



Subject: *3230225 Nova Scotia Limited- Unsubstantial Development Agreement Amendment*
To: CAO for Planning Advisory Committee, September 19, 2023
Date Prepared: September 13, 2023
Related Motions: None
Prepared by: Debbie Uloth, Project Planner
Approved by: John Woodford, Director of Planning and Development

Summary

An application was received by 3230225 Nova Scotia Limited (Bruce McDow, Cottage Country) to unsubstantially amend an existing development agreement for lands located in East Uniacke. The purpose of the application is to amend the time limits outlined in the existing development agreement.

Financial Impact Statement

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

Recommendation

Approve the unsubstantial development agreement amendment.

Recommended Motion

Planning Advisory Committee recommends that Council:

- *approve the application by 3230225 Nova Scotia Limited for an unsubstantial amendment to their existing Development Agreement, with the Municipality of East Hants, to permit an extension of the time limits until January 2028; and*
- *enter into the amendment within one year of Council's approval.*

Background

Planning and Development staff received an application in June of 2023, by 3230225 Nova Scotia Limited (Bruce McDow, Cottage Country), to amend the time limits of their existing development agreement. Under Part 12: Registration Effect of Conveyances and Discharge of the existing agreement, there are time limits for the completion of the development. Section 12.4 states the following:

- 12.4 *If the Developer fails to complete the development or portions thereof after ten (10) years from the date of registration of this Agreement at the Registry of Deeds, Municipal Council may review this Agreement, in whole or in part, and may:*
- retain the Agreement in its present form;*
 - negotiate a new Agreement;*
 - discharge this Agreement on the condition that for those portions of the development that are deemed complete by the Council, the Developer's rights hereunder are preserved and the Council shall apply appropriate zoning pursuant to the Municipal Planning Strategy and Land Use Bylaw, as may be amended.*

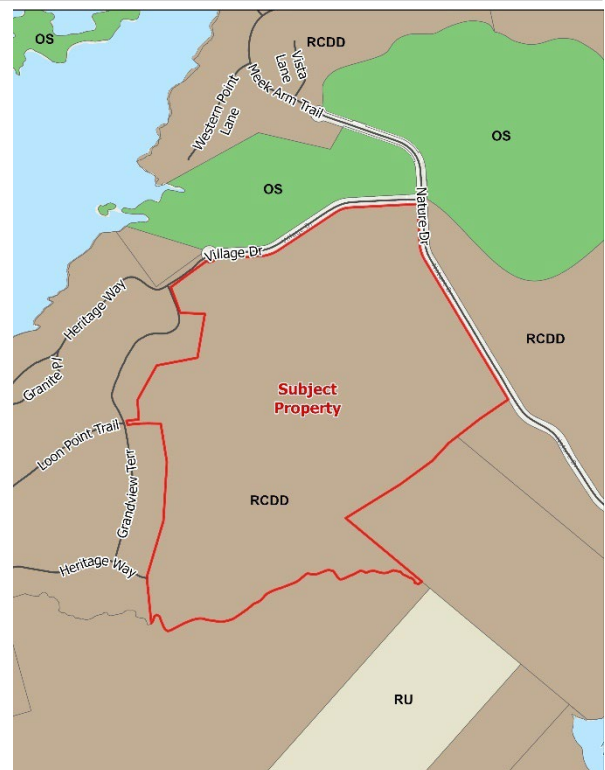
Registration of the development agreement at the Registry of Deeds occurred on January 24, 2013. Ten years have now passed and the residential condominium community is not complete. Therefore, Municipal Council now has the ability to review the Agreement. Part 11: Amendments of the Agreement, allow the Developer to request to have the time limits, identified in Section 12.4 of the agreement, to be extended, which the Developer has now requested. Development staff will not approve further sections of the condominium development until the matter of the time limits has been addressed.

Subject Property

The subject property is located along Nature Drive, East Uniacke, and is identified as PID 45390242. The size of the subject property is approximately 88.61 hectares.

As indicated on the zoning map to the left, the subject property is designated Rural Comprehensive Development District (RCDD) and is zoned Rural Comprehensive Development District (RCDD). Adjacent zones include the Open Space (OS) Zone for Municipally owned open space.

The subject lands are a part of the development agreement that permitted the development of the Villages of Long Lake, which is a bare-land condominium development allowing for a total of 401 dwelling units. Village 1 (Hants County Condominium Corporation No. 6) currently has 74 dwelling units and is still majority-owned by 3230225 Nova Scotia Limited. Village 2 (Hants County Condominium Corporation No. 12) currently has 55 dwelling units and is run by a condo board. As the subject lands continue to be developed, they will be incorporated into Village 1 (Hants County Condominium Corporation No. 6).



Development Proposal

The purpose of the application is to amend the time limits identified in the existing development agreement to allow the continued development of the lands. According to the existing development agreement, the applicant can apply for an unsubstantial amendment to have the time limits amended. The developer has requested that the time limits be extended and staff are recommending that the applicant be given five additional years to complete the development on the subject lands.

Amendments to the time limits will only be applicable to PID 45390242. All other outstanding items related to trails, open space, and signage in Hants County Condominium No. 6, Hants County Condominium No. 12, and on the public open space lands owned by East Hants are now being addressed as part of bylaw enforcement. Timelines for the completion of these items have been determined separately, through the bylaw enforcement process.

A copy of the Hants County Condominium No. 6 development plan has been attached. There are approximately 140 dwelling units still to be constructed as part of the remaining area.

Policy Analysis

The Planning and Development Department has reviewed this application based on the applicable sections of the *Municipal Government Act*, the current development agreement, and the policies contained in the Municipal Planning Strategy; and have concluded this application be identified as an unsubstantial amendment. Amendments to the existing Development Agreement which are considered unsubstantial include a request to amend the time limits. Amendments to those items in a development agreement not considered substantive do not require a public hearing.

The purpose of the amended timelines is to allow the developer to continue developing the bare-land condominium development. Any future development areas or changes to the type of development permitted by the existing development agreements will require a separate planning application. Extending the timelines does not change the development pattern, the number of dwelling units, or the type of development that was approved in 2013. Therefore, staff feel that the change to the time limits should be permitted.

As per the existing development agreement with the Municipality, any amendment, whether substantive or not, to the agreement must be approved by both parties in writing. Although, as noted above, no public hearing is required, the process requires a newspaper notice and is open to appeal to the Nova Scotia Utility and Review Board.

Conclusion

The Planning and Development Department has completed its review of the application by 3230225 Nova Scotia Limited (Bruce McDow, Cottage Country), for an unsubstantial amendment to their existing 2013 Development Agreement. Staff find that the proposal is consistent with the spirit and intent of the existing Agreement.

