

**North West Planning Advisory Committee
May 2, 2012**

TO: Chair and Members of North West Planning Advisory Committee



SUBMITTED BY:

Brad Anguish, Director of Community and Recreation Services

DATE: April 4, 2012

SUBJECT: Case 16892 Waterstone Subdivision Rezoning, Lucasville

ORIGIN

- On March 24, 2011 North West Community Council passed the following motion:

MOVED by Councillor Johns, seconded by Councillor Lund, that North West Community Council direct staff to initiate a process to review changing the zoning in Waterstone Village from an MU1 zone to an R1 zone, as well as review changing the zoning in Hartland Village from an R6 zone to an R6A zone.

MOTION PUT AND PASSED.

- On May 5, 2011, an Information Report was tabled with North West Community Council which indicated that a planning application was opened to rezone properties within Hartland Village as Case 16891; and a planning application was opened to rezone properties within Waterstone Village as Case 16892.

RECOMMENDATION

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

1. Give First Reading to the proposed rezoning of the Waterstone Subdivision, Hammonds Plains, from the MU-1 (Mixed Use 1) Zone to the R-6 (Rural Residential) Zone as provided in Attachment A of this report, and schedule a public hearing; and
2. Approve the proposed rezoning of the Waterstone Subdivision, Hammonds Plains, from the MU-1 (Mixed Use 1) Zone to the R-6 (Rural Residential) Zone as set out in Attachment A of this report.

EXECUTIVE SUMMARY

North West Community Council requested staff investigate the possibility of rezoning the Waterstone Village subdivision from the MU-1 (Mixed Use 1) Zone to the R-1 (Single Unit Dwelling) Zone at their March 24, 2011 meeting.

Staff held a public information meeting on June 9, 2011 and subsequently forwarded a questionnaire to the community relating to the rezoning. Staff also completed a visual land use survey and reviewed existing land uses in the subdivision.

Subsequent to the review, staff determined there were potential land uses in the subdivision that may not be permitted if rezoned to the R-1 Zone. Therefore, staff recommends North West Community Council rezone most of the Waterstone to the R-6 (Rural Residential) Zone. This zone is more consistent plan policy and with the land uses found within the subdivision.

BACKGROUND

North West Community Council on January 27, 2011 requested staff investigate the options and implications of rezoning the Waterstone Village subdivision (Waterstone) in Lucasville from the MU-1 (Mixed Use 1) Zone to the Single Unit Dwelling (R-1) Zone. Consultation with the area Councillor determined the concern was with the wide range of mixed land uses permitted within the residential subdivision. Staff prepared a report outlining planning options to deal with the land uses issues (March 2, 2011). The report was tabled at the March 24, 2011 meeting of North West Community Council, at which time Council directed staff to initiate a planning process to change the zoning in Waterstone from MU-1 to R-1. This staff report is in response to this direction from Community Council.

Waterstone Village

Waterstone is a 204 lot subdivision which commenced construction in 1999, with more recent phases approved in 2007. The subdivision is:

- located in Hammonds Plains with access from the Lucasville Road (Map 1 and 2);
- designated Rural Commuter under the Regional Plan;
- designated Mixed Use B (MU-B) under the Beaver Bank, Hammonds Plains and Upper Sackville Municipal Planning Strategy (MPS) (Map 1); and
- zoned Mixed Use 1 (MU-1) under the Beaver Bank, Hammonds Plains and Upper Sackville Land Use By-law (LUB) (Map 2).

Existing Land Uses

Visual Survey

A visual land use survey was conducted which involved an inspection of all lands to determine if there are signs of land uses other than the predominant land use, which is that of single unit dwellings. Two businesses were identified;

- SOGO Body Therapy, 151 Stonewick Cross. This business is a massage therapy business and is a home based business; and
- Corkum & Associates Psychological Services Ltd., 23 Waterstone Run. This business is a stand-alone professional office providing psychological treatment services.

A review of existing permitting information confirmed these uses currently comply with the existing MU-1 Zone and have received all the appropriate municipal permits. The land use survey also discovered evidence of other possible businesses (commercial type trucks and multiple pick-up trucks), however, no evidence of businesses operating from these sites could be determined due to the lack of other supporting information.

Survey

A survey (Attachments F and G) was sent to all Waterstone property owners, which identified there may be other businesses in the subdivision such as daycares, landscaping and excavation and home based offices. The locations of these uses were not identified through the survey. Approximately 35 percent of Waterstone property owners responded to the survey and, in general, the majority of residents who did respond were favourable towards the proposed rezoning to the R-1.

Internet Search

An internet search revealed there may be up to 12 additional businesses operating in the Waterstone Subdivision. Staff discovered a number of possible small scale day cares, home offices, a possible home renovation company and a driveway sealing company. The challenge with internet searches is that is difficult to determine if the specified address is just a mailing address for a business, a home office or a full scale business, or an out-dated website. However, all land uses positively identified or suspected appear to be permitted uses under the existing MU-1 (Mixed Use 1) Zone but may not have received all the appropriate municipal permits and approvals.

Creation of Non-Conforming Uses and Existing Uses

When seeking to change the zone on existing properties there is a risk that non-conforming uses can be created. Non-conforming uses are land uses that were previously legally established but are not permitted by the current zone. An established non-conforming use is granted the right to continue the non-conforming use, however there are requirements placed on the property owner to prove that the non-conforming uses continue and not abandoned for a period of six months or more. There are also restrictions placed on the land owner in relation to future expansion or the change in use. The proposed rezoning of the Waterstone subdivision may create non-conforming uses. Staff is also concerned there may be uses within Waterstone subdivision which may not have municipal permits or approval and rezoning from the existing MU-1 Zone may preclude the issuance of permits to legally establish these uses in the future.

DISCUSSION

Policy Intent

The subdivision is situated within the Mixed Use B designation under the MPS. The intent of this designation is to allow for low-density residential development while allowing for limited home business and commercial opportunities. As such, the MU-1 zone permits a range of uses including single and two unit dwellings, open space uses, existing mobile dwellings, boarding and rooming houses, bed and breakfast establishments, the limited use of residential properties for business purposes, small scale commercial and resource related activities and most

institutional uses. The MU-1 Zone reflects the traditional mixed use nature of land uses in the Hammonds Plains area.

Policy P-15 enables Council to consider rezoning of lands designated Mixed Use B to the R-1 Zone (Attachment B). The R-1 Zone is more restrictive than the MU-1 Zone as it only permits single unit dwellings, existing two unit dwellings, existing mobile dwellings, daycare facilities for not more than seven (7) children and in conjunction with permitted dwellings, offices in conjunction with permitted dwellings, bed & breakfasts and open space uses. The R-1 Zone supports the transitioning of portions of the Mixed Use designation to a predominantly residential environment.

Council requested staff evaluate the option to rezone the subdivision from the existing MU-1 Zone to a more restrictive zone, the R-1 Zone. This rezoning would remove many resource and commercial land uses from the list of permitted uses. Given the results of the survey, visual land use survey, and internet search a rezoning to R-1 may make existing uses non-conforming or preclude the issuance of permits for new or existing uses. Policy P-15 of the MPS requires consideration of the impact on commercial businesses and it is the opinion of staff that the rezoning to R-1 may have a negative impact on existing business in the Waterstone area. In addition, the R-1 Zone provides further restrictions on the height and area of accessory buildings which may be used for these businesses.

Alternative Rezoning Option: R-6

Staff reviewed the MPS to determine if there are other rezoning options. The review identified that Policy P-13 enables Council to consider the R-6 Zone within the Mixed Use B designation (Attachment B). The R-6 Zone is a rural residential zone which permits a broader range of land uses than the more restrictive R-1 Zone. It is the opinion of staff that the R-6 Zone is a more appropriate transition from the MU-1 Zone as it provides greater options for home-based businesses and addresses staff's concerns regarding the creation of non-conforming land uses. The R-6 Zone also removes most of the other commercial uses that generally cause concern in residential areas (such as trucking and landscaping and retail sales). The R-6 Zone permits single unit dwellings, two unit dwellings, day care facilities for not more than fourteen (14) children and in conjunction with permitted dwellings, business uses in conjunction with permitted dwellings, open space uses, agriculture uses, forestry uses.

Staff reviewed the two zoning options (R-1 and R-6) and advise that the R-6 Zone is the most consistent with the MPS (Attachment D) and the existing land use pattern. The R-6 Zone is also better suited for Waterstone, in staff's opinion, as it enables two-unit dwellings which would allow home owners to create a second unit (commonly referred to as an in-law suite). The R-6 Zone also has similar regulations to the existing MU-1 Zone relating to accessory buildings and thus does not create any unintended land use restrictions. Attachment C contains a table which displays the uses permitted in these zones and Attachment B contains the zone requirements in their entirety.

Staff notes, however, a decision to leave the existing MU-1 Zone in place would also be consistent with the MPS but would not protect the existing residential environment from future mixed use development.

Impacts on Commercial Properties

A rezoning from MU-1 to R-6 for the entire Waterstone subdivision (shown on Maps 1 and 2) does raise concern with several existing commercial properties. The following recommendations are offered with respect to these properties:

SOGO Body Therapy - Rezone to R-6 which enables the existing SOGO Body Therapy Spa to remain as a permitted use (R-6 permits a business use in conjunction with a permitted dwelling). If Council chose to rezone to the R-1 Zone, this zone would make SOGO Body Therapy a non-conforming use. (Attachment A)

Corkum & Associates Psychological Services- Retain the MU-1 Zone for this property given it is a stand-alone business located at the corner of Waterstone Run and Lucasville Road adjacent other MU-1 zoned properties. (Attachment A)

Armco Property (Lucasville and Cranley Road) - Armco Capital Inc., the developer of the Waterstone Subdivision, has two parcels of vacant land which are undeveloped at the west end of the existing subdivision. Armco has requested that HRM not rezone these parcels and leave the existing MU-1 Zone in place. Armco has indicated these parcel have access to Lucasville Road over another parcel and thus they feel MU-1 Zone uses are still appropriate on these two parcels. Staff is of the opinion the MU-1 Zone could remain with little impact on the existing subdivision, however, staff recommend that the first twenty feet of Armco land adjacent the HRM road reserve (leading from Cranley Road) be rezoned to the R-6 Zone. This will ensure uses not permitted in the R-6 Zone cannot access the Waterstone road network once the road reserve is built as a public street, as zoning regulations will not permit this. (Attachment A)

Other Properties – Staff is of the opinion the R-6 Zone will accommodate most existing businesses and other land uses in the Waterstone Subdivision. However, there may be some uses (research is inconclusive) within Waterstone that do not have existing municipal permits or approval and therefore rezoning from the existing MU-1 to R-6 may preclude the issuance of permits to legally establish these uses in the future. It is the opinion of staff that this risk is minimal, however, it is one which is always the case when blanket rezonings occur.

Conclusion

As the proposed rezoning is consistent with the MPS for Beaver Bank, Hammonds Plains and Upper Sackville, it is recommended that the North West Community Council rezone the Waterstone Subdivision from the MU-1 (Mixed Use 1) Zone to the R-6 (Rural Residential) Zone as identified in the recommendation section of this report.

BUDGET IMPLICATIONS

The costs to process this planning application can be accommodated within the approved 2012/2013 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 9, 2011. A public hearing has to be held by Council before they can consider approval of the proposed rezoning.

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.

A survey (Attachments F and G) was sent to all property owners in Waterstone Village.

The proposed rezoning will potentially impact (but not limit to) the following stakeholders: local residents and property owners.

ALTERNATIVES

1. North West Community Council may choose to approve the proposed rezoning to the R-6 (Rural Residential) Zone, as contained in Attachment A. This is the recommended course of action as the proposed rezoning meets the overall intent of the Beaver Bank, Hammonds Plains and Upper Sackville Planning Strategy.
2. Alternatively, North West Community Council may choose to not approve the proposed rezoning of the Waterstone Subdivision. This is not the recommended course of action. However, leaving the existing zoning in place meets the overall intent of the Beaver Bank, Hammonds Plains and Upper Sackville Planning Strategy.

3. Alternatively, North West Community Council may choose to rezone the Waterstone Subdivision to the R-1 (Single Unit Dwelling) Zone. This is not the recommended course of action for the reasons outlined in this report.

ATTACHMENTS

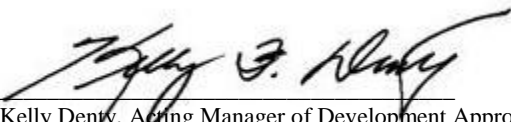
Map 1:	Generalized Future Land Use (Waterstone Village)
Map 2:	Zoning (Waterstone Village)
Attachment A	Proposed Amendments to the Beaver Bank, Hammonds Plains and Upper Sackville Land Use By-law
Attachment B	Excerpts from the Beaver Bank, Hammonds Plains and Upper Sackville Municipal Planning Strategy and Land Use By-Law
Attachment C	Table Comparing the MU-1, R-1 and R-6 Zones
Attachment D	Policy Review
Attachment E	Minutes- Public Information Meeting – June 9, 2011
Attachment F	Waterstone Subdivision Survey
Attachment G	Results of Waterstone Subdivision Survey


Available Upon Request

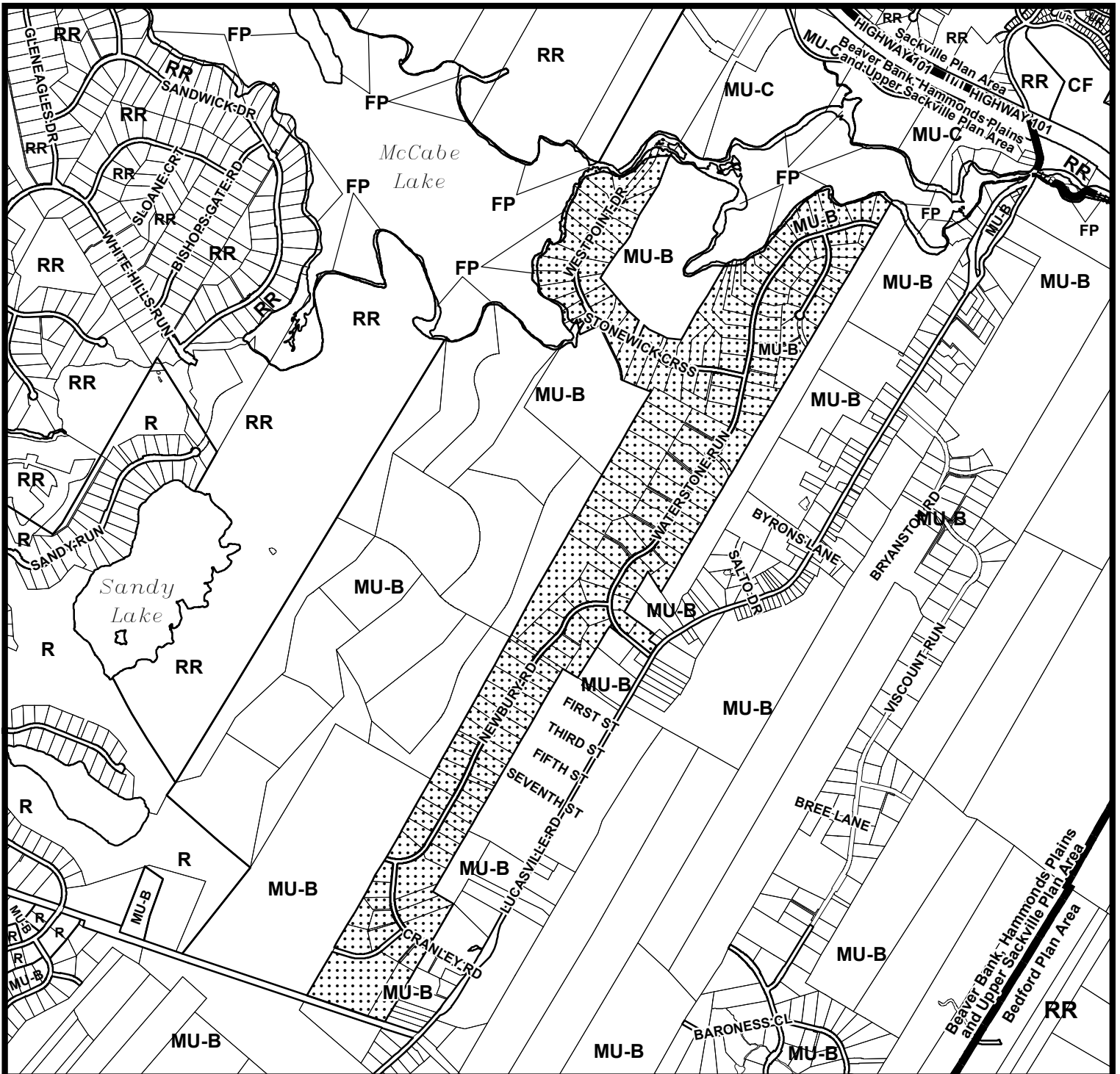
Staff Report, March 2, 2011 - Rezoning options for Hartland Village and Waterstone Village

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 : Andrew Bone, Senior Planner, 869-4226

Report Approved by: 
Kelly Denty, Acting Manager of Development Approvals, 490-4800

Financial Approval by: 
Greg Keefe, A/Director of Finance and Information, Communications & Technology/CFO,
490-6308



Map 1
Generalized Future Land Use

 Subject Area



Beaver Bank, Hammonds Plains and Upper Sackville Plan Area

Sackville Plan Area

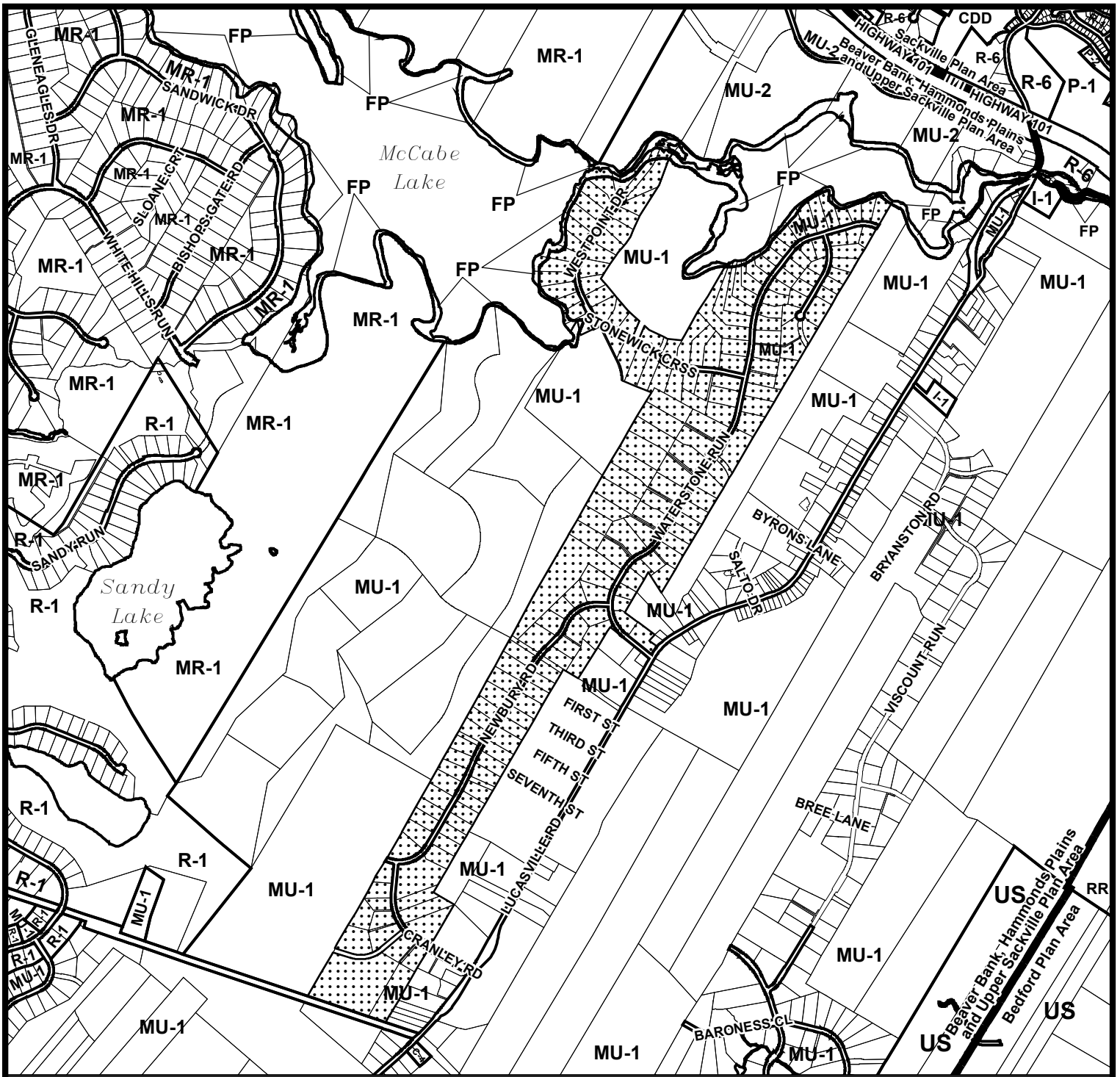
Bedford Plan Area

- R Residential Designation
- RR Rural Residential Designation
- MU-B Mixed Use B Designation
- MU-C Mixed Use C Designation
- FP Floodplain Designation

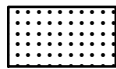
- UR Urban Residential Designation
- RR Rural Residential Designation
- CF Community Facility Designation
- FP Floodplain Designation

- RR Residential Reserve Designation





Map 2 Zoning



Subject Area



Beaver Bank, Hammonds Plains and Upper Sackville Plan Area

- R-1 Single Unit Dwelling Zone
- C-4 Highway Commercial Zone
- MU-1 Mixed Use 1 Zone
- MU-2 Mixed Use 2 Zone
- MR-1 Mixed Resource Zone
- I-1 Mixed Industrial Zone
- FP Floodplain Zone
- PWS Protected Water Supply Zone
- US Urban Settlement Zone

Sackville Plan Area

- R-1 Single Unit Dwelling Zone
- R-6 Rural Residential Zone
- P-1 Open Space Zone
- P-2 Community Facility Zone
- CDD Comprehensive Development District

Bedford Plan Area

- RR Residential Reserve Zone
- US Urban Settlement Zone



Attachment "A"
**Proposed Amendments to the Beaver Bank, Hammonds Plains and Upper Sackville
Land Use By-law**

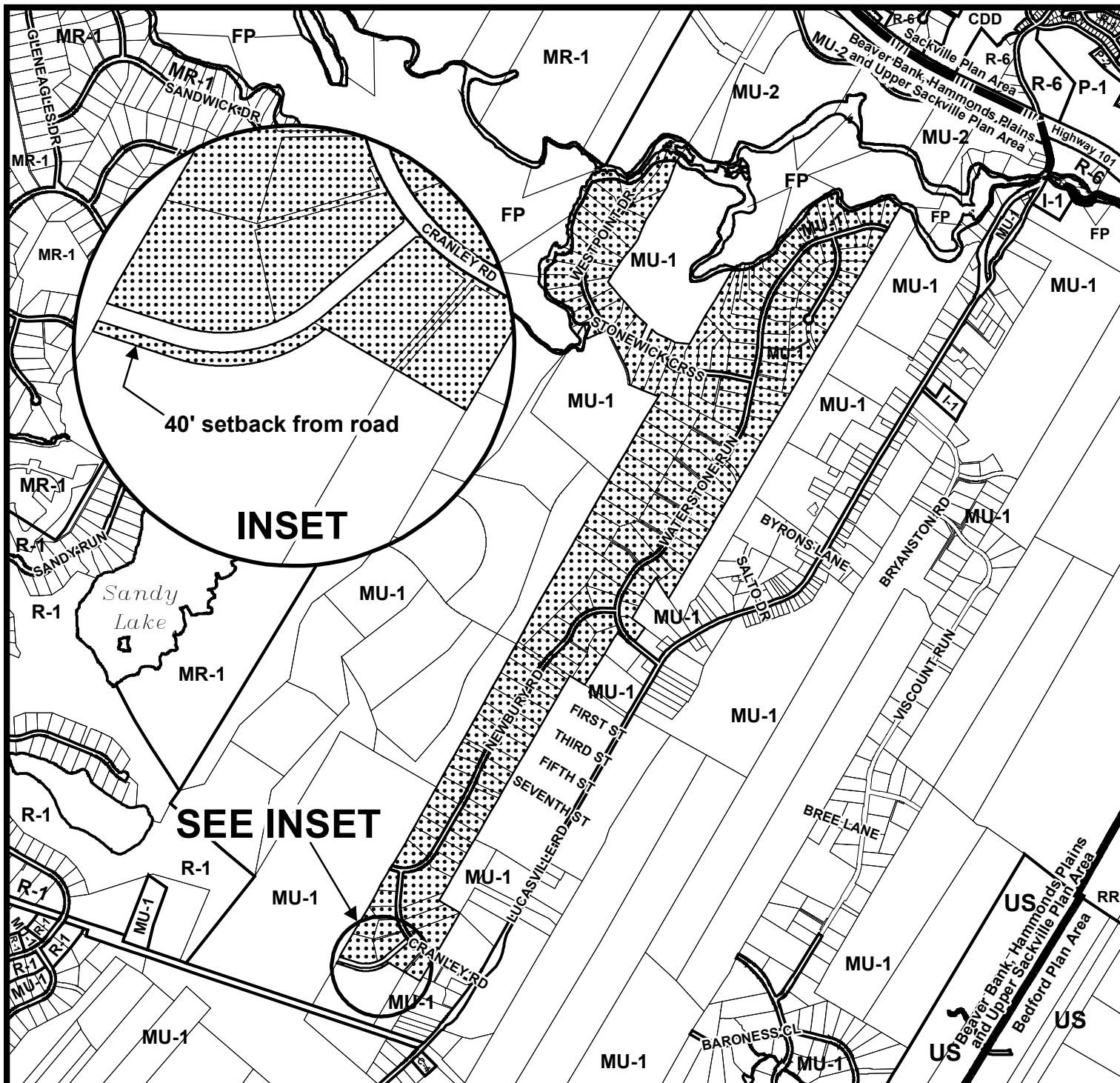
BE IT ENACTED by the North West Community Council of the Halifax Regional Municipality that the Beaver Bank, Hammonds Plains and Upper Sackville Land Use By-law as enacted by Halifax Regional Council on the 9th day of November, 1999 and approved by the Minister of Municipal Affairs on the 4th day of May, 2000 as amended, is hereby further amended as follows:

1. Maps 1C and 1E (Beaver Bank, Hammonds Plains and Upper Sackville Zoning Maps) are further amended by rezoning portions of the Waterstone Subdivision from the MU-1 (Mixed Use 1) Zone to the R-6 (Rural Residential) Zone as shown on Schedule A attached to this report.

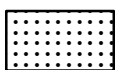
I HEREBY CERTIFY that the amendment to the Land Use By-law for Beaver Bank, Hammonds Plains and Upper Sackville as set out above, was passed by a majority vote of the North West Community Council of the Halifax Regional Municipality at a meeting held on the ____ day of _____, 2012

GIVEN under the hands of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this ____ day of _____, 2012

Municipal Clerk



Schedule A Zoning



Area to be rezoned from MU-1 to R-6



Beaver Bank, Hammonds Plains and Upper Sackville Plan Area

Sackville Plan Area

Bedford Plan Area

- R-1 Single Unit Dwelling Zone
- C-4 Highway Commercial Zone
- MU-1 Mixed Use 1 Zone
- MU-2 Mixed Use 2 Zone
- MR-1 Mixed Resource Zone
- I-1 Mixed Industrial Zone
- FP Floodplain Zone
- PWS Protected Water Supply Zone
- US Urban Settlement Zone

- R-1 Single Unit Dwelling Zone
- R-6 Rural Residential Zone
- P-1 Open Space Zone
- P-2 Community Facility Zone
- CDD Comprehensive Development District

- RR Residential Reserve Zone
- US Urban Settlement Zone



Attachment B

1. Excerpts from the Beaver Bank, Hammonds Plains and Upper Sackville Municipal Planning Strategy

Mixed Use B Designation

The Mixed Use B Designation follows the Hammonds Plains, Upper Hammonds Plains and Lucasville Roads and, as with Beaver Bank, it excludes the larger residential subdivisions developed on local streets. Within the designation, there is an attachment, shared by both new and longer term residents of the Hammonds Plains area, to the reminders of the earlier days of the community. These reminders include the older homesteads, churches and cemeteries, as well as remaining farms and sawmills. Of the lands which are presently developed, the major land use is low density residential. Interspersed with this are several business, industrial, resource and community facility uses, many of which are small scale or are located on a residential lot. At the present time, one major constraint on development is the limited access portion of the Hammonds Plains Road, between English Corner and Highway No. 103, as shown on Map 2 - Transportation.

Although residential development is the predominant land use, the Mixed Use B Designation has a more marked mixed use development pattern than does the Mixed Use A Designation and fulfils more of a regional function within the Plan Area. Manufacturing operations, commercial recreation uses and sawmills of significant scale are located within this area. The majority of these are scattered uniformly throughout the unlimited access portion of the Hammonds Plains Road and have been readily accepted by area residents. The largest industrial site is involved in two separate operations, one of which assembles electrical cable for aircraft and the other which assembles plastic components. These industries are located on the Hammonds Plains Road across from Highland Park. They provide employment to the communities and are generally looked upon as good neighbours.

There are similarities between the Mixed Use A and B Designations in terms of desired future development, including encouraging rural residential and community facility development and smaller commercial operations which serve the growing residential areas. Light industrial and resource related development may also be considered. Again, access to major transportation routes and available land may attract such operations to the area.

The differences which do exist with regard to desired future development relate mainly to mobile home development, where the Mixed Use A Designation is much less permissive. (Policies P-18, P-19, P-20). In addition, while the basic philosophy of development is similar, it is expected that commercial development within the Mixed Use B Designation, while not large scale, will serve regional as well as local markets, due to its location on an important commuter highway.

Land Use Policies

In keeping with the low density nature of development, one and two unit dwellings will be permitted in the Mixed Use A, B and C Designations. Given the concern with on-site sewage

disposal and the desire for a low density environment, it is felt that, except for senior citizen housing, which is recognized as fulfilling a special need, multi-unit development should not be permitted due to the absence of municipal water and sewer services.

The existence of general business use in conjunction with a residential lot is accepted. However, there is concern with the potentially intrusive aspects of such operations, which include scale, noise, smell, outdoor storage, environmental problems and traffic generation. Therefore, businesses will generally be permitted to the extent that they do not take away from the enjoyment of adjacent residential properties. Zone requirements within the land use by-law will address compatibility concerns by controlling maximum floor area related to business use as well as signage, open storage, screening of outdoor display, and parking.

In addition to home business, small scale commercial operations on individual lots will be accommodated in the Mixed Use A, B and C Designations. As with home business, zone standards will be applied to such uses in order to reduce the possibility of land use conflicts.

Given the traditional resource base of the local economy, agricultural uses and activities related to the forest resource are permitted, as are the retail functions related to such uses. However, while these activities have traditionally located in these areas and enhance the rural quality of the communities, the potential for conflict from characteristics such as noise, odour and outdoor storage exists. Therefore, separation distances and limits on the size and type of resource operations will be established. Intensive agriculture operations, such as mushroom farms, feed lots and slaughterhouses, will not be permitted.

A variety of institutional uses such as schools, churches, community centres and fire departments are scattered throughout the Mixed Use A, B and C Designations, providing an important community focus. With few exceptions, institutional uses are not considered to create undue land use conflicts in the mixed use environment and will be encouraged. However, in the Mixed Use A and B designations, fire and police stations will be subject to a site specific review provided through the zoning amendment procedure (See Policy P-22).

P-7 It shall be the intention of Council to establish the Mixed Use A and B Designations as shown on the Generalized Future Land Use Maps (Map 1A, 1B, 1C, 1D, 1E). Within these designations, it shall be the intention of Council to support the continuation of the existing semi-rural mixed use environment, characterized by low density residential development, community facilities and a mixture of light industrial, resource and small scale commercial uses, often located on residential lots. It shall further be the intention of Council to reflect certain community differences regarding future development within its policies for each designation.

P-8 Within the Mixed Use A and B Designations, it shall be the intention of Council to establish a Mixed Use 1 Zone which permits single and two unit dwellings, open space uses, existing mobile dwellings, boarding and rooming houses and bed and breakfast establishments, the limited use of residential properties for business purposes, small scale commercial and resource related activities and most institutional uses. Controls on open storage and parking will be established to address compatibility concerns with surrounding

development. Forestry uses and larger scale agricultural operations, with the exception of intensive agriculture operations, shall be permitted subject to separation distance requirements designed to promote compatibility with surrounding land uses.

Rural Residential Development - Mixed Use A, B and C Designations

Within the Mixed Use A, B and C Designations, there are existing pockets of development which have evolved a primarily rural residential environment, as well as undeveloped areas where a rural residential environment is desired. Existing rural residential environments are characterized by contiguous residential development occurring on lots which are relatively small in comparison to surrounding undeveloped parcels. Unlike areas of "suburban" type growth, these areas are not located on local subdivision streets and have a wider range of home based business activities.

Non-residential development in both existing and undeveloped areas will be limited to the use of residential properties for small-scale home business and resource activities. A greater degree of protection from non-residential development than is provided in areas of mixed use development will be provided through the creation of a rural residential zone. Development of these areas for industrial or highway commercial uses would be contrary to the intention of providing protection for these areas. Therefore, no rezoning for such purposes shall be considered in areas zoned as rural residential (Policies P-24 and P-28).

Within the Mixed Use A Designation, there is an existing service industrial operation located within an area of rural residential development. Because of its establishment prior to any zoning regulations, this existing use will be recognized but no expansion will be permitted.

P-13 Within the Mixed Use A, B and C Designations, it shall be the intention of Council to establish a R-6(Rural Residential) Zone within the land use by-law which permits single and two unit dwellings and the limited use of residential properties for business purposes, including day care facilities, as well as small-scale resource uses. This zone shall be applied to existing rural residential areas as well as undeveloped areas where a rural residential environment is desired. Council may consider applying the R-6(Rural Residential) Zone to other areas subject to the following conditions:

- (a) the provisions of Policy P-137;
- (b) the effect on existing non-residential development within or adjacent to the area to be rezoned; and
- (c) the suitability of the area to be rezoned for non-residential development in terms of road access, location, and adjacent land uses.

Residential Subdivision Development - Mixed Use A, B and C Designations

All existing areas of suburban residential development are included within the Residential Designation (Policy P-33). Based on past and ongoing residential subdivision activity within the Plan Area, and its location within the metropolitan region, it is also reasonable to assume that pockets of this development will continue to occur in the Mixed Use Designations. Their

specific locations will be determined by market forces and suitable soil conditions for on-site sewage disposal and are thus not identifiable at the present time. In the Mixed Use Designations, areas may, in the future, desire or benefit from a zone designed to protect the suburban residential environment. (See Residential Designation, Policy P-34).

Such residential areas differ significantly from areas of rural residential development. They are most often located on backlands off the main highways and have lot access to local subdivision streets. Development generally consists of single unit dwellings with very limited business uses, which are contained within the dwelling.

The Mixed Use A, B, and C Designations support the transition of areas within the designations into a predominantly residential environment subject to the subdivision rate of 20 lots per 4 year period or by CDD development agreement in a manner that takes into account the availability of roads, schools and other services through phasing. However, there is also an expressed desire to support an environment which encourages a variety of land uses and the employment which this creates. Lands with direct access to the collector highways are often more appropriate for non-residential uses and in most cases shall be maintained for a variety of land uses. Future suburban residential development will therefore be encouraged to locate on local streets off the main highways. This has been the general pattern for existing residential development.

There is also a desire to prevent the creation of small scattered residential zones and the premature rezoning of land before capability for development with on-site services has been assessed by the Department of the Environment.

Separation requirements from residential zones to major industrial uses and commercial entertainment uses will be established to further ensure that protection is provided for residential environments. In addition, as with the rural residential zone, no rezoning for commercial or industrial purposes shall be considered in areas zoned as residential (Policy P-24 and P-28).

P-15 It shall be the intention of Council to recognize and support the continuation of residential subdivision activity and the resulting transition of portions of the Mixed Use Designations from a mixed use to a suburban residential environment, through the application of a R-1(Single Unit Dwelling) Zone to be applied in the Mixed Use A, B and C Designations. (Residential Designation, Policy P-34). Council may consider applying this residential zone subject to the following conditions:

- (a) lands to be rezoned contain a maximum of 20 lots per 4 year period shown on an approved tentative plan of subdivision;
- (b) lots shown on a tentative plan of subdivision shall be capable of access to local subdivision streets or shall be adjacent to an existing R-1(Single Unit Dwelling) Zone;
- (c) the effect on commercial or industrial development within the area to be rezoned; and
- (d) the provisions of Policy P-137.

2. Excerpts from the Hammonds Plains, Beaver Bank and Upper Sackville Land Use By-law

PART 6: R-1 (SINGLE UNIT DWELLING) ZONE

6.1 R-1 USES PERMITTED

No development permit shall be issued in any R-1 (Single Unit Dwelling) Zone except for the following:

Single unit dwellings
Existing two unit dwellings
Existing mobile dwellings
Day care facilities for not more than seven (7) children and in conjunction with permitted dwellings
Offices in conjunction with permitted dwellings
Bed & Breakfasts
Open space uses

6.2 R-1 ZONE REQUIREMENTS

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

Minimum Lot Area:	on-site services	29,064 square feet	(2700 m ²)
	central water	12,000 square feet	(1118 m ²)
	central sewer	10,000 square feet	(929 m ²)
	Sewer and water services	6,000 square feet	
Minimum Frontage:	on-site services	100 feet (30.5 m)	
	central sewer	75 feet (23 m)	
	Sewer and water services	60 feet	
Minimum Front or Flankage Yard		20 feet (6.1 m)	
Minimum Side or Rear Yard		8 feet (2.4 m)	
Maximum Lot Coverage		35 per cent	
Maximum Height of Main Building		35 feet (10.7 m)	

6.3 R-1 ZONE REQUIREMENTS: OPEN SPACE USES

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

6.4 OTHER REQUIREMENTS: OFFICE USES

Where offices are permitted in any R-1 Zone, the following shall apply:

- (a) Any office shall be wholly contained within the dwelling which is the principle residence of the operator of the office.
- (b) No individuals who are not residents in the dwelling shall be employed in the office.
- (c) No more than twenty-five (25) per cent of the gross floor area shall be devoted to any office, and in no case shall any office occupy more than three hundred (300) square feet (28 m).
- (d) No open storage or outdoor display shall be permitted.
- (e) Not more than one (1) business sign shall be permitted and no such sign shall exceed two (2) square feet (0.2 m²) in area. The height of the sign shall be restricted to eight (8) feet or less and not be attached to a dwelling. (RC-Jun 30/09;E-Sep 5/09)
- (f) One off-street parking space, other than that required for the dwelling, shall be provided for every one hundred and fifty (150) square feet (14 m²) of floor area devoted to any office.

6.5 OTHER REQUIREMENTS: DAY CARE FACILITIES

Where day care facilities are permitted in any R-1 Zone, the following shall apply:

- (a) With the exception of outdoor play space, any day care facility shall be wholly contained within the dwelling, which is the principle residence of the operator of the facility.
- (b) No open storage or outdoor display shall be permitted.
- (c) Not more than one (1) business sign shall be permitted and no such sign shall exceed two (2) square feet (0.2 m²) in area. The height of the sign shall be restricted to eight (8) feet or less and not be attached to a dwelling. (RC-Jun 30/09;E-Sep 5/09)
- (d) One off-street parking space, other than that required for the dwelling, shall be provided.

6.6 OTHER REQUIREMENTS: BED AND BREAKFASTS

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

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

6.7 OTHER REQUIREMENTS: COMMERCIAL MOTOR VEHICLES

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

6.8 EXISTING HOME BUSINESS USES

Notwithstanding Section 4.9 and 6.1, the existing home businesses identified in Appendix B shall be permitted to the extent they are in existence at the time the land use by-law is adopted.

6.9 EXISTING TWO UNIT DWELLINGS

Notwithstanding Section 4.9, any existing two unit dwellings shall not be permitted to convert into a multi-unit dwelling.

6.10 SENIOR CITIZENS HOUSING

Notwithstanding Section 6.1, senior citizens housing shall be permitted within the R-1 zone on the property in Uplands Park identified by LIC Property Number 420927.

6.11 FRONTAGE ON A STREET

No development permit shall be issued in an R-1 Zone unless the lot or parcel intended to be used or upon which the building or structure is to be erected abuts and fronts upon a public street or highway.

6.12 SUBDIVISION OF EXISTING TWO UNIT DWELLINGS - UPLANDS PARK

Notwithstanding Section 6.2, the minimum lot area per dwelling unit for existing two unit dwellings on the following properties shall be 3,000 square feet and the minimum lot frontage shall be 30 feet: Patricia Foran, LIC Number 420265; Lawrence Leslie, LIC Number 420224; Sarah Martin, LIC Number 420398.

PART 11: R-6 (RURAL RESIDENTIAL) ZONE

11.1 R-6 USES PERMITTED

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

Single unit dwellings

Two unit dwellings

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

Business uses in conjunction with permitted dwellings
Open space uses
Agriculture uses
Forestry uses
Existing mobile dwellings

11.2 R-6 ZONE REQUIREMENTS

In any R-6 Zone, no development permit shall be issued except in conformity with the following:

Minimum Lot Area:	on-site services	29,064 sq. ft. (2700 m ²)
	central sewer	10,000 sq. ft. (929 m ²)
Minimum Frontage:	on-site services	100 ft. (30.5 m)
	central sewer	75 ft. (23 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)

11.3 OTHER REQUIREMENTS: BUSINESS USES

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

- (a) Any business shall be wholly contained within the dwelling or accessory building. The dwelling shall be the principle residence of the operator of the business.
- (b) No more than fifty per cent of the gross floor area of any dwelling shall be devoted to any business use and in no case shall the gross floor area of all buildings on any lot devoted to a business use exceed one thousand (1,000) square feet.
- (c) No materials or equipment which is obnoxious or creates a nuisance by virtue of noise, vibration, smell or glare shall be used on the lot.
- (d) No open storage or outdoor display shall be permitted.
- (e) No more than one sign shall be permitted for any business and no such sign shall exceed two (2) square feet.
- (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 m) of floor area devoted to any business. No portion of any parking space shall be located within any required side yard.

11.4 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 facility shall be wholly contained within the dwelling or accessory building.
- (b) No open storage or outdoor display shall be permitted.

- (c) No more than one sign shall be permitted for any facility and no such sign shall exceed two (2) square feet.

11.5 OTHER REQUIREMENTS: AGRICULTURE USES

- (a) No more than fifty (50) domestic fowl or ten (10) of any other animals confined to a barn, stable, or other structure shall be permitted.
- (b) No more than one thousand (1000) square feet of floor area of any structure shall be used for retail use accessory to agriculture uses.

11.6 OTHER REQUIREMENTS: FORESTRY USES

- (a) No more than one thousand (1000) square feet of floor area of any structure shall be used for a sawmill, other industrial mill related to forestry, or retail use accessory to forestry uses.
- (b) Any area devoted to open storage shall not be permitted within any required yard and shall not exceed twenty-five (25) per cent of the lot area.
- (c) No sawmills or other industrial mill related to forestry shall be located less than fifty (50) feet from any lot line nor less than three hundred (300) feet from any dwelling except a dwelling located on the same lot directly related to the above use.

11.7 EXISTING BUSINESS USES

Notwithstanding Section 4.9 and 11.1, existing business uses identified in Appendix "A" shall be permitted to the extent they are in existence at the time the land use by-law is adopted.

11.8 EXEMPTION: EXISTING SEMI-DETACHED DWELLINGS

- (a) **Notwithstanding Section 11.2, where a semi-detached dwelling was in existence prior to May 13, 2004, and capable of being serviced with central services, no development permit shall be issued except in conformity with the following:**

Minimum Lot Area:	5 000 square feet (464.5 square metres)
Minimum Lot Frontage:	35 feet (10.6 metres)
Minimum Rear or Side Yard:	10 feet (3 m) or 0.0 feet (0.0 m) from the side being common with another dwelling unit

- (b) **Notwithstanding Section 11.8(a), all other provisions of this by-law shall be applicable. (RC-Sept 30/04;E-Oct 2/04)**

PART 13: MU-1 (MIXED USE) 1 ZONE

13.1 MU-1 USES PERMITTED

No development permit shall be issued in any MU-1 (Mixed Use) Zone except for the following:

Residential Uses

Single unit dwellings

Two unit dwellings

Boarding and rooming houses

Bed and Breakfast

Senior citizens housing

Existing mobile dwellings

Existing multiple unit dwellings

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

Business uses in conjunction with permitted dwellings

Other Uses

Institutional uses, except fire and police stations

Open space uses

Commercial uses permitted in the C-2 (General Business) Zone

Trucking, landscaping, excavating and paving services

Agriculture uses

Forestry uses and wooden furniture manufacturing

Composting operations (see section 4.29)

13.2 MU-1 ZONE REQUIREMENTS: RESIDENTIAL USES

In any MU-1 Zone, no development permit shall be issued for residential uses except in conformity with the provisions of Section 11.2.

13.3 MU-1 ZONE REQUIREMENTS: OTHER USES

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

Minimum Lot Area	29,064 square feet (2700 m ²)
Minimum Frontage	100 feet (30.5 m)
Minimum Front or Flankage Yard	30 feet (9.1 m)
Minimum Rear or Side Yard	15 feet (4.6 m)
Maximum Lot Coverage for Structures and Storage	50 per cent
Maximum Height of Main Building	35 feet (10.7 m)

13.4 OTHER REQUIREMENTS: BUSINESS AND DAY CARE USES

- (a) With the exception of outdoor display provisions, where business uses and day care facilities in conjunction with a dwelling are permitted in any MU-1 Zone, the provisions of Section 11.3 and Section 11.4 shall apply.
- (b) Outdoor display shall not be permitted:
 - (i) within 10 feet of the front lot line or within the required side yard;
 - (ii) within any yard which abuts an adjacent residential use, except where a visual barrier is provided;
 - (iii) shall not exceed 200 square feet.

13.5 OTHER REQUIREMENTS: COMMERCIAL USES

Where commercial uses are permitted in any MU-1 Zone, the following shall apply:

- (a) The gross floor area devoted to all commercial uses on any lot shall not exceed two thousand (2,000) square feet.
- (b) No open storage or outdoor display shall be permitted.
- (c) The parking lot shall be demarcated and paved or otherwise maintained with a stable surface which is treated in a manner to prevent the raising of dust and loose particles.
- (d) Except where any commercial use abuts another commercial use in an MU-1 Zone, no portion of any parking space shall be located within any required side yard.
- (e) Where any commercial use abuts another commercial use in the MU-1 Zone, the abutting side yard requirement shall be eight (8) feet.

13.6 OTHER REQUIREMENTS: AGRICULTURE USES

- (a) Notwithstanding the provisions of Section 13.3, where any barn, stable or other building intended for the keeping of more than fifty (50) domestic fowl or ten (10) other animals is erected in any MU-1 Zone, no structure shall:
 - (i) be less than fifty (50) feet from any side lot line;
 - (ii) be less than one hundred (100) feet from any dwelling or potable water supply except a dwelling or supply on the same lot or directly related to the agricultural use;
 - (iii) be less than three hundred (300) feet from any watercourse or water body;
 - (iv) be less than five hundred (500) feet from any residential (R-1, RR-1) zone.
- (b) No more than two thousand (2,000) square feet of floor area of all structures on any lot shall be used for a retail use accessory to agriculture uses.

13.7 OTHER REQUIREMENTS: FORESTRY AND WOODEN FURNITURE MANUFACTURING

Where forestry uses and wooden furniture manufacturing are permitted in any MU-1 Zone, the following shall apply:

- (a) No more than two thousand (2,000) square feet of gross floor area of all structures on any lot shall be used for a sawmill, other industrial mill related to forestry, wooden furniture manufacturing, or retail use accessory to the above uses;
- (b) No sawmill or other industrial mill related to forestry shall be located less than fifty (50) feet from any lot line nor less than three hundred (300) feet from any dwelling except a dwelling located on the same lot or directly related to the above use;
- (c) Any area devoted to open storage shall not be permitted within any required front or side yard and shall not exceed twenty-five (25) per cent of the lot area.

13.8 OTHER REQUIREMENTS: INSTITUTIONAL USES

Where institutional uses are permitted in any MU-1 Zone, the provisions of Part 22 shall apply.

13.9 OTHER REQUIREMENTS: TRUCKING, LANDSCAPING, EXCAVATING AND PAVING SERVICES

Where trucking, landscaping, excavating and paving services are permitted in a MU-1 Zone, the following shall apply:

- (a) No development permit shall be issued for any use unless a dwelling is located on the lot.
- (b) The total gross floor area of all structures on any lot devoted to the above uses shall not exceed two thousand (2000) square feet.
- (c) No materials or mechanical equipment which is obnoxious or which creates a nuisance by virtue of noise, vibration, smell or glare shall be used on the lot.
- (d) With the exception of aggregate resources, any materials associated with the above uses shall be contained within a building or otherwise enclosed by a fence, vegetation, or other means which provide a visual and physical barrier.
- (e) Any area devoted to open storage shall not be permitted within any required front or side yard line and shall not exceed twenty-five (25) per cent of the lot area.
- (f) One off street parking space, other than that required for the dwelling shall be provided for every three hundred (300) square feet of floor area used by the above use.
- (g) No product stockpile or processing activity associated with the above uses shall be located within one hundred (100) feet of a watercourse.

13.10 EXEMPTION: EXISTING MOBILE HOME PARKS

Notwithstanding Section 13.1, Timber Trails Mobile Home Park, LIC Number 40203622, shall be a permitted use to the extent to which it is in existence on the effective date of this by-law.

13.11 EXEMPTION: EXISTING COMMERCIAL RECREATION USES

Notwithstanding Section 13.1, Woodhaven Campground, LIC Number 425389, and Pin-Hi Golf Course, LIC Number 425512, and Atlantic Playland, LIC Number 40203648 and 40203630, shall be permitted uses to the extent to which they are in existence on the effective date of this By-law.

Attachment C
Comparison of permitted uses in the MU-1, R-1 and R-6 zones of the
Beaver Bank, Hammonds Plains and Upper Sackville Land Use By-law

Permitted Uses	MU-1 (Existing zoning)	R-1 (Requested Rezoning)	R-6 (Proposed Zoning)
Residential Uses			
Single unit dwellings	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Two unit dwellings	<input checked="" type="checkbox"/>	X	<input checked="" type="checkbox"/>
Existing two unit dwellings	NA	<input checked="" type="checkbox"/>	NA
Boarding and rooming houses	<input checked="" type="checkbox"/>	X	X
Bed and breakfast	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	X
Senior citizens housing	<input checked="" type="checkbox"/>	X	
Existing mobile dwellings	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Existing multiple unit dwellings	<input checked="" type="checkbox"/>	X	X
Day care facilities for not more than seven (7) children and in conjunction with permitted dwellings	NA	<input checked="" type="checkbox"/>	NA
Day care facilities for not more than fourteen (14) children and in conjunction with permitted dwellings	<input checked="" type="checkbox"/>	X	<input checked="" type="checkbox"/>
Offices in conjunction with permitted dwellings	NA	<input checked="" type="checkbox"/>	NA
Business uses in conjunction with permitted dwellings	<input checked="" type="checkbox"/>	X	<input checked="" type="checkbox"/>
Other Uses			
Institutional uses except fire and police stations	<input checked="" type="checkbox"/>	X	X
Open space uses	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Commercial uses permitted in the C-2 (General Business) Zone	<input checked="" type="checkbox"/>	X	X
Trucking, landscaping, excavating and paving services	<input checked="" type="checkbox"/>	X	X
Agricultural uses	<input checked="" type="checkbox"/>	X	<input checked="" type="checkbox"/>
Forestry uses and wooden furniture manufacturing	<input checked="" type="checkbox"/>	X	<input checked="" type="checkbox"/>
Composting operations	<input checked="" type="checkbox"/>	X	X
Commercial Motor Vehicles			
Number of commercial vehicles that can be kept in residential zone	No limit	1	No limit

**Attachment D
Policy Review**

Policy	Comments
<p>P-13 Within the Mixed Use A, B and C Designations, it shall be the intention of Council to establish a R-6(Rural Residential) Zone within the land use by-law which permits single and two unit dwellings and the limited use of residential properties for business purposes, including day care facilities, as well as small-scale resource uses. This zone shall be applied to existing rural residential areas as well as undeveloped areas where a rural residential environment is desired. Council may consider applying the R-6(Rural Residential) Zone to other areas subject to the following conditions</p> <ul style="list-style-type: none"> (a) the provisions of Policy P-137; (b) the effect on existing non-residential development within or adjacent to the area to be rezoned; and (c) the suitability of the area to be rezoned for non-residential development in terms of road access, location, and adjacent land uses. 	<p>See below for P-137</p> <p>The proposed R-6 Zone removes the ability to establish land uses which are commercial or require truck traffic and which are generally inappropriate for a residential subdivision.</p> <p>These lands are an existing residential subdivision and are inappropriate for non-residential development as their primary use.</p>
<p>P-137 In considering development agreements and amendments to the land use by-law, in addition to all other criteria as set out in various policies of this Plan, Council shall have appropriate regard to the following matters:</p> <ul style="list-style-type: none"> (a) that the proposal is in conformity with the intent of this Plan and with the requirements of all other municipal by-laws and regulations; (b) that the proposal is not premature or inappropriate by reason of: <ul style="list-style-type: none"> (i) the financial capability of the Municipality to absorb any costs relating to the development; (ii) the adequacy of central or on-site sewerage and water services; (iii) the adequacy or proximity of school, recreation or other community facilities; (iv) the adequacy of road networks leading or adjacent to or within the development; and (v) the potential for damage to or for destruction of designated historic 	<p>The MPS enables Council to rezone lands for residential development to either the R-1 zone or the R-6 Zone. The R-6 Zone seems the most appropriate given the existing land use mix in the community.</p> <p>The proposal is not premature for the reasons noted in the policy.</p>

<p style="text-align: center;">buildings and sites.</p> <p>(c) that controls are placed on the proposed development so as to reduce conflict with any adjacent or nearby land uses by reason of:</p> <ul style="list-style-type: none"> (i) type of use; (ii) height, bulk and lot coverage of any proposed building; (iii) traffic generation, access to and egress from the site, and parking; (iv) open storage; (v) signs; and (vi) any other relevant matter of planning concern. <p>(d) that the proposed site is suitable in terms of the steepness of grades, soil and geological conditions, locations of watercourses, marshes or bogs and susceptibility to flooding.</p> <p>(e) Within any designation, where a holding zone has been established pursuant to “Infrastructure Charges - Policy P-81”, 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.</p>	<p>The proposed R-6 zone contains requirements which limit the impact of the non-residential uses on the surrounding community. Specifically any business uses must be contained in the buildings on the site. Further, commercial uses are limited in scale by the zone requirements by limiting the amount of floor area that can be occupied and by not permitting open storage. Signs are limited by the zone to two square feet in area.</p> <p>There are no concerns with these matters as this is an existing development.</p> <p>Not applicable.</p>
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Attachment E
Minutes- Public Information Meeting – June 9, 2011

HALIFAX REGIONAL MUNICIPALITY
Public Information Meeting
Case No. 16892

Thursday, June 9, 2011
7:00 p.m.
Sackville Heights Community Centre

STAFF IN

ATTENDANCE: Andrew Bone, Senior Planner, 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 15

1. Call to order – Councillor Brad Johns

The Public Information Meeting (PIM) was called to order at 7:00 p.m. Approximately 1½ to 2 years ago, the Waterstone Subdivision Homeowner’s Association had a discussion to review the MU-1 Zone to see if the subdivision was developing that way or more of an R-1 Zone and whether or not residents would be in favor of a rezoning. HRM would like to inform the residents of the subdivision of what is involved in the rezoning process. From tonight’s PIM, HRM Planning staff will send out a letter to the homeowners to get their response on the rezoning and if positive, go to the public hearing stage.

2. Purpose of meeting – Andrew Bone

Mr. Bone introduced his colleagues, Alden Thurston and Cara McFarlane, HRM Planning Services.

North West Community Council (NWCC) has asked Planning staff to hold a PIM regarding the possibility of rezoning Waterstone Subdivision from MU-1 (Mixed Use 1) Zone to R-1 (Single Unit Dwelling) Zone.

The purpose of the PIM is to identify the scope of the application, receive feedback on issues and concerns to help determine any future direction with this application. The meeting is information exchange only and no decisions will be tonight.

Waterstone Subdivision was shown on the slide. It covers a series of streets that have been developed by Armco. All the highlighted parcels are zoned MU-1 and designated Mixed Use B in the Beaver Bank, Hammonds Plains and Upper Sackville plan area.

Policy P-15 in the Municipal Planning Strategy (MPS) allows Council to consider rezoning a subdivision like this to a more residential zone after being developed. The MU-1 Zone permits a great variety of uses (residential, commercial, institutional, forestry, etc.).

There is a series of criteria that council has to consider. Basically, Council's goal is to make sure the use is compatible with its surroundings and to be aware of any impact to the area of any proposed change.

The MU-1 Zone permits a mix of residential, commercial, and institutional land uses. The R-1 Zone primarily permits single family homes and limited home based businesses. A list of differences in permitted uses between the two zones was shown in a table. If an existing use is not defined as a permitted use it is considered non-conforming (use remains idle for six months or more or it is over 75% destroyed, it cannot recommence).

3. Overview of planning process – Andrew Bone

The PIM is the initial step. Staff will review the application internally and likely consult back to the community in the form of a survey or questionnaire to get a feel to a potential rezoning for the subdivision. If a majority of the residents are in favor, a staff report would then be prepared and a recommendation provided to North West Planning Advisory Committee (NWPAC) who in turn would make a recommendation to NWCC. If the application proceeds, a public hearing would be scheduled and their decision is subject to an appeal.

4. Presentation of Proposal – Andrew Bone

Rezoning the property of Waterstone Subdivision would remove a lot of the commercial and heavy commercial type uses and limit the use within the subdivision to primarily single family homes and small office uses provided they meet the terms of the land use by-law.

Staff conducted a land use survey in the subdivision to try to identify any existing businesses. There are at least two known businesses. The first being a psychological service off the entrance which is considered more the MU-1 type use. The other is a salon/spa in the middle of the subdivision. It is important for staff to be aware of any other commercial uses in the subdivision so we can identify them when providing advice to Council. A recommendation on the existing uses will have to be made on whether or not to rezone the property to R-1, if there needs to be a different zone or the same zone left in place.

The rezoning does not take away the rights of a legal existing business but that use becomes non-conforming which means that a certain set of criteria has to be maintained to keep that business operating. For example, if that business is discontinued for a period of more than six months, the rights to do that business would be lost. It is the responsibility of the land owner to keep very good records for a long time in order to keep the business going. With a non-conforming use, the

property can be sold but is limited to the same use that currently exists on the site. If the subdivision is rezoned, the use cannot be changed. There would be an obligation by that land owner, if questioned by the municipality, to provide evidence that the operation has continued for a six month period. Also, if the business is more than 75% destroyed, in a fire for example, you may lose the business as well.

There are covenants in this subdivision. HRM does not enforce covenants. However, it is understood that the covenants restricts most of the buildings in the subdivision to single family homes unless approved by Armco. Your covenants are only as good as the enforcement of them. Armco can change the covenants on any individual property.

There are three leading issues: a) potential for creating non-conforming uses; b) any businesses or other uses that may not be permitted in the proposed zone; and c) interest from the community in proceeding with the proposal.

Councillor Johns mentioned that four or five years down the road Margeson Drive is going to continue over into Waterstone Subdivision. It's important to know what the residents want/don't want in the subdivision as it continues to grow and as that road progresses over. HRM does not want to take away rights from any business if there is no issue with it but want to make sure the residents are comfortable with any future applications that may be submitted. He introduced Nick Antoft. Mr. Antoft is the current chair of the Waterstone Subdivision Homeowner's Association and has been on the committee since it was formed.

5. Questions and Comments

Valerie Corkum, Waterstone Subdivision – She owns the psychology practice at the entrance to Waterstone Subdivision. In terms of her residence (separate lot), she has no objections to the rezoning but does object in regards to her psychology practice. She is worried about becoming a non-conforming use and having that affect the future resale of her business and some of the drawbacks mentioned as well. Mr. Bone said her property is fairly uniquely located. The business property is located at the front of the subdivision and HRM is not proposing to rezone any properties on Lucasville Road. A reasonable solution would be to include her business property with Lucasville Road and leaving it as MU-1 Zone.

Sarah Dykstra, Waterstone Subdivision – Her property is close to where Margeson Drive will eventually come out. Does the rezoning include the area where Margeson Drive will connect? Mr. Bone explained that the rezoning proposal is only for the existing Waterstone Subdivision. Ms. Dykstra is curious and concerned for the property owners on Newbury Road that when Margeson Drive opens up in four to five years there will be another rezoning process. Mr. Bone hasn't done an analysis yet but that is something to consider when looking at what issues may arise with Margeson Drive and what some of the appropriate uses would be along that corridor.

Jasmin MacKinnon, Waterstone Subdivision – Her property is next to the connection for Margeson Drive and has a business use on it. At that point, the property will become a corner lot. Would there be any kind of exception to the rule because her lot will be on a corner along a major road? Mr. Bone mentioned that her property is on the radar and being a corner lot may

give some justification to look at the property differently. He's not sure how to respond yet. There may be other options available that are somewhere between the MU-1 Zone and the R-1 Zone that may give some additional ability to protect her current rights. NWCC will be advised on that.

Nick Antoft, Waterstone Subdivision – Believes the zoning should be reviewed at the time of developing any land. Mr. Bone stated that the policy enables the rezoning after the fact and through his experience in these areas, usually happens after the fact.

Nick Antoft – Agricultural uses in the subdivision are probably non-existent and some logging has occurred in the areas adjacent. What are the differences between the MU-1 and R-1 Zones in terms of a garage structure. Mr. Bone said in the R-1 Zone an accessory building cannot exceed 15 feet in height and 1,000 square feet in size. Mr. Antoft asked if an existing garage would be grandfathered. Mr. Bone said it would become non-conforming. It is a little different situation if it is attached to the dwelling but it is not always practical, possible or desirable. Mr. Antoft said that there may be some garage structures in the subdivision that may not meet the requirements of the R-1 Zone. Mr. Bone mentioned that there is a bonus if a property that exceeds one acre in size. If the property is at least 40,000 square feet, a larger building (up to 25 feet) is permitted.

Councillor Johns – Can people access a use on another property through Waterstone Subdivision if that use is not permitted under the R-1 Zone? Mr. Bone believes that is the case but will investigate. For example, if someone wanted to cross R-1 Zoned land to get to a trucking use on an MU-2 Zoned piece of property, the answer is pretty clear, but he is not sure of the answer if they are connecting to a public street. He'll investigate further.

Pearley Oliver, Lucasville Road – If someone was to put a pitched roof on a garage, 15 feet is pretty low. Mr. Bone is quite confident that almost every property in the subdivision will probably meet the criteria to access the height of 25 feet. There are a series of rules to go through and determine what the issues are. There may even be criteria that limit certain properties from achieving that height. For example, one criteria is that the height can't exceed the height of the main building or 25 feet; therefore, it depends on what is on the property.

Pearley Oliver – Why rezone the property at the entrance? Mr. Bone explained that the request was to look at the whole subdivision and that property is part of the subdivision but an argument can be made that it remain as MU-1 Zone because it is at the corner and entrance of subdivision. Ultimately, it is up to NWCC. Councillor Johns explained that based on feedback in the past from the Homeowner's Association, Waterstone Subdivision has really developed as single family unit dwellings. There aren't a whole lot of businesses, agricultural, landscaping or residential businesses in there. There's an opportunity to review this now before Margeson Drive comes through because at that time there will probably be more applications to do a variety of mixes in there. Currently, the MU-1 Zone allows anything. Do the residents want to limit those uses?

Brian McNeil, Waterstone Subdivision – What would be the maximum size of a garage? Mr. Bone said it would still be 1,000 square feet in the R-1 Zone. Mr. McNeil bought his piece of property on the lake and built a garage there to accommodate his car hobby and boats. He has a

permit in process now for a garage that is 1,136 square feet in size. Will that become non-conforming? Mr. Bone agreed. If it was destroyed more than 75%, it couldn't be rebuilt to that scale. That is something NWCC would be advised of. The R-1 Zone is a lot more restrictive on accessory buildings. Mr. McNeil said when most people built in the subdivision, it was, and is, under the MU-1 Zone and the garage was important to him at the time. In saying that, he does not want to see a lot of MU-1 uses in the subdivision. Mr. Bone said it is possible to have multiple buildings on one property to accommodate his needs but it is not necessarily practical.

Bruce Bullen, Waterstone Subdivision – He is in favor of going to R-1 Zone because he would not like to see a lot of the MU-1 uses in the subdivision. It is 95% residential now and he would like to see it stay that way.

Jasmin MacKinnon – Can an exemption to the rule be made for granny suites? Mr. Bone said the zones are not usually tinkered with. Adjusting a zone has broad implications because there are a lot of R-1 Zoned properties. He would have to make sure that the policy was not violated.

Jasmin MacKinnon –What happens if someone was in the process of getting a permit for a garage and the subdivision is rezoned in the meantime. Mr. Bone believes the permit is good for two years. The person would have to have it in their hand before NWCC gives notice of public hearing.

Councillor Johns – After the PIM, he intends to have staff send out a questionnaire to the residents highlighting what was discussed. If 60% of the total residents decide they would like to move forward, a public hearing can be scheduled. If 60% of the total residents decide not to go forward, the process would end.

Sarah Dykstra – Will recreational vehicles be affected with the rezoning? Mr. Bone said that HRM does not regulate ATVs.

Sarah Dykstra – She has a Nova Scotia Power (NSP) easement that runs through her property. Although she has the same size lot as everybody else, there are other restrictions regarding building on her lot. Mr. Bone explained that as part of the staff report, a review will be done to see if there are any changes but he understands that the requirements are very similar within the two zones in regards to side yards and setbacks from property lines and things like that. That lot is restricted by other private easements that HRM don't control.

Rob Wright, Waterstone Subdivision – Is there a zone between the MU-1 and R-1 Zones that could be considered? He doesn't agree with some of the uses but likes the idea of some being in the subdivision. Mr. Bone said there are not a lot of options listed in the MPS but he will review any options. Councillor Johns is quite confident that the residents of this subdivision will have the ability to build accessory buildings a little higher and bigger.

Councilor Johns – Armco Developments, the owner/developer of the land on the far side of Highway 101, have very tentatively come forward with a request to rezone that land to a commercial type zone. Therefore, there may be an opportunity where commercial type uses are close and accessible but not in the subdivision. That's very preliminary because that road is just

coming. Mr. Bone mentioned in relation to that, the Middle Sackville Vision focuses on the interchange and the lands surrounding it. One focus is commercial uses in that area and what would be appropriate.

Pamela Bullen, Waterstone Subdivision – Are granny suites not allowed in R-1 Zone? Mr. Bone said the R-1 Zone does not permit auxiliary units (separate suite with a kitchen) to be in a dwelling. Ms. Bullen asked about aestheticians working out of their home. Mr. Bone will have to look at all the details. There are some limited home based businesses that are permitted under the R-1 Zone. Ms. Bullen does not have a problem with someone working from their home but she is concerned about Margeson Drive because it will border on the back of her property. Can nothing be done ahead of time to avoid the rezoning process in the future? Mr. Bone explained that the plan applies a mixed use zone in the area because that was the traditional type of development here. The MPS did recognize that as subdivisions developed in the area, the developer could ask for the lands to be rezoned. It is not common to rezone in advance; however, the extension of Margeson Drive certainly raises some question about each development and what activities could happen in the area. In general, the intent for the area behind the subdivision is residential. Mr. Bullen asked what the current zoning is for that area? Mr. Bone said it is MU-1 Zone as well. Councillor Johns asked if there is a fee for a rezoning process? Mr. Bone said it would depend on how it was initiated. If applicant driven, the fee would be \$1,830.

Bruce Bullen – If Waterstone Subdivision is changed to R-1 Zone but the properties in behind are MU-1, a large garage could be build right next door. Councillor Johns said there may be merits in reviewing the lands next door based on the outcome of this application.

Sarah Dykstra – Is Margeson Drive going to be a residential road? If it is, throughway traffic will begin. Councilor Johns said the intention is to have Margeson Drive as a two lane highway with huge shoulders. On the other side of the highway, Margeson Drive is being constructed in such a way that it could potentially be four lanes. The bridge that crosses the highway is two lanes. The road would be two lanes and reduces to a residential road with driveways off of it after crossing Stonewick Cross. Mr. Bone pointed the area out on the map. Mr. Bone understands that it will be developed in phases. Councillor Johns said that one of the things the Waterstone Subdivision Homeowner's Association told NWCC and staff is that they would like to see the development happen in one piece before constructing and connecting that road through. They don't want to see Waterstone Subdivision used as a shortcut.

Pam Bullen – Are we still looking at trying to get them to bring that traffic to the power lines? Councillor Johns explained that whenever the chance arises, that question is asked. We're not sure if that plan would work.

Sarah Dykstra – She understands that Sandy Run seems to be extending towards McCabe Lake. Currently, they are in the middle of constructing the roadway at the end of Sandy Run. Will that Sandy Run eventually connect to Margeson Drive? Councillor Johns said that White Hills Run comes right down Margeson Drive. Mr. Bone showed the route on the map. In the meantime, Margeson Drive will intercept that (shown). Ms. Dykstra asked if Margeson Drive would be developed in chunks or will the residential portion behind Waterstone Subdivision be developed in one big section. Councillor Johns is pushing for that and so is the association. Mr. Bone

showed an area that wouldn't be developed in one phase. Councillor Johns said the association has had an opportunity to meet with the developer who owns the Annapolis lands. They seem open to having a discussion like that. The Waterstone Subdivision Homeowner's Association is very active and has a good rapport with Regional Planning staff.

Sarah Dykstra – Her concern that development on Margeson Drive will be slow once it starts behind us. For anyone on her side of Newbury Road, those properties will be zoned MU-2, not R-1, which will result in pre-existing grandfathered businesses. Councillor Johns wants to see if this application will go forward and then ask staff to look at the opportunity to rezone the lands behind the subdivision.

Nick Antoft – What is the difference between daycare facilities in MU-1 and R-1 Zones. Mr. Bone said it would be the number of children.

One resident who works for Cresco Construction – Cresco owned the majority of the lots in Waterstone Subdivision. With the MU-1 Zone, anything could have been built. The subdivision is built as single family homes with a couple of businesses that doesn't hurt the subdivision and a garage that may be a little bigger than normal. Councillor Johns said that in many cases, a developer is approached with an explanation and justification for the rezoning. He highly doubts that there would be any objections from the developer in this case. They are giving up some of their rights but typically it ends up developing as R-1 Zone.

6. Closing Comments

Mr. Bone thanked everyone for coming and expressing their comments and concerns regarding this application.

7. Adjournment

The meeting adjourned at approximately 8:27 p.m.

Attachment F
Waterstone Subdivision Survey



PO Box 1749
Halifax, NS
B3J 3A5 Canada

Attn: Andrew Bone
Senior Planner
Central Region
Acadia School Office

Waterstone Subdivision – Rezoning Survey

On March 24, 2011 North West Community Council passed a motion directing HRM Planning staff to initiate a rezoning process which would explore the option of rezoning Waterstone Subdivision Village from MU-1 (Mixed Use 1) Zone to R-1 (Sing Unit Dwelling) Zone.

A Public Information Meeting was held on June 9, 2011. Approximately 15 members of the public were in attendance. As a follow up to that meeting this survey has been prepared to get feedback on this proposed rezoning from property owners.

This survey is intended to gather information regarding the existing land use within Waterstone Subdivision and gauge public opinion on the proposed rezoning from MU-1 to R-1.

Please complete the following survey and return to Halifax Regional Municipality in the enclosed postage paid envelope **prior to November 15, 2011**.

Part 1: Location

- 1.1 Do you own property in the Waterstone Subdivision area as shown on Map 1:
- Own property **within** the Waterstone Subdivision area as shown on Map 1
 - Own property **near or abutting** the Waterstone Subdivision area as shown on Map 1
- 1.2 Please provide your civic address
-
- 1.3 Did you attend the Public Information Meeting held on Monday, June 9th, 2011 at the Sackville Heights Community Centre?
- Yes
 - No

Part 2: Uses not permitted in the R-1 zone that are currently permitted in Waterstone Subdivision under the MU-1 Zone

The R-1 zone does not permit agricultural uses, forestry uses, fishing and fishing related uses, commercial uses, trucking, landscaping or excavating and paving services, institutional uses or daycares grater than 7 children.

If any of these uses are occurring within Waterstone Subdivision and the area is rezoned to R-1 these uses will be allowed to remain (provided they have been granted all their necessary permits) and the Beaver Bank, Hammonds Plains and Upper Sackville Land Use Bylaw can be amended to reflect these uses as existing. If Waterstone Subdivision is rezoned and these uses are occurring and not listed in the Beaver Bank, Hammonds Plains and Upper Sackville Land Use Bylaw as existing they will be classified as non-conforming uses. Non-conforming uses are not permitted to expand or recommence if discontinued for a continuous period

of six months. Further there is an increased burden for the land owner, who must prove that there is continuous operation over time.

The following questions are designed to assist HRM in better understanding the existing land uses within the Waterstone Subdivision to avoid placing the undue burden of non-conforming status onto existing agricultural uses, forestry uses, fishing and fishing related uses, commercial, trucking, landscaping or excavating and paving services, institutional uses or daycares greater than 7 children or institutional uses.

2.1 Do you keep or breed any livestock (horses, cows, chickens, etc) on your property? If yes, please list animal species and the number of each.

- Yes _____
 No

2.2 Do you grow flowers, plants, fruits or vegetables for commercial purposes on your property?

- Yes
 No

2.3 Do you produce timber, pulp or operate a sawmill for commercial purposes on your property?

- Yes
 No

2.4 Do you use your property for any commercial fishing and fishing related use?

- Yes
 No

2.5 The following uses are permitted within the MU-1 zone, do you operate or are you aware of any of these uses occurring within Waterstone Subdivision?

- Yes (If yes, please check any use (s) that is occurring from the list below)
 No

- Educational institutions and uses
- Denominational institutions and uses
- A single unit dwelling in conjunction with a daycare facility with greater than 7 children.
- Museums and galleries
- Private club and lodge
- Community centres and halls
- Residential care facilities
- Two unit dwellings
- Boarding and rooming houses
- Senior citizen housing
- Business uses within a dwelling
- C-2 uses identified at the bottom of Attachment B
Specific C-2 use

- Trucking, landscaping and paving services

Attachment G
Results of Waterstone Subdivision Survey

Part 1: Location

- 1.1 **71 – 92%** Own property **within** the Waterstone
 5 – 9% Own property **near or abutting** the Waterstone Subdivision
- 1.3 Did you attend the Public Information Meeting held on Monday, June 9th, 2011 at the Sackville Heights Community Centre?
 12% Yes **87% No**

Part 2: Uses not permitted in the R-1 zone that are currently permitted in Waterstone Subdivision under the MU-1 Zone

- 2.1 Do you keep or breed any livestock (horses, cows, chickens, etc) on your property? If yes, please list animal species and the number of each.
 0% Yes **96% No**
- 2.2 Do you grow flowers, plants, fruits or vegetables for commercial purposes on your property?
 0% Yes **96% No**
- 2.3 Do you produce timber, pulp or operate a sawmill for commercial purposes on your property?
 0% Yes**96% No**
- 2.4 Do you use your property for any commercial fishing and fishing related use?
 0% Yes**96% No**
- 2.5 The following uses are permitted within the MU-1 zone, do you operate or are you aware of any of these uses occurring within Waterstone Subdivision?
 27% Yes **68% No**

Uses Identified

- a) A single unit dwelling in conjunction with a daycare facility with greater than 7 children.
- b) Business uses within a dwelling.
- c) Trucking, landscaping and paving services.
- d) Massage Therapy
- e) Psychologist Office
- f) Two Unit Dwelling
- g) Senior Citizens Housing
- h) Residential Care Facility

Part 3: Opinion

- 3.1 Do you feel Waterstone Subdivision should be rezoned from MU-1 to R-1?
65% Yes 35% No

- 3.2 If you own property **near or abutting** Waterstone Subdivision do you feel your property should be included in this rezoning application?
65% Yes 35% No

- 3.3 Do you have any specific concerns regarding the possible rezoning of Waterstone Subdivision from MU-1 to R-1?
34% Yes 66% No

Comments identified:

I think I like things the way they are. MU-1 Zoning is fine. I have no problems with the way life is within or around areas to the subdivision.
Am I able to build a detached garage with a liveable space above the garage?
I have not built on my property yet, so I would like to have the widest possible options open when I do build on the lot. Also, I would not like to see any restrictions on any recreational fishing and boating usage.
This needs to be done. This is very clearly a residential community and has been developed as such. It would be highly inappropriate for other uses, other than existing small home-based personal services such as massage therapy or hairdressing. Given sufficient child care issues and importance of these services in early child development and as a critical social service for families, I would not object to continue allowing for the operation of a day care in our community as long as it were appropriately located and constructed to fit a residential R-1 community and was not allowed to exceed 30 students/children.
If residents work for companies (landscaping, etc.) and bring work vehicles home at end of work day, this could be misused by neighbours who, for whatever reason, bear a grudge. Also, "in-law" suites could be taxed as a second dwelling - this would be a MAJOR blow to seniors.
Potential to utilize lands/properties that are not in use or developed today that could be developed in the future that will add needed services to enhance the living of the community (ie: seniors living, retail). I do not support this re-zoning!!!
If bus services come out the Lucasville Road to Hammons Plains it would be a great area to have a Seniors complex and a day care would be a welcome addition to the area. Also the lots are big enough in Waterstone that a person would be able to operate a small family business such as landscaping or excavating.
I believe if subdivision is rezoned, existing businesses should have to relocate as the unkempt look of their properties bring down property values. However, I'm sure nothing will be done as nothing was done about the unauthorized rink on Stonewick that forced the neighbour to sell well underprice was never taken down as court ordered. So i don't believe these existing businesses will be policed in any way, shape or form. What a joke!
Will my property taxes go up?
It will devalue the properties. I purchased this property so I could put a business on it someday because it was zoned MU-1 and it will also be easier to sell as MU-1 when I am ready to sell.
I own property that was bought for the sole purpose of selling Christmas trees off of. Will the possibility of expanding into another joint business in the future. A change in zoning to my property would have great negative effect on my business and financial future. After speaking with Andrew Bone on October 26, 2011, he assured me that where my property is located and also by what the map shows, my property is not included in the rezoning.

<p>Why change the zoning in a subdivision approximately 15 years when there has been no issue with existing zoning and most of the residents were aware of the current MU-1 zoning and were very content until a few people decided we should possibly change now. I vote no.</p>
<p>The land we are currently on was purchased specifically for commercial use with plans for future commercial development or the development of multi-unit dwellings. A rezoning for R-1 would effectively eliminate the potential for any such developments.</p>
<p>We do not wish our lands to be included in this application for the reasons outlined in our letter to you. See attached.</p>
<p>I do not want Waterstone rezoned to R-1 if: a) it in any way raises my property taxes - \$3000 +/- is plenty! B) it restricts activities such as delivery of unprocessed firewood, personal vehicle mechanics, etc.</p>
<p>None other than would like to see the subdivision be rezoned as R-1 to ensure the area can develop as a residential community for families. Otherwise, the area could grow to become a "hodge podge" of commercial undertakings which can create a host of other problems.</p>
<p>By rezoning Waterstone Run, it places additional restrictions onto the usage of our property for which we pay plenty taxes, and find it totally unnecessary, and unwarranted. We do not support rezoning Waterstone Run.</p>
<p>This province has too many regulations. Leave people alone and let them do what they want. If anyone can afford to buy a home in HRM they pay enough with the HIGH TAXES etc. Re-zoning will accomplish nothing but spending tax payers money on something not at all important!!!</p>
<p>Don't care what people do with their properties and neither should this department. If it gets rezoned, bring on city water and sewer. Spend your time and effort on things more important. Let people live however they want. We pay enough now. Stop regulating what people can and cannot do. Another waste of money - keep up the good work.</p>
<p>My wife and I need our psychology practice at 23 Waterstone Run to remain with MU-1 Zoning.</p>
<p>x (as long as the existing businesses (child care) can remain open. The one which are in home businesses)</p>
<p>We do not want our property to be effected by rezoning. If you questions call, 880-0032, Chris. We are not in subdivision but next to it.</p>
<p>I wish the rezoning to apply to the majority of the subdivision but I am hoping 23 Waterstone will remain MU-1 zoning.</p>
<p>To rezone to R-1 would place too much financial stress on small business owners by forcing them from their homes to offices causing high overhead expenses in rent, taxes, lights, etc., causing a domino effect on costs rising which would be turned over to the consumer, also would cause small business owners to close their businesses.</p>
<p>I feel that we moved in here in 2008, we understood the rules of the zoning then, now that we have been here for four years, we are finding out all new rules and changes that are taking place.</p>

RETURN RATIO ~35 percent of Waterstone property owners