



Subject: *PLN24-007 2929 Highway 202: MPS and LUB Mapping Amendments*
To: CAO for Planning Advisory Committee, September 17, 2024
Date Prepared: September 11, 2024
Related Motions: C24(263)
Prepared by: John Woodford, Director of Planning and Development
Approved by: John Woodford, Director of Planning and Development

Summary

The Municipality is considering a proposal to change the land use designation and zoning of 2929 Highway 202, East Gore, from Agricultural Reserve to Rural Use North (RU-2). The purpose of the application is to allow for the expansion of an existing non-farm dwelling.

First reading of the proposed mapping amendments was given at the July 2024 meeting of Council.

Financial Impact Statement

There is no material impact expected as a result of this proposal.

Recommendation

That Planning Advisory Committee recommends that Council give second reading and approve the mapping amendments.

Recommended Motion

Planning Advisory Committee recommends that Council:

- *give second reading and approve the proposal to amend the MPS and LUB by changing the land use designation and zone of PID 45117975 to Rural Use North (RU-2).*



Background

Earlier this year, the owners of 2929 Highway 202 approached the Planning & Development Department regarding an addition to their existing dwelling. Unfortunately, the expansion was not permitted as the dwelling is non-conforming to the existing zoning and the addition was proposed to be more than 25% of the existing floor area.

At their July meeting Council decided to deal with this issue as a housekeeping amendment to the MPS and LUB and passed first reading of amendments that would redesignate and rezone the property to RU-2.

Discussion

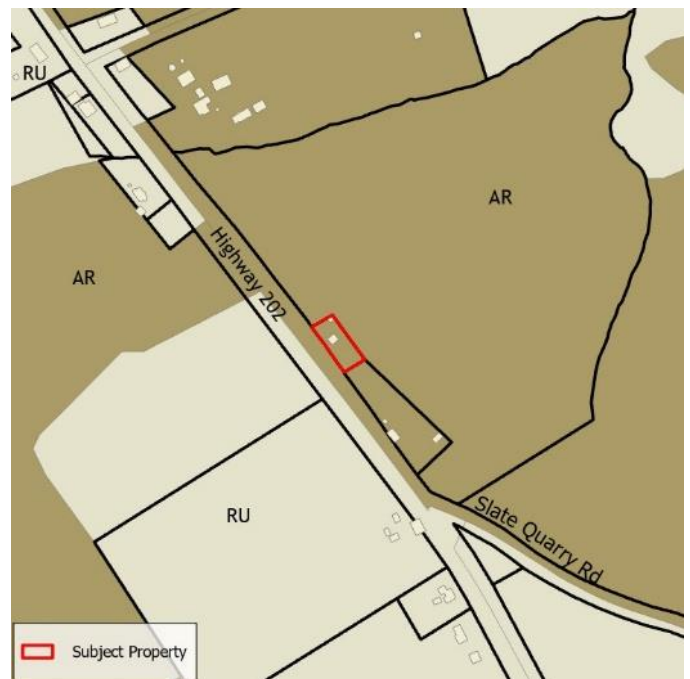
SUBJECT PROPERTY

The subject property contains one non-farm single unit dwelling and is shown on the map to the right. The PID is 45117975 and the civic address is 2929 Highway 202, East Gore. The total area of the property is approximately 1359 m² or 0.34 acres.

The property is zoned Agricultural Reserve (AR). Surrounding properties are zoned Agricultural Reserve (AR) or Rural Use (RU) depending on the predominant use.

DEVELOPMENT PROPOSAL

The purpose of this application is to amend the Municipal Planning Strategy and Land Use Bylaw to allow for the expansion of a non-farm dwelling beyond 25% of the current floor area. Currently, this non-farm dwelling is considered a non-conforming use within the Agricultural Reserve (AR) Zone and is therefore limited to a 25% expansion. Given the small lot size and tight setbacks, the property owner is also aware that a variance may also be required to enable their home expansion plans.





POLICY ANALYSIS

Policy IM13 of the MPS is the policy that permits Council to consider the proposed mapping amendments. East Hants Council has to determine if the proposal is in the best interest of the Municipality. Policy IM13 also permits Council to consider housekeeping amendments if deemed warranted.

Agency consultation for amendments to the East Hants Official Community Plan would typically include NS Public Works, Chignecto Central Regional Centre For Education, NS Environment, the area fire department as well as internal municipal departments. However, as this case is being treated as a housekeeping amendment per MPS Policy IM-13e, with no change in land use or increase in the number of dwelling units, staff determined that such consultation was not warranted.

MPS Policy AR10 states that *Council shall apply the Agricultural Reserve (AR) Designation based on active agricultural lands*. The subject property is not active agricultural land and has not been for at least as long as agricultural zoning was in effect (2000) as it was developed as a non-farm dwelling decades ago. As a result, it is reasonable to assume that it was inadvertently zoned as AR. Therefore, redesignating and rezoning the property as a housekeeping amendment appears to be a reasonable step.

Although the RU-2 designation and zone were developed for the northern portion of the municipality where zoning did not exist previously, MPS Policy AR33 does not preclude using this designation and zone elsewhere: *Council shall establish the Rural Use North (RU-2) Designation, which shall be generally placed on lands along the Fundy shore and central East Hants. The RU-2 Designation shall encourage the continuation of a moderately changing and diverse rural landscape through the appropriate implementation of a wide variety of uses within the Rural Use North (RU-2) Zone.*

MPS Policy AR34 states that *The RU-2 Zone shall be established to provide for existing uses and also encourage the future development of mixed uses including community, institutional and residential uses, open space uses, commercial uses, agricultural, and resource uses*. Although several surrounding non-farm properties are zoned RU, at its July 2024 meeting Council gave first reading to redesignating and rezoning the property to the RU-2 Designation and Zone. Both of these zones are general rural zones with similar permitted uses. In addition, it is not practical for this small property to take advantage of additional development rights afforded

in the RU-2 Zone such as multi unit dwellings. As a result, staff see little concern in redesignating and rezoning this property to RU-2.

CITIZEN ENGAGEMENT

Planning staff have complied with the Citizen Engagement Policies of the Municipal Planning Strategy when processing this application. An advertisement outlining the application and indicating that it had been received and was under review by staff was placed in the *Chronicle Herald* in August 2024. A Public Information Meeting (PIM) for the application was not deemed required as per Policy CE21-B of the MPS.

A questionnaire for the application was mailed to residents within 300 m of the application site. The results of the questionnaire have been provided to PAC members for their consideration. There were 12 questionnaires mailed and 2 responses received.

One respondent wanted to ensure that the development would comply with Section 5.6.1 of the Land Use Bylaw and NSE requirements regarding sewage disposal. Section 5.6.1 relates only to Rural Comprehensive Development District (RCDD) development agreements. Staff suspect the respondent meant Section 5.5.1 which specifies the zone standards for the RU-2 Zone. Section 5.5.1 will have to be complied with as they apply to an already developed existing undersized lot. However, the property owner has the opportunity to apply for a variance regarding front and rear yard setbacks. In addition, NSE regulations regarding onsite sewage disposal will also have to be complied with.

A public hearing notice will be placed in the September 11th and 18th editions of the *Chronicle Herald*, the notice was also posted on the Municipal website, and on social media. A public hearing notification letter will also be mailed to property owners and residents within 300 m of the subject property indicating the time, date, and location of the public hearing.

LEGISLATIVE AUTHORITY

The legislative authority is set out in the Municipal Government Act, Part VIII. This part of the MGA sets out the process for MPS and LUB amendments to be considered.

Alternatives

Planning Advisory Committee could recommend refusal of the application.

Attachments

Appendix A - Policy Analysis

Appendix B - Draft GFLUM and LUB Amendment Maps

Policy	Comments
<p>MPS Policy Criteria</p> <p>IM13 Council shall consider map amendments to this Strategy when:</p> <ul style="list-style-type: none"> a) A request is received for a zoning amendment that is not consistent with this Strategy’s maps, but is consistent with the intent of this Strategy. b) Where the boundaries of the comprehensively planning area are altered. c) Where a request for a comprehensive development district is made and it is not already designated as such; and studies show that the intent of the Strategy could be met through said proposal. d) The boundaries of the planning area are altered. e) Housekeeping amendments are warranted. 	<p>This proposal is being considered as a housekeeping amendment.</p>
<p>AR10. Council shall apply the Agricultural Reserve (AR) Designation based on active agricultural lands. Future AR Designations may be based on the following criteria:</p>	<p>The subject property is not active agricultural land and has not been for at least as long as agricultural zoning was in effect (2000) as it was developed as a non-farm dwelling decades ago. As a result, it is reasonable to assume that it was inadvertently zoned as AR.</p>
<p>a) Protecting the continuation of existing farming areas;</p>	<p>Not applicable</p>
<p>b) Providing for logical boundaries around farming areas such as roads, property lines, rivers, and other natural features; and</p>	<p>Not applicable</p>
<p>c) Protecting active agricultural lands and lands defined by the Canada Land Inventory Soil Capability for Agriculture (CLI) rating as showing soils with Class 3 or active Class 4 or better.</p>	<p>Not applicable</p>
<p>AR32. Council shall establish an Agricultural Advisory Committee consisting of members of the agricultural community, Councillors, Municipal Staff, as well as members from the Federation of Agriculture and other agriculturally related organizations. The mandate of the Agricultural Advisory Committee shall be to make recommendations to Planning Advisory Committee on agricultural matters.</p>	<p>The Agricultural Advisory Committee was not consulted given the housekeeping nature of this proposal.</p>
<p>AR33. Council shall establish the Rural Use North (RU-2) Designation, which shall be generally placed on lands along the Fundy shore and central East Hants. The RU-2 Designation shall encourage the continuation of a moderately changing and diverse rural landscape through the appropriate implementation of a wide variety of uses within the Rural Use North (RU-2) Zone.</p>	<p>Although this designation and zone were designed for the northern portion of the municipality where zoning did not exist previously, this policy does not preclude using this designation and zone elsewhere</p>

CE21. Council shall, when considering amendments to the East Hants Municipal Planning Strategy, require the following:	
a) Consultation requirements for Land Use Bylaw amendments, as outlined in this strategy, shall be followed.	LUB amendment requirements are being followed such as a survey to surrounding land owners and advertisement of a public hearing.
b) In addition, the Planning Advisory Committee shall conduct at minimum one public information and input meeting on the proposed amendments prior to Council holding a public hearing, unless said amendments are housekeeping in nature.	As these amendments are housekeeping in nature, no public information meeting was held.
c) Other consultation methods as deemed appropriate by Council such as design charrettes or organized site visits	Not applicable
Land Use Bylaw Amendment Criteria	
IM14 It shall be the policy of Council to consider amendments to the Land Use Bylaw provided the amendment is consistent with the intent of the Municipal Planning Strategy.	The LUB amendment would be concurrent with an amendment to the Municipal Planning Strategy.
IM15 It shall be the policy of Council to consider an application for an amendment to the Land Use Bylaw only if the application has identified a proposed use for the property. Council shall give consideration to both the proposed use and to the impact of other uses permitted in the requested zone.	The use is proposed to stay the same: a single unit dwelling.
IM16 It shall be the policy of Council to consider an application for amendment to the Land Use Bylaw only if the site meets all of the lot size and zone standards for the zone sought.	This subject property is an existing undersized lot that does not meet the lot size requirements for either the existing AR Zone or proposed RU-2 Zone. However, any addition to the dwelling will have to comply with zone standards subject to any variance granted at the permit stage.
IM17 Council shall consider the Land Use Bylaw Amendments within the applicable Generalized Future Land Use designation as subject to the policies of this Strategy	This LUB amendment is enabled by Policy IM13 as outlined in the Municipal Planning Strategy.
IM18 Council shall, in considering amendments to the Land Use Bylaw, in addition to all other criteria as set out in the policies of this Strategy, have regard for the following matters:	
a) Whether the proposed development is in conformance with the intent of this Strategy and with the requirements of all other Municipal Bylaws and regulations as applicable matters.	The proposal is enabled by Policy IM13 of the Municipal Planning Strategy.
b) Whether Planning Staff have initiated a review of this Strategy, or any of the Official Community Plan documents.	There is no current review of planning documents underway.
IM19 Council shall consider if the proposal is premature or inappropriate by reason of:	

a) The financial capability of the Municipality to absorb any costs relating to the development.	No material impact on municipal costs are expected as a result of this application.
b) The adequacy of municipally approved water and wastewater services or if services are not provided, the adequacy of physical site conditions for private on-site septic and water system. Council shall consider comments from the Municipal Infrastructure and Operations Department or Nova Scotia Environment as applicable.	The existing dwelling is serviced via onsite sewage disposal and well. Addition will have to comply with Provincial onsite sewage disposal requirements.
c) The adequacy and proximity of school, recreation, and any other community facilities. Council shall consider comments from Municipal departments and the appropriate School Board as applicable.	Not applicable as there is no increase in the number of dwelling units proposed.
d) The potential for significantly reducing the continuation of agricultural land uses.	Although the property is currently zoned Agricultural Use (AR) it is a small property that contains an existing non-farm dwelling. As a result, no impact on the continuation of surrounding agricultural land uses is expected from its redesignation and rezoning.
e) The adequacy of existing or proposed road networks in, adjacent to, or leading to the development and ability of the proposed development to satisfy applicable stopping sight distances. Council shall consider comments from the appropriate Municipal Engineer and/or Nova Scotia Transportation and Infrastructure Renewal.	No increase in the number of dwelling units so Nova Scotia Public Works has not been consulted.
f) The potential for the contamination of watercourses or the creation of erosion or sedimentation. Council shall consider comments from relevant Provincial Departments as applicable.	Minimal impact on the environment expected from an addition to an existing dwelling.
g) Creating a leap frog, scattered, or ribbon development pattern as opposed to compact and orderly development.	Amendments relate to the expansion of an existing dwelling. As such, they will not contribute to the furtherance of a leap frog, scattered or ribbon development pattern.
IM20 Council shall consider if the proposed development is shown on a professionally drawn site plan as being in compliance with the applicable sections of the Subdivision Bylaw, with the following matters of the Land Use Bylaw:	Not required as part of this housekeeping amendment. The property owner will be required to provide plans to obtain a building and development permit.
a) Type of use.	Addition to an existing single unit non-farm dwelling.
b) Number of buildings.	No new buildings are proposed, just an addition to an existing house.
c) Yard setbacks.	Yard setbacks will have to comply with the Land Use Bylaw. Although the property owner has the opportunity to apply for a variance regarding yard setbacks for this undersized lot.
d) Height, bulk, stepback requirements, and lot coverage of any proposed structures.	The height, bulk, setback, and lot coverage requirements will have to comply with the Land Use Bylaw regulations.
e) External appearance of any structures where design standards are in effect.	No design requirements are in effect

f)	Street layout and design.	No new streets are proposed
g)	Access to and egress from the site, parking.	There is an established driveway for this property.
h)	Open storage and outdoor display.	No commercial open storage or outdoor display is proposed as part of the application.
i)	Signage.	No signage is proposed as part of the development.
j)	Similar matters of planning concern.	N/A
IM21	Council shall consider the suitability of the proposed site in terms of the environmental features of the site, particularly susceptibility to flooding and other nuisance factors, and where applicable, comments from relevant Provincial Departments concerning the suitability of the site for development.	Single unit dwelling use has already been established on this property, therefore such considerations are not applicable to this housekeeping amendment. However, zone requirements and NSE Septic regulations will have to be complied with.
IM22	Council shall consider the provision of buffering, screening, and access control to minimize potential incompatibility with adjacent and nearby land uses, rail lines and traffic arteries.	These provisions would not be relevant to the proposal.
IM23	Council shall consider the extent to which the proposed development, where applicable, provides for efficient pedestrian circulation and integrates pedestrian walkways and sidewalks within adjacent developments.	Not applicable
IM24	Council shall consider the proposed development is shown to manage stormwater on-site in a manner which does not negatively impact on other properties.	Not applicable
IM25	Council shall consider massing, and compatibility of the proposed development's external appearance with adjacent buildings by means of design features, roof type, exterior cladding materials, and overall architectural style that is reasonably consistent with the style and character of the community or compliments the character of the community.	The RU-2 Zone does not have design requirements.
IM26	Council shall consider the following matters in Growth Management Areas and other areas where applicable to determine if the proposed development contributes to a favourable community form, and the proposed development's ability to:	
a)	Provide for efficient pedestrian movement into, out of, and within the development, especially between commercial and residential neighbourhoods, as well as the	Not applicable

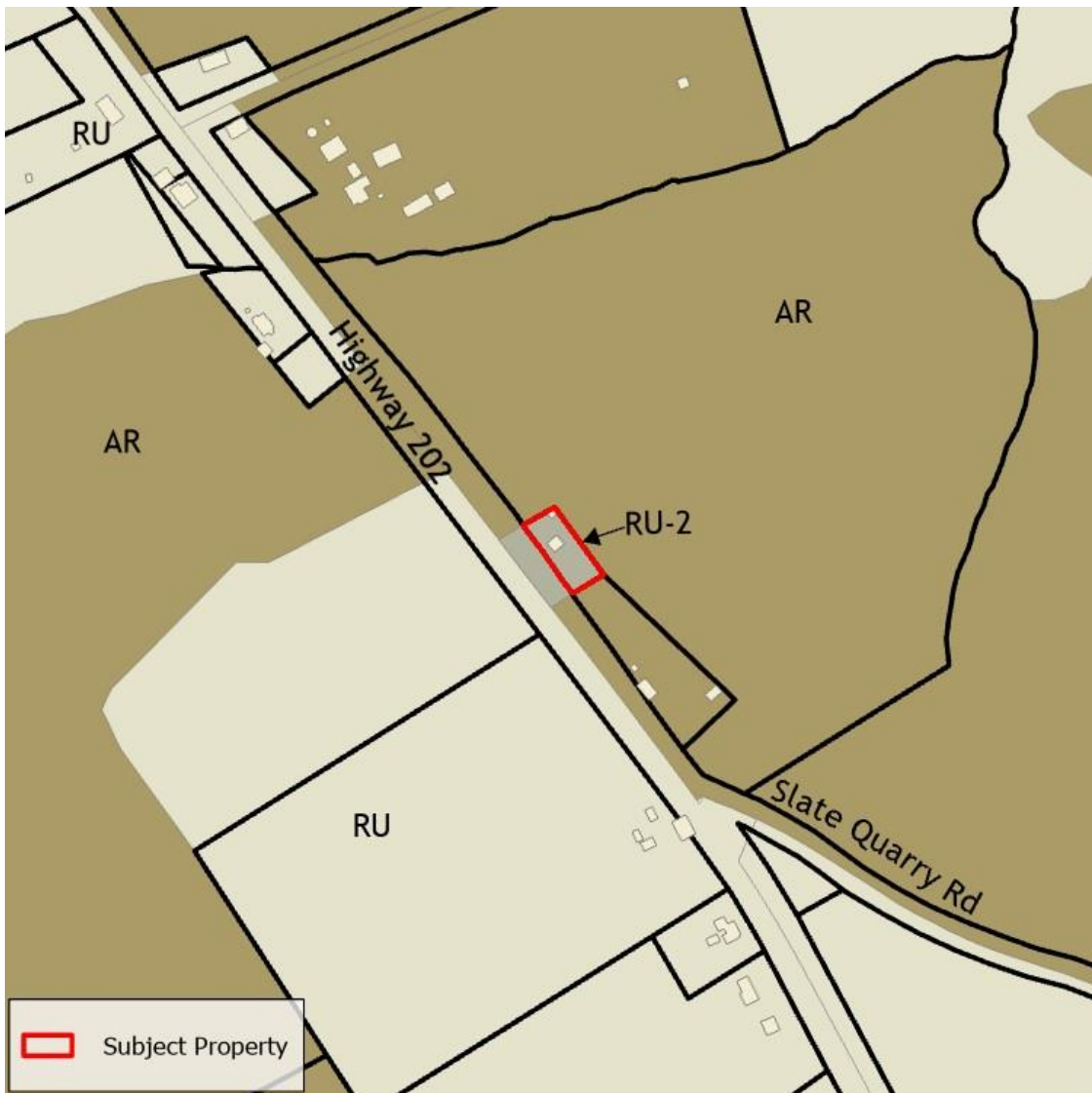
<p>ability for pedestrian routes to link with existing sidewalks, active transportation routes and walking trails on abutting lands to provide for a cohesive network of same.</p>	
<p>b) Council shall consider, where appropriate, the impact of the development on the comfort and design of proposed streets and existing street users. This shall include whether the proposed development is humanscaled, is easily accessible to active transportation users, and if it promotes visual variety and interest for active transportation users.</p>	<p>Not applicable</p>

Draft Amendment Sheet

The Municipality of East Hants
Official Community Plan
Municipal Planning Strategy

Generalized Future Land Use Map 8: Official Community Plan Area

The GFLUM designation of PID 45097227, East Gore, shown on the Generalized Future Land Use Map 8: Official Community Plan Area, is changing from Agricultural Reserve (AR) Designation to Rural Use North (RU-2) Designation.



Draft Amendment Sheet

The Municipality of East Hants
Official Community Plan
Land Use Bylaw

Land Use Bylaw Map 8: Official Community Plan Areas

The land use zone of PID 45097227, East Gore, shown on the Land Use Bylaw Map 8: Official Community Plan Area, is changing from Agricultural Reserve (AR) Zone to Rural Use North (RU-2) Zone.

