



Subject: *Craig Langille - MPS and LUB Amendments*
To: CAO for Planning Advisory Committee, September 19, 2023
Date Prepared: September 5, 2023
Related Motions: PAC23(25) May, C23(155), PAC23(30) June and C23(207)
Prepared by: Rachel Gilbert, Manager of Planning
Approved by: John Woodford, Director of Planning and Development

Summary

The Municipality has received an application from Craig Langille to amend both the Municipal Planning Strategy and the Land Use Bylaw. The application involves an amendment to the designation and zone to enable the property to be subdivided and a new two-unit residential building be constructed and also an amendment to the Growth Management Area Boundary. First reading to the amendments was given in June 2023.

Financial Impact Statement

Staff estimate a new two-unit dwelling will double the tax revenue from the existing property with an additional two-unit dwelling on the same existing property. No new municipal built infrastructure is needed to service the development. The property is located on provincially maintained road with no municipal costs to maintain this expense.

Recommendation

That second reading and approval be given to the MPS and LUB amendments.

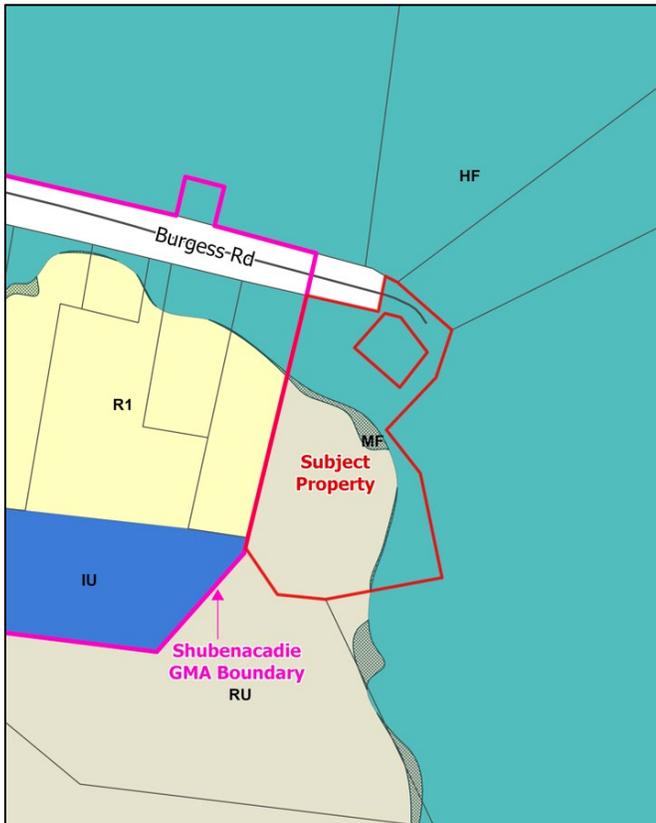
Recommended Motion

Planning Advisory Committee recommends that Council:

- Give second reading and approve the proposal from Craig Langille to amend the designation and zone of the subject property at 25 Burgess Road, Shubenacadie; and to extend the Shubenacadie GMA.

Subject Property

An excerpt of the zoning map and aerial photography map below show the location of the subject property identified as 25 Burgess Road, Shubenacadie (PID 45213162). Around half of the property is zoned High risk Floodplain (HF). The other half is zoned Rural Use (RU) and a small portion of this RU Zoned area is also zoned Moderate Risk Floodplain (MF) Overlay. The land is located outside the Shubenacadie Growth Management Area Boundary, the location of which is identified on the zoning and aerial photography maps below.



There is an existing two-unit residential building located on the property which was constructed in 2019. Despite being outside the GMA this building has municipal piped services which is due to the historical servicing of a dwelling on the property prior to the existing two-unit residential building. The property at 27 Burgess Road also has municipal piped services.

The property has approximately 47 metres of frontage on Burgess Road and is approximately 0.78 hectares (7800 sq.m) in size.

Along the northern part of the property an easement is provided for access to PID 45214376 and 45095213. The property located within the application site has frontage on the easement.

The wastewater treatment facility property is located to the rear of the application property.

Development Proposal

The applicant wants to construct an additional two-unit residential building. Since submission of the proposal the details of application has been amended to remove the single unit building indicated on the site plan. The applicant plans to subdivide his property to create an additional lot which would enable a new two-unit

residential building. The Rural Use Zone permits two-unit residential buildings however the frontage for a RU lot is 30m minimum. The frontage requirement for a serviced R2 lot is 18m minimum. To enable the smaller lot frontage requirements for the R2 zoned lot the property needs to be serviced by municipal water and wastewater. This would mean an amendment to the boundary of the Shubenacadie Growth Management Area to include the application property.

Policy Analysis

This application proposes amendments to the Municipal Planning Strategy (MPS) and Land Use Bylaw (LUB). Amendments include:

- Redesignate the property from Rural Use (RU) to Established Residential Neighbourhood Designation (ER)
- Rezone from Rural Use (RU) to Two Dwelling Unit Residential (R2).
- Amendments to the boundary of the Growth Management Area to include the application property - this will extend the serviceable boundary to include the application property.

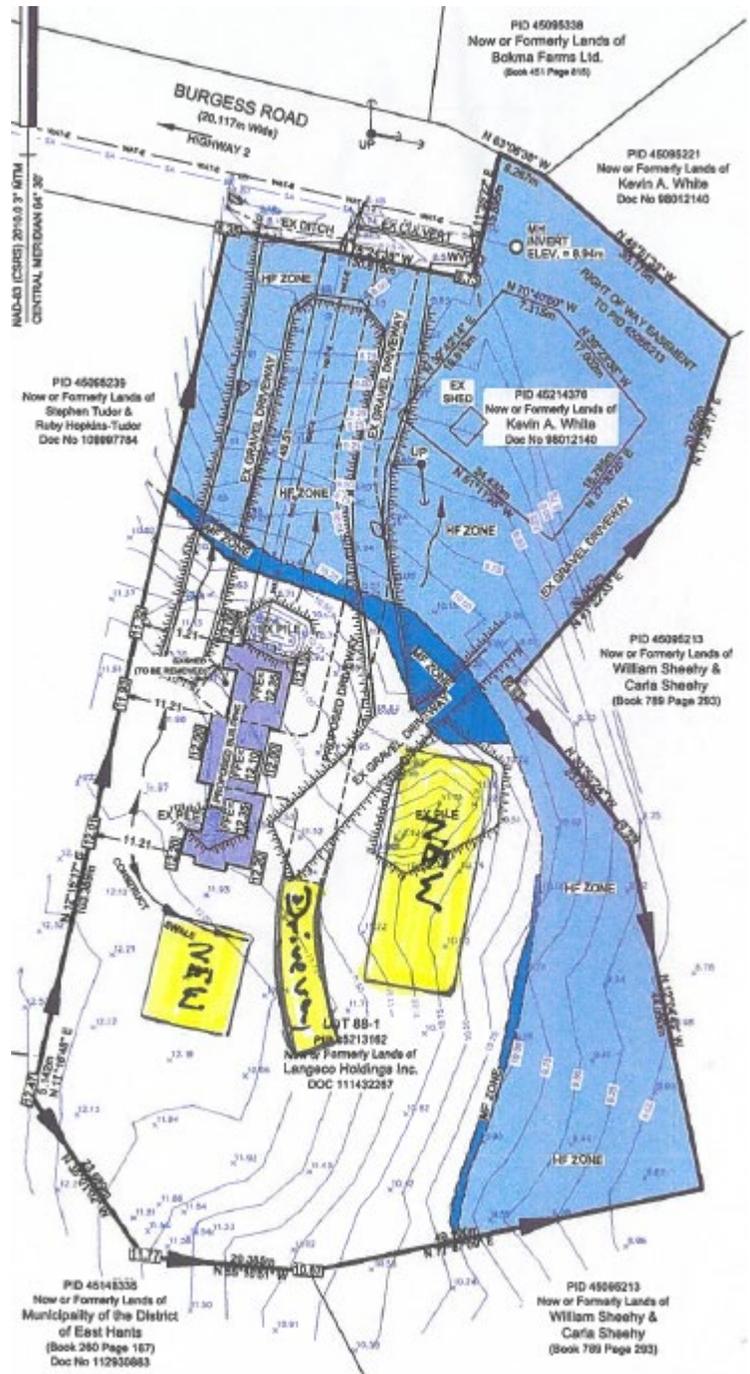
Staff have requested comments from internal departments and external agencies including Nova Scotia Public Works.

Nova Scotia Public Works have confirmed that they do not anticipate a negative impact to the provincial road network from the development.

The municipal department of Infrastructure and Operations have confirmed they have no objection to the application. Municipal services currently extend beyond the boundary of the Growth Management Area and both civics 25 and 27 connect directly to Municipal services.

Policy GM13. of the MPS indicates that Council shall establish the Shubenacadie Growth Management Area as the serviceable boundary for the community of Shubenacadie where Municipal water and wastewater services are available.

Municipal piped services are already provided to the existing two-unit residential building on the property due to the historical servicing of a single unit dwelling located on that same property. The single unit dwelling unit was demolished in 2019. The dwelling at 27 Burgess Road is also serviced by municipal water and wastewater.



Until the wastewater treatment facility is operational there is no capacity to service any additional units on the property. It is anticipated that the wastewater treatment facility will not be operational until early 2024.

Expansion of the Growth Management Area

Policy GM27 states that Council may expand a Growth Management Area (GMA) provided a detailed impact study of the financial, social, environmental, and agricultural implications demonstrates it is in the overall best interest of the Municipality to do so.

In most cases of an expansion to or the establishment of new GMA's or Growth Reserve Areas (GRA's) the study would be a detailed review and could be a complex assessment. In the case of this application, the expansion of the Shubenacadie Growth Management Area would be to include two properties which already have municipal piped services. For this reason, staff have provided a level of detail commensurate to the size of the requested expansion.

Policy GM27 states that This study shall include, but is not limited to, the following requirements:

- a) Determine the population density within the Growth Management Areas, Growth Reserve Areas, and rural areas of the Municipality;

Using the number of dwelling (civic points) in Shubenacadie and assuming a population of 2.5 people per dwelling (based on census data), planning staff estimate a population density of 315 per square km for the Shubenacadie GMA.

- b) Identify the remaining supply of serviced land and the anticipated rate of the consumption;

The remaining supply of land within the GMA which is undeveloped is 1.67 square km's. Of this 0.26 square km's is zoned High Risk Floodplain. This leaves 1.41 square km's of serviceable land available for development using very rudimentary calculations. The anticipated rate of consumption is hard to predict for Shubenacadie due to historical development patterns as development in the community has been constrained by the wastewater treatment capacity. It is reasonable to say however that there is sufficient land available for several years.

Although there is sufficient land available in the Shubenacadie Growth Management Area, staff consider that the proposed expansion is appropriate as it brings properties that are already serviced into the Growth Management Area.

- c) Determine the desired density required to achieve optimal efficiency and cost effectiveness in the delivery of services and infrastructure;

Staff have not analysed the desired density for the whole of the Shubenacadie Growth Management Area (GMA) as this application relates only to a small area of the GMA. Two of the buildings already have municipal piped services. If the application is approved this could result in a denser development for the existing application property with one additional two-unit building. Planning staff suggest that an additional two-unit dwelling using existing municipal infrastructure would have a positive cost impact on the municipal water and wastewater infrastructure.

- d) Determine the ability to provide "soft" services such as schools, police, and fire protection;

The proposal will add two properties to the GMA but these are already developed with occupied residential buildings located on them and therefore has no impact on soft services. If the rezoning to the application property is also approved the lot could be subdivided. This could result in two new residential units being added to the GMA from this application. This will have very limited impact on “soft” services.

- e) Identify the environmental impacts which may occur as a result of increased development activity;

The increased development activity if this application is approved is two additional residential units on land already in use as residential. No environmental impacts are anticipated from the expansion of services as proposed by this application.

- f) Determine the adequacy of transportation routes;

The existing transportation routes are adequate to accommodate the expansion to the Growth Management Area.

- g) Determine the ability to provide adequate recreation and open space opportunities;

The expansion of the Growth Management Area will only enable the rezoning and subdivision of land to create one more lot. This will have negligible impact on recreation and open space opportunities.

- h) Identify the financial costs associated with modification of existing boundaries;

The department of Infrastructure and Operations have confirmed that “there is no requirement for any municipal infrastructure to be built to accommodate the two-unit dwelling. Any connections to the existing services will be undertaken at the applicant’s cost”

- i) Identify if the development pattern is desirable;

The development pattern is already established by the two existing residential buildings which will be added into the GMA, if approved.

- j) Identify environmental considerations related to the long-term integrity of the water and wastewater;

The department of Infrastructure and Operations have confirmed that “if the boundary of the Shubenacadie Growth Management Area is extended as proposed there are no environmental considerations related to the long-term integrity of the water and wastewater system”.

- k) Identify the agricultural impacts, through an Agricultural Impact Study, where the proposed expansion or contraction of existing boundaries could involve or directly abut (excluding roads) Agricultural Reserve (AR) Zoned lands; and

The proposed expansion of the GMA does not impact any agricultural land.

- l) Identify the other planning related concerns as applicable.

There are no other planning related concerns that staff have identified.

Rezoning to Two Dwelling Unit Residential

Along Burgess Road there is a mixture of High Risk Floodplain (HF) and Established Residential Neighbourhood (R1) Zoning. The underlying land use designation for the R1 zoned properties is Established Residential Neighbourhood Designation (ER) and this is the same designation for the Two Dwelling Unit Residential (R2) Zone. Although the proposed zone does not mirror the residential zoning along Burgess Road it does reflect the use of the property.

The amendments proposed by this application are consistent with the Community Priorities identified in the MPS, specifically #5 - develop in a manner which is compact, environmentally and fiscally sustainable; and #8 - allow a range of housing options appropriate to each neighbourhoods' form and intensity.

There are no specific policies dealing with a redesignation and rezoning from Rural Use to a residential designation and zone. General policies regarding amendments to the MPS and LUB have been reviewed and comments have been provided in Appendix C.

Council's decision on this application is not appealable to the Nova Scotia Utility and Review Board as it involves amendments to the MPS.

STRATEGIC ALIGNEMENT

One of the Key Strategies from the Strategic Plan is Strong Community. Providing for a variety of housing options helps to create a community where people can move to or stay in their community. Sustainable Infrastructure is another Key Strategy relevant to this application.

LEGISLATIVE AUTHORITY

The Municipal Government Act, Part III gives legislative authority for this application. This section outlines the process for these amendments to be considered, including the advertisements for a Public Hearing.

FINANCIAL CONSIDERATIONS

The application will enable a new two-unit residential dwelling if the lot is subdivided. Using assumptions, staff estimate this will double the tax revenue from the existing property as an additional two-unit dwelling on the same existing property. Assuming a similar style of development to the existing two-unit building which has an approximate assessment value of \$350,000 with an annual tax income of approximately \$4,000 per year. After removing the provincial funding, RCMP, Fire, Sportsplex, Urban Service and Waste Management fees, the remaining residential taxes are approximately \$1,000 per year. No new municipal built infrastructure is needed to service the development. The property is located on provincially maintained road with no municipal costs to maintain this expense. Staff suggest a denser developed lot in this location should be supported.

Citizen Engagement

Planning staff have complied with the Citizen Engagement Policies of the Municipal Planning Strategy when processing the amendments. An advertisement outlining the proposal and indicating that it is under review by staff was placed in the Chronicle Herald.

As part of the review process for MPS amendments, a Public Information Meeting (PIM) is required, to hear input from the community. Approval to schedule a PIM was given at the May 2023 Council meeting. A letter was mailed to all property owners within 300 metres of the subject property indicating the time and date of the PIM. A notice of the PIM was also be placed in the Chronicle Herald and on the municipal website.

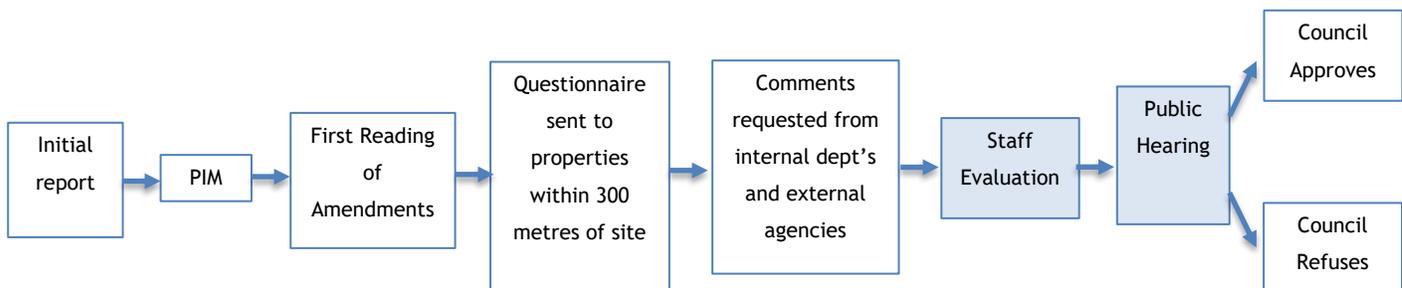
The PIM was held on the evening of June 6th. Notes taken at the meeting are included as Appendix B to this staff report. There were no comments or questions regarding the application from the public.

Following first reading a questionnaire was mailed to owners of property within 300 metres of the application site, seeking any comments on the application. Questionnaires were mailed to 29 property owners and 3 have been returned. Copies of the returned questionnaires have been scanned and provided for review by PAC. All three returned questionnaires confirm they have no objections.

To notify the public with details of the public hearing, a notice will be placed in the September 13th and 20th editions of the Chronicle Herald and a letter will be mailed to property owners within 300 metres of the application property.

Conclusion

Staff have completed the review of the proposal to amend the designation and zoning of the property and also extend the Growth Management Area. The proposal will enable a new two unit building to be constructed and be provided with municipal piped water and wastewater services. Staff consider that the application will have minimal impact on the surrounding area and are recommending approval.



Alternatives

Planning Advisory Committee may recommend that Council refuse the application. Staff do not recommend this approach.

Attachments

None

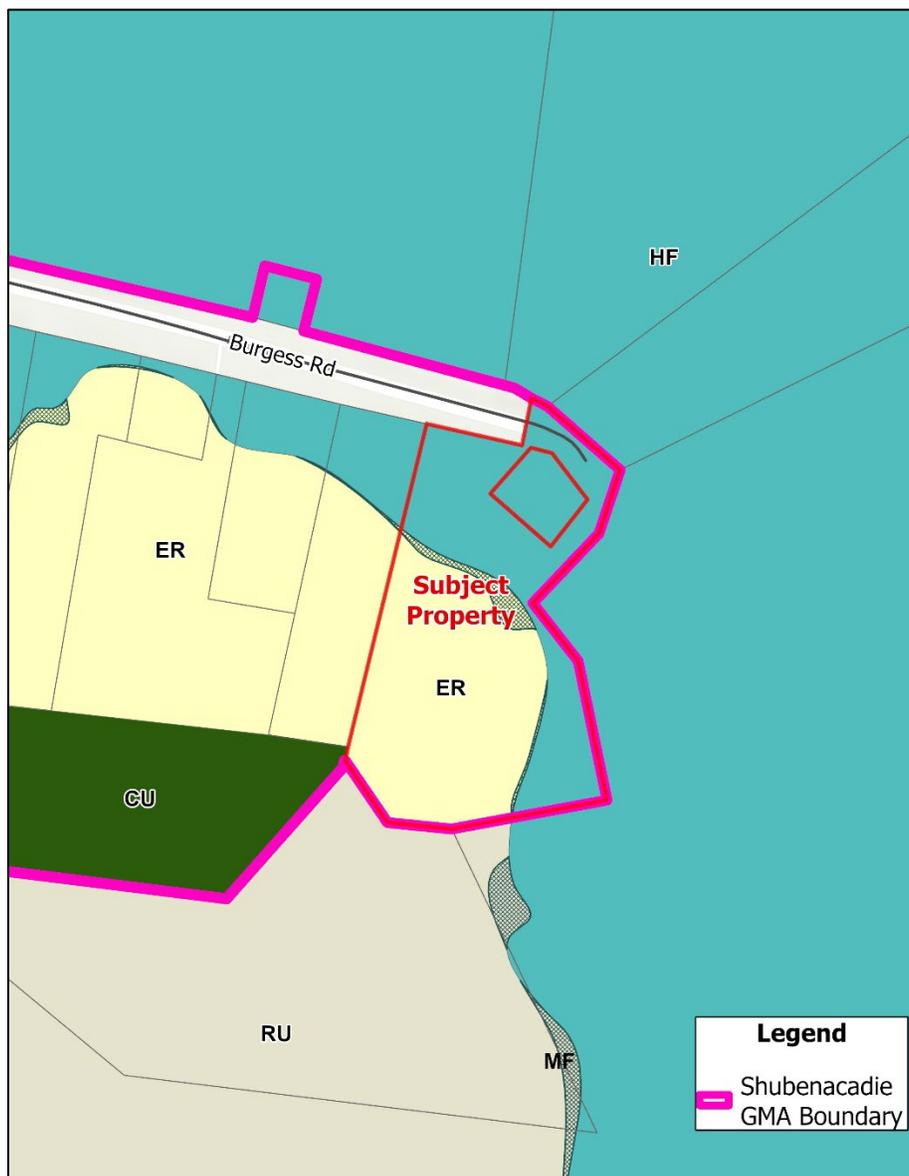
Appendix A - Draft Amendment Sheets

Amendment Sheet

The Municipality of East Hants
Official Community Plan
Municipal Planning Strategy

Generalized Future Land Use Map 3: Shubenacadie Growth Management Area

The GFLUM Designation of 25 Burgess Road, Shubenacadie (PID 45213162), has been redesignated from Rural Use (RU) Designation to Established Residential Neighbourhood (ER) Designation. The Shubenacadie Growth Management Area has been expanded to include the property.

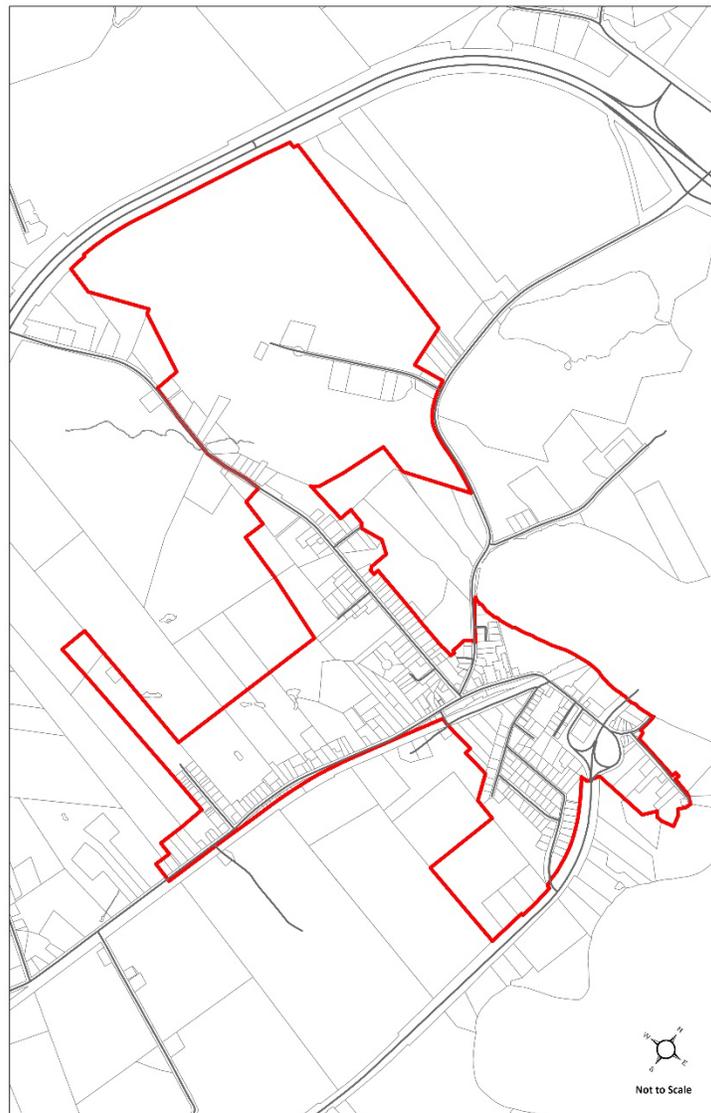


Amendment Sheet

The Municipality of East Hants
Official Community Plan
Municipal Planning Strategy

Section C1 - Growth Management and Infrastructure

The map identified as Figure 3.3, found in Section C1- page 4, of the Municipal Planning Strategy shall be replaced with the following map. The amended map includes the addition of 25 Burgess Road, Shubenacadie into the Shubenacadie Growth Management Area

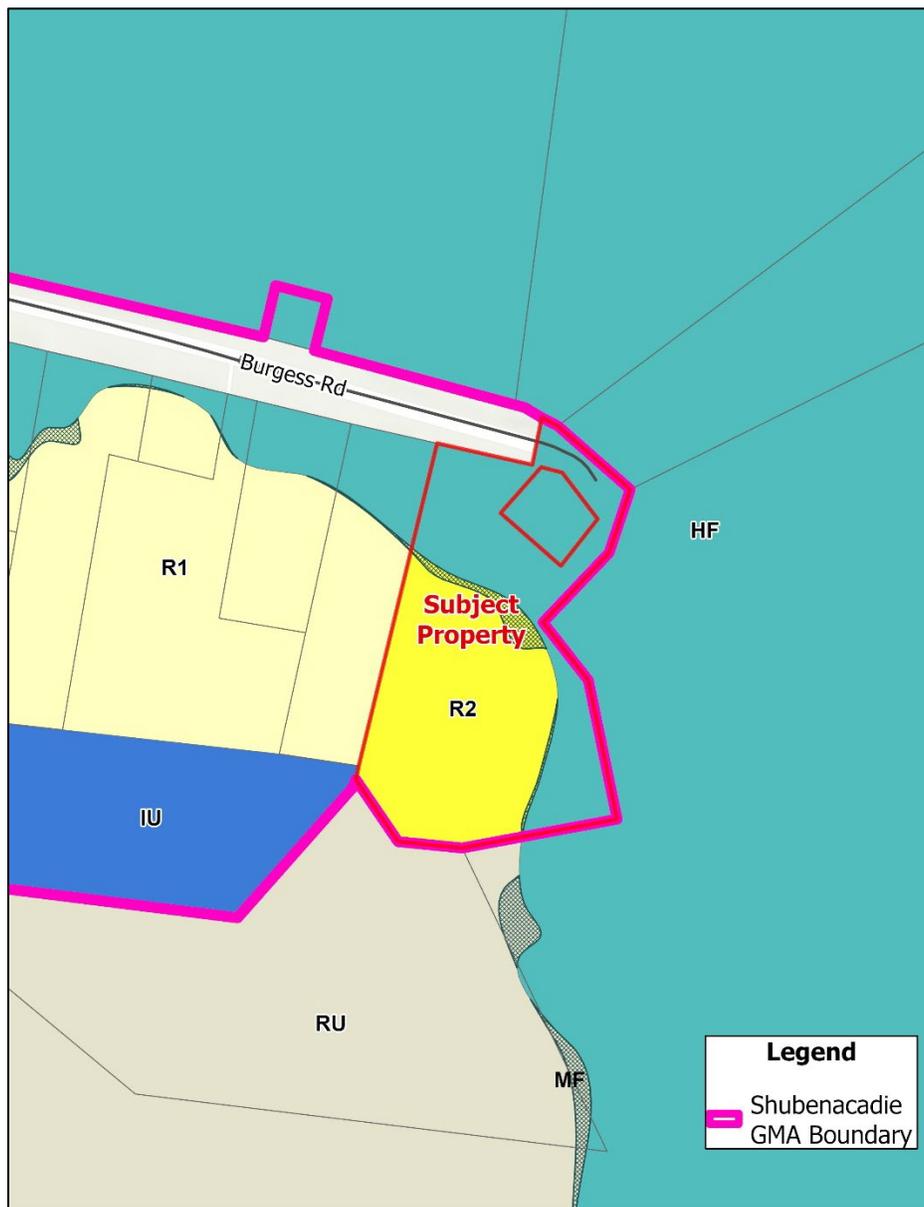


Amendment Sheet

The Municipality of East Hants
Official Community Plan
Land Use Bylaw

Land Use Bylaw Map 3: Shubenacadie Growth Management Area

The Zoning of 25 Burgess Road, Shubenacadie (PID 45213162), has been rezoned from Rural Use (RU) Zone to Two Dwelling Unit Residential (R2) Zone. The Shubenacadie Growth Management Area has been expanded to include the property.



Appendix B - Notes from Public Information Meeting

Public Information Meeting Notes

For PLN23-004 - Craig Langille

Proposed Municipal Planning Strategy and Land Use Bylaw Mapping Amendments - Shubenacadie.

Meeting Held June 6, 2023

Staff in attendance:

John Woodford, Director of Planning & Development (JW) (Chair)

Lee-Ann Martin, Planner and Development Officer (LM)

Rachel Gilbert, Manager of Planning (RG)

Applicant:

Craig Langille (CL)

Public In attendance:

1 member of public and 3 Councillors

Presentation

- Rachel Gilbert gave a presentation.
- Applicant chose not to give a formal presentation but provided some comments.

Questions and Comments:

- No comments or questions from the people in attendance.

Appendix C - Policy Analysis

Policy	Comments
Policy GM27	This policy dealing with the expansion of the GMA boundary is discussed in the main body of the report.
MPS Amendment Criteria	
IM12 Council shall consider map amendments to this Strategy when:	
a) A request is received for a zoning amendment that is not consistent with this Strategy's maps, but is consistent with the intent of this Strategy.	The requested zoning amendment is not consistent with the Generalized Future Land Use Map and requires a concurrent amendment to the MPS. This change is consistent with the Community Priorities identified in the MPS, specifically #5 - develop in a manner which is compact, environmentally and fiscally sustainable; and #8 - allow a range of housing options appropriate to each neighbourhoods' form and intensity.
b) Where the boundaries of the comprehensively planning area are altered.	Not applicable to the proposal.
c) Where a request for a comprehensive development is made and it is not already designated as such; and studies show that intent of the Strategy could be met through said proposal.	Not applicable to the proposal.
d) The boundaries of the planning area are not altered.	An amendment to the Shubenacadie Growth Management Area is proposed.
e) Housekeeping amendments are not warranted.	Not applicable to the proposal.
Land Use Bylaw Amendment Criteria	
IM13 It shall be the policy of Council to consider amendments to the Land Use Bylaw provided the amendment is consistent with the intent of the Municipal Planning Strategy.	Concurrent amendments to the MPS are proposed which will make the proposed amendments to the LUB consistent with the intent of the MPS. See Policy discussion on GM27 in the main body of the report and also policy IM12(a) above.
IM14 It shall be the policy of Council to consider an application for amendment to the Land Use Bylaw only if the application has identified a proposed use for the property. Council shall give consideration to both the proposed use and to the impact of other uses permitted in the requested zone.	The applicant has proposed a new two-unit dwelling on the property once the lot can be subdivided to create a new R2 serviced property.
IM15 It shall be the policy of Council to consider an application for amendment to the Land Use Bylaw	The proposed R2 zone will enable a subdivision to create two lots. The new and existing lot will meet the zone standards for the zone.

	only if the site meets all of the lot size and zone standards for the zone sought.	
IM16	Council shall consider the Land Use Bylaw Amendments within the applicable Generalized Future Land Use designation as subject to the policies of this Strategy	This LUB amendments are only possible with a concurrent amendment to the MPS to redesignate the property to R2 and expand the GMA.
IM17	Council shall, in considering amendments to the Land Use Bylaw, in addition to all other criteria as set out in the policies of this Strategy, have regard for the following matters:	
	a) Whether the proposed development is in conformance with the intent of this Strategy and with the requirements of all other Municipal Bylaws and regulations as applicable matters.	The requested zoning amendment is not consistent with the Generalized Future Land Use Map and requires a concurrent amendment to the MPS. This change is consistent with the Community Priorities identified in the MPS, specifically #5 - develop in a manner which is compact, environmentally and fiscally sustainable; and #8 - allow a range of housing options appropriate to each neighbourhoods' form and intensity.
	b) Whether Planning Staff have initiated a review of this Strategy, or any of the Official Community Plan documents.	An update of the Official Community Plan is underway but outside of this application no changes were anticipated for the property that is the subject of this application.
IM18	Council shall consider if the proposal is premature or inappropriate by reason of:	
	a) The financial capability of the Municipality to absorb any costs relating to the development.	Staff estimate a new two-unit dwelling will double the tax revenue from the existing property with an additional two-unit dwelling on the same existing property. No new municipal built infrastructure is needed to service the development. The property is located on provincially maintained road with no municipal costs to maintain this expense.
	b) The adequacy of municipally approved water and wastewater services or if services are not provided, the adequacy of physical site conditions for private on-site septic and water system. Council shall consider comments from the Municipal Infrastructure and Operations Department or Nova Scotia Environment as applicable.	The two existing buildings are already serviced with municipal water and wastewater. There is sufficient water capacity to service a new two-unit residential building. A new wastewater treatment facility is under construction and once completed will provide capacity for a new two-unit residential building.
	c) The adequacy and proximity of school, recreation, and any other community facilities. Council shall consider comments from Municipal departments and the appropriate School Board as applicable.	The proposal may result in one additional two-unit residential building. This will have minimal impact on existing school, recreation and any other community facilities.

<p>d) The potential for significantly reducing the continuation of agricultural land uses.</p>	<p>Not applicable to the proposed application.</p>
<p>e) The adequacy of existing or proposed road networks in, adjacent to, or leading to the development and ability of the proposed development to satisfy applicable stopping sight distances. Council shall consider comments from the appropriate Municipal Engineer and/or Nova Scotia Transportation and Infrastructure Renewal.</p>	<p>NS Public Works have confirmed that a negative impact to the provincial road network is not anticipated with the proposal.</p>
<p>f) The potential for the contamination of watercourses or the creation of erosion or sedimentation. Council shall consider comments from relevant Provincial Departments as applicable.</p>	<p>Staff are not aware of any watercourses on or adjacent to the site. If any are identified the applicant will have to comply with the setback from watercourse requirements in the Land Use Bylaw.</p>
<p>g) Creating a leap frog, scattered, or ribbon development pattern as opposed to compact and orderly development.</p>	<p>The proposed zone is not consistent with the residential zoning along Burgess Road. It is however appropriate for the existing two-unit residential building.</p>
<p>IM19 Council shall consider if the proposed development is shown on a professionally drawn site plan as being in compliance with the applicable sections of the Subdivision Bylaw, with the following matters of the Land Use Bylaw:</p>	<p>A concept plan has been submitted which identifies a new two-unit building and a new single unit building. Both of these proposed buildings cannot be constructed because the R2 zone would permit a maximum of two residential units on a lot. The applicant will be required to meet all requirements of the land use bylaw. The site meets the minimum lot size and frontage requirements of the land use bylaw.</p>
<p>a) Type of use.</p>	<p>Proposed two-unit residential building if the existing property is subdivided.</p>
<p>b) Number of buildings.</p>	<p>The applicant is proposing one building.</p>
<p>c) Yard setbacks.</p>	<p>Yard setbacks will be as per the land use bylaw.</p>
<p>d) Height, bulk, stepback requirements, and lot coverage of any proposed structures.</p>	<p>Height requirements of the land use bylaw will be applicable.</p>
<p>e) External appearance of any structures where design standards are in effect.</p>	<p>The R2 Zone does not have any design standards.</p>
<p>f) Street layout and design.</p>	<p>No new streets are proposed.</p>

g) Access to and egress from the site, parking.	Access to and egress from the property is subject to the approval of NS Public Works. The applicant is proposing to share the existing driveway.
h) Open storage and outdoor display.	All LUB regulations will have to be met.
i) Signage.	All LUB regulations will have to be met.
j) Similar matters of planning concern.	All LUB regulations will have to be met.
IM20 Council shall consider the suitability of the proposed site in terms of the environmental features of the site, particularly susceptibility to flooding and other nuisance factors, and where applicable, comments from relevant Provincial Departments concerning the suitability of the site for development.	The elevation of the property rises up from the road. The High Risk Floodplain (HF) Zone and a small section of Moderate Risk Overlay (MF) Zone extends across the front of the property. A new two-unit residential building will need to be located outside of the High Risk Floodplain (HF) Zone.
IM21 Council shall consider the provision of buffering, screening, and access control to minimize potential incompatibility with adjacent and nearby land uses, rail lines and traffic arteries.	Under the current regulations buffering is not required.
IM22 Council shall consider the extent to which the proposed development, where applicable, provides for efficient pedestrian circulation and integrates pedestrian walkways and sidewalks within adjacent developments.	There is no sidewalk along Burgess Road. Pedestrians and cyclists would use the road to travel along.
IM23 Council shall consider the proposed development is shown to manage stormwater on-site in a manner which does not negatively impact on other properties.	A Lot Grading Plan will be required for any new residential units as the lot would be located within an area serviced by a municipal wastewater system.
IM24 Council shall consider massing, and compatibility of the proposed development's external appearance with adjacent buildings by means of design features, roof type, exterior cladding materials, and overall architectural style that is reasonably consistent with the style and character of the community or compliments the character of the community.	There are no design or massing requirements for R2 zone properties in the land use bylaw.

<p>IM25 Council shall consider the following matters in Growth Management Areas and other areas where applicable to determine if the proposed development contributes to a favourable community form, and the proposed development's ability to:</p>	
<p>a) Provide for efficient pedestrian movement into, out of, and within the development, especially between commercial and residential neighbourhoods, as well as the ability for pedestrian routes to link with existing sidewalks, active transportation routes and walking trails on abutting lands to provide for a cohesive network of same.</p>	<p>There is no sidewalk along Burgess Road. Pedestrians and cyclists would use the road to travel along.</p>
<p>b) Council shall consider, where appropriate, the impact of the development on the comfort and design of proposed streets and existing street users. This shall include whether the proposed development is human scaled, is easily accessible to active transportation users, and if it promotes visual variety and interest for active transportation users.</p>	<p>A new two-unit residential building is compatible with the existing two-unit building on the property.</p>