

**CITY COUNCIL
SPECIAL MEETING
3 MAY 1995**

Mr. Paul Dunphy, a Planner with the City's Land Use Services Division, briefly reviewed the contents of a report dated 14 March 1995 received from Mr. Robert K. Daley, Chairman of the Planning Advisory Committee.

There were no persons wishing to address Council in this regard and no correspondence received.

MOVED by Alderman Carmichael, seconded by Alderman Walker that, as recommended by staff and by the Planning Advisory Committee, City Council amend the Land Use Bylaw (Peninsula and Mainland Areas) by adopting the amendments contained in Appendix "A" of the 14 March 1995 report submitted by the Planning Advisory Committee. The motion was put and passed.

**Public Hearing Re: Case No. 7140,
Rezoning of Lands for the Rebuilding
of Seaview United Baptist Church and
Seaview Memorial Park**

A public hearing was held at this time to consider the rezoning of lands for the proposed Seaview United Baptist Church and of the Seaview Memorial Park located along Barrington Street near the CN Intermodal Terminal from C-5 (Harbour-Related Industrial Zone) to "P" (Park and Institutional).

Mr. Angus Schaffenburg of the City's Planning Operations Division provided a brief overview of the reports submitted by the Director of Development and Planning dated 27 March and 1 May 1995, and of an Information Report dated 1 May entitled "Case 7140: Rebuilding of Seaview United Baptist Church."

Mr. Irvine Carvery, a resident of 2349 Maynard Street (speaking on behalf of the Africville Genealogy Society) made reference to p. 4 of the 27 March report, and asked for information from staff as to their investigation into the ownership of those parcels of land in the area under consideration not owned by the City of Halifax.

Mr. Schaffenburg advised that staff's review of these sites is now underway, and that Mr. Carvery will be apprised of their findings once this survey is complete.

**CITY COUNCIL
SPECIAL MEETING
3 MAY 1995**

Mr. Carvery briefly addressed Council in support of the rezoning initiative, emphasizing that the rebuilding of the Seaview United Baptist Church and the enhancement of Seaview Park will create a much-needed monument to the contributions made by the black community to the City's history.

There were no further persons wishing to address Council in this regard.

A submission dated 3 May 1995 was received from Ms. Ann Duffy, 238 "M" Block, Mulgrave Park, Halifax, B3K 3J5.

MOVED by Alderman Blumenthal, seconded by Alderman Uteck that the matter be forwarded without recommendation to the next regular meeting of Halifax City Council scheduled for Thursday, 11 May 1995. The motion was put and passed.

**Public Hearing Re: Case No. 7136,
Appeal of Minor Variance Approval -
6181 Pepperell Street**

A public hearing was held at this time to consider the appeal of a minor variance approval at Civic No. 6181 Pepperell Street, as set out in the 5 April 1995 report submitted by the City's Development Officer.

Mr. Philip Francis, Development Officer for the City of Halifax, made a brief presentation concerning his reasons for approving the request for a minor variance at this location, and responded to questions from various members of Council.

Responding to a question from Alderman Carmichael, Mr. Francis emphasized that the requested variance will have no impact on the right-of-way extending to Quinpool Road.

Ms. Sharon Nordquist, the applicant in question and the owner of 6181 Pepperell Street, briefly addressed Council in support of her application.

There were no further persons wishing to address Council in this regard.

MOVED by Alderman Carmichael, seconded by Alderman Uteck that the decision of the Development Officer with regard



5.1

PUBLIC HEARING ATTENDANCE

DATE OF PUBLIC HEARING: 3 May 1995

CASE NO. (WHERE APPLICABLE): 7140

MEMBERS OF C/COUNCIL PRESENT:

MEMBERS OF C/COUNCIL ABSENT:

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7. CHAIR
- 8.
- 9. _____
- 10.
- 11.
- 12. _____

- 1. Murray
- 2. _____
- 3. _____
- 4. _____
- 5. _____
- 6. _____
- 7. _____
- 8. _____
- 9. Maher
- 10. _____
- 11. _____
- 12. Stone

PUBLIC HEARING NOTICE

REZONING OF (1) LANDS FOR REBUILDING OF SEAVIEW UNITED BAPTIST CHURCH AND (2) SEAVIEW MEMORIAL PARK FROM C-5 TO P ZONE

18 April 1995
Case 7140

The Council of the City of Halifax gives notice of its intention to amend the Land Use Bylaw.

Area to be Affected: Lands for the proposed Seaview United Baptist Church and Seaview Memorial Park which are located along Barrington Street near the CN Intermodal Terminal.

Proposed Amendments: The lands for the proposed Seaview United Baptist Church and Seaview Memorial Park are to be rezoned from C-5 (Harbour Related Industrial) to P (Park and Institutional).

Reasons for Rezoning/Bylaw Amendment: The proposed church would be a permitted use within the P (Park and Institutional) Zone. A rezoning of Seaview Memorial Park to P Zone would carry out the intent of the Municipal Development Plan that this should be an area of major community open space and that the intended purpose of these lands is for a park.

A Public Hearing respecting the proposed amendments will be held by Halifax City Council on Wednesday, 3 May 1995 at 7:30 p.m. in the Council Chamber, 3rd Floor, City Hall, 1841 Argyle Street, Halifax. Presentations may be made at this time. Written submissions may be forwarded to the City Clerk, P.O. Box 1749, Halifax, Nova Scotia, B3J 3A5 prior to the date of this hearing.

Further Information: Copies of the report of 27 March 1995 including the proposed amendments are available from the Information Coordinator (421-7452), Development and Planning Department, 3rd Floor, Duke Tower, Scotia Square from 9:00 a.m. to 4:30 p.m. Monday to Friday except public holidays.

Limited copies of the report are available at the Main Library, Reference Desk, 3rd Floor, 5381 Spring Garden Road (421-6984) and the North Branch Library at 2885 Gottingen Street, during their regular hours.

Edward A. Kerr, CMC
City Clerk

City of Halifax

Case No. 7140 19 May 1995

PUBLIC NOTICE

REZONING OF LANDS FOR THE REBUILDING OF SEAVIEW UNITED BAPTIST CHURCH AND SEAVIEW MEMORIAL PARK

PUBLIC NOTICE is hereby given that Halifax City Council at a meeting held on **THURSDAY, 11 MAY 1995** approved the rezoning of the lands for the proposed **Seaview United Baptist Church** and the lands of **Seaview Memorial Park** to "P" (Park and Institutional Zone), as set out in Appendix I of the supplementary staff report of 1 May 1995.

In accordance with the provisions of the Nova Scotia Planning Act, any aggrieved person, the Director of Community Planning or the Council of any adjoining Municipality may, within 21 days of the date of this application, appeal this decision to the Utility and Review Board.

DATED at Halifax, Nova Scotia, this 19th day of May, 1995.

EDWARD A. KERR
CITY CLERK



CITY OF HALIFAX
DEVELOPMENT AND PLANNING DEPARTMENT
M E M O R A N D U M

File Number: 7140

TO: Edward A. Kerr, City Clerk
FROM: Angus E. Schaffenburg, Planner II local: 7875
DATE: 15 June 1995
RE: Infrastructure Works Application

At the 15 December Council agreed to support the Infrastructure Works application by the Africville Genealogy Society. The original should be in your file (copy of first page attached). As the rezoning was approved on 11 May 1995 and there have been no appeals the application can be executed as a church is a permitted use in the P (Park and Institutional) Zone. Would you please undertake to do so.

cc: Richard J. Matthews, Director of Development and Planning
William B. Campbell, Manager of Planning Operations

Application

1.0 GENERAL INFORMATION

Applicant: (Municipality, Provincial Department/Agency, Other Public Sector or Body Corporate) <i>AFRICVILLE GENEALOGY SOCIETY</i>			
Address: <i>2349 MAYNARD ST HFX. N.S. B3K 3T8</i>			
Contact Person(s): <i>IRVINE CARVER</i>	Title: <i>PRESIDENT</i>	Telephone: <i>494-4669 (W) 492-0253 (H)</i>	FAX:

2.0 PROJECT INFORMATION

Project Title: <i>SEAVIEW BAPTIST CHURCH</i>	Employment Creation: # Jobs Short Term [New Jobs Related to Construction, etc.] <u><i>10</i></u> # Jobs Long Term [New Jobs Related to Operations, etc.] <u><i>1</i></u>
-------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Project Location: (Name of the Municipality and the specific site location)
IMPBELL ROAD, HALIFAX (SEE ATTACHED)

Project Description: - Describe the infrastructure project and indicate how the project contributes to municipal infrastructure needs. (Use separate sheet if necessary)

SEE ATTACHED

	Month	Day	Year
Proposed Start Date:	<i>ASAP (OCTOBER 31)</i>	<i>31</i>	<i>94</i>
Estimated Completion Date:	<i>DEC.</i>	<i>15</i>	<i>94</i>
Estimated Project Cost (Note: Land costs and financing costs are not eligible for cost sharing)	<i>\$ 822,810</i>		
Proposed Project Cost Sharing:	%	\$	
Federal	<i>33</i>	<i>274,280</i>	
Provincial	<i>33</i>	<i>274,280</i>	
Municipal			
Other:	<i>33</i>	<i>274,280</i>	
Other:			



went registered 05/17 pm



City of Halifax

Office of the City Clerk

REGISTERED MAIL

16 May 1995

Mr. Ron Simpson
Director of Community Planning
Province of Nova Scotia
P.O. Box 216
Halifax, NS B3J 2M4

Dear Mr. Simpson:

RE: CASE NO. 7140: REZONING OF LANDS FOR THE REBUILDING OF
SEAVIEW UNITED BAPTIST CHURCH AND SEAVIEW MEMORIAL PARK

On Thursday, 11 May 1995 Halifax City Council approved the rezoning of the lands for the proposed Seaview United Baptist Church and the lands of Seaview Memorial Park to "P" (Park and Institutional Zone).

Submitted at this time are the following:

1. Statutory declaration of the City Clerk with the following attachments:
 - a. Copy of advertisement marked "Exhibit "A";
 - b. Copies of Submissions marked "Exhibit "B".
2. Staff report dated 1 May 1995.
3. Extracts from City Council minutes dated 5 April 1995 and 11 May 1995.
4. Legal resolutions including two maps.

In accordance with the provisions of the Planning Act, the appeal period relating to this case will expire on 9 June 1995.

Yours truly,

E.A. KERR
CITY CLERK
/bmc

Attachments

cc Richard Matthews, Development & Planning Department
Wayne Anstey, City Solicitor
Phil Francis, Development Officer

Mailing Address:
P.O. Box 1749
Halifax, N.S.
B3J 3A5

Location:
4th Floor
City Hall
1841 Argyle St.

Telephone: (902) 421-6536
Fax: (902) 421-6480



CITY COUNCIL

OFFICE OF CITY CLERK
CITY HALL

Halifax, N.S. 16 May 1995

Extracts from Minutes of a Meeting of the City Council of the City of Halifax
held on the fifth (5) day of April 1995

**Case No. 7140: Rezoning of Lands for Rebuilding
of Seaview United Baptist Church and Seaview
Memorial Park (SET DATE FOR PUBLIC HEARING)**

MOVED by Alderman Blumenthal, seconded by Alderman Walker
that, as recommended by the Planning Committee:

- (1) a public hearing be scheduled to consider:
 - a. the rezoning of lands for the proposed **Seaview United Baptist Church** (Parcel C-1) to P (Park and Institutional) Zone from C-5 (Harbour-Related Industrial) Zone; and
 - b. the rezoning of **Seaview Memorial Park** to P (Park and Institutional) Zone from C-5 (Harbour-Related Industrial) Zone; and
- (2) Council request that the Province rescind the lease on the land to be donated to the church,

all as shown on Map 2 of the 27 March 1995 staff report.

The motion was put and passed.

Council was advised that the requested public hearing would be scheduled for **WEDNESDAY, 3 MAY 1995 at 7:30 p.m.** in the Council Chamber.

A TRUE EXTRACT


EDWARD A. KERR
CITY CLERK



CITY COUNCIL

OFFICE OF CITY CLERK
CITY HALL

Halifax, N.S. 16 May 19 95

Extracts from Minutes of a Meeting of the City Council of the City of Halifax
held on the eleventh (11) day of May 19 95

Case No. 7140: Rezoning of Lands for the Rebuilding of Seaview Church and Seaview Memorial Park

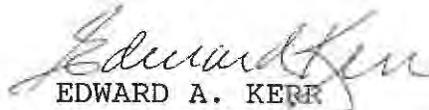
A public hearing to consider this matter had been held on Wednesday, 3 May 1995.

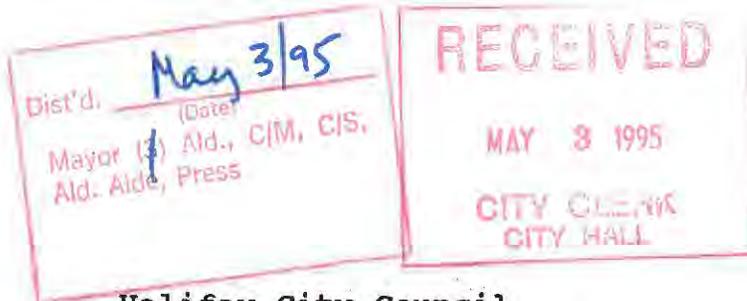
MOVED by Alderman Blumenthal, seconded by Alderman Uteck that Halifax City Council approve the rezoning of the lands for the proposed Seaview United Baptist Church and the lands of Seaview Memorial Park to "P" (Park and Institutional Zone), as set out in Appendix I of the supplementary staff report of 1 May 1995 entitled Case No. 7140: Rezoning of Lands for the Rebuilding of Seaview United Baptist Church and Seaview memorial Park.

The City Clerk advised that Aldermen Maher and Stone had been absent from the 3 May public hearing.

The motion was put and passed with Aldermen Maher and Stone abstaining.

A TRUE EXTRACT


EDWARD A. KERR
CITY CLERK



**SUPPLEMENTARY REPORT
PUBLIC HEARING
3 May 1995**

TO: Halifax City Council
FROM: Director of Development and Planning
DATE: 1 May 1995
SUBJECT: Case 7140: Rezoning of Lands for the Rebuilding of Seaview United Baptist Church and Seaview Memorial Park

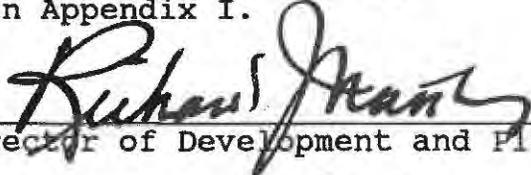
ORIGIN:

1. Discussions with the Africville Genealogy Society and the Province on the siting and servicing of the proposed memorial church;
2. Staff report of 28 October 1994 from Director of Social Planning on the submission of the Africville Genealogy Society of 7 September 1994;
3. Council of 17 November 1994 approved the Terms of Reference and membership of the Africville Council Committee;
4. Report and recommendations of 1 December 1994 from Africville Council Committee;
5. Council of 15 December 1994 which approved the recommendations of the Africville Council Committee;
6. Request of Alderman Blumenthal of 2 March 1995 asking for the status of the matters surrounding this issue;
7. Staff report of 27 March 1995 recommending the rezoning; and
8. Setting of Public Hearing of 3 May 1995.

RECOMMENDATION:

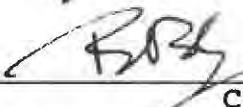
A legal resolution and plan maps are attached which implement the notice of intention to rezone. It is therefore recommended that Council approve the rezoning of the lands for the proposed Seaview United Baptist Church to P (Park and Institutional) Zone and the lands of Seaview Memorial Park to P (Park and Institutional) Zone as set out in Appendix I.

RECOMMENDED BY:



Director of Development and Planning

CITY MANAGER'S CONCURRENCE:



City Manager

CIRCULATION AND CONCURRENCE:

Corporate and Legal Affairs
Engineering & Works

BACKGROUND and DISCUSSION:

On the 5 April, 1995 notice of intention to hold a Public Hearing on 3 May 1995 to rezone the general site for the construction of the Seaview United Baptist Church and the lands of Seaview Memorial Park from C-5 (Harbour Related Industrial Zone) to P (Park and Institutional) Zone was given by City Council.

Appendix I provides the necessary legal resolution to undertake the proposed rezoning.

BUDGET IMPLICATIONS:

None at this time.

ALTERNATIVES:

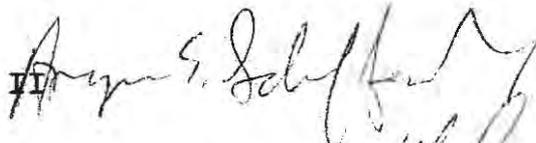
1. Rezone the proposed church site and Seaview Memorial Park to P (Park and Institutional) Zone from C-5 (Harbour Related Industrial) Zone as set out in Appendix I. This is the appropriate course of action.
2. Refuse to rezone one or both areas of land under consideration.

ATTACHMENTS:

Appendix I: Legal resolution to rezone the lands proposed for the church and the lands of Seaview Memorial Park.

PREPARED BY:

Angus E. Schaffenburg, Planner II




APPROVED BY:

William B. Campbell, Manager, Planning Operations

/lh

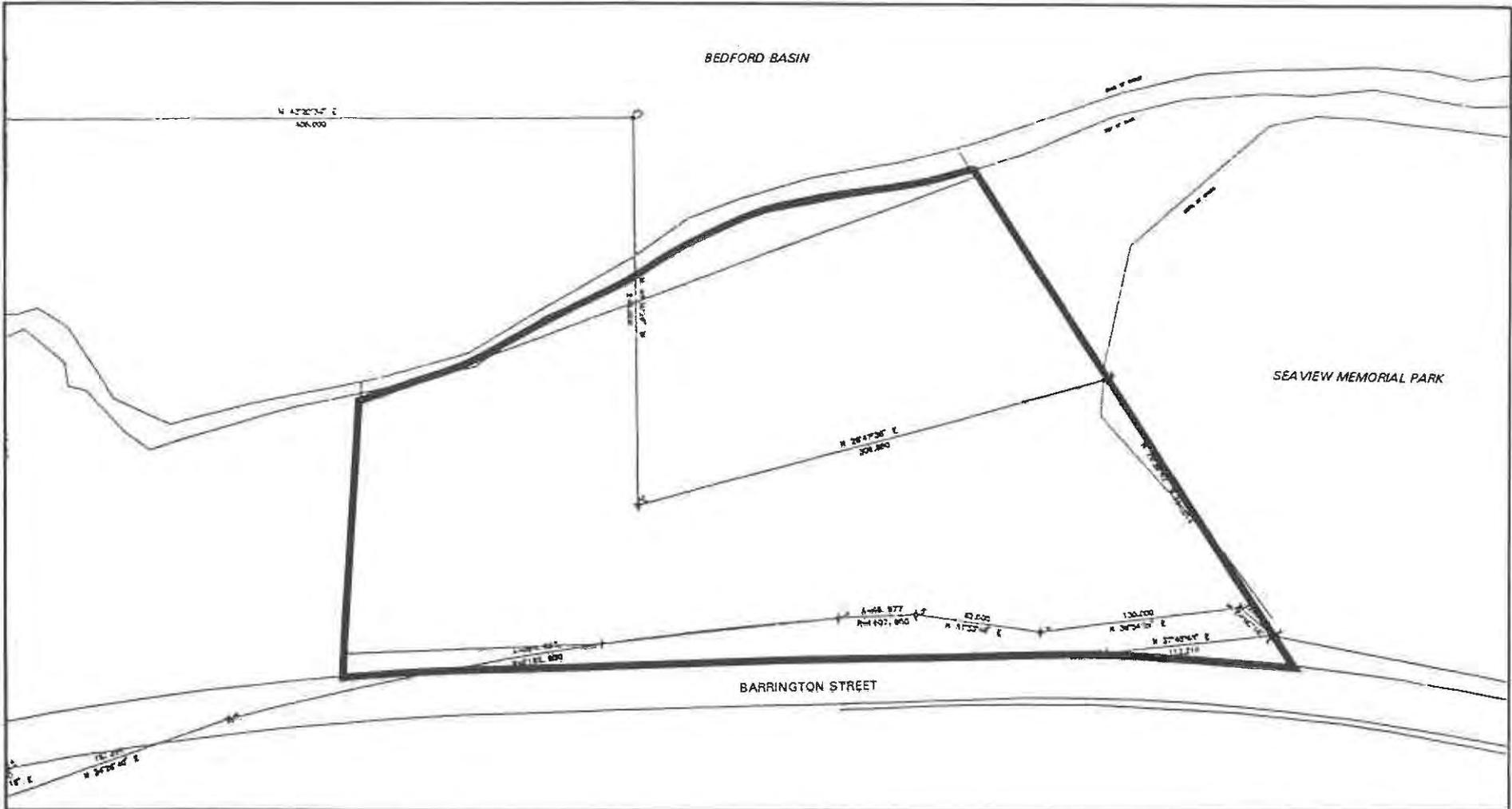
Appendix I

BE IT ENACTED by the Council of the City of Halifax that the land use bylaw (Peninsula Area) of Halifax as enacted by Council on the 30th day of March and the 11th day of May, 1978 and approved by the Minister of Municipal Affairs on the 11th day of August, 1978, as amended, is further amended as follows:

1. ZM-2 is amended by rezoning the lands generally to be for the rebuilding of the Seaview United Baptist Church more particularly shown on Map 1 attached hereto from C-5 (Harbour Related Industrial) Zone to P (Park and Institutional) Zone; and
2. ZM-2 is further amended by rezoning the lands of Seaview Memorial Park which are more particularly shown on Map 2 attached hereto from C-5 (Harbour Related Industrial) Zone to P (Park and Institutional) Zone.

I HEREBY CERTIFY THAT the amendment to the land use bylaw (Peninsula Area) of the City of Halifax, as set out above, was passed by a majority vote of the Council of the City of Halifax at a meeting held on the day of
1995

E.A. Kerr, CMC
City Clerk

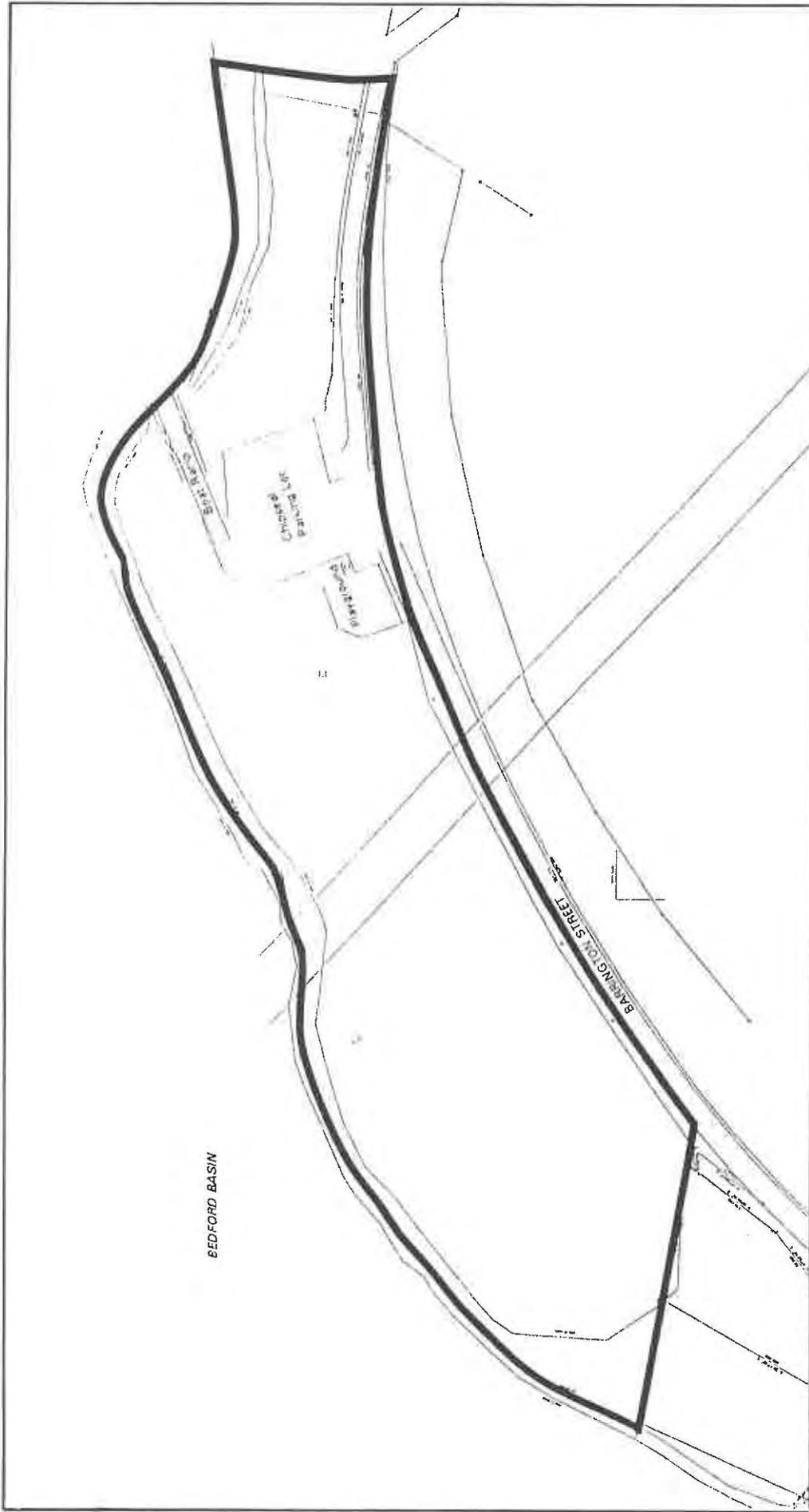


Lands for the Proposed Seaview United Baptist Church

Map 1
Case 7140
27 April, 1995



N.T.S. KLW



Lands of Seaview Memorial Park

Map 2
Case 7140
27 April, 1995



N.T.S.

KLW

**CITY COUNCIL
SPECIAL MEETING
3 MAY 1995**

Mr. Paul Dunphy, a Planner with the City's Land Use Services Division, briefly reviewed the contents of a report dated 14 March 1995 received from Mr. Robert K. Daley, Chairman of the Planning Advisory Committee.

There were no persons wishing to address Council in this regard and no correspondence received.

MOVED by Alderman Carmichael, seconded by Alderman Walker that, as recommended by staff and by the Planning Advisory Committee, City Council amend the Land Use Bylaw (Peninsula and Mainland Areas) by adopting the amendments contained in Appendix "A" of the 14 March 1995 report submitted by the Planning Advisory Committee. The motion was put and passed.

Public Hearing Re: Case No. 7140,
Rezoning of Lands for the Rebuilding
of Seaview United Baptist Church and
Seaview Memorial Park

A public hearing was held at this time to consider the rezoning of lands for the proposed Seaview United Baptist Church and of the Seaview Memorial Park located along Barrington Street near the CN Intermodal Terminal from C-5 (Harbour-Related Industrial Zone) to "P" (Park and Institutional).

Mr. Angus Schaffenburg of the City's Planning Operations Division provided a brief overview of the reports submitted by the Director of Development and Planning dated 27 March and 1 May 1995, and of an Information Report dated 1 May entitled "Case 7140: Rebuilding of Seaview United Baptist Church."

Mr. Irvine Carvery, a resident of 2349 Maynard Street (speaking on behalf of the Africville Genealogy Society) made reference to p. 4 of the 27 March report, and asked for information from staff as to their investigation into the ownership of those parcels of land in the area under consideration not owned by the City of Halifax.

Mr. Schaffenburg advised that staff's review of these sites is now underway, and that Mr. Carvery will be apprised of their findings once this survey is complete.

**CITY COUNCIL
SPECIAL MEETING
3 MAY 1995**

Mr. Carvery briefly addressed Council in support of the rezoning initiative, emphasizing that the rebuilding of the Seaview United Baptist Church and the enhancement of Seaview Park will create a much-needed monument to the contributions made by the black community to the City's history.

There were no further persons wishing to address Council in this regard.

A submission dated 3 May 1995 was received from Ms. Ann Duffy, 238 "M" Block, Mulgrave Park, Halifax, B3K 3J5.

MOVED by Alderman Blumenthal, seconded by Alderman Uteck that the matter be forwarded without recommendation to the next regular meeting of Halifax City Council scheduled for Thursday, 11 May 1995. The motion was put and passed.

*Done
check.*

Public Hearing Re: Case No. 7136,
Appeal of Minor Variance Approval -
6181 Pepperell Street

A public hearing was held at this time to consider the appeal of a minor variance approval at Civic No. 6181 Pepperell Street, as set out in the 5 April 1995 report submitted by the City's Development Officer.

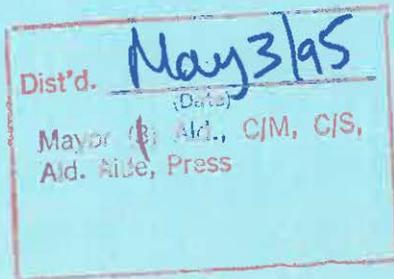
Mr. Philip Francis, Development Officer for the City of Halifax, made a brief presentation concerning his reasons for approving the request for a minor variance at this location, and responded to questions from various members of Council.

Responding to a question from Alderman Carmichael, Mr. Francis emphasized that the requested variance will have no impact on the right-of-way extending to Quinpool Road.

Ms. Sharon Nordquist, the applicant in question and the owner of 6181 Pepperell Street, briefly addressed Council in support of her application.

There were no further persons wishing to address Council in this regard.

MOVED by Alderman Carmichael, seconded by Alderman Uteck that the decision of the Development Officer with regard



INFORMATION REPORT

TO: Halifax City Council
FROM: Director of Development and Planning
DATE: 1 May 1995
SUBJECT: Case 7140: Rebuilding of Seaview United Baptist Church

ORIGIN:

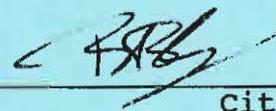
1. Report and recommendations of 1 December 1994 from Africville Council Committee;
2. Council of 15 December 1994 which approved the recommendations of the Africville Council Committee;
3. Request of Alderman Blumenthal of 2 March 1995 asking for the status of the matters surrounding this issue;
4. Staff report of 27 March 1995 on the rezoning of lands for the church and Seaview Memorial Park; and
5. Public Hearing set for 3 May 1995.

SUBMITTED BY:



Director of Development and Planning

CITY MANAGER'S CONCURRENCE:



City Manager

CIRCULATION AND CONCURRENCE:

Corporate and Legal Affairs
Engineering and Works

BACKGROUND AND DISCUSSION:

Staff is beginning the necessary survey and other background work so that the parcel of land indicated in the Council motion of 15 December 1994 may be deeded to the Africville Genealogy Society.

This will involve the formal closing of a portion of "Barrington Street" (previously known as the "Campbell Road"). A section of this road is part of the parcel to be conveyed. Prior to the required Public Hearing to close "Barrington Street," appropriate survey and other documentation is required. This work will be done as quickly as possible. Council will be informed of the progress of this, as well as any other matters related to the finalization of this issue.

BUDGET IMPLICATIONS:

None.

ALTERNATIVES:

None.

ATTACHMENTS:

None.

PREPARED BY:

Angus E. Schaffenburg, Planner *Angus E. Schaffenburg*

APPROVED BY:

William B. Campbell, Manager, Planning Operations *WBC*

/lh

cc: Mr. Irvine Carvery, Africville Genealogy Society

COMMITTEE OF THE WHOLE COUNCIL
5 April 1995

TO: Halifax City Council
FROM: Director of Development and Planning
DATE: 27 March 1995
SUBJECT: Rezoning of Lands for Rebuilding of Seaview United Baptist Church and Seaview Memorial Park - Case 7140

ORIGIN:

1. Discussions with the Africville Genealogy Society and the Province on the siting and servicing of the proposed memorial church;
2. Staff report of 28 October 1994 from Director of Social Planning on the submission of the Africville Genealogy Society of 7 September 1994;
3. Council of 17 November 1994 approved the Terms of Reference and membership of the Africville Council Committee;
4. Report and recommendations of 1 December 1994 from Africville Council Committee;
5. Council of 15 December 1994 which approved the recommendations of the Africville Council Committee; and
6. Request of Alderman Blumenthal of 2 March 1995 asking for the status of the matters surrounding this issue.

RECOMMENDATION:

In order to implement Council's previous decision to donate certain land for the Seaview United Baptist Church It is appropriate that Council:

1. Rezone the lands for the proposed Seaview United Baptist Church (Parcel C-1) to P (Park and Institutional) Zone from C-5 (Harbour Related Industrial) Zone as shown on Map 2 and give its notice of its intention to hold a Public Hearing; and
2. Rezone Seaview Memorial Park to P (Park and Institutional) Zone from C-5 (Harbour Related Industrial) Zone as shown on Map 2 and give its intention to hold a Public Hearing.

It is further necessary that Council:

1. Request that the province rescind the lease on the land to be donated to the church.

RECOMMENDED BY:


Director of Development and Planning

CITY MANAGER'S CONCURRENCE:


City Manager

CIRCULATION AND CONCURRENCE:

Corporate and Legal Affairs
Engineering & Works
Social Planning
Halifax Water Commission

BACKGROUND:

A parcel of land (at the time thought to be 2.5 acres and now estimated at 2.8 acres) was identified immediately adjacent to the eastern boundary of Seaview Memorial Park as a site for the construction of the Seaview United Baptist Church in the presentation by Mr. Irvine Carvery at the 7 September 1994 Committee of the Whole. This site had originally been identified in the application by the Africville Genealogy Society of 5 July 1994 to the Canada/Nova Scotia Infrastructure Program for the building of the church. This site was shown on a map in the report of 1 December 1994 from the Africville Council Committee and had been identified on a preliminary survey undertaken for the province by Wallace, MacDonald and Lively Limited in 1994 as Parcel C-1.

The entire area proposed for the church is zoned Harbour Related Industrial (C-5) Zone (see Map 2). This zone does not permit a church. Therefore the city was unable to execute section c) of the certification process of the application to the Canada/Nova Scotia Infrastructure Program because the proposed church would not be able to comply with all municipal bylaws as the certification statement reads. For the proposed church to be a permitted use, the land must be rezoned to P (Park and Institutional) Zone.

DISCUSSION:

Proposed Site of Seaview United Baptist Church: The motion of Council of 15 December 1994 was "That the city donate 2.5 acres adjoining Seaview Memorial Park for the purpose of construction of a memorial to the former community of Africville." A preliminary survey of the lands proposed for the church (Parcel C-1), however, shows that about half of the now thought to be 2.8 acre parcel is owned by the city (presently part of Parcel H-3). The other half is owned by the Halifax Port Corporation, a federal crown corporation. Staff will be contacting officials of the Halifax Port Corporation to determine the options for release of the portion of the parcel for the church under their ownership. This will be the subject of a later report.

The proposed church site also forms a portion of city land subject to a lease between the city and the province for the marine container terminal at Fairview Cove. This lease extends to the year 2040. It was intended that these lands be used as a backup and lay down area for additional phases of the container terminal. A few years ago the seawall apron was extended to allow for the servicing of larger vessels. There was no requirement to extend the back up area at that time. Port officials have indicated that there are no immediate plans to expand the facilities and that any expansion would more likely occur on the Bedford Highway side of the present terminal rather than towards the old dump. This decision is based, in part, on the heavy cost of reclamation of the site because of the environmental impact of disturbing the remainder of the site, particularly the refuse hill area. The option remains open, however, to use this area for port purposes until the expiry of the lease in 45 years.

The proposed church site has a split designation of Major Community Open Space and Industrial on the Generalized Future Land Use Map of the Municipal Development Plan as shown on Map 1 and since it is a generalized statement of intent, Council can decide where the demarcation between designations lies. These designations would permit a rezoning to P (Park and Institutional) Zone (see relevant policies of the Community Facilities and Industries Policy Sets attached as Appendix I). The P Zone permits a church. The development would have to meet all of the requirements of the zone as well as other relevant provisions of the general sections of the land use bylaw. These include, for example, meeting the angle or setback regulations in the P Zone and the provisions that the property be on city sewer or city water and have frontage on a city street.

There is no domestic water or sewer service to the site. In the application by the Africville Genealogy Society of 9 July 1994 to the Canada/Nova Scotia Infrastructure Program, they proposed that the domestic water service be extended, most likely from where the service ends near Barrington and MacIntosh Street, and that an on-site sewage disposal system be built. The installation of the proposed on-site sewage disposal system would be subject to approval by the Nova Scotia Department of Environment. The domestic water line extension would have to be paid for by the Genealogical Society or others. The Halifax Water Commission would, however, pay the additional cost of "oversizing" the domestic water line as part of a general service upgrade for this area of the Peninsula. This loop line would eventually be constructed around to the CN Intermodal Terminal, allowing an alternative service feed in case of a service break.

Although port officials may not view these lands to the west as likely for expansion of the container facility, the possible impact of the church on the potential of these lands for industrial or other business development should be considered. Staff does not view the proposed church and related uses as interfering or hindering any possible development proposals for the lands towards the present container terminal. The lands would have to be released by the province from the present lease agreement.

Seaview Memorial Park: The park consists of approximately 11.3 acres of land. The majority of the land is owned by the city. Some of the land for the park was produced by filling which took place in the early 1980's.

The majority of Seaview Park is zoned C-5 (Harbour-Related Industrial) Zone. Some of the fill area is unzoned. It is designated "Major Community Open Space" on the Generalized Future Land Use Map of the Municipal Development Plan. In addition to the water related industrial uses, recreational uses are a permitted use in the C-5 Zone. This future land use designation would permit a P (Park and Institutional) Zone.

If Council determines that lands for the church should be rezoned, then Seaview Memorial Park should be treated in a similar manner. This would clearly carry out the intent shown in the MDP that this area should be an area of major community open space. The intended purpose of these lands is for a park. Any lands within the boundary of Seaview Memorial Park should be purchased or otherwise secured for park use as the city has clearly identified this area as a park. Staff will determine ownership of the non-city owned parcels and begin discussions with the various owners to secure their long term use for park purposes. The costs will not be known until the negotiations are complete.

BUDGET IMPLICATIONS:

There will likely be costs involved in donating the lands to the Africville Genealogy Society and obtaining legal long term use of all the lands with Seaview Memorial Park. These costs are not known at this time.

ALTERNATIVES:

1. Rezone the proposed church site (Parcel C-1) and Seaview Memorial Park to P (Park and Institutional) Zone from C-5 (Harbour Related Industrial) Zone. Staff will discuss the release of the portion of the parcel under the ownership of the Halifax Port Corporation to the Africville Genealogy Society. Staff would also negotiate ownership or lease of lands within Seaview Memorial Park not presently owned by the city. This is the recommended course of action based on the direction given in the motion approved at 15 December 1994 Council meeting.
2. Request Africville Council Committee to discuss an alternative configuration so that all the lands proposed for the church are presently owned by the city. Upon agreement with the Africville Genealogical Society, request the land be surveyed and rezoned to P (Park and Institutional) Zone from C-5 (Harbour Related Industrial) Zone. A supplementary staff report containing a legal resolution would be required before a Public Hearing date could be set.
3. Rezone the proposed church site (Parcel C-1) only. There does not appear to be any rationale for not rezoning Seaview Memorial Park also. This course of action is not recommended.

SUMMARY:

As a result of Council's direction of 15 December 1994 to donate lands for building of a church by Africville Genealogical Society, this report on zoning and ownership matters has been prepared. If Council determines that the lands proposed for the church should be rezoned to P (Park and Institutional) Zone, then Seaview Memorial Park should be considered for rezoning at the same time.

ATTACHMENTS:

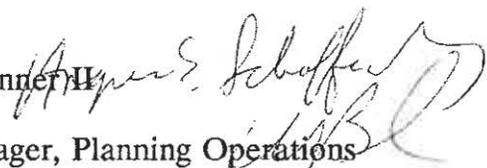
Appendix I: Extracts from Policies of the Municipal Development Plan

Appendix II: Extracts from the Land Use Bylaw (Peninsula Area)

Map 1: Generalized Future Land Use Map

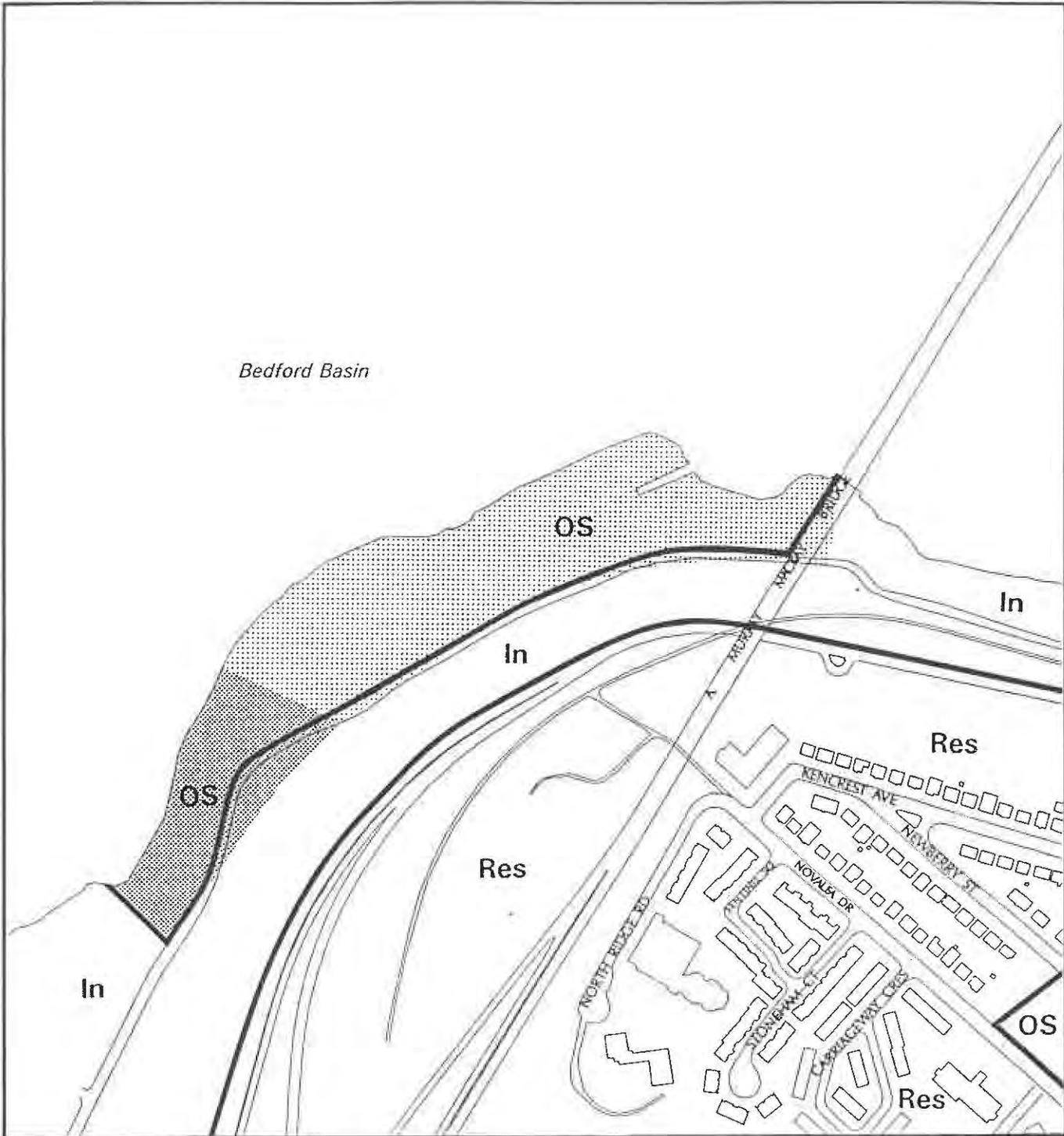
Map 2: Existing and Proposed Zoning

PREPARED BY: Angus E. Schaffenburg, Planner



APPROVED BY: William B. Campbell, Manager, Planning Operations

/lh



Seaview United Baptist Church

Generalized Future Land Use

-  Lands for church (Parcel C-1)
-  Seaview Memorial Park

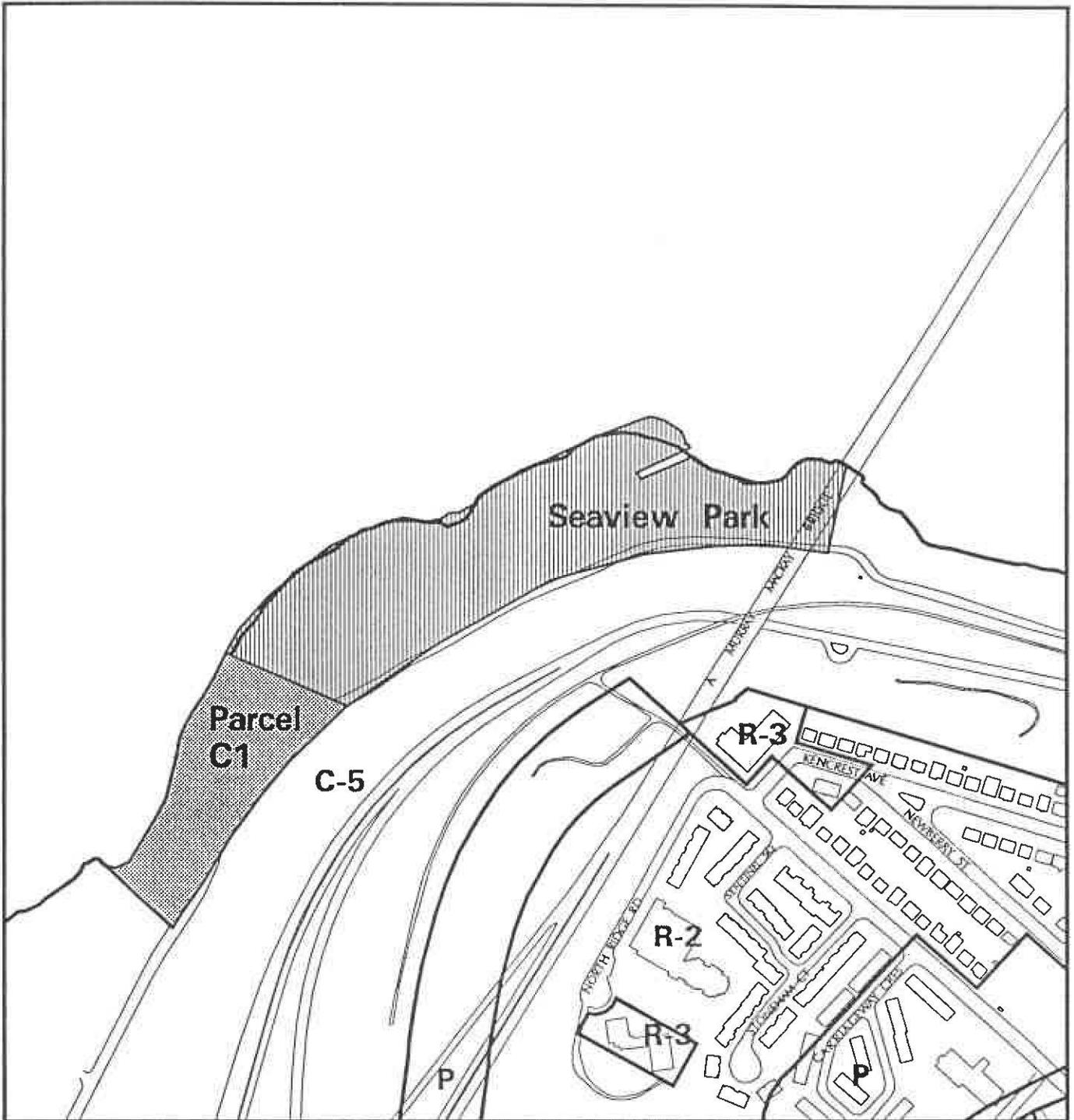
- Res Residential Environments
- In Industrial
- OS Major Community Open Spaces

Map 1
Case 7140
24 March, 1995



1:4800

KLW



Seaview United Baptist Church

Existing and Proposed Zoning

Map 2
Case 7140
27 March, 1995

Rezoned lands for church (Parcel C-1) and Seaview Memorial Park from C-5 to P

R-2	General Residential	C-5	Harbour Related Industrial
R-3	Multiple Dwelling	P	Park and Institutional

1:4800 JBH

Appendix I: Extracts from the Municipal Development Plan

4. INDUSTRIES

- Objective The enhancement of employment opportunities by encouraging existing and potential industrial uses in appropriate locations.
- 4.1 On the Peninsula, along the harbour's edge, only those industries which are harbour-related should be encouraged and allowed to grow. Areas for such development to occur shall be designated on the basis of existing uses, possible alternative uses and compatibility with residential areas, the Central Business District, major community facilities, and the transportation network as shown on Map 9.
- 4.1.1 On the Peninsula, along the waters edge, only those industries which are harbour-related should be encouraged and allowed to grow. On the waterfront, lands designated industrial that are not immediately adjacent to the waters edge should be developed for industrial purposes in response to the demands of the market and needs of the City.
- 4.2 Industrial development which is not harbour-related shall be located in specified industrial areas with defined boundaries generally as shown on Map 9. These industrial areas should be separated and buffered from residential areas and shall be located on or adjacent to the principal street network.
- 4.2.1 The City should encourage the maximum use by industry and supporting uses of lands designated for industrial development and should, where possible, discourage the development of conflicting land uses on these lands in recognition of the limited supply of this type of land within the City and the impediment to efficient industrial operation that may be created by competing activities.
- 4.3 The City should foster industrial activities compatible with the residential areas of the City.
- 4.3.1 A mixture of commercial, industrial and related enterprises shall be encouraged in the Bayers Lake and Ragged Lake areas. The development standards identified in Policy 4.4 shall ensure appropriate economic development of the lands, accommodating a broad range of industrial, commercial and related uses, and complementing the physical and environmental characteristics of the land.
- 4.3.2 Except where they are harbour related uses and located in areas zoned for that purpose, the City shall require that junk yards be permitted only in areas designated Industrial and zoned for general industrial purposes (I-3).

- 4.4 Further to Policy 4.3.1, the Land Use Bylaw shall require that:
- (a) sufficient and properly surfaced parking for employees and customers is provided;
 - (b) all open space areas including yards and setbacks are landscaped;
 - (c) loading and unloading areas are controlled in terms of location and screening in respect to their adjacency to collector roadways;
 - (d) the number and size of large signs advertising the business on the lot as well as signage for individual businesses are limited;
 - (e) billboards are prohibited; and
 - (f) lakes, streams, and other waterbodies are protected by requiring a minimum setback of any development.
- 4.5 The City shall encourage industrial development in those areas, designated generally on Map 9, within the context of Policies 4.1 to 4.4. In those areas which have been designated for detailed area planning, the City shall resolve the exact nature of the desired land use pattern through the detailed area planning process.

7. COMMUNITY FACILITIES

- Objective The provision and improvement of recreation and community lands, facilities, and services for all ages that are deemed appropriate to the creation, maintenance, and preservation of healthy neighbourhoods and to the City.
- 7.1 Unless clearly inappropriate to the good development of the City, existing regional and City-wide recreation and community facilities shall be encouraged to remain in their present locations and efforts shall be made to protect, maintain, and upgrade these facilities.
- 7.2 Future regional and City-wide recreation and community facilities shall be encouraged to locate in appropriate locations throughout the City. The appropriateness of such locations shall be determined on the basis of any one or combination of the following: (a) use and function of the proposed facility; (b) adequacy of transportation; and (c) uniqueness of the site, or its historic significance. The City should not normally prezone areas of land for such uses.
- 7.2.1 The City should continue to identify and to promote regional and City-wide recreation and community facilities which have a particular attraction for the visitors to the City.

- 7.2.2 The City should encourage public uses which are industrial or service commercial in character to locate within areas designated "Industrial." For those public uses which need to be located in other than these designations in order to effectively and efficiently carry out their community support function to part or all of the City or Region, the City may consider developments in alternative locations through the contract development provisions of the Planning Act, or by rezoning.
- 7.2.2.1 Pursuant to Policy 7.2 and 7.2.2, Council may consider the development of public uses which are industrial or service commercial in nature such as, but not limited to utility stations for water, electricity and telephone, fire and police stations, and centres for the upkeep and maintenance of City infrastructure. In considering such developments, Council shall have regard for:
- (i) the compatibility of the development in respect to adjacent and neighbouring uses;
 - (ii) where possible and appropriate, an overall architectural and landscape design which reflects adjacent and neighbouring uses;
 - (iii) the appropriateness of the site in respect to performing the particular community support function; and
 - (iv) the provisions of Industrial Policy 4.6, Part II, Section II, clauses (ii) to (xi) inclusive.
- 7.3 The City shall seek out and exercise appropriate control over areas of land which have the potential to provide outdoor recreation opportunities. Selection of these areas shall include, among others, the following criteria: (a) their natural or heritage significance; (b) their scenic quality; and (c) accessibility.
- 7.3.1 The City shall attempt to provide natural or urban linkages between these areas.
- 7.3.2 The City shall continue to seek the preservation of Hemlock Ravine. The City believes that public ownership is the key to preservation of Hemlock Ravine, and will proceed on this basis. The City shall seek the proper means to assure that the public may enjoy these unique resources in ways which minimize opportunities for environmental damage.
- 7.4 The City shall seek out and ensure public access to all water bodies and open water courses within its boundaries. Locations shall be selected for: (a) their ability to provide opportunities for active or passive recreation; (b) their natural or heritage significance; and (c) their scenic qualities.

- 7.4.1 The City should ensure public access to the waterfront within the Central Business District (see Section IV).
- 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.
- 7.4.3 The City shall examine the possibilities for better use of the shores of the Bedford Basin and, in doing so, shall concentrate upon the options for increased public access to the Basin itself.
- 7.10 Except when the interests of the City would clearly be better served, the City shall not release park lands or public open spaces for uses other than recreational in nature, unless such parks have been designated by the City as temporary, or unless alternative recreational space within the neighbourhood has been provided.

13. GENERALIZED FUTURE LAND USE MAP

- 13.1 Map 9 shall be considered as the expression of intent of the City of Halifax for a future land use pattern based on the policies outlined heretofore.
- 13.2 The areas of future land use shown on Map 9 shall be determined primarily by the objectives and policies which correspond to the primary use shown. All other objectives and policies shall apply as appropriate, but shall be subordinate to the primary objectives and policies.
- 13.2.1 Pursuant to Policy 13.2, for those areas where a detailed area plan forms a part of this Plan, and where the areas of future land use are shown on a Generalized Future Land Use Map for such area, as indicated on Map 9, the City shall determine the areas of future land use in accordance with the policies of the detailed area plan. In addition to the requirements of Policy 13.2 above, where the matter under consideration is not addressed by the policies of the detailed area plan, the policies of Part II, Section II of this Plan shall apply as appropriate.

Appendix II: Extracts from the Land Use Bylaw (Peninsula Area)

General Provisions

WATER/SEWER EXCEPTIONS

- 16A No development permit shall be issued unless the proposed development is on a city sewer or water system, provided, however, that this section shall not apply to:
- (a) developments within a holding zone;
 - (b) the replacement by a similar building, or the repair, of a building which is not on city sewer and water but conforms in every other respect to the land use bylaw and which is destroyed or partly destroyed by a fire or other calamity;
 - (c) additions which do not result in a change in use or increase in the number of dwelling units;
 - (d) accessory buildings.

R-3 ZONE

MULTIPLE DWELLING ZONE

MINIMUM LOT AREA

- 47(1)
- (a) The minimum lot area upon which such building is located shall be 8,100 square feet with a minimum continuous street frontage of at least 90 feet on one street;
 - (b) The Council may, after public hearing if deemed necessary, permit modification of the minimum lot area and continuous street frontage, as provided in clause (a) of this subsection, if, in the opinion of Council:
 - (i) the amenity, convenience, character, and value of neighbouring properties will not be adversely affected; and
 - (ii) conditions necessitating such modification are unique to the lot and have not been created by either the owner of such lot or the applicant.

DISTANCE FROM LOT LINE

- 47(2) (a) The distance from any part of such building and any official street line or lines abutting upon such lot shall be no less than 20 feet measured at right angles to any such official street line or lines; provided, however, that such distance may be reduced to not less than 10 feet measured at right angles to any such official street line or lines if that part of the building which is less than 20 feet from any such official street line or lines is entirely contained within the arms of an 80 degree horizontal angle as determined in subsection (3) of this section.
- (b) The distance from any part of such building and any lot line of such lot other than an official street line shall be not less than 10 feet measured at right angles to such lot line.
- (c) All windows and doors serving habitable rooms in such building shall be located not less than 10 feet from any lot line of such lot measured at right angles to such lot line.
- (d) Notwithstanding the provisions of clauses (a) and (b) of this subsection, the distance from any part of such building, not containing any windows or doors serving habitable rooms, to any official street line or lot line, may be less than the distance prescribed in said clauses (a) and (b) or may extend to any such official street line or lot line of the lot upon which such building is located, provided that:
- (i) the height of such part of the building does not exceed 5 feet above the natural ground level measured at any point on any official street line abutting such lot and extending for a horizontal distance of 10 feet measured at right angles to any such official street line;
 - (ii) the height of such part of the building does not exceed 5 feet above the natural ground level measured at any point on any lot line of such lot other than an official street line; and
 - (iii) the building is so designed that it does not interfere with traffic safety.

- (e) The Council may, after public hearing if deemed necessary, permit the height requirements, as provided in subclause (ii) of clause (d) of this subsection, to exceed 5 feet if, in the opinion of Council:
 - (i) the amenity, convenience, character, and value of neighbouring properties will not be adversely affected; and
 - (ii) conditions necessitating such increase are unique to the lot and have not been created by either the owner of such lot or the applicant.

SIZE OF BUILDING

- 47(3) (a) Subject to the provisions of subsection (2), such building or any part thereof shall not project beyond the angular planes determined by constructing such angular planes over such lot
 - (i) from each lot line at natural or finished ground level, whichever is the lower, at a vertical angle of 60 degrees above the horizontal and measured perpendicular to such lot line or, in the case of a curved lot line, perpendicular to the tangents of all points of such lot line; provided, however, that where the natural ground at the lot line is more than 5 feet above the finished ground level established at any point on the wall opposite the lot line and where the horizontal distance to the face of any part of such wall or its vertical projection is less than 50 feet, the angular planes shall be constructed over the lot from all points on the intersections of the vertical projections of the lot line and the horizontal projection of the finished ground level; or
 - (ii) in the case where a lot line of such lot coincides with an official street line, from the center line of such street or from any intervening line parallel to such center line; provided, however, that
 - (A) the distance from the line on which the plane is constructed and the lot line does not exceed 30 feet; and

- (B) the vertical angle of 60 degrees is constructed perpendicular to the line on which the plane is constructed or, in the case of a curved line, perpendicular to the tangents of all points of the curved line.
- (b) Notwithstanding the provisions of clause (a) of this subsection and subject to the provisions of subsection (2), any part of such building may project beyond any prescribed 60 degree angular plane if:
- (i) the projection through the plane subtends a horizontal angle not exceeding 80 degrees formed by lines drawn from a point on the line on which the 60 degree angular plane is constructed opposite to the center of the projection; and
 - (ii) the extremities of the projection are enclosed by the arms of such 80 degree horizontal angle.

DISTANCE BETWEEN EXTERNAL WALLS

- 47(4) (a) For the purposes of this subsection:
- (i) "base line" means, in the case of a wall rising from the ground, the natural or finished level of the ground adjoining the base of the wall, whichever is lower, and in all other cases means the lowest line of the wall above the natural or finished level of the ground, whichever is lower;
 - (ii) a wall supported by construction above posts, pillars, or other open construction shall be deemed to rise from the ground and the base line of the wall shall be deemed to be the line on which the projection downward of the face of the wall meets the natural or finished level of the ground, whichever is lower;

- (iii) where external walls are not parallel to each other but the angle of divergence does not exceed 85 degrees, such walls shall be deemed to face each other.
- (b) The provisions of this subsection (4) shall only apply if any part of such building is erected within the arms of horizontal angles of 65 degrees constructed outwards at the natural level of the ground, from the nearest extremities of external walls that face each other; provided, however, that where the two extremities of one such wall are, respectively, equidistant from the opposite extremities of the other wall or where the two extremities of one wall are equidistant from the nearest extremity of the other wall, the 65 degree horizontal angle may be constructed from either pair of equidistant extremities.
- (c) The distance between any external walls of such building that face each other shall be not less than 50 feet, and any part of such building shall not project beyond any of the angular planes determined by constructing such angular planes outwards from the base line of each such external facing wall of each part of such building at a vertical angle of 40 degrees above the horizontal and measured perpendicular to such base line or, in the case of a curved base line, perpendicular to the tangents of all points of such curved base line.
- (d) Where two external walls of such building face each other and neither wall contains any door or window serving a habitable room, the provisions of clause (c) of this subsection shall not apply but the distance between such walls shall not be less than six feet.

BALCONIES, CORNICES, EAVES, AND CANOPIES

- 47(5) Notwithstanding the provisions of subsections (3) and (4) of this section, separate individual balconies, which are open on three sides, cornices, eaves, and canopies may project through the angular planes as determined in such subsections; provided, however, that any part of such projection shall be not less than 10 feet from any lot line of such lot.

SPECIAL CARE HOME

- 48 Where any building is erected, altered, or used as a boarding house, lodging or rooming house, an apartment house or special care home in an R-3 Zone, such building, in addition to the requirements hereinbefore set out in Section 47, shall comply with the following requirements:

POPULATION DENSITY

- 48(1) The population density of such building shall not exceed:
- (a) 250 persons per acre if located in the area described in Schedule "A", Section 81; and
 - (b) 125 persons per acre if located in an area other than that described in Schedule "A".

OPEN SPACE

- 48(2) (a) The lot upon which such building is located shall contain a minimum of:
- (i) 120 square feet of open space for each person occupying such building in a dwelling unit containing two or more bedrooms, of which at least 100 square feet shall be landscaped open space; and
 - (ii) 80 square feet of open space for each person residing within such building in a dwelling unit containing one bedroom, of which at least 70 square feet shall be landscaped open space; and
 - (iii) 50 square feet of landscaped open space for each person residing within such building in a bachelor unit if located within the area described in Schedule "B", Section 82; and
 - (iv) 80 square feet of open space, of which at least 70 square feet shall be landscaped open space, for each person residing within such building in a bachelor unit if located within an area other than that described in said Schedule "B".
- (b) The occupancy of such building shall be calculated on the basis of one person for each habitable room contained therein.
- (c) For the purpose of this subsection, the roof, or any portion thereof, of any part of such building that has no residential accommodation included below such roof or portion thereof may be calculated as landscaped open space; provided that:

- (i) no part of such roof is more than 5 feet above the ground level of at least one lot line of such lot; and
- (ii) such roof, or portion thereof, is capable of being used as landscaped open space.

C-5 ZONE

HARBOUR-RELATED INDUSTRIAL ZONE

- 66(1) The following uses shall be permitted in any C-5 Zone:
- (a) bulk product, container and general cargo storage and handling;
 - (b) sea product processing;
 - (c) marine research;
 - (d) construction maintenance and repair of marine vessels;
 - (e) the construction, assembly, maintenance and repair of submarine, mineral, exploration, and extraction equipment;
 - (f) other industrial uses in which marine vessels and direct access to salt water are necessary;
 - (g) recreation uses;
 - (ga) billboards not to exceed twenty-eight square meters (28m²) in area and not to extend more than eight meters (8m) above the main grade on which it is situated;
 - (h) uses accessory to any of the foregoing.
- 66(2) No person shall in any C-5 Zone carry out, or cause or permit to be carried out, any development for any purpose other than one or more of the uses set out in subsection (1).
- 66(3) No person shall in any C-5 Zone use or permit to be used any land or building in whole or in part for any purpose other than one or more of the uses set out in subsection (1).

P ZONE

PARK AND INSTITUTIONAL ZONE

- 67(1) The following uses shall be permitted in any P Zone:
- (a) public park;
 - (b) recreation field, sports club, and community facilities;
 - (c) a cemetery;
 - (d) a hospital, school, college, university, monastery, church, library, museum, court of law, or other institution of a similar type, either public or private;
 - (e) uses accessory to any of the above uses.
- 67(2) No person shall in any P Zone carry out, or cause or permit to be carried out, any development for any purpose other than one or more of the uses set out in subsection (1).
- 67(3) No person shall in any P Zone use or permit to be used any land or building in whole or in part for any purpose other than one or more of the uses set out in subsection (1).

SIGNS

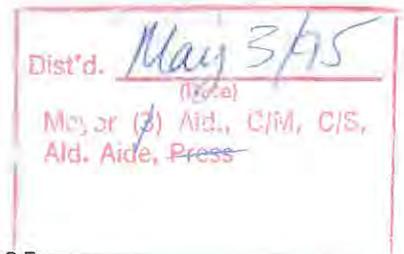
- 69 No person shall in any P Zone erect, place, or display any billboard or sign except:
- (a) One fascia sign per building elevation facing a street;
 - (b) One fascia sign for the building elevation containing the main entrance where such entrance does not face a street;
 - (c) One free standing sign not to exceed 12 feet in height and 40 square feet in area (per side) per vehicular entrance and pedestrian entrance where such entrance is not part of a vehicular entrance, provided, however, that where the property contains more than one principal park and institutional use such sign shall not exceed 18 feet in height and an additional 10 square feet of area may be added to a maximum of 80 square feet (per side) for each additional park and institutional use;

- (d) The signs permitted by (a), (b), and (c) may be illuminated;
- (e) The signs permitted by (a), (b), and (c) shall be limited to indicating the name of the building or site and civic address of the property on which it is located, the logo, slogan or motto of the occupant of such building or site; and
- (f) The signs permitted by (a), (b) and (c) may also contain a changeable message area which shall be limited to indicating the name, date and time of an event taking place on the site.

70

Buildings erected, altered, or used for P uses in a P Zone shall comply with the requirements of the R-3 Zone as detailed in Sections 44 to 48 inclusive.

Ms. Ann Duffy
238 'M' Block,
Mulgrave Park
Halifax, N.S.
B3K 3J5



May 3, 1995

City Clerk's Office
P.O. Box 1749,
Halifax, N.S.
B3J 3A5

ATTENTION: Mr. Ed Kerr

Dear Sir:

Please find enclosed my brief note for City Council
this evening.

This is regarding the item on the agenda to re-zone the
complete area of Seaview Park and the area for the Land
for the church.

I would appreciate it if you could forward this brief note
to City Aldermen and City Staff.

Thank you for your co-operation in this matter.

Sincerely


Ann Duffy

Ms. Ann Duffy
238 'M' Block,
Mulgrave Park,
Halifax, N.S.
B3K 3J5

May 3, 1995

City Clerk's Office
P.O. Box 1749,
Halifax, N.S.
B3J 3A5

ATTENTION: Mayor Walter Fitzgerald
and City Alderman

Your honor:
Dear Sir and Madam:

I am taking this opportunity to thank City Council for attempting to right the situation in regards to their promise to give former Africville Residents- the piece of land on which they will be able to re-build their church.

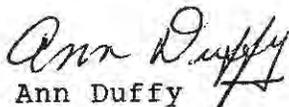
In seeing the notice for re-zoning the whole area, it struck me as very un-realistic to put a small park in 1982 or 1983 on a parcel of land not properly zoned for such. Should this not have been done then?

I am proud to see this Council getting to it now. Congratulations. I congratulate and support this City Council in re-zoning this whole parcel of land from C-5 to P(Parkland). This in my opinion is a positive move in the correct direction.

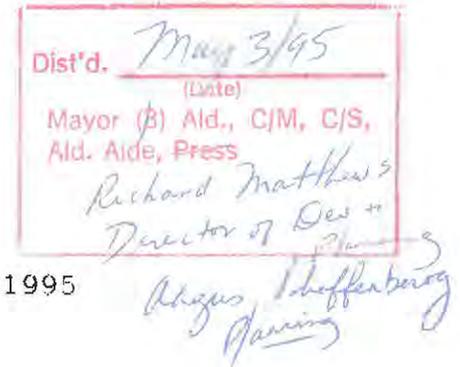
Thank you for your time and patience regarding this important matter.

If for some reason I cannot be present this evening, I hope City Council has a positive outlook on this matter. Again congratulations on the decision to re-zone.

Sincerely,


Ann Duffy

Ms. Ann Duffy
238 'M' Block,
Mulgrave Park,
Halifax, N.S.
B3K 3J5



May 3, 1995

City Clerk's Office
P.O. Box 1749,
Halifax, N.S.
B3J 3A5

ATTENTION: Mr. Ed Kerr

Dear Sir:

I am writing this short note to do a presentation to City Council, this evening supporting the re-zoning of the area known as Seaview Park and the area required for the building of a new Seaview Baptist Church from C-5 P(Parkland).

This item is on to-nights' agenda.

Sorry, this is such short notice.

I will bring down my brief note so that if for any reason I can't be present, the City Council, will have my letter of congratulations and support.

Thank You for your time and co-operation in this matter.

Sincerely,

Ann Duffy

TELEPHONE
902-421-6536
FAX
902-421-6480



CITY OF HALIFAX

P.O. Box 1749
HALIFAX, NOVA SCOTIA
B3J 3A5

TO PROPERTY OWNERS

Case 7140

PUBLIC HEARING NOTICE

REZONING OF (1) LANDS FOR REBUILDING OF SEAVIEW UNITED BAPTIST CHURCH AND (2) SEAVIEW MEMORIAL PARK FROM C-5 TO P ZONE

(Insert Map, here)

The Council of the City of Halifax gives notice of its intention to amend the Land Use Bylaw.

Area to be Affected: Lands for the proposed Seaview United Baptist Church and Seaview Memorial Park which are located along Barrington Street near the CN Intermodal Terminal.

Proposed Amendments: The lands for the proposed Seaview United Baptist Church and Seaview Memorial Park are to be rezoned from C-5 (Harbour Related Industrial) to P (Park and Institutional).

Reasons for Rezoning/Bylaw Amendment: The proposed church would be a permitted use within the P (Park and Institutional) Zone. A rezoning of Seaview Memorial Park to P Zone would carry out the intent of the Municipal Development Plan that this should be an area of major community open space and that the intended purpose of these lands is for a park.

A Public Hearing respecting the proposed amendments will be held by Halifax City Council on Wednesday, 3 May 1995 at 7:30 p.m. in the Council Chamber, 3rd Floor, City Hall, 1841 Argyle Street, Halifax. Presentations may be made at this time. Written submissions may be forwarded to the City Clerk, P.O. Box 1749, Halifax, Nova Scotia, B3J 3A5 prior to the date of this hearing.

Further Information - Copies of the report of 27 March 1995 including the proposed amendments are available from the Information Coordinator (421-7652), Development and Planning Department, 3rd Floor, Duke Tower, Scotia Square from 9:00 a.m. to 4:30 p.m. Monday to Friday except public holidays.

Limited copies of the report are available at the Main Library, Reference Desk, 3rd Floor, 5381 Spring Garden Road (421-6984) and the North Branch Library at 2885 Gottingen Street, during their regular hours.

Edward A. Kerr, CMC
City Clerk

INFORMATION REPORT

TO: Halifax City Council
FROM: Director of Development and Planning
DATE: 7 April 1995
SUBJECT: Case 7140: Rezoning of lands for Rebuilding of Seaview United Baptist Church and Seaview Memorial Park

ORIGIN:

The Minutes of the 6 April 1995 Committee of the Whole state:

"Mr. Irvine Carvery, representing the Africville Genealogy Society, addressed Council and noted that the Planning Advisory Committee is also considering an item relating to Harbour-Related zoning. Mr. Carvery questioned whether, rather than holding a further public hearing, the two subjects could be considered at the same hearing.

Mr. Matthews, Director of Development and Planning, indicated that staff would respond to the enquiry in writing by way of an information report."

SUBMITTED BY:



Director of Development and Planning

CITY MANAGER'S CONCURRENCE:



City Manager

BACKGROUND:

At the Committee of the Whole of 6 April two questions were asked: 1. whether the rezoning had to be sent to the Planning Advisory Committee, and 2. if the Planning Advisory Committee could review the rezoning in the context of the review of development agreements within the C-5 Zone.

DISCUSSION:

1. Under the Council's Terms of Reference of the Planning Advisory Committee the Committee is not required to advise City Council on rezoning matters.
2. The proposal in Case 7006 sets out policy to allow commercial or other industrial uses in the areas zoned C-5 (Harbour Related Industrial Zone) by development agreement. This recommendation, if finally approved, would not be relevant to the Seaview Memorial Park and the lands for the Seaview United Baptist Church as they would be zoned P (Park and Institutional Zone). The development agreement provisions would not apply to these properties. Therefore, there appears no purpose would be served by inter-relating these two cases. The Public Hearing on Case 7006 has not been set; therefore referral to this process would delay consideration of the Seaview Memorial Park and the lands for the Seaview United Baptist Church rezoning.

BUDGET IMPLICATIONS:

None.

ALTERNATIVES:

None.

ATTACHMENTS:

None

PREPARED BY:

Angus E. Schaffenburg, Planner II 

APPROVED BY:

W. B. Campbell, Manager, Planning Operations 