



Subject: *LUB Housekeeping Text Amendments*
To: CAO for Planning Advisory Committee, March 19, 2024
Date Prepared: March 7, 2024
Related Motions: PAC24(12) and C24(51)
Prepared by: Debbie Uloth, Project Planner
Approved by: John Woodford, Director of Planning and Development

Summary

Staff have identified several small Land Use Bylaw text housekeeping amendments that should be considered by Council. One of the amendments has an unintended direct impact on the ability of a resident to subdivide and build on their property. The majority of the proposed amendments are insignificant and do not change the intent of the regulation.

The proposed housekeeping amendments were given first reading at the February 28th meeting of Council.

Financial Impact Statement

There are no financial impacts from the adoption of this report.

Recommendation

That Planning Advisory Committee recommends that Council give second reading and approve the proposed Land Use Bylaw housekeeping amendments.

Recommended Motion

Planning Advisory Committee recommends that:

- *Council gives second reading and approve the proposed Land Use Bylaw housekeeping amendments.*

Background

In July of 2023, East Hants Council completed a plan review and adopted the 2023 East Hants Official Community Plan. Part of the plan review included bringing comprehensive land use planning to approximately half of the Municipality which did not previously have comprehensive planning. As a result, the Rural Use North (RU-2) Designation and Zone were created. Since the 2023 Planning Documents adoption, staff have identified a missing provision from the Rural Use North (RU-2) Zone that prevents Section 9 of the Subdivision Bylaw from being used in the Rural Use North (RU-2) Zone. This omission is now impacting a resident who is looking to subdivide and build on a portion of their land. Therefore, staff are proposing a housekeeping amendment that would fix the current issue.

In addition, staff have identified seven (7) other housekeeping items that can be addressed at this time. The majority of the proposed amendments are extremely minor in nature and do not impact the intention of the regulation. Staff have combined all of the Land Use Bylaw housekeeping amendments for Council's consideration.

First reading of the proposed LUB housekeeping amendments and authorization to hold a public hearing was held on February 28, 2024.

Discussion

Below is a summary of the proposed housekeeping amendments to the Land Use Bylaw. Detailed edits of the proposed amendments are shown in Appendix A - Amendments Sheets. In addition to the proposed amendments, staff also propose fixing any text where there was a strike thru or a font colour change that was not caught during the 2023 Review or numbering issues.

Part 2: Definitions

Change the word "many" to "may" in the Accessory Building definition and add an "i" to "min-home" in the definition of Mini-home Dealer.

Accessory Building means a subordinate building or structure on the same lot as the main building devoted exclusively to an accessory use. This use ~~many~~ **may** include an accessory dwelling unit where permitted.

Mini-home Dealer means establishments primarily engaged in retailing new and used ~~mini~~-homes, modular homes, manufactured homes, parts and equipment.

Part 3: General Provisions - Accessory Buildings and Structures

Under Section 3.10.d.iii, part of the sentence shall be deleted to ensure that an accessory structure does not exceed 11 m in height on any lot over 10,250 m², whether serviced or not. There are other height restrictions in the LUB for lots under 10,250 m².

- iii) Shall not exceed 11 m ~~where Municipally approved central piped services are not available to the lot and~~ where the lot area is in excess of 10,250 m².

Part 5: Rural Zones

Amend section 5.2.8. Accessory Dwelling to clarify wording for better interpretation of the regulations. Delete the word "in" and replace it with "accessory to".

A development permit may be issued to permit an accessory dwelling unit ~~in~~ **accessory to** a single unit dwelling providing the following requirements are met:

Add the following provision as 5.5.7. to the Rural Use North (RU-2) Zone to allow development permits to be issued for land that is subdivided in accordance with the “area of land” regulations in Section 9: General Requirements of the Subdivision Bylaw.

5.5.7. ROW Easement

Where a right-of-way easement has been created in accordance with the ‘area of land’ provisions of Section 9 of the Subdivision Bylaw, the Development Officer may issue a development permit for any uses permitted in the Rural Use North (RU-2) Zone.

Part 7: Mixed Use Zones

Employee Parking Requirements in the Mixed Use Zones, under provision 7.2.11. Criteria for Home-Based Businesses, are inconsistent. Provision 7.2.11.c.iii. shall be deleted to fix the issue.

- c) A minimum of 1 off-street parking space is required in addition to that required for the dwelling. The number of off-street parking spaces provided must be the greater of 1 space:
 - i) For every 35 m² of floor space occupied by the business;
 - ii) For a related use to a personal or professional service home-based business use: every on-site client that can be serviced simultaneously.
 - ~~iii) For every employee who are not residents in the dwelling.~~

Part 10: Environmental Zones

When the proposed Fundy Flood Risk (FF) Zone and the Fundy Erosion (FE) Zone were removed from the final draft of the Official Community Plan, a reference to the two zones was missed in the Environment Zone Uses table on page 10-2 of the LUB. Staff are recommending that the two references be deleted.

restrictions								
Underlying zone uses subject to MGW restrictions	-	-	-	-	-	-	-	C
Underlying Zone uses subject to FF restrictions	-	-	-	-	-	-	-	-
Underlying zone uses subject to FE restrictions	-	-	-	-	-	-	-	-
P - Permitted as-of-right through a development permit. SP - Permitted by site plan approval.								

CITIZEN ENGAGEMENT

Staff have followed the Citizen Engagement Policies outlined in the Community Plan. A notice advertising the date and time of the public hearing for the LUB housekeeping amendments will be advertised in the March 13th and 20th editions of the Chronicle Herald, on the East Hants website, and on East Hants social media platforms.

STRATEGIC ALIGNMENT

The 2021-2024 East Hants Strategic Plan identifies ‘Strong Community’ as one of the four areas of strategic focus.

LEGISLATIVE AUTHORITY

The Municipality has Legislative Authority to create land use policies and regulations under Part 8 of the Municipal Government Act.

FINANCIAL CONSIDERATIONS

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

Alternatives

Council may refuse to give first reading to the housekeeping amendments.

Attachments

Appendix A- Amendment Sheet

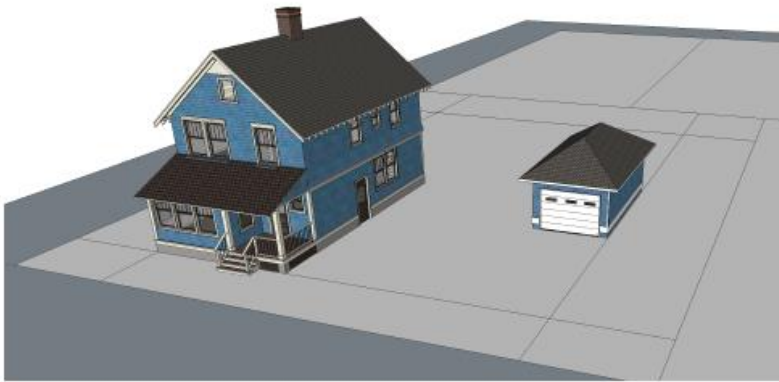
Amendment Sheet

The Municipality of East Hants
Official Community Plan
Land Use Bylaw

Part 2: Definitions

Change the word “many” to “may” in the Accessory Building definition and add an “i” to “min-home” in the definition of Mini-home Dealer.

Accessory Building means a subordinate building or structure on the same lot as the main building devoted exclusively to an accessory use. This use **many may** include an accessory dwelling unit where permitted.



Mini-home Dealer means establishments primarily engaged in retailing new and used mini-i-homes, modular homes, manufactured homes, parts and equipment.

Amendment Sheet

The Municipality of East Hants
Official Community Plan
Land Use Bylaw

Part 3: General Provisions

Under Section 3.10.d.iii, part of the sentence shall be deleted to ensure that an accessory structure does not exceed 11 m in height on any lot over 10,250 m², whether serviced or not.

- d) Shall be subject to the following height restrictions in a residential zone:
 - i) Shall not exceed 5 m where the lot area is less than 1,400 m²;
 - ii) Shall not exceed 7.6 m where the lot area is between 1,400 m² and 10,250 m²; and
 - iii) Shall not exceed 11 m ~~where Municipally approved central piped services are not available to the lot and~~ where the lot area is in excess of 10,250 m².

Amendment Sheet

The Municipality of East Hants
Official Community Plan
Land Use Bylaw

Part 5: Rural Zones

Amend section 5.2.8. Accessory Dwelling to clarify wording for better interpretation of the regulations. Delete the word “in” and replace it with “accessory to”.

A development permit may be issued to permit an accessory dwelling unit ~~in~~ **accessory to** a single unit dwelling providing the following requirements are met:

Add the following provision as 5.5.7. to the Rural Use North (RU-2) Zone to allow development permits to be issued for land that is subdivided in accordance with the “area of land” regulations in Section 9: General Requirements of the Subdivision Bylaw.

5.5.7. ROW Easement

Where a right-of-way easement has been created in accordance with the ‘area of land’ provisions of Section 9 of the Subdivision Bylaw, the Development Officer may issue a development permit for any uses permitted in the Rural Use North (RU-2) Zone.

Amendment Sheet

The Municipality of East Hants
Official Community Plan
Land Use Bylaw

Part 7: Mixed Use Zones

Employee Parking Requirements in the Mixed Use Zones, under provision 7.2.11. Criteria for Home-Based Businesses, are inconsistent. Provision 7.2.11.c.iii. shall be deleted to fix the issue.

- c) A minimum of 1 off-street parking space is required in addition to that required for the dwelling. The number of off-street parking spaces provided must be the greater of 1 space:
- i) For every 35 m² of floor space occupied by the business;
 - ii) For a related use to a personal or professional service home-based business use: every on-site client that can be serviced simultaneously.
 - ~~iii) For every employee who are not residents in the dwelling.~~

Amendment Sheet

The Municipality of East Hants
 Official Community Plan
 Land Use Bylaw

Part 10: Environmental Zones

Part 10: Environmental Zones

When the proposed Fundy Flood Risk (FF) Zone and the Fundy Erosion (FE) Zone were removed from the final draft of the Official Community Plan, a reference to the two zones was missed in the Environment Zone Uses table on page 10-2 of the LUB. Staff are recommending that the two references be deleted.

restrictions								
Underlying zone uses subject to MGW restrictions	-	-	-	-	-	-	-	C
Underlying Zone uses subject to FF restrictions	-	-	-	-	-	-	-	-
Underlying zone uses subject to FE restrictions	-	-	-	-	-	-	-	-
P - Permitted as-of-right through a development permit. SP - Permitted by site plan approval.								