

***2929 Hwy 202, East Gore  
MPS and LUB Mapping Amendments***

Planning Advisory Committee

Planning and Development Department

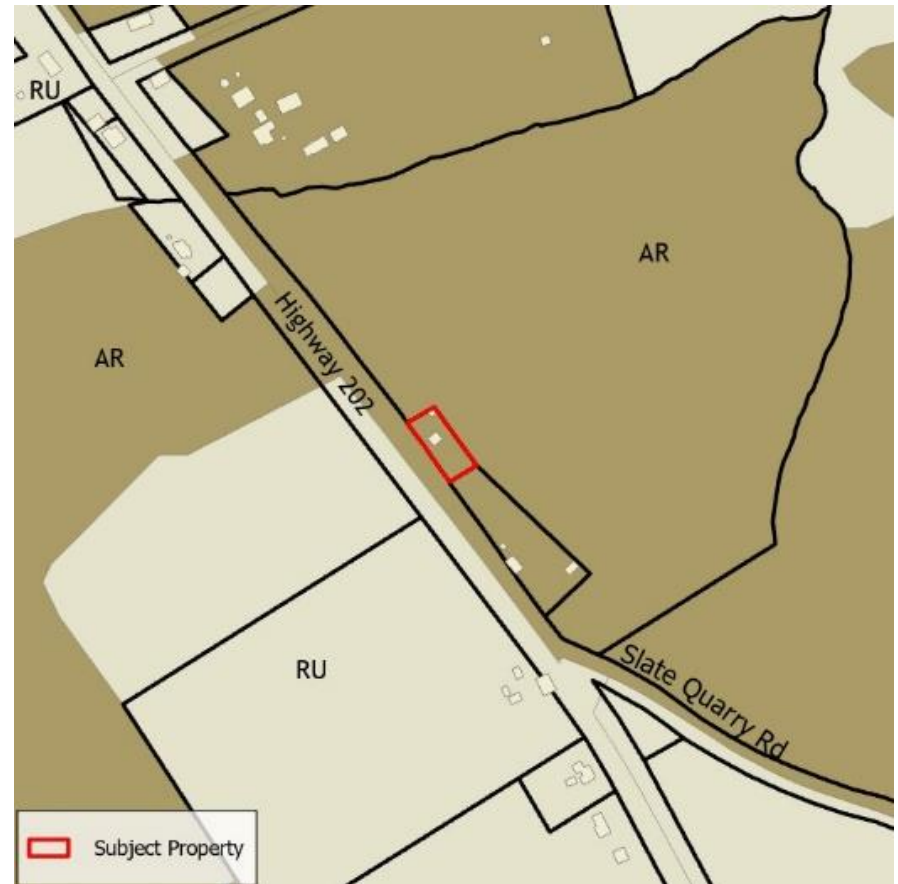
September 17, 2024



**EAST HANTS**

## Subject Property

- **Property:** PID 45117975, 2929 Highway 202, East Gore
- **Subject Property Size:** 1359 m<sup>2</sup> or 0.34 acres
- **Proposal:** To amend the Municipal Planning Strategy and Land Use Bylaw by changing the Generalized Future Land Use Designation and Zone from Agricultural Reserve (AR) to Rural Use North (RU-2).



## 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 permits Council to consider the proposed mapping amendments. Policy IM13 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.

## Policy Analysis

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

## Citizen Engagement

- 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 and have been provided to PAC. 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.



## Citizen Engagement

- A public hearing notice will be placed in the September 11<sup>th</sup> and 18<sup>th</sup> 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.



## 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).***