



**Subject:** *Talal Waeb - MPS and LUB Mapping Amendments*  
**To:** CAO for Planning Advisory Committee, April 15<sup>th</sup>, 2025  
**Date Prepared:** March 25, 2025  
**Related Motions:** PAC24(63), C24(340)  
**Prepared by:** Lee-Ann Martin, Planner and Development Officer  
**Approved by:** John Woodford, Director of Planning and Development

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### Summary

The Municipality has received an application from Talal Waeb to redesignate and rezone property in Lantz. The rezoning will enable the construction of two multi-unit residential buildings. This report details new floodplain mapping that was received, and notes from the Public Information Meeting.

### Financial Impact Statement

There are no immediate financial impacts associated with the recommendations of this report. Information on the financial impact of the amendments will be provided in the final report.

### Recommendation

That Planning Advisory Committee recommend that Council refuse the application.

### Recommended Motion

*Planning Advisory Committee recommends that Council:*

- *Refuse the proposal to change the designation and zone of PID 45089356, PID 45089349 and a portion of PID 45089455 from Established Residential Neighbourhood Designation (ER) to Medium Density Residential Neighbourhood (MR) Designation and rezone from Two Dwelling Unit Residential (R2) to Multiple Unit Residential (R3).*

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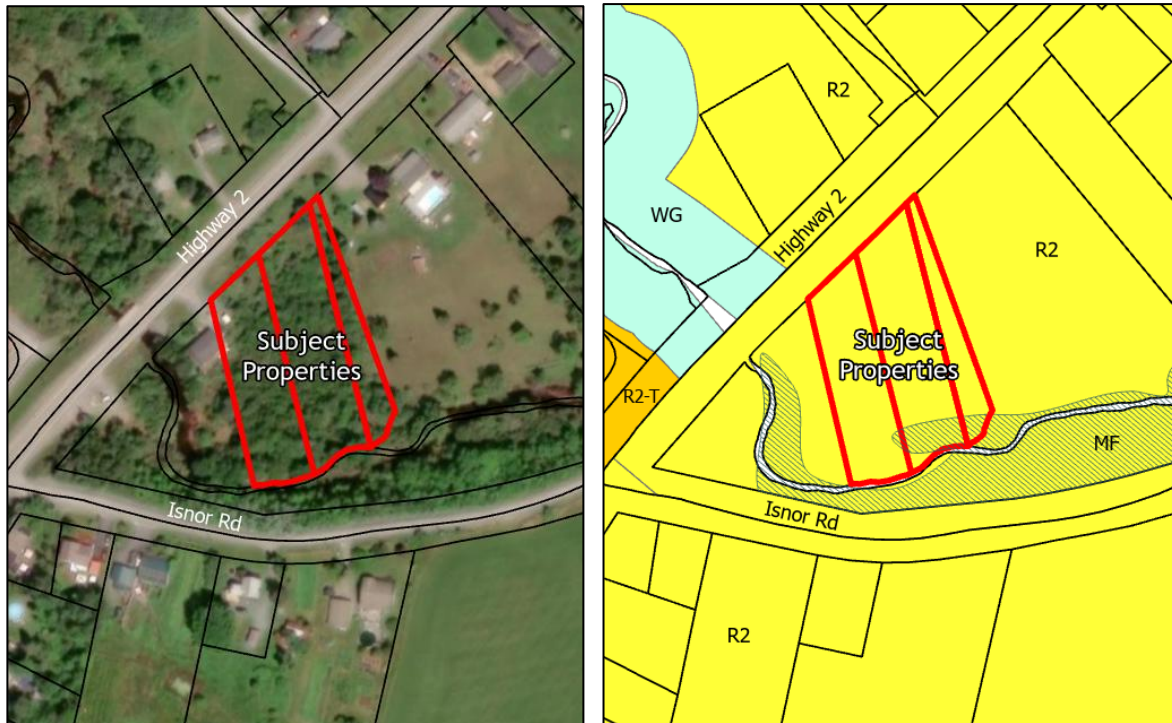
## Background

The Municipality has received an application from Talal Waeb requesting to redesignate and rezone properties in Lantz to enable the construction of two apartment buildings. The applicant is in the process of purchasing land from the owners of 1389 Highway 2 (PID 45089455), Lantz. Following the purchase of this piece of land the property boundaries of the two properties that the applicant already owns will be amended. The amended property boundaries will create lots large enough to meet the requirements of the multi-unit residential (R3) Zone as the current lots do not meet the lot size requirements for large multiplex buildings.

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## Subject Property

An excerpt of the zoning map and aerial photography map below show the location of the subject properties identified as PID 45089356, PID 45089349. The portion of property that the applicant is acquiring will come from the property to the right of the subject properties. The properties are located along Highway 2 in Lantz.



The land is designated Established Residential Neighbourhood (ER) and is zoned Two Dwelling Unit Residential (R2). Land surrounding the site and also across the road are zoned R2. Further south along Highway 2 there are some properties which are zoned Townhouse (R2-T) and Multiple Unit Residential (R3). Barneys Brook is located to the rear of the property. A portion of the Moderate Risk Floodplain (MF) Overlay Zone is located to the rear of PID 45089349.

The two main properties are vacant. The area of land being purchased from the adjacent property owner has a wood shed located on it. The survey plan submitted with the application identifies that a 'dome tent' located on the adjacent property at 1375 Highway 2 sits along and just over the property boundary. From the aerial photography created by using the municipal mapping software it looks like the main building at 1375 is located over the property boundary. This mapping is not an accurate demonstration of the location of property boundaries and the survey plan submitted by the applicant and prepared by a qualified surveyor can be relied on for the location of property boundaries and buildings.

## Development Proposal

The purpose of this proposal is to amend the Generalized Future Land Use Map (GFLUM) and the Land Use Bylaw Map to change the designation of the properties from the Established Residential Neighbourhood (ER) designation to the Medium Density Residential (MR) and change the zone from the Two-Dwelling Unit Residential (R2) zone to the Multiple Unit Residential (R3) zone. The applicant has indicated their intentions to construct two (2) 24-unit residential buildings. The applicant is currently in the process of purchasing land from an adjacent property owner to enable an increase in the property size.

The Land Use Bylaw requires a minimum frontage of 30 metres and minimum lot size of 3,000 sq.m for Large Multiplex developments. The two properties owned by the applicant do not have the required frontage or size to enable a large multiplex. Lot 2 has 28.95 metres of frontage and is 2,328 sq.m in area and Lot 3 has 28.95 metres of frontage and is 2756 sq.m in area. The applicant has informed staff that they will be acquiring land from the adjacent property in order for both lots to meet the minimum lot requirements for large multiplexes.

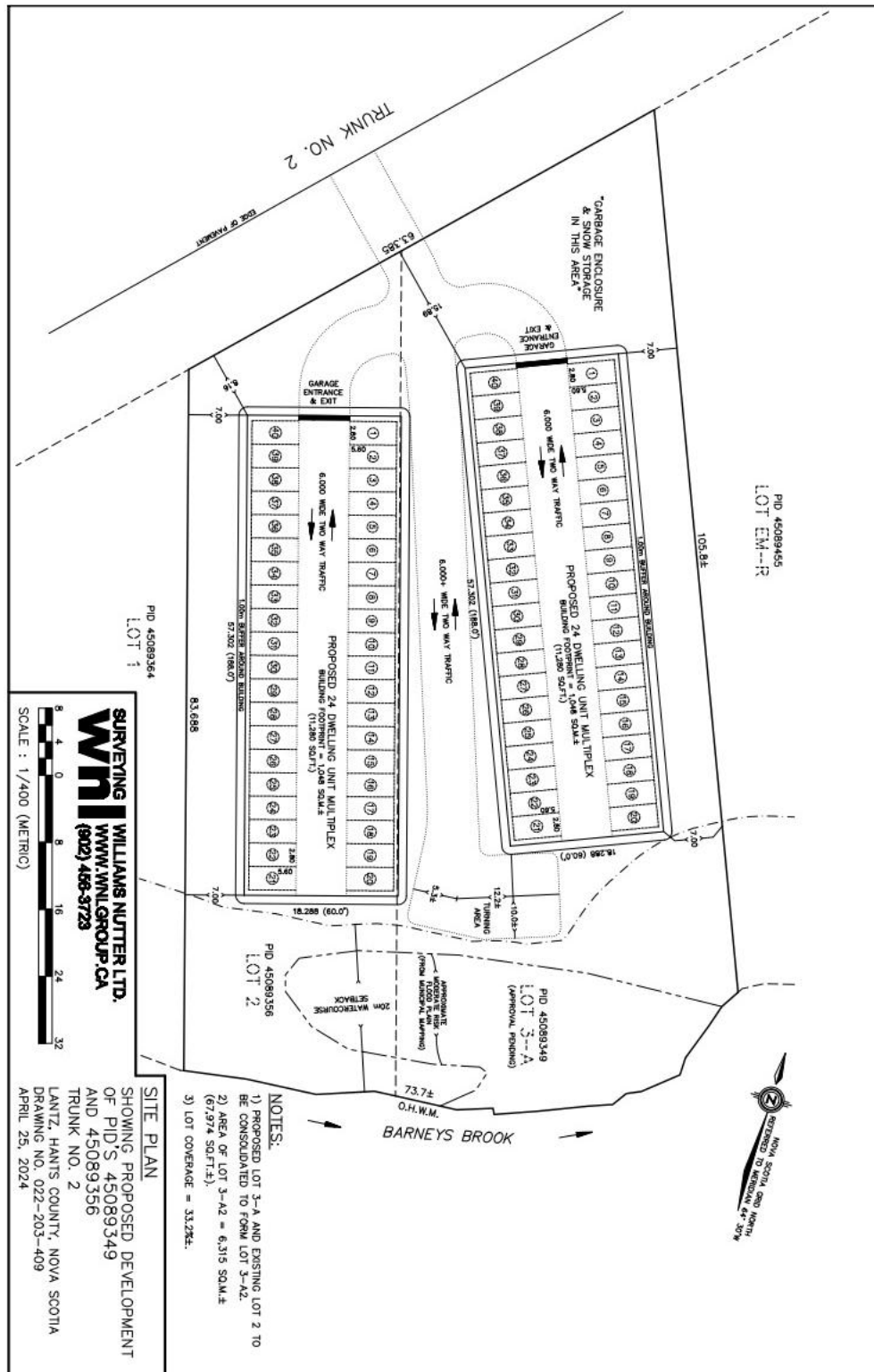
The following is a summary table of the minimum zone requirements for the Multiple Unit Residential (R3) Zone. If this redesignation and rezoning application is approved, the applicant would be required to meet the lot requirements for the Large Multiplex column.

### 7.4.2. Requirements for Multiplex Developments

In the R3 Zone, no development permit shall be issued except in conformity with the following requirements:

	Small Multiplex (Serviced by Sewer Only)	Small Multiplex (Serviced by Sewer & Water)	Large Multiplex (Serviced by Sewer & Water)
Minimum Lot Area per primary building	900 m <sup>2</sup>	750 m <sup>2</sup>	3,000 m <sup>2</sup>
Minimum Lot Frontage	30 m	22 m	30 m
Minimum Front Yard	7 m	5 m	7 m
Minimum Side Yard	4 m	One side: 4 m Other sides: 4 m	One side: 7 m Other sides: 7 m
Minimum Rear Yard	10 m	6 m	10m
Minimum Flankage Yard	6 m	5 m	6 m
Maximum Building Height	10 m	10 m	11 m
<b>A</b> Maximum primary building size	8 dwelling units and 375 m <sup>2</sup> of ground area	8 dwelling units and 375 m <sup>2</sup> of ground area	24 dwelling units and 1,250 m <sup>2</sup> of ground area
Maximum number of primary buildings	2	3	1
Maximum Lot Coverage	40%	40%	40%
Maximum Ground Floor Finish Level	0.5 m	0.5 m	0.5 m
Maximum Street-Facing Building Length	32 m	32 m	50 m
<b>C</b> Minimum Street-Facing Facade Transparency	At Grade: 30% Above Grade: 10%	At Grade: 30% Above Grade: 10%	At Grade: 30% Above Grade: 10%
<b>B</b>			

Below is a concept plan provided by the applicant. The plan has not yet been evaluated to determine if the plan meets all the requirements of the R3 zone. If the application for redesignation and rezoning are approved, the applicant would be required to go through the site plan approval process to ensure the plan meets the criteria outlined in the Land Use Bylaw. The developer does not have to develop the site as shown on the concept plan. This plan shows one example of how the site could be developed. The land could also be sold resulting in someone other than the developer constructing on the property.



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## Discussion

### LEGISLATIVE AUTHORITY

The Municipal Government Act, Part VIII 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

A financial impact analysis will be provided in the final staff report if Council decide to proceed with this application.

### MUNICIPAL PLANNING STRATEGY POLICY ANALYSIS

Policy IM13 enables an application for map amendments of the MPS when a request for a rezoning amendment that is not consistent with the Strategy's maps, but is consistent with the intent of this Strategy. Staff are currently reviewing the proposed amendments based on the applicable policies contained in the Municipal Planning Strategy (MPS). If the application moves forward, staff will be requesting comments from internal departments and external agencies including our Municipal engineers and Nova Scotia Department of Public Works. A detailed table of the evaluative criteria from the enabling policies and corresponding comments from Staff and reviewing agencies would be attached to the final report. In evaluating this application, Staff have been referring to MPS policies associated with the Medium Density Residential (MR) designation, as well as general policies related to amending the MPS and the Land Use Bylaw (LUB).

Policy IM11 states that Council shall only consider private applications to amend this Strategy (MPS) where said amendments are in the best interest of the Municipality. Council's decision on this application is not appealable to the Nova Scotia Utility and Review Board as it involves an amendment to the MPS.

### FLOODPLAIN MAPPING

A recent study was completed by the Province of Nova Scotia with Dillon Consulting Ltd, which did a comprehensive analysis of the Minas Basin Region primary watersheds and provided the Municipality with new floodplain mapping. The current floodplain zoning places a portion of these subject properties within our Moderate Risk Floodplain.

The map below shows the floodplain mapping. The purple colour represents the 1 in 20-year flood event and the pink colour represents the 1 in 100-year flood event. This is based on the 2050 flood scenarios. The flood scenario indicates that the entirety of this property would fall within the 1-100 flood scenario, which is the equivalent to our current Moderate Risk Floodplain overlay zone and a significant portion falls within the 1-20-year scenario, which is our High-Risk Floodplain zone. Planning staff will be reviewing this new flood information in the next plan review and comparing the new data with the existing data that was received from the 2013 floodplain mapping study done by CBCL.





Our policies within the Municipal Planning Strategy for the High-Risk Floodplain (EN15) restricts any new development in this zone to passive and seasonal recreational uses, conservation-related uses, agricultural grazing, pasture uses, and building construction specifically related to the provision of Municipal services. The regulations would not permit the construction of multiplex dwellings within a High-Risk Floodplain zone. The Moderate Risk Floodplain zone does permit the construction of new main structures; however, they are subject to floodproofing requirements in accordance with the policies outlined in the Municipal Planning Strategy. Permitting new developments within a floodplain zone poses a safety risk to both structures on the property and human life in the case of an emergency situation.

Restricting new development within the floodplains is also to protect the environment and the natural functioning of the floodplains, and to protect the quality and quantity of water within these areas. Our regulations also have a minimum setback requirement from watercourses. As these properties back onto Barneys Brook, a minimum 20-metre setback from the edge of the watercourse would be required for any new developments.

Staff have also reviewed policy IM21 when processing this application. The policy states that 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. From the information provided from the Province and Dillon Consulting Ltd., the subject properties fall within the moderate and high-risk floodplains. Residents also expressed their concerns with flooding in this area and shared the subject properties were flooded following the July 2023 rainstorm.

Policy IM11 of the MPS states that Council shall only consider private application to amend this Strategy where said amendments are in the best interest of the Municipality. Council will have to determine if this application is in

the best interest of the Municipality. Based on the new floodplain information, staff are recommending this application not proceed further.

### Citizen Engagement

If Council decide to proceed with this application, planning staff will comply 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 will be placed in an upcoming edition of 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. A letter was mailed to all property owners within 300 metres of the subject property indicating the date, time and location of the PIM providing residents an opportunity to ask questions regarding the application. A notice of the PIM was also placed in the *Chronicle Herald*.

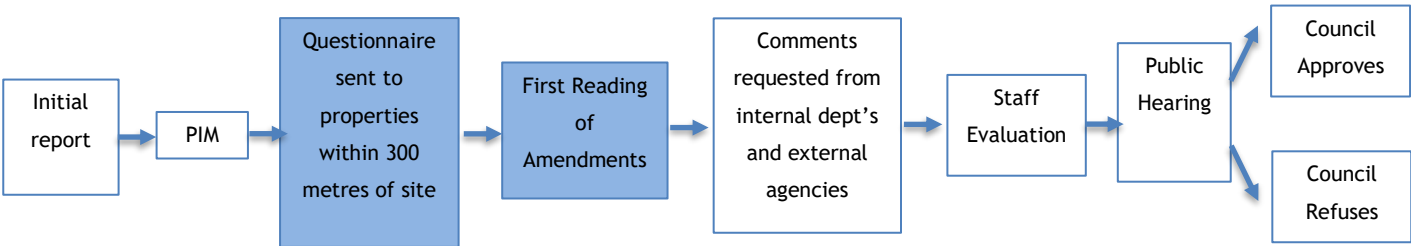
The Public Information Meeting was held on February 4<sup>th</sup>, 2025. The meeting discussed three (3) different applications and there were 32 members of the public in attendance. Comments from the meeting regarding this application include:

- Concerns about the area infrastructure and whether the soft services (schools, libraries) would be able to support the development
- Infrastructure in the area needs improvement and whether that could be completed before this development is finished
- Concerns regarding flooding and water run-off. This area was flooded during the summer 2023 rain event
- Discussion was had about the number of units proposed and what the as-of-right regulations would permit
- A resident suggested the Municipality request a hydrogeological study be completed for the properties
- Discussion and questions on the next steps of this application and how the public can stay involved

If PAC and Council choose to move the application forward, a letter and questionnaire will be mailed to all residents and property owners within 300m of the subject property for further comments on the application.

### Conclusion

Staff have been continuing to review the proposal to change the designation and zone of PID 45089356, PID 45089349 and a portion of PID 45089455 from the Established Residential Neighbourhood (ER) designation to the Medium Density Residential (MR) designation and rezone the same lands from the Two Dwelling Unit Residential (R2) zone to the Multiple Unit Residential (R3) zone. After new floodplain mapping was received and reviewed by staff in relation to this application, planning staff are recommending that the application not proceed any further due to the properties being located within a high-risk floodplain. This poses a safety concern to both potential development on the property and human safety.



Council's decision on this application is not appealable to the Nova Scotia Utility and Review Board.

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## **Recommendation**

That Planning Advisory Committee recommend that Council refuse the application.

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## **Alternatives**

If the PAC does support this application, they can choose to recommend that Council move forward with the application. Planning staff will complete the full review and analysis of the policies to be provided to PAC and Council in the final staff report including further comments from reviewing agencies.

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## **Attachments**

Public Information Meeting Notes