

# Motion C24(138): Rezoning and concept plans

Planning Advisory Committee  
January 21, 2025



**EAST HANTS**

## Background

- Last year Council passed motion C24(138)
  - ‘Moved that staff look at circumstances surrounding the rezoning of land’.
- This motion was passed due to frustrations from the public arising from concept plans being presented during rezoning applications and then a development being constructed which differs from the concept plan. This may be due to the developer changing their plans for the property or the land being sold and a different developer building on the property.

## Discussion

- The Land Use Bylaw includes a variety of zones and each zone has regulations permitting the land uses and the physical requirements for developing on the property. These physical requirements can include, but vary in each zone, setbacks from property boundaries, height limits, maximum building sizes, etc. Some zones have a more detailed list of requirements which may include landscaping, location of parking, boundary screening, amenity space, etc.
- As-of-right development -
  - reviewed and approved by Development Officer (DO)
- Site Plan Approval -
  - reviewed and approved by Development Officer
  - Details of site plan approval communicated to the public.
- Development Agreement -
  - reviewed and approved by Council.
  - Contract between Council and developer.
- Rezoning application
  - Reviewed and approved by Council
  - Sets zone whereby DO approves as-of-right or site plan approval

## Discussion

- If Council approves a rezoning application, the property owner is then able to develop their property in accordance with the regulations in the land use bylaw, at the time they decide to develop their property, which could be either as-of-right or site plan approval.
- The regulations in the land use bylaw sets out the elements by which the development can be approved. The site plan submitted with a rezoning application has no bearing on whether the development officer permits the development - the development officer will approve the development based on the regulations that council approved to be included in the land use bylaw.
- The development officer cannot refuse to issue a permit or approve site plan approval if the site plan differs from the site plan submitted with a rezoning application.

## Discussion

- The frustrations occur where the public see a site plan during a rezoning application and do not fully understand that the plan should be considered a concept only and should not be relied upon to consider the specific impacts to them.
- The public may not also consider that if a property is sold following a rezoning the new property owner may have different plans for the property.
- There is no legislative framework to compel the developer to build as per the site plan submitted with the rezoning application.

# Options for Consideration

Option	Pro's	Con's
<p>Enable developments more widely through Development Agreements.</p>	<ul style="list-style-type: none"> <li>• This would give more certainty to the public and Council about what is being permitted.</li> <li>• The developer has to build as per the site plan that Council approved.</li> <li>• The approved development agreement remains with the property as it's registered at the land registry.</li> </ul>	<ul style="list-style-type: none"> <li>• This would generate additional work for staff in the planning &amp; development (P&amp;D) department. The additional work may impact timelines for other planning projects and timelines for planning applications.</li> <li>• This would generate additional reports for Council to review.</li> <li>• This would add costs and approval requirements for developers and property owners.</li> <li>• In the 2016 Plan Review Council tried to move away from requiring many DA's for the reasons noted above.</li> </ul>
<p>Greater use of Site Plan Approval.</p>	<ul style="list-style-type: none"> <li>• Information on what has been approved by the Development Officer is added to the public website so the public would have a greater understanding on what development has been approved.</li> <li>• This is a less time-consuming process overall for P&amp;D staff and can be processed more quickly than a development agreement.</li> </ul>	<ul style="list-style-type: none"> <li>• Site Plan Approval is already required for many of the zones which the public have raised concerns about which includes: multi-unit residential; village core; mixed-use centre; and regional commercial.</li> <li>• This would generate additional work for staff in the P&amp;D department.</li> <li>• This would add costs and approval requirements for developers and property owners.</li> <li>• If a change in zone triggers a site plan approval process this would not mean the site plan submitted matches the one submitted with the rezoning application.</li> </ul>

# Options for Consideration

Option	Pro's	Con's
<p>Not require site plans be submitted with rezoning applications.</p>	<p>This would remove the current frustrations as there would be no initial site plan that the public base their understanding of what is being developed on the property.</p>	<ul style="list-style-type: none"> <li>• Policies in the Municipal Planning Strategy should be amended as there are some which have criteria for considering site plans submitted with a rezoning application.</li> <li>• It can be difficult to visualize what development can occur on a property so having no site plans may make considering the impact more challenging.</li> </ul>
<p>Better communication from the municipality that the site plan should be considered a concept only.</p>	<ul style="list-style-type: none"> <li>• This would strengthen the message to the public which would hopefully help in greater understanding on the use of the concept plan.</li> <li>• No cost or staff resources associated with this.</li> </ul>	<ul style="list-style-type: none"> <li>• There may still be some people that do not understand the messaging around the use of concept plans but staff hope this will be very limited.</li> </ul>

## Improved Communication to the Public

Staff already include in staff reports and presentations that the actual development following a rezoning may differ from the site plan submitted with the rezoning application. Since motion C24(138) was moved by Council staff have added additional text to some presentations.

Also, in the drafting of this report staff have identified additional improved communication to the public that staff could implement:

- Adding additional bullet point to presentations indicating that the actual development and the developer may be different than the current site plan and developer.
- Add note to webpage for the planning application and also to the questionnaire/letter that:
  - The actual site plan and developer may be different than the current site plan and developer.
  - The developer will have to comply with the requirements of the land use bylaw at that time.
- Provide the public with information on the maximum height, floor area, setbacks (where relevant) for the proposed zone.



## Conclusion

- Other than improved communications, planning staff do not recommend any of the additional options outlined in the previous slides.
- Changes to the regulations to have greater use of development agreements and/or site plan approval has a potential staffing resource impact and will add further permitting requirements for developers. Even if a site plan approval application is required following a rezoning, the site plan submitted would not have to match the one for submitted with a rezoning.
- Staff do not recommend removing the requirement for the submission of a site plan with a rezoning application. This may have a consequence of making it more challenging to understand the potential impacts of the proposed rezoning.

## Recommendation

- Direct staff to improve communication to the public regarding the impact from rezoning applications.

## Recommended Motion

- Planning Advisory Committee recommends that Council direct staff to improve communication to the public as outlined in this staff report.