

Substantial Amendment to Existing Development Agreement - Fence

Planning Advisory Committee

May 9, 2023

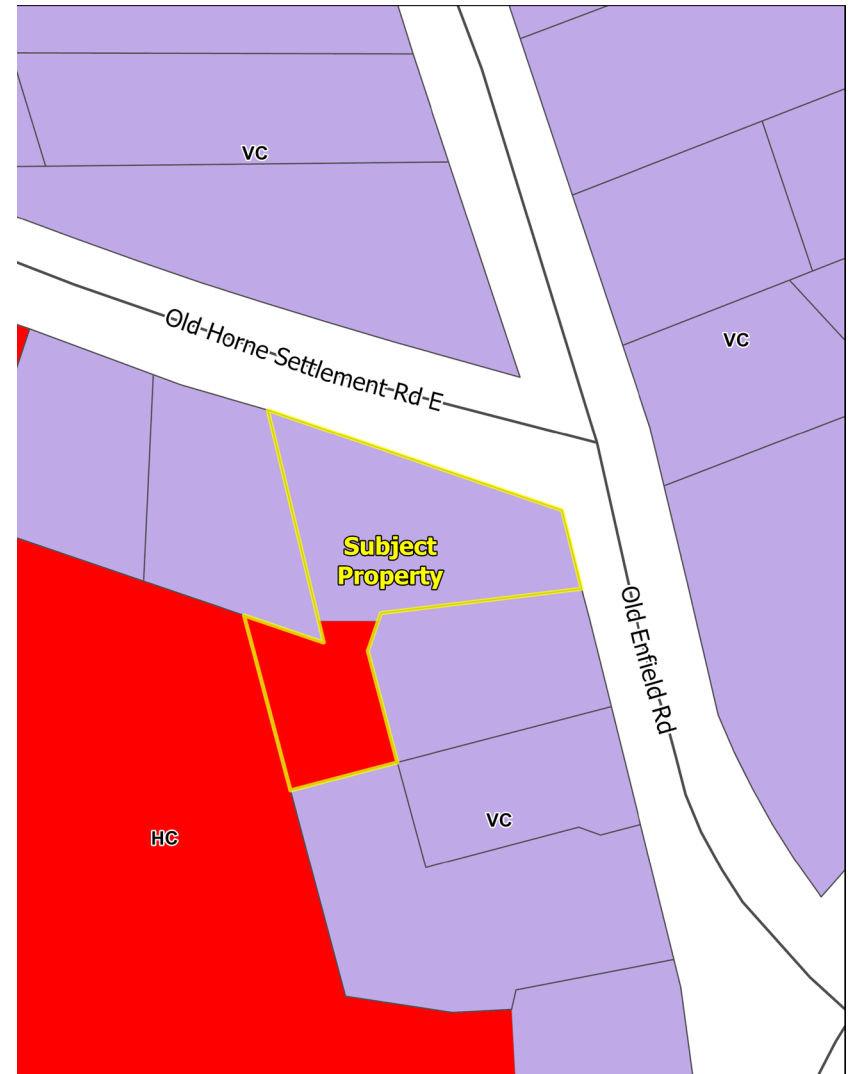
Planning and Development Department



EAST HANTS

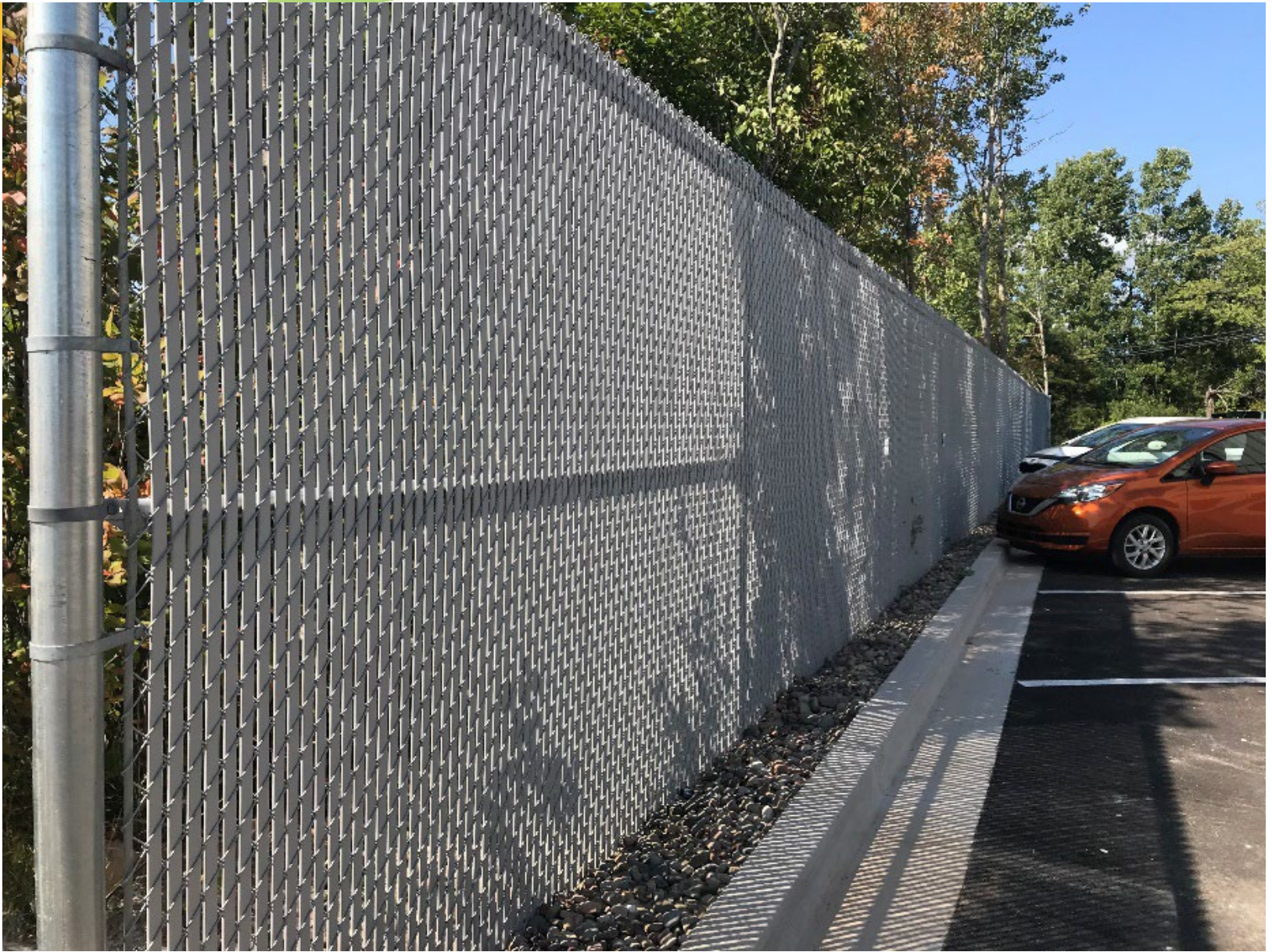
Background

- Applicant: 3313013 Nova Scotia Limited
- Location: 2 Old Horne Settlement Road, Enfield.
- Subject Property Size: 2,015 m²
- Proposal: To substantially amend an existing development agreement in order to change the type of buffering fence.



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.





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 report will include a recommendation from staff.

Citizen Engagement

- 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.

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.*