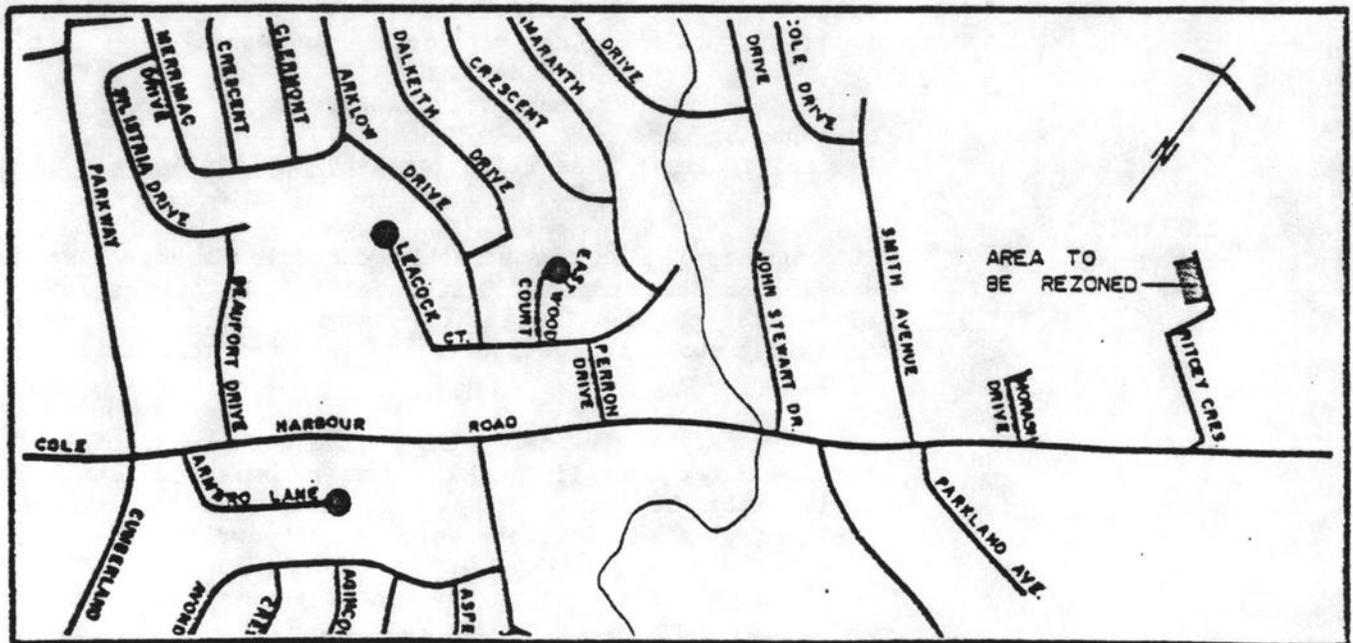
A preliminary review conducted by the Department of Health has indicated that if lot MR-1 were to be subdivided there would only be enough area for the present two unit dwelling plus an additional single unit dwelling.

As the high quality of the design of the existing dwelling is in keeping with others on the street and as the proposal will not result in any expansion to the existing dwelling, the surrounding area will not be affected by the rezoning.

MAP 1



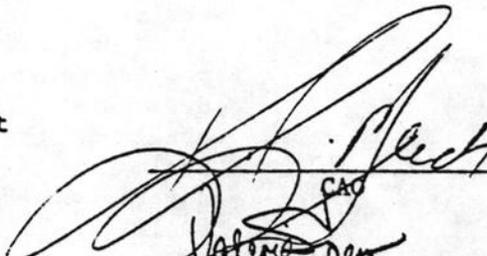
MAP 2



RA20

STAFF REPORT

TO: Planning Advisory Committee
FROM: Department of Planning & Development
DATE: April 21, 1986
Application No. RA-CH/W-20-86-17



CAO
Valerie Dem

MANAGER, POLICY DIVISION

RECOMMENDATION

THAT THE REQUEST TO AMEND THE COLE HARBOUR/WESTPHAL LAND USE BY-LAW BY REZONING A PORTION OF LOT 176R OF THE FOREST HILLS LAND ASSEMBLY LOCATED AT 95 CIRCASSION DRIVE AT COLE HARBOUR, FROM C-1 (LOCAL BUSINESS) ZONE TO R-2 (TWO UNIT DWELLING) ZONE BE APPROVED BY MUNICIPAL COUNCIL.

Information

An application has been submitted by Mr. George Amyoony to rezone a portion of the lot identified in Figure 1 (p.5) from a C-1 (Local Business) Zone to R-2 (Two Unit Dwelling) Zone. The lot contains one building with a convenience store located on the first floor and an apartment on the second floor. The applicant has stated his intention of subdividing Lot 176R in order to construct a two-unit dwelling on the vacant portion of the lot.

Description

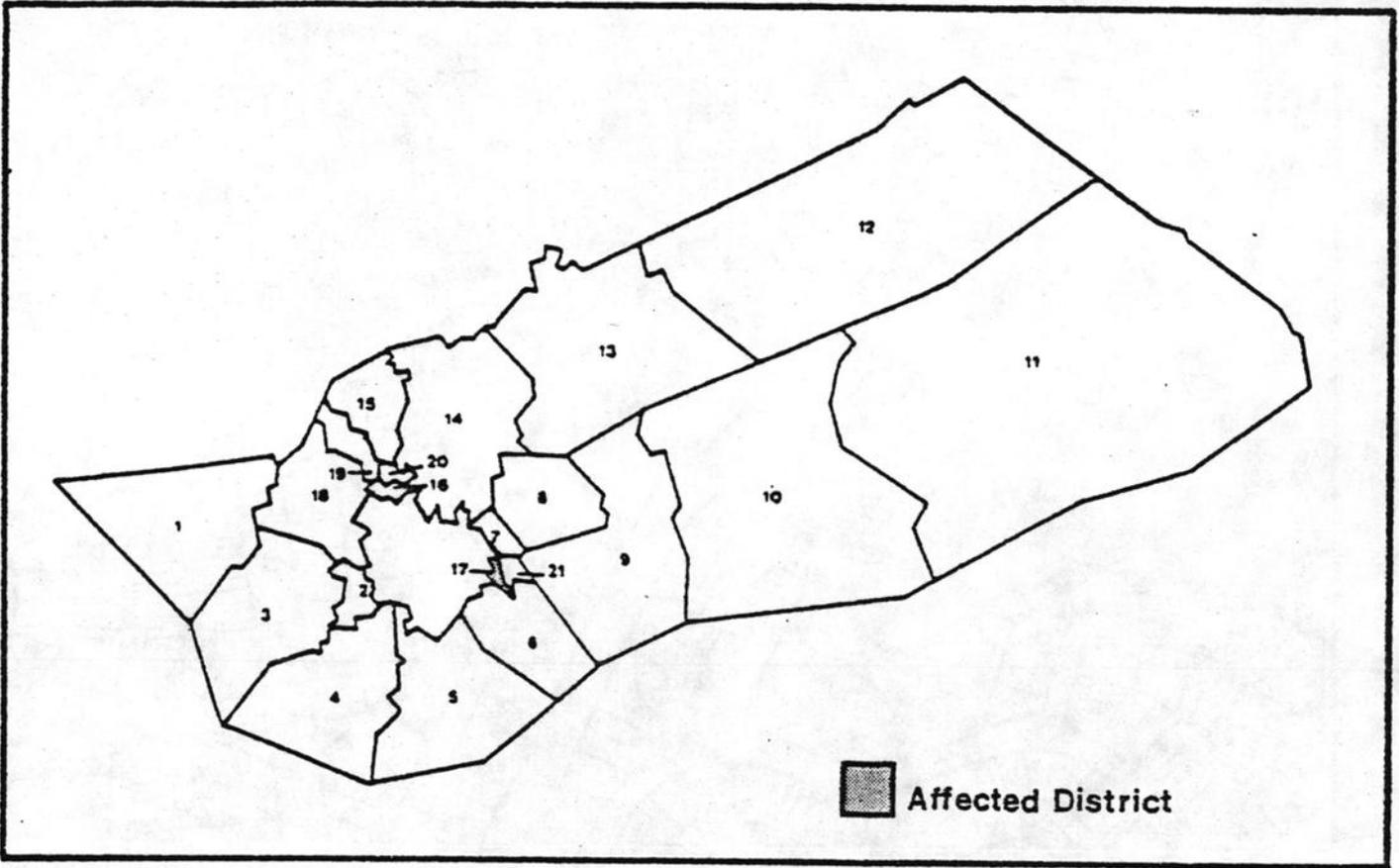
MPS:	Cole Harbour/Westphal
Area:	7,260 square feet
Dimensions:	As illustrated by Figure 1. (p.5)
Features:	- Completely cleared - Level to Circassion Drive - Serviced by municipal water and sewer services
Surrounding Land Uses & Zoning	As illustrated by Map No. 3 (p.4)

ANALYSIS

The municipal planning strategy for Cole Harbour/Westphal designates the property Residential A. The designation allows for the development of a variety of housing types, including two unit dwellings, by amendment to the land use by-law.

As illustrated by Map No. 3 (p.4), Circassion Drive presently contains a mixture of housing types, including single unit dwellings, two unit dwellings, and rowhouse dwellings. The property to be rezoned borders a five unit rowhouse development to the right and directly across the street from the property are five, two unit dwellings. Therefore, the scale of development along Circassion Drive will not be adversely affected by the construction of another two unit dwelling.

Furthermore, given that the existing C-1 Zone allows for construction of another commercial building on the lot to be subdivided, rezoning to an R-2 Zone will ensure more appropriate development in this primarily residential neighbourhood.



MAP 2

