



**Subject:** *Substantial Amendment to Existing Development Agreement - Fence*  
**To:** CAO for Planning Advisory Committee, May 9, 2023  
**Date Prepared:** May 2, 2023  
**Related Motions:** None  
**Prepared by:** Debbie Uloth, Project Planner  
**Approved by:** John Woodford, Director of Planning and Development

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### Summary

The Municipality of East Hants has received an application from 3313013 Nova Scotia Limited to substantially amend an existing development agreement. The purpose of the application is to change the type of buffering fence required by the development agreement.

### Financial Impact Statement

There are no immediate financial impacts associated with the adoption of this report.

### Recommendation

That Planning Advisory Committee recommends that Council give initial consideration to the substantial development agreement amendment application and authorize staff to schedule a public hearing.

### Recommended Motion

*Planning Advisory Committee recommends that Council:*

- *give initial consideration to substantially amending an existing development agreement with 3313013 Nova Scotia Limited to permit a change to the fencing requirements; and*
- *to enable a public hearing and authorize staff to schedule a public hearing.*

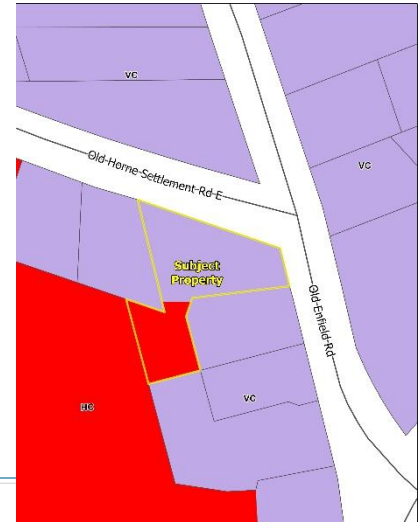
## Background

The Municipality received an application from 3313013 Nova Scotia Limited, in April 2023, to substantially amend an existing development agreement. As part of the original development agreement that was approved in June 2018, the property owner was permitted to construct a mixed-use residential and commercial building on lands located at 2 Old Horne Settlement Road, Enfield (PID 45078458). The applicant is looking to amend the fence buffering requirement of the original development agreement. A substantial development agreement amendment was approved in July 2020 to permit an increase in gross floor area and parking area layout. Construction of the building is complete and the building is occupied.

## Subject Property

The property is located at 2 Old Horne Settlement Road, Enfield. The size of the property is 2,015 m<sup>2</sup> and there is an existing development agreement on the property which permitted the development of the mixed-use residential and commercial building. Parking for the building is located in the rear yard.

Neighbouring zones include the Village Core (VC) Zone and the Highway Commercial (HC) Zone to the south west. The subject property is currently split zoned Village Core (VC) and Highway Commercial (HC). As part of the Plan Update, the property is proposed to be completely zoned Village Core (VC) Zone.

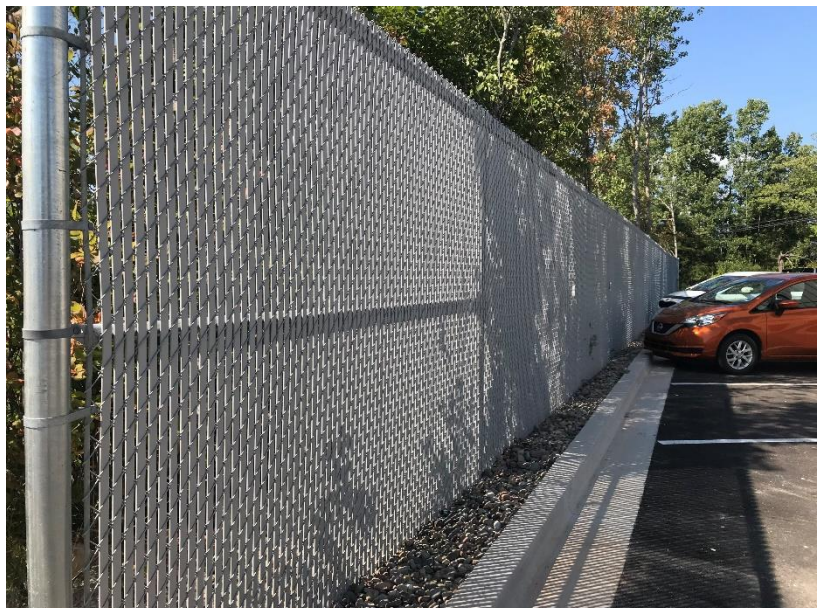


## Discussion

Section 2.4 of the original development agreement required that an opaque wooden fence be constructed along the western property line.

- 2.4 *For the purpose of creating a buffer and mitigating any land use conflicts between the subject property and adjacent properties, the Developer shall erect an opaque wooden fence with a height no less than 2.4 metres, along the western property boundary adjacent to the residential lot.*

Instead of constructing an opaque wooden fence, the Developer has constructed a chain link fence with slats. This fence style is not in compliance with the original development agreement or the Village Core Form-Based Zone Requirements. The Developer is requesting that the original development agreement be substantially amended to permit the chain link fence to be maintained. To the right is an image of the existing fence.



## POLICY ANALYSIS

Policy UD17 indicates that all development agreement applications must comply with the requirements of the Village Core Form-Based Zone Requirements. Under the form-based zoned requirements, “Fences shall complement the style of the main building and shall be one of the

*following types: wooden picket, metal picket, baluster fence or common privacy fences such as treillage, or dog eared. The following fences shall not be permitted: chain link, stockade, split rail, basket weave or board-on-board batten. The finished side of the fence shall face the public right-of-way or the neighbouring property.”*

Through the negotiation of the development agreement, the Developer agreed to the construction of an opaque wooden fence along the western property boundary. As part of the consultation process, staff will contact the adjoining property owner to determine their thoughts on the fence the developer has constructed. The final staff report will include a recommendation from staff.

#### **CITIZEN ENGAGEMENT POLICIES**

Planning staff will comply with the citizen engagement policies of the Municipal Planning Strategy when completing this application. An initial application notice was placed in the Chronicle Herald. A letter and questionnaire will be mailed to all property owners within a 300 m of the subject property asking for comments on the proposed development agreement amendment.

#### **STRATEGIC ALIGNMENT**

One of the Key Strategies from the Strategic Plan is Strong Community. This application aligns with the objective to “Ensure the East Hants official community plan is effective in managing changes in the community, reducing land use conflict and protecting both natural resources and community character.”

#### **LEGISLATIVE AUTHORITY**

The legislative authority and process for entering into a development agreement is set out in the Municipal Government Act, Part VIII.

#### **FINANCIAL CONSIDERATIONS**

There are no immediate financial impacts from refusing this application.

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## **Alternatives**

In considering the development agreement application Council can decide to refuse the application to amend the style of the fence.

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## **Attachments**

Appendix A- Satellite Image of the Subject Property



