

Plan Update: Second Reading & Approval

Public Hearing

July 27, 2023

Planning & Development Department



EAST HANTS

Background

- The Plan Update process started in January 2021.
- Comprehensive Planning has to be implemented throughout the Municipality in accordance with the Minimum Planning Requirements Regulations.
- Staff have undertaken extensive community and stakeholder engagement throughout the Plan Update process.
- Council has used the feedback from residents to direct the contents of the Planning documents.
- Second reading and approval of the 2023 East Hants Official Community Plan is now ready.

Citizen Engagement

Background reports presented to PAC
spring 2021 to summer 2022 with
Council direction ending in first draft
of the East Hants Official Community Plan



April 2021

Zoom meeting with
Developers which briefed
them about Plan Update

Summer 2021

Plan Update Open
Houses - Rural East
Hants Communities

Planning Document
changes based on
community feedback
and Council direction

May 2023

Over 5,700 letters mailed
indicating proposed zoning
and advertising date of
public hearing & PH
newspaper notice and social
media notice

Public
Hearing
July 2023

Letters to adjoining
Municipalities notifying
them of the Plan Update.

May 2021

Plan Update Survey

October 2021

Plan Update Open
Houses and Public
Information Meetings -
All of East Hants

December 2022 to
April 2023

First Reading East Hants
Official Community Plan &
authorization to hold a
Public Hearing

June/July 2023



Citizen Engagement since May 2023

- Over 5,700 letters were mailed indicating zoning changes and the date of the Public Hearing.
 - In response staff have answered:
 - 47 phone calls
 - 11 emails
 - 4 walk-in inquires
 - 2 meetings with residents were held
- The July 27th public hearing has been advertised on the Municipal website, on social media, in Pam's Web, and in the Chronicle Herald.
- Neighbouring Municipalities and Sipekne'katik First Nation have been notified of the final draft of the Planning documents and the Public Hearing.
- Over 60 letters returned because of an incorrect address, property owner moved, or deceased property owner. Staff tried to correct the addresses wherever possible.

Comments Regarding Proposed Zoning from Mailout

- Comments from East Hants property owners included the following:
 - How is zoning going to impact property taxes.
 - Requests for more information on the new zones and on the purpose of land use regulations in general.
 - Inquires if a new development was being proposed on neighbouring lands.
 - A couple of requests for elevation measurements.
 - A few requests for maps.
 - Clarification on property boundaries and zoning boundaries (i.e. land that has already eroded may have zoning because the property boundaries have not been resurveyed)
 - Questions on the route of rivers we have identified.
 - Questions on possible agricultural zoning in the future.
 - Questions about lawfully existing uses.
 - WG Zone setbacks versus Provincial Regulations.

New Content in the Community Plan

- Planning Advisory Committee has reviewed and given direction on a range of topics throughout the Plan Update process.
- Further direction on the Plan Update was given at the July 18, 2023 meeting of Planning Advisory Committee to remove the Fundy Erosion and Fundy Flood Risk Overlay Zones from the final Planning Documents.
- Planning documents presented tonight still have the Fundy Erosion Zone and Fundy Flood Risk Overlay Zone information included in the documents because these are the documents that were given first reading.
- If Council decides to accept PAC's recommendation, information pertaining to the FF and the FE Zone will be removed prior to the documents being sent to the Minister of Municipal Affairs and Housing.

Rural Use North (RU-2) Designation and Zone

- The Rural Use North (RU-2) Designation and Zone is a new zone applicable to the northern and central areas of East Hants.
- New land use policies are intended to protect the existing rural landscape while minimizing potential conflicts between different types of land uses.
- Commercial land uses permitted in the Rural Use North (RU-2) Zone will be very similar to those already permitted in the Rural Use (RU) Zone (e.g. rural commercial uses, residential uses, agricultural uses, forestry uses, etc.).
- Not all commercial land uses will be permitted as-of-right, some uses that may have a greater impact on the surrounding community are proposed to be considered by development agreement. These uses include but are not limited to:
 - Explosives storage
 - Chemical treatment of lumber
 - Vehicle race tracks and amusement parks
 - Any industrial development engaged in the production, wholesale storage, or distribution of dangerous goods.
 - Salvage yards
- Home-based businesses shall also be permitted as part of residential development.

Rural Use North (RU-2) Designation and Zone

- A wide variety of residential development will be permitted in the new Rural Use North (RU-2) Zone, including:
 - Single unit dwellings
 - Two unit dwellings
 - Mini-homes
 - Accessory dwelling units
 - Tiny homes on wheels
 - Multiple unit buildings up to a maximum of 12 dwelling units
 - Cluster townhouse developments up to a maximum of 12 dwelling units
- For residents wishing to construct multiple unit developments or cluster townhouse developments over 12 dwelling units, Council will consider by development agreement planning applications between 12 and a maximum of 24 dwelling units.
- Council has authorized staff to create regulations to permit recreational vehicles in the Rural Use North (RU-2) Zone as seasonal and permanent use, in accordance with the following provisions:
 - For lots up to a maximum of 6,070 m² of 1 RV shall be permitted per lot.
 - For lots greater than 6,070 m² a maximum of 3 RVs shall be permitted per lot.
 - Property owners wishing to locate more than 3 RVs per lot shall be required to apply for a development permit for a campground.



Fundy Flood Risk Overlay (FF) Designation and Zone

- This new land use designation and zone was created to protect property owners along the Bay of Fundy from potential flooding.
- New main buildings, which are permitted by the underlying zone but are located within the Fundy Flood Risk Overlay (FF) Zone, shall be flood proofed by requiring a minimum finished floor elevation of 10.0 m (CVGD2013).
- Some uses are restricted, which pose a risk to residents or to the environment during storm surge flooding.
- In some cases, zoning extends to a portion of the property that has already been lost to shoreline erosion.
- PAC not recommending approval of these policies and regulations.

Fundy Erosion (FE-2050) & (FE-2100) Designation and Zone

- To understand the impacts of the Bay of Fundy tides on the coastal area of East Hants, Council commissioned a study to identify the areas at risk from coastal erosion.
- Historical aerial photography and other data was used to identify the location of the coastline from 1973 and 2019.
- These rates of erosion were projected forward to identify the areas at risk of coastal erosion between now and the year 2100.
- As a result, two new zones have been created, the Fundy Erosion Overlay (FE-2050) Zone and the Fundy Erosion Overlay (FE-2100) Zone.



Fundy Erosion (FE-2050) & (FE-2100) Designation and Zone

- In the Fundy Erosion Overlay (FE-2050) Zone, new structures are not permitted as land in this zone is expected to erode within the next 27 years.
- In the Fundy Erosion Overlay (FE-2100) Zone, new structures are only permitted by site plan approval and must be located on either skids or helical piles to allow for the structure to be relocated.
- Land in the FE-2100 Zone is expected to erode in the next 77 years.
- Some exceptions apply to these regulations, accessory structures to an existing main building are permitted in either zone and the replacement of existing buildings due to fire or other damage is permitted.
- Where a coastal erosion study has been completed and a coastal bank has been stabilized, a new structure may be permitted in either zone, subject to requirements in the Land Use Bylaw.
- In some cases, the zoning may show an area that has already been lost due to erosion.
- PAC not recommending approval of these policies and regulations.

Milford Groundwater Overlay (MGW) Designation and Zone

- A new zone has been created for all land within the Milford Growth Management Area.
- The purpose of the zone is to protect the impact of well interference on existing groundwater supplies, Council is proposing the Milford Groundwater Overlay (MGW) Zone.
- New developments that include: subdivisions where more than four residential lots are to be created; over four residential units on a property; or water-intensive commercial uses, require a development agreement application.
- A hydrogeological study will be required with these development agreement applications and also for requests to rezone property within the MGW Zone.

Amenity Space Changes for the R3, MC, and R2-T Zones

- Common amenity space design requirements have been improved to try and create engaging park spaces for residents.
- Townhouses will require larger private amenity spaces while on-street townhouses will no longer require common outdoor amenity space.

Village Core (VC) Designation and Zone Updates

- Amendments are proposed to the Village Core (VC) Zone, these amendments include increasing the size of an as-of-right single use commercial use to 400 m², an incentive to try and protect homes of a historic nature, and tweaks to the Village Core Form Based Zone Regulations.

Campgrounds

- New regulations are also proposed for new campgrounds or campground expansions. Site plan approval will be required for each application and shall comply with the following:
 - The minimum lot size of a campground shall be 2 hectares and the minimum lot frontage shall be 30 m.
 - Where a neighbouring land use is residential and within 250 m of the campground, the campground shall be buffered with fencing, opaque vegetative strips (or existing substantive vegetation), or berms to minimize the transmission of noise.
 - Fires are only permitted in fire pits, barbeque's, wood burning stoves and appliances.
 - All elements, including parking, camp sites, public gathering areas, loading areas, and outdoor storage shall be setback 12 m from the side and rear lot boundaries.
 - Refuse shall be enclosed and concealed.
 - The campground shall not create undue traffic or pedestrian hazards, traffic and pedestrian circulation shall be clearly marked.
 - A single unit dwelling shall be permitted as an accessory use for the residence of the owner or operator of the campground.

Parking - Shubenacadie Village Core

- Many of the buildings in the Shubenacadie Village Core are older mercantile buildings constructed in the early 20th century and form an important part of the character of the community.
- East Hants Council sees an opportunity to protect the buildings on smaller lots by taking a different approach to parking than in the other village cores.
- Council has authorized staff to include an item in the draft 2023/24 budget for the design and layout of parking on Municipally owned lands.
- Council is also considering amendments to the Land Use Bylaw to change the way that parking is considered in the Village Core (VC) Zone in Shubenacadie.

Other Plan Update Items

- East Hants Council is considering a wide variety of other amendments to the Planning documents:
 - Citizen engagement policy changes.
 - Removal of references to the Wind Energy (WE) Designation and Zone.
 - Amended existing definitions and added new definitions.
 - Subdivision Bylaw updates.
 - Housekeeping mapping amendments.
 - Walkable Comprehensive Development District mapping amendments.
 - And many other small policy and regulation tweaks based on current best practices.

Conclusion

- The Plan Update process is now complete.
- Land use planning policy and regulations are proposed that extends to all properties within East Hants' Municipal boundaries.
- Extensive citizen engagement has been taken throughout the Plan Update process.
- Planning staff now recommend second reading and approval of the East Hants Official Community Plan so that the Planning documents may be forwarded to the Minister of Municipal Affairs and Housing for review.