



P.O. Box 1749
Halifax, Nova Scotia
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Item No. 13.1.2
North West Community Council
March 21, 2016

TO: Chair and Members of North West Community Council

Original Signed

SUBMITTED BY:

Bob Bjerke, Chief Planner & Director, Planning and Development

DATE: February 26, 2016

SUBJECT: **Case 19768: Rezoning - Lands on Montague Road, Montague Gold Mines**

ORIGIN

Application by Longstaff-Parker Land Surveying and Engineering

LEGISLATIVE AUTHORITY

Halifax Regional Municipal Charter (HRM Charter), Part VIII, Planning and Development

RECOMMENDATION

It is recommended that North West Community Council:

1. Give First Reading of the proposed rezoning, as contained in Attachment A of this report, to rezone lands located on Montague Road, Montague Gold Mines from R-7 (Rural Estate) to R-6 (Rural Residential), and schedule a public hearing; and
2. Approve the proposed rezoning, as contained in Attachment A of this report, to rezone lands located on Montague Road, Montague Gold Mines from R-7 (Rural Estate) to R-6 (Rural Residential).

BACKGROUND

Longstaff-Parker Land Surveying and Engineering is applying to rezone lands on Montague Road in Montague Gold Mines from R-7 (Rural Estate) to R-6 (Rural Residential). The change in zoning is requested to allow the development of a new subdivision for single unit dwellings on smaller lots than the R-7 Zone allows. The R-6 (Rural Residential) Zone has a smaller minimum lot size than the R-7 (Rural Estate) Zone. The rezoning can be considered under Policy RR-3 of the Cole Harbour/Westphal Municipal Planning Strategy (Attachment B).

Subject Lands	Portions of PIDs 41357237 and 41397738
Location	Montague Road, Montague Gold Mines, North of Montague Road and east of Burnhope Drive (not abutting), (Map 1)
Regional Plan Designation	RC (Rural Commuter)
Community Plan Designation (Map 1)	RR (Rural Residential) designation under the Cole Harbour/Westphal Municipal Planning Strategy (MPS) with a small portion designated Watershed (WS)
Zoning (Map 2)	R-7 (Rural Estate) under the Cole Harbour/Westphal Land Use By-law (LUB) with a small portion zoned PWS (Public Water Supply)
Size of Lands	5.06 hectares (12.5 acres)
Street Frontage	29.20 m (95.81 feet)
Site Conditions	Vacant, with tree cover
Current Land Use	Undeveloped
Surrounding Land Uses	<ul style="list-style-type: none"> • R-1 residentially developed lands to the south and across Montague Road • R-1 residentially developed lands to the west and across Burnhope Drive • vacant lands owned by Halifax Water to the north and to the east that form part of the Lake Major Watershed Area.

Proposal

The applicant wishes to rezone the subject lands to enable the creation of a new subdivision consisting of 8 lots (plus a remainder) on a new public street. Given the size and configuration of the subject lands, only 6 lots on a new public street can be developed on the lands under the R-7 Zone and Regional Subdivision By-law. By rezoning the subject lands to the R-6 Zone, the lands could potentially be developed with a new 8 lot subdivision as the minimum lots sizes permitted under this zone are smaller than in the R-7 Zone.

Enabling Policy and Zoning Context

Policy RR-1 of the Cole Harbour/Westphal Municipal Planning Strategy (SPS) establishes the Rural Residential designation which is applied to the subject lands. Policy RR-2 establishes the R-7 (Rural Estate) Zone which permits single unit dwellings on a minimum lot area of 7,432 square metres (80,000 square feet). It was Council's intention under Policy E-12 of the MPS to require the 80,000 square feet in the interests of maintaining public health and reducing long term servicing costs for lands outside of the established community by means of on-site servicing. However, Policy RR-3 enables Harbour East-Marine Drive Community Council to consider permitting development of lots with less than 7,432 square metres in area by amendment (rezoning) to the LUB through the application of the R-6 Zone (Attachment B). The R-6 Zone permits the development of single unit dwellings on lots with a minimum lot area of 1,858 square metres (20,000 square feet).

DISCUSSION

Staff have reviewed the proposal relative to all relevant policies and advise that is consistent with the intent of the MPS. Attachment A contains the proposed rezoning that would enable consideration of an 8 lot subdivision on the subject lands in accordance with the R-6 Zone standards.

Attachment B provides an evaluation of the proposed rezoning in relation to relevant MPS policies. Of the matters reviewed in consideration of the MPS criteria, the following have been identified for more detailed discussion:

Compatibility

The existing lots sizes in this area range from 1,393 square metres (15,000 square feet) to 5,574 square metres (60,000 square feet) and the proposed lot areas range from 2,803 square metres (30,171.3 square feet) to 5,443 square metres (58,587.96 square feet). The proposed lots are approximately twice the area of the smaller existing lots east and west of the Burnhope Drive and Montague Road intersection, and comparable in size to the developed lots along Burnhope Drive. Therefore, the proposed rezoning would permit lot sizes that are in keeping with the character of the surrounding properties. Further, a two lot increase, beyond what the existing R-7 Zone would allow, is not anticipated to have a negative impact on the surrounding community. The minimum 80,000 square feet lot size of the R-7 Zone was, as stated above in this report, due to concerns relating to developing this area with central water and sewer and was applied to the lands when they were released from potential use as a water supply area by Halifax Water. Policy RR-3 contemplates residential development on smaller lots to mitigate the influence of inappropriate larger new lots upon existing community form.

Potential for Two Unit Dwellings

When evaluating a rezoning request, it is important to examine all of the potential uses permitted within the proposed zone (R-6). The key difference between the R-7 and R-6 zones is that it allows for a 1,858 square metre (20,000 square feet) minimum lot area and two unit dwellings. As the rezoning to R-6 would allow for development of two unit dwellings, local residents have expressed concern that this potential residential form, with increased density, would not be in keeping with the scale of the community and would possibly impact the existing surrounding septic systems if the soils could not disperse the sewage effluent effectively. Based on the R-6 Zone requirements, a two unit dwelling would have a scale and overall form similar to single unit dwellings in this zone. However, the lots sizes needed to accommodate the second unit would likely need to be significantly larger in order to meet Nova Scotia Environment requirements for on-site septic systems. Given the lot area requirements for on-site septic systems it is very unlikely the subject lands would be developed with two-unit dwellings unless the number of lots was reduced.

Process

Community Council should note that this proposal is a request for rezoning, not a development agreement. Therefore, should Community Council approve the proposed rezoning the property owner would be permitted to develop the subject lands for any use permitted under the R-6 Zone provided that the zone provisions are satisfied. For clarification, should the applicant decide to change to an alternative use permitted under the proposed R-6 Zone, an additional Planning Process would not be required.

Conclusion

Staff have reviewed the proposal in terms of all relevant policy criteria and advise that the proposal is consistent with the intent of the MPS. The proposed rezoning would result in only 2 additional lots from what is permitted under the existing R-7 zoning and therefore should have a minimal impact on the surrounding area. Therefore, staff recommends that North West Community Council approve the proposed rezoning.

FINANCIAL IMPLICATIONS

The costs to process this planning application can be accommodated within the approved 2015/16 operating budget for C310 Planning and Applications.

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 mail out in July 2015. Notices were posted on the HRM website and mailed to property owners within the notification area as shown on Map 2. Four responses were received. Two of the responses focused on the ability to establish two unit dwellings within the R-6 Zone and the other two responses were regarding the planning process and land ownership.

A public hearing must to be held by North West Community Council before they can consider approval of the rezoning. Should North West Community Council decide to proceed with a public hearing on this application, in addition to the published newspaper advertisements, property owners within the notification area shown on Map 2 will be notified by direct mail. The HRM website will also be updated to indicate notice of the public hearing.

The proposed rezoning will potentially impact the following stakeholders: local resident and property owners.

ENVIRONMENTAL IMPLICATIONS

No additional concerns were identified beyond those reviewed in this report.

ALTERNATIVES

1. North West Community Council may choose to refuse the rezoning, and in doing so, must provide reasons why the rezoning does not reasonably carry out the intent of the MPS. A decision of Council to refuse the proposed rezoning is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.

ATTACHMENTS

Map 1 Generalized Future Land Use
Map 2 Zoning and Notification

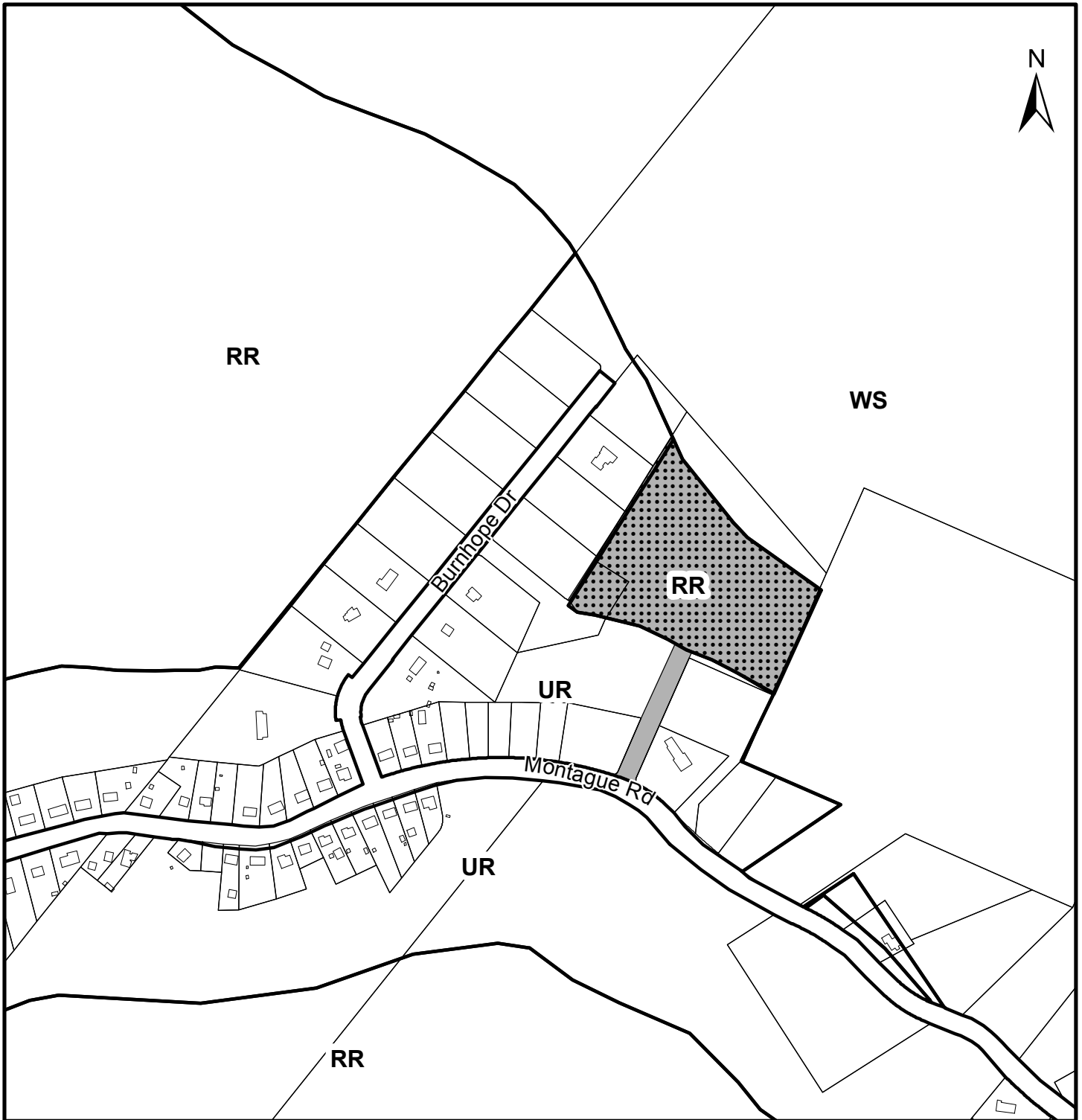
Attachment A Proposed Amendment to the Cole Harbour/Westphal Land Use By-law
Attachment B Review of Relevant Municipal Planning Strategy Policies.

A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/index.php> then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 902.490.4210, or Fax 902.490.4208.

Report Prepared by: Darrell Joudrey, Planner 1, 902.490.4181

Original Signed



Report Approved by: Kelly Denty, Manager, Development Approvals, 902.490.4800



Map 1 - Generalized Future Land Use

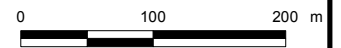
Montague Road
Montague Gold Mines

HALIFAX

-  Subject Lands
-  Area to be Rezoned from R-7 Rural Estate to R-6 (Rural Residential)

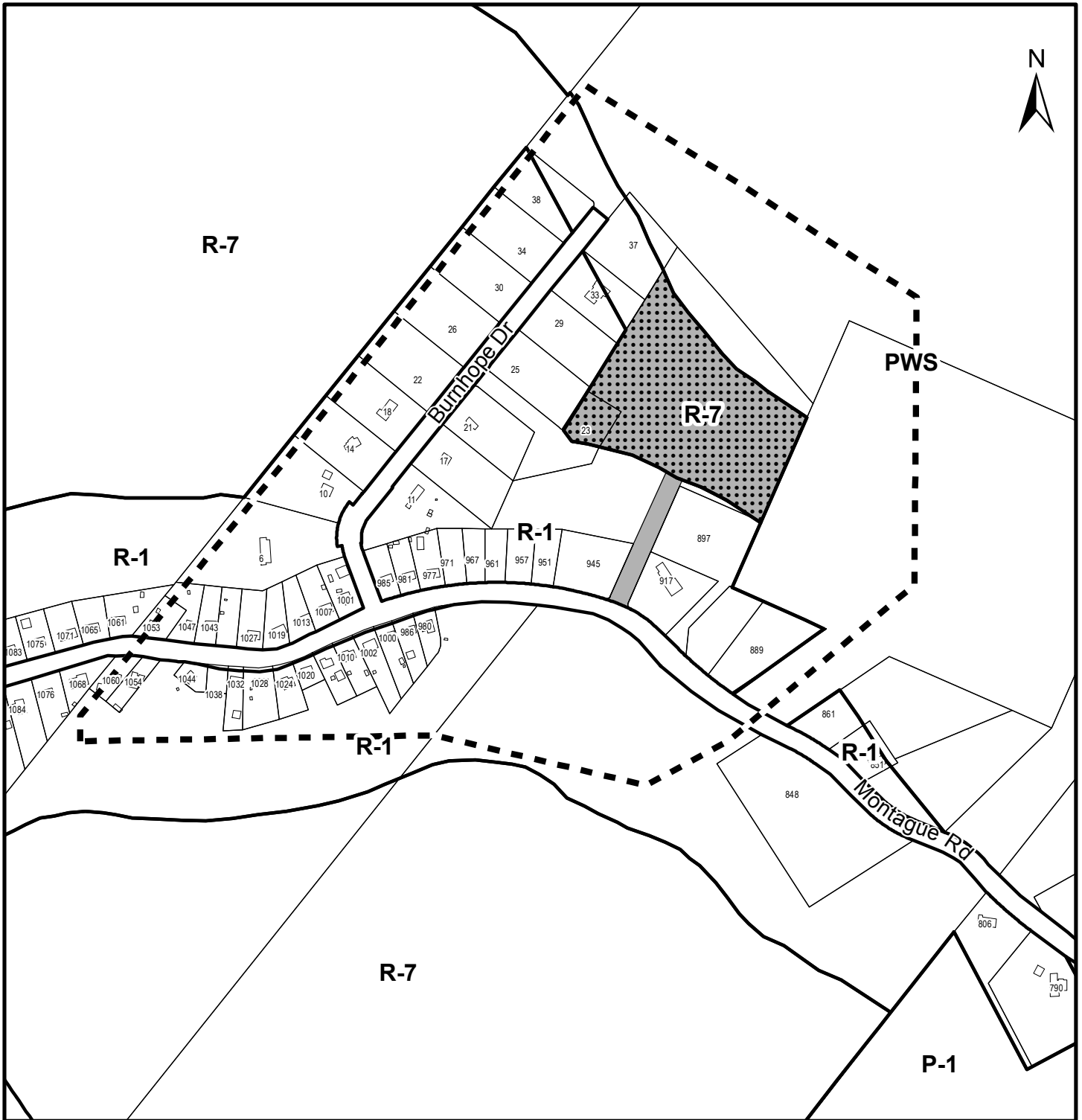
Designation

- UR Urban Residential
- RR Rural Residential
- WS Watershed



This map is an unofficial reproduction of a portion of the Generalized Future Land Use Map for the plan area indicated.




The accuracy of any representation on this plan is not guaranteed.



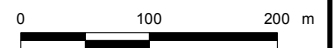
Map 2 - Zoning and Notification

Montague Road
Montague Gold Mines

HALIFAX

-  Subject Lands
-  Area to be Rezoned from R-7 Rural Estate to R-6 (Rural Residential)
-  Area of notification

- Zone**
- R-1 Single Unit Dwelling
 - R-7 Rural Estate
 - P-1 Open Space
 - PWS Public Water Supply



This map is an unofficial reproduction of a portion of the Zoning Map for the plan area indicated.

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Cole Harbour/Westphal
By-Law Area

ATTACHMENT A

Proposed Amendments to the Cole Harbour/Westphal Land Use By-law

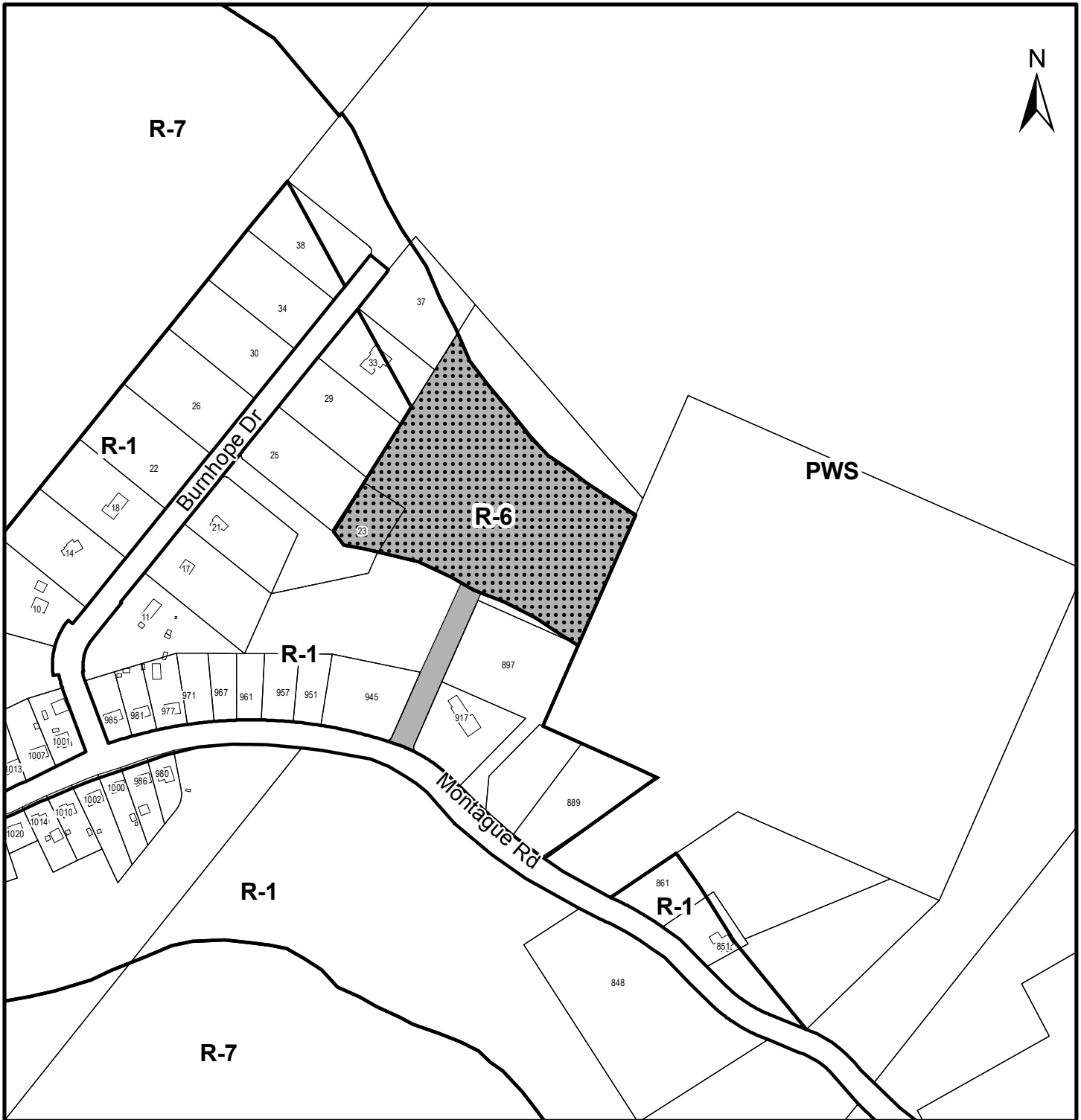
BE IT ENACTED by the Harbour East-Marine Drive Community Council of the Halifax Regional Municipality that the Cole Harbour/Westphal Land Use By-law, as amended, is hereby further amended as follows:

1. Amend Schedule A (Cole Harbour/Westphal Zoning Map) by rezoning portions of PID #s 41357237 and 41397738 located off Montague Road, Montague Gold Mines, from the R-7 (Rural Estate) Zone to the R-6 (Rural Residential) Zone as shown on Schedule A of this Attachment.

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 Harbour East-Marine Drive Community Council of Halifax Regional Municipality held on the _____ day of _____, 2016.

GIVEN under the hand of the municipal clerk and under the Corporate Seal of the said Municipality this ____ day of _____, 2016.

Municipal Clerk




Schedule A

Montague Road
Montague Gold Mines

HALIFAX

 Subject Lands

 Area Rezoned from
R-7 Rural Estate
to R-6 (Rural Residential)

Zone

R-1 Single Unit Dwelling
R-7 Rural Estate
PWS Public Water Supply



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The accuracy of any representation on this plan is not guaranteed.

Cole Harbour/Westphal
By-Law Area

ATTACHMENT A

Proposed Amendments to the Cole Harbour/Westphal Land Use By-law

BE IT ENACTED by the Harbour East-Marine Drive Community Council of the Halifax Regional Municipality that the Cole Harbour/Westphal Land Use By-law, as amended, is hereby further amended as follows:

1. Amend Schedule A (Cole Harbour/Westphal Zoning Map) by rezoning portions of PID #s 41357237 and 41397738 located off Montague Road, Montague Gold Mines, from the R-7 (Rural Estate) Zone to the R-6 (Rural Residential) Zone as shown on Schedule A of this Attachment.

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 Harbour East-Marine Drive Community Council of Halifax Regional Municipality held on the _____ day of _____, 2016.

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Municipal Clerk