



Plan Update: Final Amendments and First Reading

Planning Advisory Committee

March 21, 2023

Planning & Development Department



EAST HANTS

Background

- Staff presented draft planning documents to Planning Advisory Committee (PAC) in September, 2022.
- Public consultation was held in November and subsequent direction was given by Council in December 2022 regarding the Agricultural (AR) Designation and Zone.
- Based on this consultation and Council direction, as well as additional edits to deal with various errors and omissions, the planning documents have been further amended.
- The Agricultural Reserve (AR) Zone has been removed from the future planned area in response to Council Motion C23(22).
- Planning staff are now requesting first reading of the East Hants Official Community Plan and authorization to schedule a public hearing.

Previous Reports

- Previous reports have dealt with and Council has provided direction on the following topics:
 - Rural Use North (RU-2) proposed zone uses including residential and commercial activities.
 - Campgrounds
 - Fundy Vulnerability Study and proposed zoning
 - Amenity space changes for the R3, MC, and R2-T zones
 - Updates to the VC Zone
 - Parking updates for Shubenacadie
 - Milford Ground Water Study and new zoning
 - Zoning report for minor changes in the comprehensive zoned area
 - And more.
- Previous reports where Council has decided not to proceed with recommendations:
 - Rural Settlement Zoning in the future planned area
 - Agricultural Zoning in the future planned area

Marine Industry

- East Hants has recently had an inquiry about the development of a marina and marine related industry in Walton.
- As a result, staff are recommending that the following definitions and regulations are added to the LUB to allow for this use to occur along the Bay of Fundy coastline.
- *Marine Service Industry means a use of land, wharves and buildings for the design, assembly, service, or sales of equipment which is utilized for aquatic business (including seafood processing), tidal power operations, research or recreational purposes, but does not include residential, or obnoxious uses, or a noxious industrial use.*
- *Marina means a facility which is primarily used for the rental of berthing space for boats, but may include the rental of boats, storage of boats and equipment, marina supplies, fuel, fishing supplies and equipment, boat repair facilities, or a café or restaurant.*

Shelter Use

- The LUB currently does not have a definition of a shelter and with the lack of affordable housing in Nova Scotia there may come a point at which a shelter is required in East Hants.
- Therefore, staff are proposing that a definition of shelter use is added to the LUB and that the use is permitted in the Institutional Use (IU) Zone.
- Institutional Use (IU) Zone uses are permitted by site plan approval in all of the mixed use zones and are permitted as-of-right in all of the separated commercial zones, except the Regional Commercial (RC) Zone where site plan approval is required.
- IU Zone uses are permitted in the Two Dwelling Unit Residential (R2) Zone by development agreement.
- *Shelter Use means premises providing an individual with overnight sleeping accommodations, free of charge.*

Residential Solar Farms

- In response to an inquiry from a Developer on the ability to create a solar farm as part of residential development and as an alternative to current electricity production, staff are proposing amendments to the Land Use Bylaw that would permit a solar farm on residential neighbourhood zoned lands if the purpose of the solar farm is to support the electricity needs of the neighbourhood.



Revocation of Development Permit

- Planning staff propose adding a section to the LUB that would allow the Development Officer to revoke a development permit in certain situations.
- The text is consistent with the text used in the Halifax Centre Plan.

Revocation

- *The Development Officer may revoke a Development Permit if:*
 - *the development is not in accordance with:*
 - *this Bylaw,*
 - *the plans associated with the approved development permit,*
 - *an approved site plan, or*
 - *an approved development agreement.*
 - *the permit was issued based on incorrect information provided by the applicant when applying for the development permit; or*
 - *the permit was issued in error.*

Open Space Water Frontage

- The PRC has requested a change to the draft SUB.
- Under the current regulations, developers have to contribute open space with water frontage on any development over 5 lots, which has access to a watercourse.
- This requirement works well for useable water frontage; however, some of the recently proposed developments have minor watercourses and wetland water frontage, and staff would like some discretion on the type of land they are required to accept.
- Therefore, staff are proposing that Section 13.4 of the Subdivision Bylaw is amended to tie the type of water frontage the Development Officer accepts with how the Subdivision Bylaw defines useable land.
- If the land is not considered useable under Section 13.3 then the municipality does not have to take water frontage if the land is considered useable then the municipality has to take the water frontage.

Site Plan Approval

- As part of the Omnibus Staff Report text amendments had been proposed that would require site plan approval work to be completed within two years of approval being issued.
- Planners at Municipal Affairs and Housing have indicated that the MGA does not enable the Municipality to include time limits within the regulations.
- Staff has consulted the Municipal Solicitor and he has indicated that text could be added to the letter of undertaking indicating the 2-year completion period.
- Staff have adjusted the policies and regulations in relation to site plan approvals.
- The letter of undertaking has been updated accordingly.

Conclusion

- Planning staff have completed a second draft of the East Hants community plan based on Council direction, public consultation, and internal staff review. Staff are now recommending that first reading be considered.
- Once the draft documents have first reading, a mail out to all property owners in the future planned area will be initiated to let them know of their proposed zoning and to all property owners in the comprehensively zoned area whose zoning is proposed to change.
- The letters will also contain the date, time and location of the public hearing.

Recommendation

- That first reading is given to the Plan Update amendments and that staff is authorized to schedule a public hearing.

Recommended Motion

Planning Advisory Committee recommends that Council:

- *authorize staff to give first reading to amendments to the East Hants Official Community Plan (Municipal Planning Strategy, Land Use Bylaw, and Subdivision Bylaw) as part of the ongoing Plan Update; and*
- *enable a public hearing and authorize staff to schedule a public hearing.*