



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

Item No. 15.5.1
Halifax Regional Council
October 8, 2019

TO: Mayor Savage Members of Halifax Regional Council

SUBMITTED BY: Original Signed

For Councillor Stephen D. Adams, Chair, Halifax and West Community Council

DATE: September 20, 2019

SUBJECT: **Case 22036: Rezoning of shoreline properties along the Northwest Arm**

ORIGIN

- June 26, 2018 meeting of Halifax and West Community Council, Item 14.1
- September 19, 2019 meeting of Halifax and West Community Council, Item 13.1.1.

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter, Part 1, Clause 25(c):

“The powers and duties of a Community Council include recommending to the Council appropriate by-laws, regulations, controls and development standards for the community.”

RECOMMENDATION

It is recommended that Halifax Regional Council direct the Chief Administrative Officer to review the protection of properties along the western side of the Northwest Arm from environmental degradation and visual intrusion as part of the Plan and By-law Simplification program.

BACKGROUND

At the June 26, 2018 meeting of Halifax and West Community Council, a motion was approved requesting a staff report examining disallowing further rezoning of shoreline properties along the Northwest Arm from the Armdale Rotary up to 505 Purcells Cove Road until a full review of the Halifax Mainland Land Use By-law can be completed.

At their September 19, 2019 meeting, Halifax and West Community Council received and considered a staff recommendation report dated July 15, 2019 on rezoning of shoreline properties along the Northwest Arm.

For further information on the background of this item, refer to the staff report dated July 15, 2019. (Attachment 1)

DISCUSSION

Halifax and West Community Council considered the staff report dated July 15, 2019 and approved a recommendation to forward to Halifax Regional Council, as outlined in the 'Recommendation' section of this report.

For further discussion on this item, refer to the staff report dated July 15, 2019. (Attachment 1)

FINANCIAL IMPLICATIONS

For information on the financial implications relating to this item, refer to the staff report dated July 15, 2019. (Attachment 1)

RISK CONSIDERATION

For information on the risk considerations relating to this item, refer to the staff report dated July 15, 2019. (Attachment 1)

COMMUNITY ENGAGEMENT

Meetings of Halifax and West Community Council are open to the public and live-streamed on Halifax.ca. The agenda, reports, and minutes for the meeting are posted on Halifax.ca as well.

For further information on Community Engagement as it relates to this item, refer to the staff report dated July 15, 2019. (Attachment 1)

ENVIRONMENTAL IMPLICATIONS

For information on the environmental implications relating to this item, refer to the staff report dated July 15, 2019. (Attachment 1)

ALTERNATIVES

Halifax and West Community Council did not provide alternatives.

Refer to the staff report dated July 15, 2019. (Attachment 1) for alternatives.

ATTACHMENTS

Attachment 1 – A staff recommendation report dated July 15, 2019.

A copy of this report can be obtained online at halifax.ca or by contacting the Office of the Municipal Clerk at 902.490.4210.

Report Prepared by: David Perusse, Legislative Assistant, Municipal Clerk's Office 902.490.6732



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

Item No. 13.1.1
Halifax and West Community Council
September 19, 2019

TO: Chair and Members of Halifax and West Community Council

SUBMITTED BY: *-Original Signed-*

Eric Lucic, Acting Director, Planning and Development
-Original Signed-

Jerry Blackwood, A/Chief Administrative Officer

DATE: July 15, 2019

SUBJECT: Case 22036: Rezoning of shoreline properties along the Northwest Arm

ORIGIN

On June 26, 2018, the following motion of Halifax and West Community Council was put forward and passed:

“That Halifax and West Community Council request a staff report on not allowing any further rezoning of shoreline properties along the Northwest Arm from the Armdale Rotary up to 505 Purcells Cove Road¹ until a full review of the Halifax Mainland Land Use Bylaw has been completed.”

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter, Part VIII, Planning and Development

RECOMMENDATION

It is recommended that Halifax and West Community Council recommend that Regional Council direct the Chief Administrative Officer to review the protection of properties along the western side of the Northwest Arm from environmental degradation and visual intrusion as part of the Plan and By-law Simplification program.

¹ Purcells Cove Road was renumbered on January 25, 2019. 505 Purcells Cove Road is now 16 Shippside Lane.

BACKGROUND

The Northwest Arm is an inlet off the Atlantic Ocean that helps to define the boundary between the Halifax Peninsula and Halifax Mainland South, where it is bordered by parkland, many estate-type single-unit dwellings, multi-unit housing at Regatta Point, recreational clubs, trails and the iconic Dingle (Cavanaugh) Tower that commemorates the inventor of Standard Time (Sir Sanford Fleming). The Northwest Arm is highly valued as a natural feature offering scenic views, cultural heritage, aquatic recreation and environmental benefits. The subject area for this report is the western side of the Arm, from the water to Purcells Cove Road (Maps 1A and 1B).

Staff understand that residents in the area have recently expressed concern about the potential for large-scale development along the Northwest Arm in response to a recent twelve-storey multiple unit dwelling approved as-of-right under longstanding R-4 (Multiple Dwelling) zoning. Another development has also recently been approved under existing R-3 (Multiple Dwelling) zoning on the Peninsula side of the Northwest Arm. These developments have highlighted concerns that additional landowners may request to rezone other properties to enable tall buildings in the area. Further development of this type could change the character of the area and change views from and to the water. In response to these concerns, Halifax and West Community Council requested a staff report that provides recommendations on restricting rezoning on shoreline properties along the Northwest Arm from the Armdale Rotary to Purcell's Cove, until a full review of the Halifax Mainland Land Use By-law (LUB) has been completed. This report responds to that request.

Planning Context

Regional Plan

The Regional Plan designates the subject area as Halifax Harbour, which supports a wide range of development opportunities and the economic viability of marine dependent uses (Regional Plan Policies EC-12 through 14). This Regional Plan Designation also covers the Peninsula side of the Arm.

Halifax Municipal Planning Strategy (Halifax MPS)

Policy 7.4.2, under Community Facilities, aims to increase the available points of physical and visual access to the shores of the Northwest Arm, including preservation of areas or conditions of unique natural, scenic, or heritage significance. Policy 8.12 recognizes that subdivision, development and water lot infilling along the Arm may result in undesirable impacts on its aesthetic character, traditional built form, recreational use, navigability and marine environment, and commits the Municipality to control development and subdivision on lots and water lots along the Northwest Arm. The policy identifies specific measures that include implementing a setback from the Arm to limit the type and size of structures allowed. Accordingly, Section 14U of the Halifax Mainland LUB prohibits a wide range of structures within 9 metres (30 feet) of the shoreline.

Halifax Mainland South Secondary Planning Strategy

Under the Halifax Mainland South Secondary Municipal Planning Strategy (Mainland South SMPS), lands alongside the Northwest Arm are designated LDR (Low Density Residential), MDR (Medium Density Residential), RDD (Residential Development District), or INS (Institutional). Policy excerpts most relevant to the Northwest Arm are contained in Attachment A. Maps 1A and 1B illustrate the location of the Designations in the Mainland South MPS.

The LDR Designation envisages three different situations. In serviced areas already characterized by single-family houses, zoning should allow only detached dwellings and neighbourhood commercial uses. In serviced areas already characterized by two-family dwellings, zoning should also allow semi-detached houses and duplexes. In areas without municipal sewer and/or water, zoning should allow only single-family dwellings with individual on-site sewage and water facilities.

In the MDR Designation, detached and semi-detached dwellings, duplexes, townhouses, apartments containing a maximum of four units, and neighbourhood commercial uses are allowable. Council may also

zone to permit apartments to a maximum of four storeys subject to consideration of the compatibility of the proposal with existing neighbourhoods and infrastructure.

The INS Designation allows non-commercial social, cultural, health, educational and recreational services.

Institutional uses may also be considered throughout Mainland South through rezoning. In such cases, the Municipality must consider compatibility with neighbouring residential uses in terms of scale, size, intensity of use, traffic generation and noise.

Halifax Mainland Land Use By-law

Map 2 illustrates the zoning for the subject area. The predominant zoning is R-1 (Single Family) in the central portion of the subject area, R-2 (Two Family Dwelling) at the northern end, RDD (Residential Development District) at Regatta Point and Park Royale, and H (Holding) at the southern end where municipal water and waste water services are not provided. Two properties have R-2P (General Residential) zoning, which allows buildings with up to four residential units. Only one property is zoned R-4 (Multiple Dwelling), at 1388 Purcells Cove Road. Building size in this zone (R4) is regulated through angle controls. The twelve-storey apartment building which gave rise to the community concerns referred to above is under construction on this site. P (Park and Institutional) zoning is applied to the Chocolate Lake Community Centre and Park, the Arborstone nursing home, and Sir Sandford Fleming Park.

In addition to the above zoning, the Halifax Mainland Land Use By-law restricts water lot development and prohibits residential and most other types of structures within a 9 metre setback from the water.

Other Studies and Plans

Northwest Arm View Plane Study

On December 9, 2008, Halifax Regional Council requested a review of the applicable Municipal Planning Strategies for the Northwest Arm area and amendments to protect specific view planes. A preliminary scan of Northwest Arm view plane opportunities and issues included site visits, a photographic inventory, relevant topographical mapping and LiDAR digital elevation analysis. An opportunity to apply and update this earlier work is anticipated through future implementation of a cultural landscape program (see below).

Halifax Green Network Plan and Cultural Landscape Framework Study

The Cultural Landscape Framework Study, prepared for the Halifax Green Network Plan (HGPN), identifies the Northwest Arm as a Priority Area for cultural landscapes, specifically Highway 253 (Purcells Cove Road) from Purcell's Cove to Quinpool Road, as well as Melville and Deadman's Islands. An excerpt from the study is provided in Attachment B. Action 71 of the approved HGPN provides direction to use the Cultural Landscape Framework Study as the guiding document for the consideration of potential cultural landscapes and the basis for a future cultural landscape program to be advanced through the Culture and Heritage Priorities Plan.

DISCUSSION

In response to the Halifax and West Community Council request, staff have reviewed the existing policy context and advise that the existing planning framework already limits rezoning for large apartment or condominium buildings in the area. The following sections describe these existing policies and the limitations placed on any future development proposals.

Northwest Arm Character and Environment

The Halifax Municipal Planning Strategy recognizes the importance of protecting the Northwest Arm. The Environment section includes Policy 8.12 (Attachment A), which specifically identifies the Arm as a resource worthy of special attention when regulating development, noting that subdivision, development and water lot infilling may result in undesirable impacts on aesthetic character, traditional built form, recreation use, navigability and the marine environment. Accordingly, the Mainland South SMPS limits the potential for

allowing large structures close to the Northwest Arm through the placement of land use designations, and the implementation of shoreline setbacks in the LUB.

LDR (Low Density Residential) Designation

Most of the lands alongside the western edge of the Northwest Arm are designated LDR (Low Density Residential). Because the above policies allow only low-density zoning, proposals to rezone to higher densities would not be supported without an amendment to the Mainland South SMPS. Under the *HRM Charter*, any requests to amend the municipal planning strategies are at the discretion of Regional Council and Council is under no obligation to consider such requests.

MDR (Medium Density Residential) Designation

Two lots with an MDR designation currently have R-2P (General Residential) zoning, which allows buildings with up to four residential units. One of these lots has only a small portion designated MDR and zoned R-2P, with most of its area designated LDR and zoned R-1. Other zones which may be considered under the MDR Designation include R-2T (Townhouse), R-2AM (General Residential Conversion) and R-3 (Low-Rise Apartment). In the R-3 Zone, a building could be up to four storeys or 50 feet in height. In the other two zones, buildings are only permitted to be a maximum 35 feet in height. These height limits preclude tall buildings within the MDR Designation.

HDR (High Density Residential) Designation

Only one lot between Purcells Cove Road and the Northwest Arm is designated HDR. This lot has been zoned R-4 since the 1970s. This R-4 Zone enabled the twelve-storey building which has given rise to community concerns about negative impacts on the Northwest Arm. Given that there are no other properties with this designation and zone in the area, there is no risk of additional as-of-right high-rise residential development on the west side of the Arm.

RDD (Residential Development District) Designation

The lands with an RDD (Residential Development District) Designation on the western shore of the Northwest Arm have been developed under existing development agreements. These include Regatta Point and Pinehaven Drive. Any substantive change to existing development agreements would require a public hearing and approval by Council, and would be subject to criteria set out in Schedule I of the Halifax MPS (Attachment A). These criteria include a requirement that “the design and layout of the portion of new residential developments abutting existing residential areas shall endeavour to protect the character and scale of these areas by attention to such matters as use of open space, landscaping, and ensuring adequate transition between areas of differing building forms and densities.” Setbacks from water bodies are specified for residential and commercial uses, and landscape plans are required with consideration given to preserving natural amenities, including shorelines.

INS (Institutional) Designation

The only lands with an INS (Institutional) Designation along the western side of the Northwest Arm are already zoned P (Park and Institutional). Most of these lands are owned by the Municipality as parkland. Privately owned land under this designation is already developed for institutional purposes, and because the range of permissible uses is limited, high-rise redevelopment is unlikely.

Institutional uses may be considered throughout Mainland South through rezoning. However, in considering any such rezoning, Council must have regard for compatibility with neighbouring residential uses in terms of scale, size, intensity of use, traffic generation, and noise.

Implementation Policies

Implementation Policies 4.0 through 4.3 stipulate the matters that must be reviewed when considering amendments to the Halifax Mainland LUB. Among other considerations, these criteria include conformity to all other policies in the Plan, the adequacy of services provided by the Municipality to serve the development, and any other matter deemed advisable by Council. On this basis and the policy context already discussed above, a proposal to rezone to a higher-density zone would not be supported in a low-density designation. Moreover, a decision on any application would be at the discretion of Council and

involve public engagement opportunities. In making a recommendation to Council, the staff review would consider the policy excerpts contained in Attachment A of this report.

Plan and Land Use By-law Simplification

Most of HRM's SMPSs and LUBs were developed before amalgamation in 1996, are in a variety of formats, and use different definitions, policies, and processes to regulate land use and development. To more effectively support the Regional Plan, Planning and Development is establishing a refined Secondary Plan and Land-Use By-law Simplification work program that aims to resolve regional and community planning policy issues and improve administration. The Regional Centre Plan forms the first phase of this work, and staff are developing a work plan for suburban and rural areas. The Northwest Arm subject area is expected to be reviewed and updated as part of the suburban planning phase.

Peninsula Shoreline of the Northwest Arm

Although outside the geographic area covered by the Council motion, staff also note that a large lot located west of the Armdale Roundabout at 7177 Quinpool Road is partially zoned R-3 and partially zoned C-2 under the Halifax Peninsula Land Use By-Law (LUB). At the date of drafting this report, construction permits have been issued for a 32-storey multi-unit residential building² under the existing zoning and as-of-right permitting process. This tall building is allowable because, unlike the Mainland LUB, the Peninsula R-3 Zone has no specific height limit and instead relies on vertical angle controls and density limits. The vertical angle controls, in turn, allow taller intrusions based on additional, horizontal angle controls. As a result, a tall, narrow building on a large lot can be oriented in such a way that its height is limited only by economic viability of the development and the density limits in place.

Four other sizable lots alongside the northeastern shoreline of the Northwest Arm on the Halifax Peninsula between Quinpool Road and the railway are also zoned R-3. Another three are zoned C-2, which allows R-3 uses which would invoke the same angle controls as the R-3 Zone. Consequently, there is a risk that one or more of these lots could also be developed for a tall multi-unit residential building before built form controls are updated through Centre Plan Package A. In most cases, however, some lot consolidation would be needed, and in all cases complex and costly engineering and architectural work would be required before any construction permit could be issued. Given that the Centre Plan Package A amendment process is advancing through the adoption phase, staff advise that the Centre Plan process is the most effective way to address building size and height concerns on the Peninsula side of the Northwest Arm.

Further south, under the Halifax Peninsula Centre SMPS and Halifax South End SMPS, most lands alongside the Northwest Arm are designated LDR (Low Density Residential) and zoned R-1. A variety of other park and institutional zoning is also applied to specific uses, such as the Saint Mary's Boat Club, which is zoned CF (Community Facilities), and the Atlantic School of Theology campus, which is zoned U-1 (Low-Density University). Existing SMPS policies support building scales compatible with local residential neighbourhoods, and would not support rezoning to higher density zones. For these reasons, redevelopment of existing institutional uses with tall buildings near the Northwest Arm is unlikely.

Conclusion

The existing designations and policies in the Mainland South SMPS for lands along the west side of the Northwest Arm between the Armdale Roundabout and Purcells Cove already limit the potential for rezoning for large apartment or condominium buildings. Any rezoning for institutional purposes would be subject to rigorous criteria, including compatibility with adjacent buildings. Given this policy context, staff advise that there is no urgent need to amend the Mainland South SMPS in the near-term prior to the comprehensive review envisioned as part of the plan and by-law simplification program.

On the Peninsula side of the Northwest Arm, a recently approved tall residential building located on Quinpool Road near the Armdale Roundabout could raise additional public concerns about further as-of-

² The proposed structure is 32 storeys above grade (1 level is parking), plus a mechanical penthouse only on levels 33, 34, and 35.

right development of tall buildings in the area. However, staff advise that the Centre Plan Package A, which is expected to be considered by Council in the coming months, will update all built form controls in the area and, therefore, no further action concerning the Peninsula side of the Northwest Arm is needed at this time.

FINANCIAL IMPLICATIONS

There are no budget implications. The costs associated with plan and by-law simplification program can be carried out within the approved 2019-2020 budget and with existing resources

RISK CONSIDERATION

There are no significant risks associated with the recommendation in this Report. To reach this conclusion, consideration was given to whether the Mainland South SMPS could support any future rezoning to permit large residential or institutional buildings between the Northwest Arm and Purcells Cove Road. In view of the land use designations and existing MPS policies, the risks of such a rezoning being granted are considered low.

COMMUNITY ENGAGEMENT

Community engagement was not carried out for this report, but will form part of the Plan and By-law Simplification Program.

ENVIRONMENTAL IMPLICATIONS

No additional items are identified beyond those raised in the Discussion section of this report.

ALTERNATIVES

Halifax and West Community Council may choose to:

1. Recommend that Regional Council initiate a process to amend the Mainland South Secondary Planning Strategy to add a policy specifically directing that no rezoning be approved that would enable large buildings to be developed between Purcell's Cove Road and the western shoreline of the Northwest Arm.

Should Halifax and West Community Council wish to proceed with this alternative, staff advise that Community Council would also need to recommend that Regional Council authorize the CAO to follow the public participation program approved by Council on February 25, 1997.

2. Direct the CAO to consider more specific planning items related to development along the Northwest Arm as part of the Plan and By-law Simplification Program.

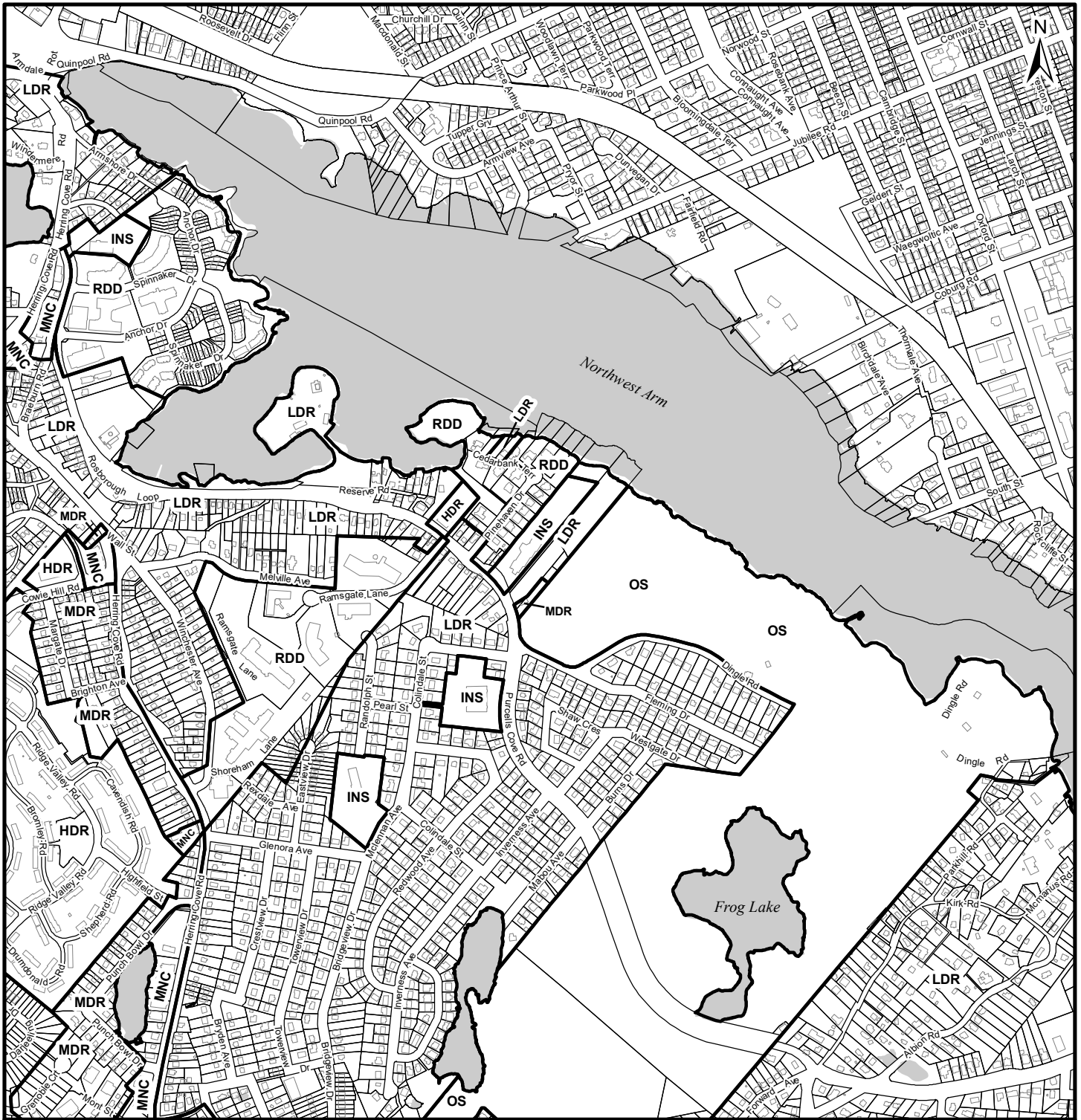
ATTACHMENTS

Map 1A:	Generalized Future Land Use - Shoreline Properties Along the Northwest Arm - Halifax (Northern Area)
Map 1B:	Generalized Future Land Use - Shoreline Properties Along the Northwest Arm - Halifax (Southern Area)
Map 2A:	Zoning – Shoreline Properties Along the Northwest Arm - Halifax (Northern Area)

Map 2B: Zoning – Shoreline Properties Along the Northwest Arm - Halifax (Southern Area)
Attachment A: Excerpts from Halifax Municipal Planning Strategy
Attachment B: Excerpt from the Cultural Landscape Framework Study for the Green Network Plan

A copy of this report can be obtained online at halifax.ca or by contacting the Office of the Municipal Clerk at 902.490.4210.

Report Prepared by: Marcus Garnet, Planner III 902.490.4481



Map 1A - Generalized Future Land Use

Shoreline Properties Along the Northwest Arm
Halifax (Northern Area)

HALIFAX

Designation

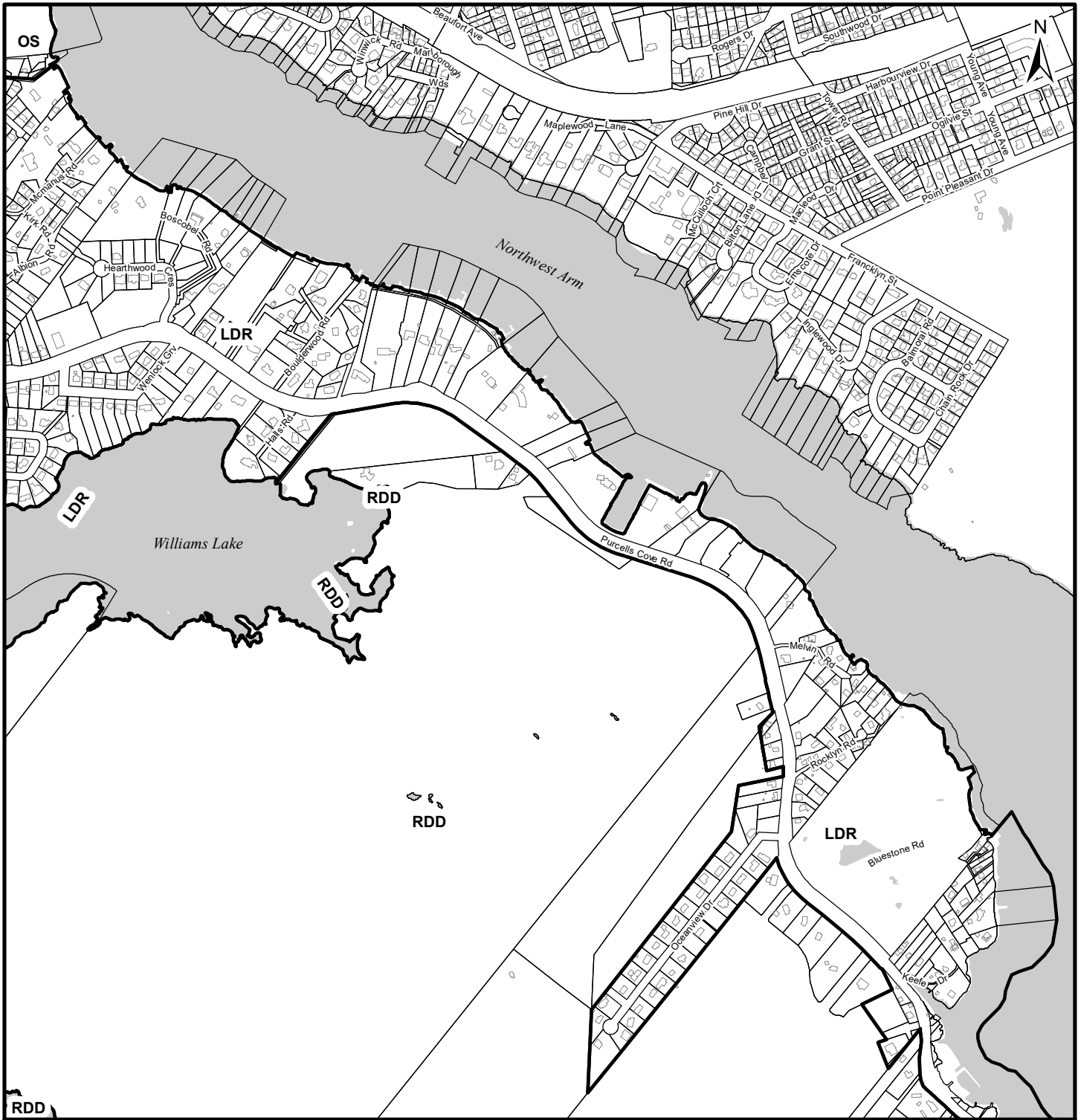
- HDR High Density Residential
- INS Institutional
- LDR Low Density Residential
- MDR Medium Density Residential
- MNC Minor Commercial
- OS Major Community Open Space
- RDD Residential Development District



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.

Halifax Plan Area
Mainland South Secondary Plan Area



Map 1B - Generalized Future Land Use

Shoreline Properties Along the Northwest Arm
Halifax (Southern Area)

HALIFAX

Designation

- LDR Low Density Residential
- OS Major Community Open Space
- RDD Residential Development District



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Halifax Plan Area
Mainland South Secondary Plan Area



Map 2A - Zoning

Shoreline Properties Along the Northwest Arm
Halifax (Northern Area)

Halifax Mainland
Land Use By-Law Area

Zone

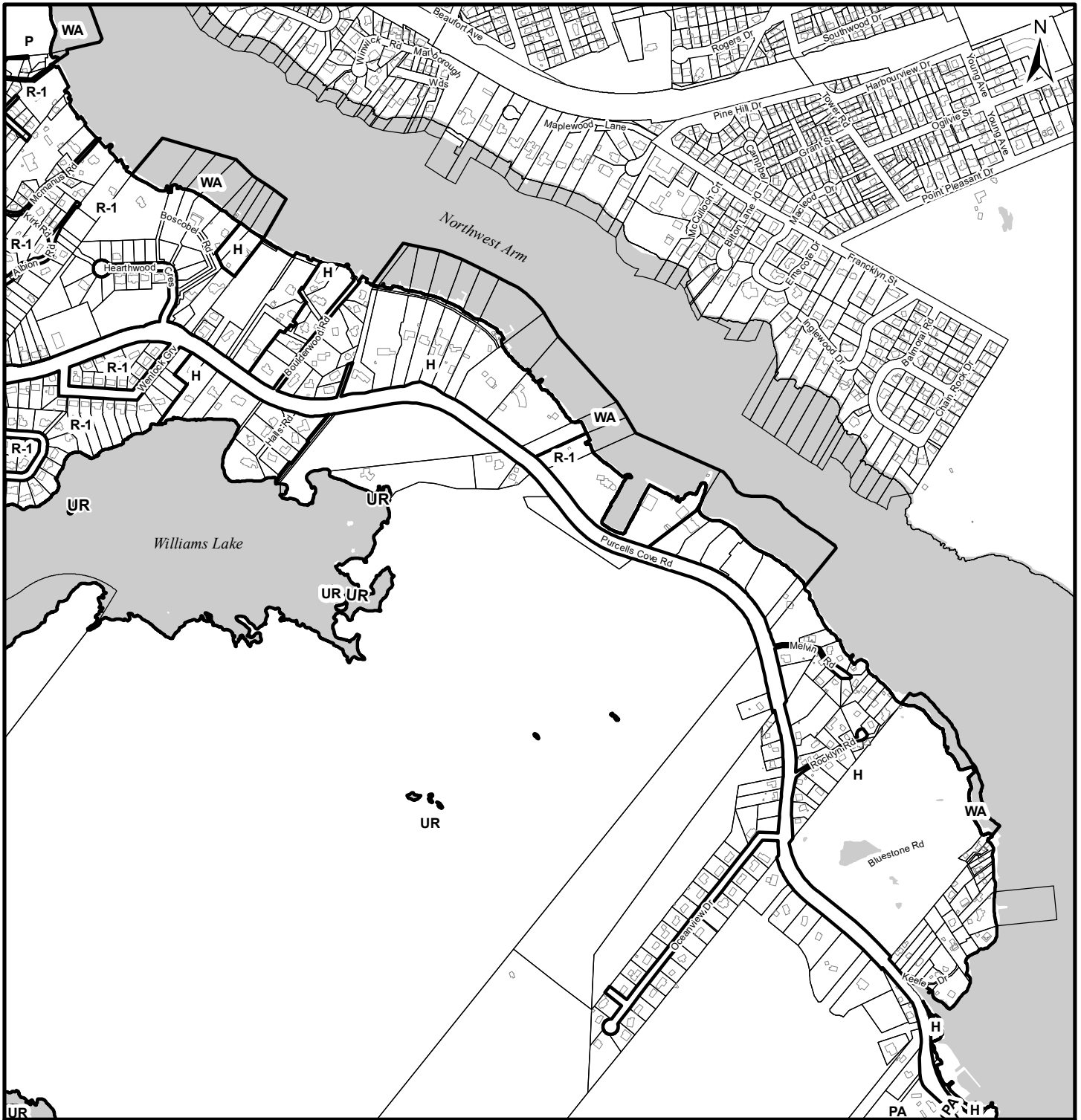
- C-2A Minor Commercial
- P Park and Institutional
- R-1 Single Family Dwelling
- R-2 Two Family Dwelling
- R2-P General Residential
- R-4 Multiple Dwelling
- RC-1 Neighbourhood Commercial
- RDD Residential Development District
- WA Water Access

HALIFAX



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

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



Map 2B - Zoning

Shoreline Properties Along the Northwest Arm
Halifax (Southern Area)

HALIFAX

Halifax Mainland
Land Use By-Law Area

Zone	
H	Holding
P	Park and Institutional
PA	Protected Area
R-1	Single Family Dwelling
UR	Urban Reserve
WA	Water Access



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

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

ATTACHMENT A – EXCERPTS FROM HALIFAX MUNICIPAL PLANNING STRATEGY

CITY-WIDE POLICIES (excerpts)

Community Facilities

7.4.2 The City shall seek to increase the available points of physical and visual access to the shores of the Northwest Arm. The City, in carrying out this Policy, will give special emphasis to: (a) extending the Northwest Arm pathway from Horseshoe Island to Purcell's Cove; (b) preservation of areas or conditions of unique natural, scenic, or heritage significance associated with the Northwest Arm; (c) provision of public water-based recreation opportunities; and (d) provision, to the extent possible, of a pollution-free environment.

Environment

8.12 The Northwest Arm is a narrow, recreational inlet characterized by major urban parks (Sir Sandford Fleming, Point Pleasant, Deadman's Island and Horseshoe Island Parks), historical assets and predominantly residential uses. The Northwest Arm is also home to a number of boat/sailing clubs which generate significant boating traffic in the Arm. Consequently, the Halifax Regional Municipality recognizes that subdivision, development and water lot infilling activities along the Northwest Arm may result in undesirable impacts on the aesthetic character and traditional built form of the Northwest Arm, on its recreational use and navigability and on its marine environment. As a means of protecting the character of the Northwest Arm, the Municipality shall control development and subdivision on lots and water lots along the Northwest Arm. Specific measures will include limiting the type of structures that will be allowed on both infilled and non-infilled water lots, implementing a setback from the Northwest Arm, limiting the type and size of structures to be built within the Northwest Arm setback, and preventing infilled and non-infilled water lots from being used in lot area and setback calculations. (RC-May 1/07; E-Jul 21/07)

MAINLAND SOUTH SECONDARY PLANNING STRATEGY POLICIES (excerpts)

LDR (Low-Density Residential) Designation

1.2 In areas designated "Low-Density Residential" on the Generalized Future Land Use Map, which are predominantly single-family dwellings in character, residential development consisting of detached (single-family) dwellings shall be permitted, and neighbourhood commercial uses may be permitted pursuant to Policies 2.1.1 and 2.1.2 of this Plan.

1.2.1 In areas designated "Low-Density Residential" on the Generalized Future Land Use Map, which are predominantly two-family dwellings in character, residential development consisting of detached (single-family) dwellings, semi-detached dwellings and duplex dwellings shall be permitted, and neighbourhood commercial uses may be permitted pursuant to Policies 2.1 and 2.1.2 of this Plan.

1.2.2 In areas designated "Low-Density Residential" on the Generalized Future Land Use Map, which are unserved by municipal sewer and/or water, the City may permit detached, single-family dwellings with individual on-site sewer and water services.

MDR (Medium Density Residential) Designation

1.3 In areas designated as "Medium-Density Residential" on the Generalized Future Land Use Map, detached dwellings, semi-detached dwellings, duplex dwellings, townhouses and apartments containing a maximum of four units two of which must be family-type, shall be permitted and neighbourhood commercial uses may be permitted pursuant to Policies 2.1.1 and 2.1.2 of this Plan.

1.3.1 In areas designated as "Medium-Density Residential" on the Generalized Future Land Use Map Council may zone to permit apartments provided that their height is limited to a maximum of four storeys and in assessing such rezonings Council shall consider compatibility with the existing neighbourhoods and the adequacy of municipal infrastructure.

RDD (Residential Development District) Designation

1.5 Areas designated as "Residential Development District" on the Generalized Future Land Use Map shall be residential development areas planned and developed as a whole or in phases under a unified site design, providing a mixture of residential uses and related recreational, commercial and open space uses, with an emphasis on a mix of dwelling unit types.

1.5.1 Pursuant to Policy 1.5, the Land Use By-law shall provide a new zone, the Residential Development District, within which "Low-Density Residential" development and public community facilities shall be permitted and other development shall be permitted only under the contract development provisions of the Planning Act and the requirements in Schedule I.

1.5.2 Notwithstanding Policy 1.5.1, Policy 2.1.4 of Section II shall remain in force and the City shall maintain a Holding Zone until such time as municipal services are available.

2.1.4 of Section II: "In accordance with Policy 2.1.3 [which has since been repealed], the City shall permit only limited development with on-site services in that portion of the Mainland South area indicated on Map 1 and this shall be accomplished by Implementation Policy 3.6 [reprinted further below]."

INS (Institutional) Designation:

3.1 Institutional development may comprise public, quasi-public and non-commercial private institutional uses devoted to the provision of social, cultural, health, educational and recreational services.

3.1.1 Institutional uses may be considered throughout Mainland South, through rezoning. In considering such rezoning, the City shall have regard for compatibility with neighbouring residential uses in terms of scale, size, intensity of use, traffic generation, and noise.

IMPLEMENTATION POLICIES

AMENDMENTS TO THE ZONING BY-LAW

4. When considering amendments to the Zoning By-laws and in addition to considering all relevant policies as set out in this Plan, the City shall have regard to the matters defined below.

4.1 The City shall ensure that the proposal would conform to this Plan and to all other City by-laws and regulations.

4.2 The City shall review the proposal to determine that it is not premature or inappropriate by reason of:
i) the fiscal capacity of the City to absorb the costs relating to the development; and
ii) the adequacy of all services provided by the City to serve the development.

4.3 More specifically, for those applications for amendments to the zoning bylaw in Mainland South as defined on Map 1, the City shall require an assessment of the proposal by staff with regard to this Plan and the adopted Land Development Distribution Strategy, and that such assessment include the potential impacts of the proposal on: (a) the sewer system (including the budgetary implications); (b) the water system; (c) the transportation system (including transit); (d) existing public schools; (e) existing recreation and community facilities; (f) the provision of police and fire protection services; and any other matter deemed advisable by Council prior to any final approval by City Council.

SCHEDULE I: GUIDELINES FOR RESIDENTIAL DEVELOPMENT DISTRICT

Pursuant to Policy 1.5.1, contract development in any area designated "Residential Development District" on the Generalized Future Land Use Map must conform with the following guidelines:

Uses Which May be Permitted

1. Residential Uses
2. Community Facilities
3. Institutional Uses
4. Neighbourhood Commercial Uses
5. Commercial Convenience Centres.

Site Development Guidelines

...

5. Residential

- a density of twenty-two persons per gross acre shall be permitted. Proposals in excess of twenty-two persons per gross acre may be considered provided that no development shall exceed the capacity of existing or proposed sewers. In calculating the permissible density of any project, the capacities available to the drainage area shall be considered.

- no more than 15 percent of any area covered by a development agreement may be developed for apartment uses including the building(s), ancillary parking, open space, and landscaping.

- the design and layout of the portion of new residential developments abutting existing residential areas shall endeavour to protect the character and scale of these areas by attention to such matters as use of open space, landscaping, and ensuring adequate transition between areas of differing building forms and densities.

6. Commercial

- neighbourhood commercial uses are permitted at or near the intersection of local streets, and on the ground floor of high-density residential buildings. In addition, consideration may be given for a commercial convenience centre, except in the RDD areas generally west of the Herring Cove Road and south of Leiblin Drive. The amount of gross leasable space may be limited to ensure that the development primarily serves the adjacent neighbourhoods. The intent is to provide for a range of uses such as retail, rental and personal service, household repair shops, service stations, restaurants and office uses. The additional matters to be considered are found in the guidelines of Policy 3.7 of Section II.
Landscaping and Open Space

7. At least 5 percent of the area of the district development must be useable, landscaped, open space. 8. No residential or accessory building shall be constructed within 50 feet of any lake, watercourse, or water body. No commercial or accessory structure shall be constructed within 100 feet of any lake, watercourse, or water body.

...

9. Any proposal to construct a community facility or institutional use within 100 feet of the water's edge should ensure, through the use of landscaping or other means, that adverse effects on water quality will be avoided or ameliorated during and after construction.

10. A landscape plan shall be submitted as part of the approval process and the preservation of natural amenities, including rock outcroppings, groves of trees, mature trees, ponds, streams, shores, and wetlands should be preserved whenever possible.

Circulation

11. Access to arterial or collector streets should be such that additional traffic along local streets in residential neighbourhoods adjacent to the development is minimized.

12. Where common parking areas are provided, they should be so aligned as to restrict through traffic.

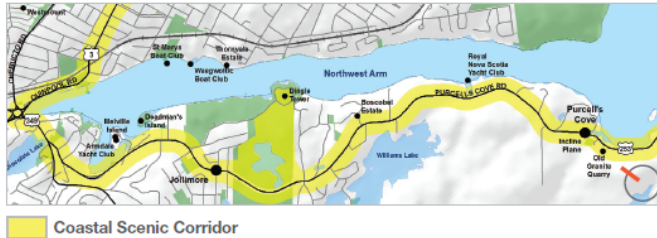
13. The minimum required site size for a contract within this area shall be three acres.

14. Municipal infrastructure must be adequate to service any proposed development.

ATTACHMENT B

EXCERPT FROM THE CULTURAL LANDSCAPE FRAMEWORK STUDY FOR THE GREEN NETWORK PLAN

#12 NORTHWEST ARM HIGHWAY 253 COASTAL CORRIDOR AND WATERSCAPE



Scale: Medium

Type: Urban Residential

Pattern: Pathway + Nodes

Category: Evolved, Associative continuing

Cultural Landscape Values:

The value of the potential cultural landscapes and waterscapes of the lies in their association with:

- Long history of the use of Melville Island as a prisoner of war camp during the Acadian Expulsion, the Napoleonic Wars and the War of 1812 and ending with detainment of Austro-Hungarian nationals during World War
- History as a refugee centre for Afro Americans escaping slavery and later as a quarantine site for immigrants many of Irish descent
- Use of Deadman's Island, and possibly the adjacent mainland as a cemetery for deceased persons incarcerated on Melville Island
- Sir Sanford Fleming's Jollimore Estate including a portion of an early military road and the Edwardian era Dingle Tower celebrating Nova Scotia's election of Canada's first representative government in 1758
- The creation of an extension to Williams Lake for ice making
- Development of Chocolate Lake Dam and Chocolate Lake as an artifact of stone quarrying and the location of a local candy industry on its shores

- The development of large rural residential estate lots with associated gardens on the north shore of the Arm in the mid 1800's
- The long and important history of the recreational use of the Arm for walking, sailing in clement weather and skating in the winter season
- The long history of the work of visual artists' associated with the picturesque pastoral character of the wooded shorelines and long views of the waterscapes of the Arm

Character Defining Features

- The many sequential viewsheds along the length of the Northwest Arm
- Walking trails along the shoreline
- Jollimore Estate and its evolution as a large urban park
- Purcell's Cove and remnant incline plane and rail features relating to stone quarrying on Williams Lake
- Sir Sanford Fleming Park and its central landmark of the Dingle Tower

Small Scale Cultural Landscapes

- Purcell's Cove
- Ferguson's Cove Lookout and the adjacent 1830's cemetery
- North West Arm Water Lots
- Armdale, St. Mary's, Waegwoltic, Royal Nova Scotia Yacht Clubs wharves and associated Grounds
- Williams Lake
- Sir Sanford Fleming Park, Jollimore Estate
- Chocolate Lake Dam

Issues + Risks to Integrity of Area

- Extension of landscape and new construction into traditional Water Lots