

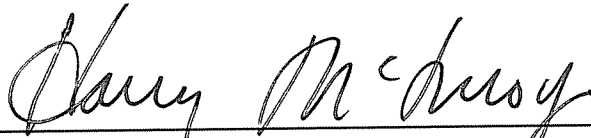
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P.O. Box 1749  
Halifax, Nova Scotia  
B3J 3A5 Canada

Halifax Regional Council  
January 18, 2005

**TO:** Mayor Kelly and Members of Halifax Regional Council

**SUBMITTED BY:**   
Councillor Harry McInroy, Chair, Harbour East Community Council

**DATE:** January 13, 2005

**SUBJECT:** Case 00698 - Amendments to Dartmouth's Municipal Planning Strategy and Land Use By Law - Protection of Lake Banook Canoe Course

**ORIGIN**

Harbour East Community Council - January 13, 2005

**RECOMMENDATION**

**It is recommended that:**

- 1. Regional Council move first reading and set a public hearing date to consider amendments to the Municipal Planning Strategy (MPS) and Land Use By-Law (LUB) for Dartmouth as outlined in the staff report dated January 12, 2005;**
- 2. Regional Council approve the proposed amendments to the Municipal Planning Strategy and Land Use By-Law for Dartmouth, as shown in Attachments A and B of the staff report dated January 12, 2005, to apply a height restriction to that area of Dartmouth identified on Map 1 as "Lake Banook Canoe Course Area"**

**BUDGET IMPLICATIONS**

There are no budget implications.

**FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN**

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

**ALTERNATIVES**

None suggested at this time.

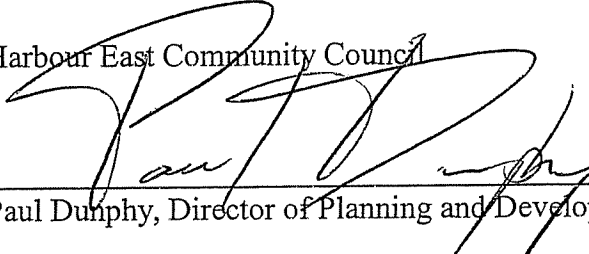
**ATTACHMENTS**

Staff report dated January 12, 2005.

Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.	
Report Prepared by:	Julia Horncastle, Legislative Assistant , Governance and Strategic Initiatives Telephone: 490-4211

Harbour East Community Council  
January 13, 2005

TO: Harbour East Community Council

SUBMITTED BY:   
Paul Dunphy, Director of Planning and Development Services

DATE: January 12, 2005

SUBJECT: **CASE 00698: Amendments to Dartmouth's Municipal Planning Strategy and Land Use By-law - Protection of Lake Banook Canoe Course**

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**ORIGIN:**

- On December 14, 2005, Regional Council requested staff to initiate the process to amend the Municipal Planning Strategy and Land Use By-law for Dartmouth to establish height restrictions for development around Lake Banook (Dartmouth) in order to provide protect the Lake Banook Canoe Course from wind impacts.

**RECOMMENDATION:**

**It is recommended that Harbour East Community Council:**

1. **Recommend that Regional Council move first reading and set a public hearing date to consider amendments to the Municipal Planning Strategy (MPS) and Land Use By-law (LUB) for Dartmouth as outlined in this report;**
2. **Recommend that Regional Council approve the proposed amendments to the Municipal Planning Strategy and Land Use By-law for Dartmouth, as shown in Attachments A and B of this report, to apply a height restriction to that area of Dartmouth identified on Map 1 as "Lake Banook Canoe Course Area".**

## BACKGROUND:

In May 2004, Harbour East Community Council received a request from Save Our Lakes Coalition to develop and implement land use policies and regulations aimed at providing a broad range of measures to protect all of Dartmouth's lakes from impacts of urban development. Staff met with representatives of the Coalition to discuss and clarify the scope of the requested planning amendments and method of implementation.

Staff reviewed the request and determined that aspects of the project related to overall watershed management should not proceed at this time. However, there is one aspect of the request (protection of the Lake Banook canoe course) which can be considered under current municipal resource commitments and project priorities. The importance of protecting the Lake Banook Canoe Course from large-scale development was recently highlighted in a Wind Impact Study on the Lake Banook Canoe Course for two developments abutting the lake.

Lake Banook canoe course is one of the best natural canoe courses in the world and it hosts both national and international canoe events (only course in Atlantic Canada). The paddling and rowing regattas that occur on the lake are major recreational events and have a significant historical, economic and social benefits to the region. Thus, wind impacts resulting from large developments that prevent these regattas from being held on Lake Banook would be significant.

### MPS Policy and Zoning

The lands surrounding Lake Banook are already developed, except for a few small lots. The vast majority of the lands are designated, zoned, and used for residential purposes (see Map 1). Within Dartmouth, residential zones do not restrict the height of a building. Of the remaining lands around Lake Banook, most are designated, zoned, or used for commercial purposes. Commercial zones also do not restrict the height of a building except for limited uses such as office buildings. Further, Dartmouth's MPS allows for various residential and commercial uses to be considered by either rezoning or development agreement with no specified height restriction.

### Public Information Meeting

A public information meeting was held on January 10, 2005 to discuss how a height restriction around Lake Banook could be implemented. Attachment C contains a copy of the minutes of this meeting.

At the public meeting, staff presented two options for a height restriction as follows:

*Option 1:* Restrict all building developments to a maximum height of 35 feet (regardless of how the use is permitted: by right or development agreement)

*Option 2:* Restrict all building developments to a maximum height of 35 feet but allow for an increase in height by development agreement (requirement for a Wind Impact Study to determine potential impacts on the canoe course).

Of the two options, the majority of the attendees at the meeting preferred option 1 as it would provide greater protection to the canoe course. Despite strong support for option 1, two individuals spoke in favour of option 2. Further, discussion arose on whether or not the height restriction of 35 feet proposed in option 1 should be increased slightly (37 to 40 feet) to allow for greater flexibility in construction design. After the public meeting, Atlantic Superstore submitted a written request to have their building, located between Prince Albert Road and Grahams Grove be excluded from the height restriction.

## **DISCUSSION:**

The recent Wind Impact Study conducted on Lake Banook Canoe Course indicated the importance of protecting the course from changes in wind speed and direction resulting from new developments. To initiate debate on how a height restriction would be applied, staff presented two options to the public (see previous section).

Both options have two common factors: a height restriction of 35 feet and the area in which the restriction is to be applied. The height restriction of 35 feet was based upon:

- 1) height of the existing residential and commercial buildings around Lake Banook;
- 2) height restrictions applied in other Land Use By-laws;
- 3) current commercial zoning limits office buildings to a maximum of 3 storeys; and
- 4) permits development activity in the area to continue.

In determining where a restriction on building heights may be appropriate, staff utilized a 500 foot setback from the shoreline of Lake Banook as a guide. The setback takes into account the potential impact of buildings not located adjacent to Lake Banook, taking into consideration local topography. The resulting area is illustrated on Map 1.

Both options provide enhanced protection to the Canoe Course than is currently achieved either through Dartmouth's MPS or LUB. Option 1 would establish a specific height restriction around Lake Banook and provide a higher degree of protection. However, Option 2 would provide flexibility in applying the height restriction due to location and topographic factors but would be subject to a development agreement and the preparation of a Wind Impact Study (an area of new research).

Due to the importance of protecting the Lake Banook canoe course, the potential for large-scale buildings to negatively impact the course and the lack of height restrictions for most land uses, staff are recommending that Council adopt Option 1 as it provides the highest level of protection. In order

to implement option 1 additional preamble text, policy, and land use regulations are required. Attachments 1 and 2 contain the relevant amendments.

In regard to the request for an increase in the height restriction, staff are recommending that Council adopt the 35 foot height restriction in order to minimize the potential impacts on the canoe course. Further, staff do not support the request for excluding the Atlantic Superstore from the restriction as a significant portion of the site is within 500 feet of the lake and if re-developed, the potential for a large building to occur is significant due to the amount of land involved and no height restriction. The reason for the height restriction is to avoid such situations in the future.

**BUDGET IMPLICATIONS:**

Not Applicable

**FINANCIAL MANAGEMENT POLICIES/BUSINESS PLAN:**

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

**ALTERNATIVES:**

The following alternatives are identified:

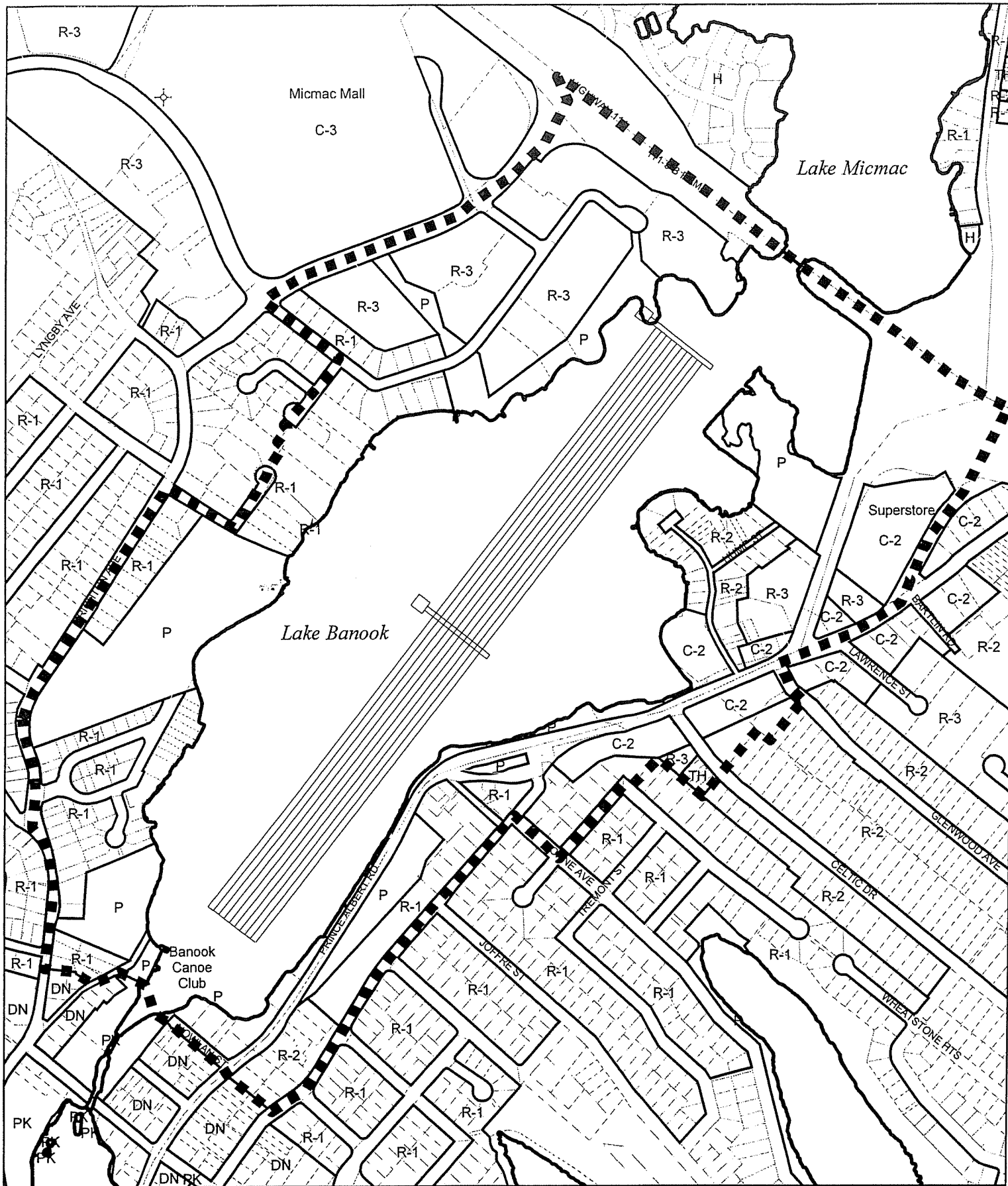
1. Regional Council may wish to follow staff's recommendation for the reasons stated above. This is the recommended course of action.
2. Regional Council may wish to amend staff's recommendation to permit an increase in the height restriction and/or exclude areas from the height restriction. Staff do not support this course of action for the reasons stated in this report.
3. Regional Council may wish to reject staff's recommendation. Staff do not support this course of action for the reasons stated in this report.

**ATTACHMENTS:**

- Map 1                      Location Map and Rezoning
- Attachment A:            Amendments to Municipal Planning Strategy
- Attachment B:            Amendments to Land Use By-law
- Attachment C:            Minutes of Public Information Meeting

Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

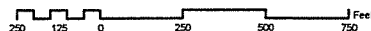
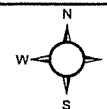
Report prepared by: Kurt Pyle, Planner, 490-4428



Map 1

- |                                      |                                |
|--------------------------------------|--------------------------------|
| R-1 Single Family Residential Zone   | C-2 General Business Zone      |
| R-2 Two Family Residential Zone      | C-3 General Business Zone      |
| R-3 Multiple Family Residential Zone | DN Downtown Neighbourhood Zone |
| TH Townhouse Zone                    | PK Park & Open Space Zone      |
| P Park Zone                          |                                |

 Lake Banook Canoe Course Area



**HALIFAX**  
REGIONAL MUNICIPALITY



**Attachment A  
Amendments to  
Municipal Planning Strategy for Dartmouth**

The Municipal Planning Strategy for Dartmouth is hereby amended by:

1. Amending the Implementation Section of the Strategy by adding new pre-amble and policy immediately following Policy IP-8:

**“Lake Banook Canoe Course**

**Lake Banook canoe course is one of the best natural canoe courses in the world and it hosts both national and international canoe events. It is the only course of its kind in Atlantic Canada. The paddling and rowing regattas that occur on the lake are major recreational events and have a significant historical, economic and social benefits to the region. In 2004, the importance of protecting the Lake Banook Canoe Course from large-scale development was highlighted in a Wind Impact Study on the Lake Banook Canoe Course for two developments abutting the lake. Thus, wind impacts resulting from large building developments which prevent the course from holding national and international regattas would have significant regional impacts.**

**Due to the importance of protecting the Lake Banook canoe course, the potential for large-scale buildings to negatively impact the course and the lack of height restrictions for most land uses, Council shall adopt regulations to restrict building heights around Lake Banook. Further, any height restriction shall apply to all buildings, regardless of how they are developed (by right or through a discretionary approval process).**

**Policy IP-9 It shall be a policy of Council to apply a maximum height restriction through the Land Use By-law to all buildings situated within “Lake Banook Canoe Course Area” as identified on Map 9s”**

**Policy IP-10 Further to Policy IP-9, Council shall not consider any rezoning or development agreement application for buildings having a height greater than 35 feet within the Lake Banook Canoe Course Area.**

**Within the Lake Banook Canoe Course Area, there are instances where buildings exceed the maximum height restriction. Generally such buildings would be made non-conforming structures and subject to the provisions of the Municipal Government Act. It is not the intention of Council to require these buildings to comply with the new height restriction nor be prevented from being replaced. Instead, Council objective is to maintain current height conditions and allow for modification and replacement of existing buildings.**

**Policy IP- 11 Existing buildings situated within “Lake Banook Canoe Course Area”, as identified on Map 9s, which exceed the height restriction under the Land Use By-law shall be recognized as existing structures.”**

2. Adding Map 9s (Lake Banook Canoe Course Area) as shown on Map 1 attached to this report.

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Halifax Regional Council of Halifax Regional Municipality held on the \_\_\_\_ day of \_\_\_\_, A.D. 2005.

Given under the hand of the Municipal Clerk and under the corporate seal of the said Municipality this \_\_\_\_ day of \_\_\_\_\_, A.D., 2005.

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Jan Gibson  
Municipal Clerk

**Attachment B**

**Amendments to  
Land Use By-Law for Dartmouth**

The Land Use By-law for Dartmouth is hereby amended by:

1. Amending R-1 Zone by adding a new clause immediately following 32(2)(c);  
**“(d) Height Maximum - 35 feet on all parcels of land situated within the “Lake Banook Canoe Course Area” as identified on Schedule “W”.”**
2. Amending R-2 Zone by adding a new clause immediately following 33(3)(d);  
**“(e) Height Maximum - 35 feet on all parcels of land situated within the “Lake Banook Canoe Course Area” as identified on Schedule “W”.”**
3. Amending R-3 Zone by adding a new clause immediately following 34(3)(d);  
**“(e) Height Maximum - 35 feet on all parcels of land situated within the “Lake Banook Canoe Course Area” as identified on Schedule “W”.”**
4. Amending R-4 Zone by adding a new clause immediately following 35(3)(c);  
**“(e) Height Maximum - 35 feet on all parcels of land situated within the “Lake Banook Canoe Course Area” as identified on Schedule “W”.”**
5. Amending TH Zone by adding a new clause immediately following 36(2)(f);  
**“(g) Height Maximum - 35 feet on all parcels of land situated within the “Lake Banook Canoe Course Area” as identified on Schedule “W”.”**
6. Amending T- Zone by adding a new clause immediately following 37(3);  
**“(4) No Buildings shall exceed 35 feet in height on those parcels of land situated within the “Lake Banook Canoe Course Area” as identified on Schedule “W”.”**

7. Amending C-2 Zone by adding a new clause immediately following clause 39(3)(d);  
**“39(3)(e) Additional Height Maximum - 35 feet on all parcels of land situated within the “Lake Banook Canoe Course Area” as identified on Schedule “W”.”**
8. Amending C-3 Zone by adding a new clause immediately following clause 40(2)(d);  
**“40(2)(e) Additional Height Maximum - 35 feet on all parcels of land situated within the “Lake Banook Canoe Course Area” as identified on Schedule “W”.”**
9. Amending C-4 Zone by adding a new clause immediately following clause 40A(2)(d);  
**“40A(2)(e) Additional Height Maximum - 35 feet on all parcels of land situated within the “Lake Banook Canoe Course Area” as identified on Schedule “W”.”**
10. Amending P Zone by adding a new clause immediately following 44(2);  
**“(3) No Buildings or structures shall exceed 35 feet in height on those parcels of land situated within the “Lake Banook Canoe Course Area” as identified on Schedule “W”.”**
11. Amending OS Zone by adding a new clause immediately following 44A(1);  
**“(2) No Buildings or structures shall exceed 35 feet in height on those parcels of land situated within the “Lake Banook Canoe Course Area” as identified on Schedule “W”.”**
12. Amending S Zone by adding a new clause immediately following 45(2)(b);  
**“(c) Height Maximum - 35 feet on all parcels of land situated within the “Lake Banook Canoe Course Area” as identified on Schedule “W”.”**
13. Amending C Zone by adding a new clause immediately following 46(2);  
**“(3) No Buildings or structures shall exceed 35 feet in height on those parcels of land situated within the “Lake Banook Canoe Course Area” as identified on Schedule “W”.”**

14. Amending MF-1 Zone by adding a new clause immediately following 48(3)(g);
- “(h) Within the “Lake Banook Canoe Course Area” as identified on Schedule “W”, no buildings or structures shall exceed 35 feet in height.”**
15. Amending SC Zone by adding a new clause immediately following 53(a);
- “(b) Within the “Lake Banook Canoe Course Area” as identified on Schedule “W”, no buildings or structures shall exceed 35 feet in height.”**
16. Adding a new schedule (Schedule “W” -Lake Banook Canoe Course Area) as shown on Map 1 attached to this report.

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Halifax Regional Council of Halifax Regional Municipality held on the \_\_\_\_ day of \_\_\_\_, A.D. 2005.

Given under the hand of the Municipal Clerk and under the corporate seal of the said Municipality this \_\_\_\_ day of \_\_\_\_\_, A.D., 2005.

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Jan Gibson  
Municipal Clerk

**Attachment C:  
Minutes of Public Information Meeting**

**HALIFAX REGIONAL MUNICIPALITY  
PLANNING SERVICES - ALDERNEY GATE OFFICE  
PUBLIC INFORMATION MEETING  
CASE NO. 00698 - LAKE BANOOK, HEIGHT RESTRICTIONS**

**Monday, January 10, 2005  
Crichton Park Elementary School, Dartmouth**

**Staff:** Kurt Pyle, Planner  
Don Bickford, Planning Technician  
Samantha Charron, Administrative Support

**Members of  
the public:** Approx. 70

The meeting commenced at approximately 7:00 p.m.

**1. KURT PYLE, PLANNING SERVICES**

Kurt Pyle welcomed attendees to the meeting along with the Harbour East Community Council members in attendance - Councillor Gloria McCluskey and Councillor Jim Smith. He then introduced staff participating and himself as the Planner assigned to this application. Mr. Pyle went on to explain his role in the application process, describing the process of a plan amendment, including the public consultation forums in which the public has an opportunity to express comments and/or concerns.

Mr. Pyle explained the purpose of tonight's meeting to be an opportunity to obtain input on the establishment of height restrictions around Lake Banook to protect the Lake Banook Canoe course. Mr. Pyle then described the background of the height restriction application explaining the initial request by Save Our Lakes Coalition to Council for enhanced regulations to protect Dartmouth's lakes.

Mr. Pyle explained the Save Our Lakes Coalition concerns with development activity occurring around all of Dartmouth's lakes.

Mr. Pyle stated staff reviewed the entire request and recommended not to proceed, although one aspect of the request (protection of the Lake Banook canoe course) could be considered at this time.

Mr. Pyle emphasized the importance of protection for the Lake Banook Canoe Course stating recently, it had been highlighted in a Wind Impact Study.

Mr. Pyle stated Lake Banook canoe course is one of the best natural canoe courses in the world. The course hosts both national and international canoe events. Regattas are some major recreation events and have a significant historical, economic and social benefits to the region. Thus, wind impacts that prevent these regattas from being held on the course would be dramatic.

Mr Pyle continued by providing a physical description by use of an overhead and gave a brief description of the current height restrictions; including residential and commercial uses permitted but right and development agreement.

Mr. Pyle proceeded by stating the Save Our Lakes Coalition and the Atlantic Division of Canadian Canoe Association agree that the course needs protection.

Mr. Pyle then presented the two height restriction options the first being to restrict all land uses to a maximum height of 35 feet (regardless of how the use is permitted) and the second to restrict all land use to a maximum height of 35 feet but allow for an increase in height by development agreement (requiring a wind impact study).

Mr. Pyle then opened the floor and welcomed any questions and comments.

## **2. QUESTIONS AND COMMENTS**

Heather Corrigan (James Street) asked what DN represented on the zoning map used to outline the area around the lake in question. Also, who approves a development agreement.

Kurt Pyle replied DN represents the area designated as the Downtown Dartmouth plan area. He went on to explain development agreements are approved by Community Council, in this area that would be the six members of the Harbour East Community Council.

Donald Gordon (Crichton Avenue) requested Mr. Pyle provide a little more information on the wind study, was there any information that the existing structures were influencing the wind patterns? Also did the results from that study show the YMCA property and Paddlers Cove area if developed, would affect the wind patterns?

Kurt Pyle replied the wind study focussed on the potential impact future development may have for both the YMCA and Paddlers Cove lands. It did not investigate existing structures. The Canoe

Association made a positive recommendation on the Paddler's Cove site but no comment has been made on the YMCA property.

Councillor Gloria McCluskey inquired why the planning department would provide an option two to the height restrictions and asked if it was in fact inviting someone to apply for development they wished not be there.

Kurt Pyle replied he did not feel this was the case, option two is less restrictive then option one as it is intended to initiate debate and stressed the purpose of this meeting is to obtain feedback on how the canoe course can be protected.

Marlene Corey (Lakeview Avenue) questioned the 35' height restriction. Mrs. Corey wanted to know where the number came from and why they could not consider 35' and less with a wind impact study.

Kurt Pyle replied this could be considered.

Marlene Corey (Lakeview Avenue) questioned wind impact studies and how definitively the information collected would be.

Kurt Pyle replied by supporting Mrs. Corey's concerns and agreed wind studies do not have definitive standards (locally, nationally or internationally) for canoe courses. In terms of protecting the canoe course, criteria were determined by the Canoe Association.

Terry Brookway (Lakeside Terrace) inquired about future development, what would the options be to oppose potential development if option two were considered? Would there be any countering alternatives for residents? Mr. Brookway stated he is in favour of option one and feels the restriction would be simpler to enforce.

Kurt Pyle explains the importance of Councils decision to consider all options and explained how the development agreement process works and the types of issues it can address and effectiveness.

Bruce Sutherland (Lakeview Avenue) expresses his support for option one and feels the wind impact studies are inconclusive and should not be considered unless specific guidelines could be developed. Mr. Sutherland pointed out this would take years of study.

Maurice Lloyde (Cransten Avenue) stated he is a member of the Save Our Lakes Coalition and reiterated the importance of looking at all of Dartmouth's Lake protection. This would allow the planners to be proactive in future planning not reactive. Mr. Lloyde explains the difference between the roles of the Lakes Advisory Committee and the Save Our Lakes Coalition. Mr. Lloyde speaks for the Coalition and states they support option one.



Holly Lewis (Lakeview Point Road) asks if the height restrictions decided on would be applicable to the judge's tower for the canoe club? If there were future renovation plans would the canoe club have to abide by the 35' height restriction?

Kurt Pyle stated the canoe club would have to follow the same regulations however, Council could consider an exemption would be in order for the tower.

Jody Clark (Daliah Street) stated wind studies are a huge issue. It is important to protect lakefront properties. Mr. Clark believes our lakes should be considered heritage properties and protected as such.

Kurt Pyle stated the importance of Save Our Lakes Coalition's effort as well as the work Halifax Regional Municipality is doing with the new provisions included in the Regional Plan to ensure all lakes in the future are better protected. Mr. Pyle encourages residents to be involved and attend public meetings and hearings.

Councillor Gloria McCluskey stated because of her concern she has added this issue to the agenda for January 11, 2005. I will be asking for a strategy to protect our lakes before it is too late.

Dan Dean (Tanner Avenue) expressed concerns regarding future development on the YMCA and Paddlers Cove sites. Mr. Dean asked what impacts any development would have on the lake.

Kurt Pyle explained the concern for future development around the lake is not isolated to the YMCA property and Paddlers Cove. Mr. Pyle goes on to state land values are increasing, potential redevelopment and consolidation of lands are increasing. With the zoning the way it is now there is potential for more intense growth.

Dan Dean (Tanner Avenue) what variables pose a definitive impact?

Kurt Pyle stated there are two main variables that have an effect on wind impact, they are height and mass. Staff considered existing standards elsewhere in Halifax Regional Municipality to form a guideline basis. Mr. Pyle explained in the future it may be the case that studies show buildings could increase their height and width with no wind effect, but for now staff has aired on the side of caution.

An unknown speaker asks if there is a height restriction on Mic Mac Mall?

Kurt Pyle replies there is no height restriction on Mic Mac Mall.

Wilfred Warner (Prince Albert Road) asks staff if the map being used for the presentation tonight is current?

Don Bickford, Planning Technician, replies the map is current.

Wilfred Warner (Prince Albert Road) asks why a section of land along Prince Albert Road, known to residents as Silver's Hill and thought to be parkland, is split and a section zoned R1? Mr. Warner would like to see all of this property Parkland. Mr. Warner also asked if this is not possible and there is future development on this site how would the grade of the land effect the building regulations?

Kurt Pyle explained in detail how height is determined by the grade of land in Dartmouth.

Councillor Gloria McCluskey asked Mr. Pyle if the land is owned by the Municipality and if so could it be rezoned as parkland?

Kurt Pyle indicated yes.

Bill Foster (Lakeview Avenue) expressed concern regarding future development on the YMCA property and the credibility of the wind studies conducted.

Kurt Pyle explained the rationale behind the wind study. He clarified that the study focussed on when national and international events are scheduled which included the wind directions during the summer months.

Bill Foster (Lakeview Avenue) expressed negative comments regarding council's decision to zone the YMCA property R3 back in Year? Mr. Foster stated the property should have never been anything but Parkland. Mr. Foster also asked if this could be a future possibility.

Kurt Pyle explained under the Municipal Government Act any land zoned Parkland must be bought within one year of zoning. Mr. Pyle stated it is very unlikely the Municipality could afford to do this around the whole lake.

Maurice Lloyde (Cransten Avenue) wanted to explain to the attendees of the meeting, years ago the land on Sinclair Street was purchased with lake protection and preservation in mind. He would now like to see the land zoned Parkland. Mr. Lloyde feels the potential for the Municipality to sell this land for profit could be a good possibility.

Leo VanDyk (Guy Street) supported option one, he believes this to be the most clean and simple to enforce. Mr. VanDyk does question the maximum height of 35' restriction and asked why this height was chosen? Mr. VanDyk also wanted to point out there is no supporting information to show the 35' height restriction does not effect the wind impact on the lake.

Kurt Pyle replied that the height restriction of 35' was based on many things one for example was to follow the Downtown Dartmouth Plan height restriction amendments, which allow for a 30'

building. The reason we increased the height to 35 is because under the C2 zone you are allowed to have offices uses up to three stories which would roughly be 30' and we went a little higher to allow for flexibility. Mr. Pyle also stated there is no certainty that the 35' restriction will not effect the course. Staff is basically trying to keep the future development within the same character of what is there now.

Councillor Jim Smith asked if the land zoned R3 was owned by Halifax Regional Municipality. Councillor Smith also asked who the owner of the lake itself was?

Kurt Pyle replied the Municipalities jurisdiction ends at the high water mark, after that point the lake is under Provincial jurisdiction.

Kate Greene (Forrest Avenue) supports option two, she feels it allows for greater flexibility to implement zoning regulations. Ms. Greene stated she represents the Atlantic Superstore and wanted to know why the height restriction boundary was extended around their property since it is clearly not within the 300 metre zone.

Kurt Pyle explained staff felt it necessary to extend the boundary around the Superstore, due to the fact there are three pieces of property owned by them. The potential for large future development on that site could be possible if the Superstore were ever to leave.

Kate Greene asked if there have been any discussions by staff regarding expert studies to determine if height restrictions have any effect of wind impacts on Banook Lake and if this is part of the future plan.

Kurt Pyle explained how the height restriction was determined and indicated no studies were undertaken on the overall impact of wind on the course .

Wilfred Warner (Prince Albert Road) asked if the land zoned R3 adjacent to Kiwanis park off Breinar Road owned by the Municipality could be included in the application to be zoned Parkland.

Kurt Pyle replied he would look into the land ownership in the area.

Drew Sperry (Cransten Avenue) stated everyone is rightly nervous of wind studies there are no benchmarks for what actually effects the wind impacts and paddling effects on the lake. Mr. Sperry feels we should be very cautious of wind studies unless we ally wind studies to all developments. Mr. Sperry would also like to see the height restriction be increased to 36' for 37' to allow for a fourth storey, considering 35' is just under four storeys and quite a bit higher then three storeys.

Kurt Pyle thanked Mr. Sperry for his suggestion and said they would be considered.

Holly Lewis (Lakeview Point Road) expressed concern that there is no compensation in place for established residents if the restrictions are increased for development. Mrs. Lewis is also concerned how this will effect heights on land which may be sloped.

Kurt Pyle explained the development regulations and how height is determined on uneven land grades.

Councillor Gloria McCluskey asked if land could be down zoned in the area in question.

Kurt Pyle stated the land could be down zoned but he feels this is not what were trying to accomplish with these proceedings.

John Ross (Lakeview Point Road) supports the planning being done by the Municipality and is impressed to see they are getting to the stage where planners can actually plan and not have to react and play referee between developers and citizens groups. Mr. Ross feels it is of great importance to maintain the aesthetics of the lake and feels the buffer zone is probably the minimal size it could be to do so. Mr. Ross also supports Mr. Sperry's earlier comment of the height restriction being increased to 36 or 37 feet and feels maybe this should be considered.

Jill Sutherland (Lakeview Avenue) asked if the 35' height restrictions would be applicable to the YMCA property zoned R3?

Kurt Pyle replied Greater Homes has an application in to develop a multi unit dwelling on this property that would not be limited to the 35' height restriction, if it were accepted by council. If the application were rejected, would future development on this land be restricted to the height regulations being considered.

Vivien Blamire (Crichton Avenue) asked how protected are lands zoned Parkland to future changes? Could the zoning be changed?

Kurt Pyle stated Council could rezone or sell any lands owned by the Municipality zoned Parkland but this would be done through a public process.

Don Gordon (Crichton Avenue) is supportive of the restrictions but feels maybe the less restrictive should be considered since there could be a greater chance of owners building out then up. Mr Gordon feels buildings of larger mass could have a large impact on the footprint of development around the lake and could contribute negatively to water quality also the natural vegetation and aesthetics of the land.

Gearlyn Tutty (Lakeside Terrace) asked why the YMCA property was rezoned?

Kurt Pyle explained the rezoning was done because a covenant was lifted from the property.

Susan Duann (Lome Avenue) asked if the land zoned R1 located around Oat Hill Lake owned by the Municipality would be sold for development.

Kurt Pyle replied that is unlikely due to the size and location of the land.

Joe Ross (Cleveland Crescent) supported the suggestion for the increase in height restriction be considered.

William Harris (Brookdale Crescent) asked, to be clear, if the YMCA property development would be effected by the discussion at the meeting tonight.

Kurt Pyle replied the application would not be effected from the discussion for this meeting. Mr. Pyle then repeated his comments made earlier regarding the process for the application made by Greater Homes for this site and the possible outcomes of the application.

Jody Clark (Dahlia Street) asked if the YMCA property development is accepted and built and proves to have effects on the canoe course, is there any recourse? Could the building be taken down?

Kurt Pyle replied once the development is built there would be nothing that could be done.

Councillor Gloria McCluskey encouraged all the attendees to pay close attention to this issue and be actively involved.

Helen Jones (Lakeside Terrace) commented she feels the public does not have the representation it needs to participate in applications that could potentially effect their area. (ie. aesthetics and value). Ms. Jones further questioned the role of Halifax Regional Municipality's legal services in the process.

Kurt Pyle replied by stating the Municipalities legal department does not give a legal assessment on developments in terms of it's economic impacts as policies do not address economic impact ie. loss of value. Council is limited by the Municipal Government Act as to what they have governance over.

Maurice Lloyde (Cransten Avenue) commented he would like to see requirements on a site-by-site basis and stresses the importance of developing long term solutions. Mr. Lloyde then thanked Mr. Pyle for the great job and opportunity for residents to express their concerns.

Kurt Pyle closed the meeting by explaining the next steps to this application process. The first being the staff report he will be preparing and presenting to the Harbour East Community Council. The Harbour East Community Council will then make its recommendations to Regional Council, who will set a Public Hearing date. At this time the hearing will be advertised in the newspaper and the

proposed and current amendment regulations would apply. A public hearing is held, and council's decision cannot be appealed.

3. **ADJOURNMENT**

The meeting adjourned at approximately 9:00p.m.