



PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Item No. 11.1.5

Halifax Regional Council
October 28, 2008

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY:



Dan English, Chief Administrative Officer



Wayne Anstey, Deputy Chief Administrative Officer - Operations

DATE: October 3, 2008

SUBJECT: **Case 01175: MPS Amendment, Ferguson's Cove, Chebucto Peninsula**

ORIGIN

Request by the Owners of 145 Ferguson's Cove Road to amend the Municipal Planning Strategy and Land Use By-law for Planning District 5 (Chebucto Peninsula) to allow for the keeping of horses on their residential property.

RECOMMENDATION

It is recommended that Halifax Regional Council:

1. Authorize staff to initiate the process to consider amending the Municipal Planning Strategy and Land Use By-law for Planning District 5 to allow for the keeping of horses in the Ferguson's Cove area; and
2. Instruct that the amendment process include a public participation program in accordance with the Public Participation Resolution, adopted by Regional Council on February 25, 1997.

BACKGROUND

Proposal: The Owners of the residential property located at 145 Ferguson’s Cove Road, Ferguson’s Road are requesting the ability to keep horses on their property. This application was made in response to a complaint received by staff regarding the keeping of horses which is not permitted under the Land Use By-law (LUB) for the subject property. In April 2008, a Notice to Comply to remove the horses was issued by staff. Ongoing investigation for land use compliance will continue while this application is being considered.

As part of their request, the applicants have submitted a petition with signatures of area residents who are in support of their application. This petition is included as Attachment A. Despite the petition in support of the application, the land use compliance case did originate from a complaint.

Property Information: The subject property is located along the western shore of Halifax Harbour at Ferguson’s Cove, which lies to the northwest of the York Redoubt National Historic Site (Refer to Map 1). The property is 1 acre in size and contains a single unit dwelling, a cat boarding facility (The Cat’s Inn) which is operated from an accessory building, and a stable to the rear of the property which houses one horse and one pony. Abutting the stable is a paddock which is surrounded by an electric and wooden fence.

The subject property and surrounding community are designated Residential on the Generalized Future Land Use Map for Planning District 5 and zoned R-2A (Residential Home Occupation).

Designation and Zoning: The Residential Designation envisages a predominantly single unit residential environment while allowing various related land uses but not livestock. The designation has been applied to:

- the communities of Ferguson’s Cove, East Pennant, Williamswood, Harrietsfield, portions of Herring Cove; and
- various lands adjacent to the provincial highway network, including Old Sambro Road, Herring Cove Road and Ketch Harbour Road.

Currently, the R-2A zone permits:

single and two unit dwellings	daycare facilities
home occupations	bed and breakfasts
fishery support uses	accessory uses

As horses are included in the LUB definition of “livestock”, whether or not they are “kept for commercial purposes” and livestock is considered to be an agricultural use, horses are prohibited in the R-2A zone. “Restricted agricultural uses” are currently permitted within the R-6 (Rural Residential) zone, which is found within the Rural “A” Designation of the MPS. The Rural “A” Designation has been applied to the outlying coastal portions of the Plan Area, including Bald Rock,

Sambro Creek, Duncan's Cove, Long Cove, West Pennant, and lands surrounding the village of Ketch Harbour and between Ketch Harbour and Sambro Head.

DISCUSSION

Despite the designation of Ferguson's Cove as "Residential", the community is rural or semi-rural in character, as opposed to suburban. As this community is similar in character to communities within the Rural "A" Designation, it is reasonable for Council to proceed with the MPS amendment process to consider allowing restricted agricultural uses within Ferguson's Cove.

There are various options available to Council which may include, among others:

- amending the R-2A zone to allow horses subject to meeting specific criteria;
- allowing site-specific rezonings to permit restricted agricultural uses; and
- applying the above options to only that portion of the Residential Designation within Ferguson's Cove or to the entire Residential Designation.

Staff will review the various options with the community during the public consultation process should Council agree to initiate the MPS/LUB amendment process.

BUDGET IMPLICATIONS

The HRM costs associated with processing this planning application can be accommodated within the approved operating budget for C310.

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

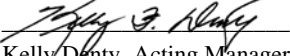
1. Regional Council may choose to authorize staff to initiate the process to amend the Planning District 5 (Chebucto Peninsula) MPS and LUB. This is the recommended option.
2. Regional Council may choose to refuse the request for the amendment. There is no appeal process and Council is under no obligation to consider a request to amend the Municipal Planning Strategy.

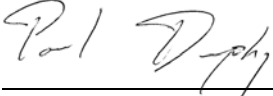
ATTACHMENTS

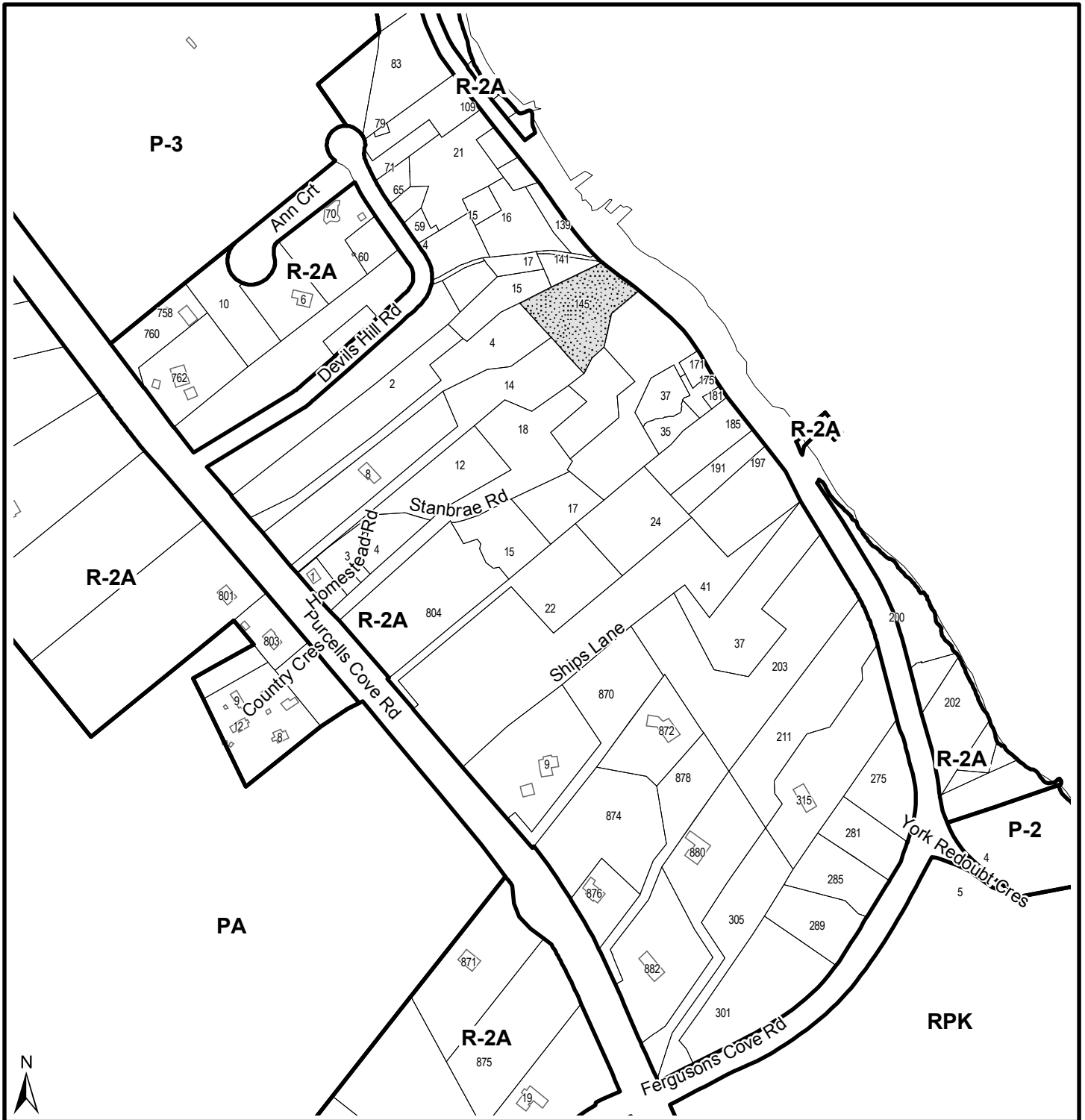
Map 1 Location and Zoning
Attachment A Petition

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

Report Prepared by: Paul Sampson, Planner 1, 490-6259

Report Approved by: 
Kelly Denty, Acting Manager of Planning Services, 490-6011

Report Approved by: 
Paul Dunphy, Director of Community Development



Map 1 - Location and Zoning

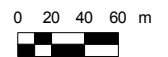
145 Fergusons Cove Road
Fergusons Cove

 Subject area

Planning District 5
(Chebucto Peninsula) Plan Area

Zone

- R-2A Two Unit Dwelling
- P-2 Community Facility
- P-3 Park
- RPK Regional Park



This map is an unofficial reproduction of a portion of the Zoning Map for the Planning District 5 Plan Area.

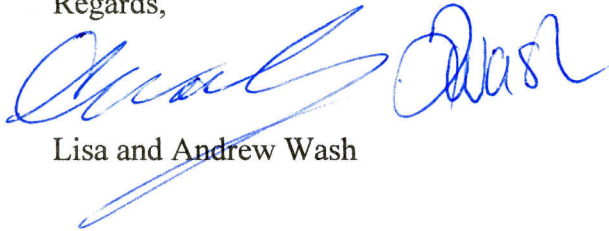
HRM does not guarantee the accuracy of any representation on this plan.

May 15, 2008

The following is a list of names of people only from our tiny community. The names with a star are neighbors boarding our property, and all people on our borders have fully supported and signed.

Only one resident would not support our efforts, he is farther down the road from us, and we cannot see one another. His name is Doug Parsons.

Regards,



Lisa and Andrew Wash

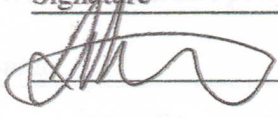
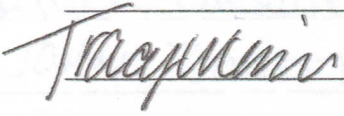
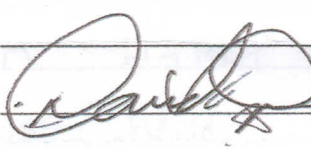
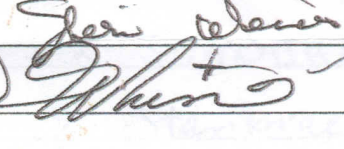
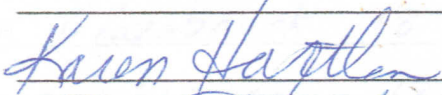
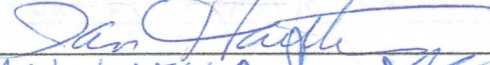
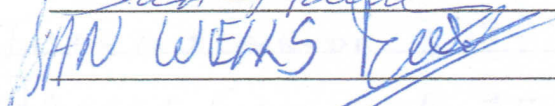
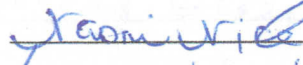
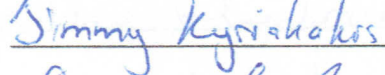
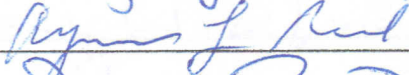

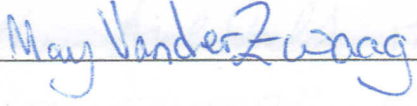
April 25th, 2008

We the undersigned would support the proposed M.P.S. amendment to the property located at 145 Ferguson's Cove Road. Owned by Lisa and Andrew Wash to be rezoned from R-2A to R-6 to facilitate the ownership of one horse and one pony.

Name	Address	Phone Number	Signature
Laurie Alexander	Fergusons Cove 16 Boulderbrook Lane	479-3817	Laurie Alexander
JOHN DOUCET	83 DEVIL'S HILL RD.	479-2847	John Doucet
COLIN WILSON	60 DEVILS HILL RD	477-5215	Colin Wilson
LIM HARDY	2 STANBRAE RD	435 7887	Lim Hardy
AGNES O'NEIL	2 Stanbrae Rd.	435-7887	Agnes O'Neil
JIM GLAZEBROOK	18 Stanbrae Rd	477-8717	Jim Glazebrook
SHARON GLAZEBROOK	18 STANBRAE RD	477-8717	Sharon Glazebrook
JACOB GLAZEBROOK	18 STANBRAE RD	430-2966	Jacob Glazebrook
Jared Glazebrook	35 Stanbrae Rd (owner)	431-5244	Jared Glazebrook
Andrea Glazebrook	35 " "	431-5244	Andrea Glazebrook
Lucy Glazebrook	" " "	477-8717	Lucy Glazebrook
Shea Stinson	17 Stanbrae Rd.	479-3740	Shea Stinson
Stephen Archibald	17 Stanbrae Rd	479-3740	Stephen Archibald
JAMES CAMPBELL	15 BOULDERBROOK LANE	405-9179	James Campbell
JUDY MACNEIL	181 FERGUSON COVE RD HFX	446-1281	Judy MacNeil
Angie McLeod	181 Fergusons Cove Rd	446-1281	Angie McLeod
Faisal Jochant	66 Ferguson's Rd	425-8852	Faisal Jochant
Ruth Dawson	21 Faraday Lane	477-7777	Ruth Dawson

April 25th, 2008

We the undersigned would support the proposed M.P.S. amendment to the property located at 145 Ferguson's Cove Road. Owned by Lisa and Andrew Wash to be rezoned from R-2A to R-6 to facilitate the ownership of one horse and one pony.

Signature	Name	Address	Phone Number
	Scott Wiener	187 Ketch Harbour	499-3040
		197 Ferguson Cove	-
	Tracey Wiener	187 Ketch Harbour Rd	419-2487
		197 Fergusons Cove Rd	✓
	Jen Stein	200 Fergusons Cove	
	Jen Stein	200 Fergusons Cove	
	Karen Hapton	12 Stanbrae Rd	Fergusons Cove
	Jan Hapton	12	" "
	JAN WEEKS	141 FERGUSONS COVE RD	477 7147
	Naomi Wrice	17 Boulderbrook Lane	
	Jimmy Kyriakakis	17 Boulderbrook Lane	446-0131
	Ryan J Paul	4 Stanbrae Rd.	477-8022
	Ryan J Paul	4 Stanbrae Rd	"
	May VanderZwaag	109 Fergusons Cove Rd	472 3789

25/04/2008