

## Planning and Development Department

# Final Staff Report

Housekeeping Amendments and Office Consolidation of Official  
East Hants Community Plan; Subdivision Access and Related  
Concerns

66520 08

**To:** Planning Advisory Committee, April 18, 2006

**Cc:** Ian Glasgow, Municipal Clerk and CAO

**From:** Planning and Development Department

**Date:** April 11, 2006

**Previous Reports:** August 16, 2005; September 20, 2005; October 18, 2005; November 15, 2005; February 6, 2006; March 13, 2006

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**Approved By:** John Woodford, Director Planning and Development

## Summary

The Planning and Development Department have identified items in the Community Plan requiring correction and/or clarification and a number of housekeeping amendments to accurately reflect Council's intent with respect to land use planning in East Hants. All amendments to the MPS, LUB and SUB approved by Council since approval of the Plan in 2000 have been placed in Appendices and not incorporated into the text body or located on the maps. In regard to placing the MEH planning documents on-line with maximum clarity the approved amendments need to be consolidated with the text and the mapping; as this involved considerable time in entering the information the documents and maps were re-formatted at the same time.

Staff was requested in spring of 2004 to comment on a proposal by Engineering Services to require a second access for residential subdivisions and in light of that particular research/investigation and ongoing resolution of issues that planning staff encounter during the development process there were several other matters that planning staff deemed related to this access requirement. As well engineering services and planning staff had initiated a combined effort and commitment to improving stormwater and drainage management in the serviced area of East Hants that arose from common concerns. A continuation of this preliminary report and associated amendments was presented at September and October PAC regarding these issues.

Staff presented the proposed amendments to stakeholders and the public at a Public Information Meeting (PIM) at the Milford Recreation Centre on January 12, 2006. Staff considered the input provided by those in attendance at the PIM as well further input provided by members of the development community and prepared revisions to the proposed amendments. The revisions to the amendments are designed to add

some flexibility to the amendments in response to some of the concerns raised by the development community while maintaining the intent and focus of the original amendments.

Staff presented the suggested revisions to the proposed amendments to Planning Advisory Committee (PAC) at their March 21, 2006 regular meeting. In March, PAC recommended that Council, *give first reading to the amendments proposed in the November 15, 2005 Staff Report entitled "Housekeeping Amendments and Office Consolidation of Official East Hants Community Plan; Subdivision Access and Related Concerns" as amended by points 1-5 in the Staff Report dated February 6, 2006 entitled "Revisions to amendments proposed in the Housekeeping Amendments Report" and authorize Staff to schedule a public hearing.*

Through motion CO6(145), Council gave first reading to the proposed amendments as amended by points 1-5 of the Staff Report dated February 6, 2006 entitled *"Revisions to amendments proposed in the Housekeeping Amendments Report"*, and authorized Staff to schedule a public hearing.

This most recent report, dated April 11, 2006, is an updated version of the November 15, 2005 Staff Report presented to the PIM in January, and includes the amendments identified in points 1-5 of the February 6, 2006 *Revisions* report.

### **Recommendation**

Planning Advisory Committee recommend that Council give Second Reading to the amendments outlined in the April 11, 2006, Staff Report entitled *"Housekeeping Amendments and Office Consolidation of Official East Hants Community Plan; Subdivision Access and Related Concerns"* which are hereby adopted by repealing the *East Hants Official Community Plan* (Municipal Planning Strategy, Land Use Bylaw, and Subdivision Bylaw), adopted by Municipal Council on February 17<sup>th</sup>, 2000, and replacing it with the amended *East Hants Official Community Plan* (Municipal Planning Strategy, Land Use Bylaw, and Subdivision Bylaw) attached.

Planning Advisory Committee recommend that Council give Second Reading to the Lot Grading Bylaw.

## 1.0 Background

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Council approved the East Hants Official Community Plan in February 2000 following a lengthy plan review process. With the adoption of new planning documents there is a typical situation whereby, as the new documents are implemented for specific purposes, errors, omissions and associated issues come to the forefront.

In the time period since the current Plan became effective, Staff have identified a number of amendments necessary to ensure Council's intent regarding planning and development matters are clearly reflected in the planning documents. It is the intention of Staff to bring forward various "housekeeping" amendments recognized during day-to-day application and implementation of the Plan

In addition Council has given planning staff direction on other matters and staff have identified items of a more substantive nature than those errors and omissions usually considered manageable by housekeeping amendments. These include the following:

- Design Guideline revisions,
- New requirements for subdivision access,
- Amended sidewalk requirements, and
- Stormwater initiatives including a new requirement for buried storm drains in serviced areas, requirement for subdivision lot grading plan and Lot Grading Bylaw (to be presented at a later date).

## 2.0 Plan Consolidation and Proposed Housekeeping Amendments

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The proposed amendments comprising this set of housekeeping amendments are noted and described below. The detailed complete amendments are listed in appendices attached as part of this report.

### 2.1 Consolidation of Approved Amendments and Re-formatting of Municipal Planning Strategy

Amendments to the Municipal Planning Strategy approved by East Hants Council since original approval of the planning documents have been placed in **Appendix I: MPS Amendments Adopted by Council** as per the functional structure of that original document. This approach is cumbersome and time consuming and creates opportunity for error or omission if said Appendix is not reviewed for a relevant amendment. Having digital documents enables information to be added at any time so it is archaic to continue adding pages as if this were a paper document; to that end staff has inserted all amendments in their proper location in the text.

Similarly, map amendments to the Generalized Future Land Use Maps (GFLUM) have been located properly on the maps to avoid any opportunity for confusion or misinterpretation. Both the MPS text and the GFLUM maps have been re-formatted from their original appearance; the text primarily for a cleaner, more legible and less intimidating appearance and the maps are in a smaller, cleaner, colour version intended to heighten legibility once they are available on-line.

Also located in the MPS under **Section 15: Appendices** were **Appendix A: Provincial Statements of Interest, Appendix B: Socio-Economic Study, Appendix F: Municipally Owned Roads, Appendix G: Piped Services Map, Appendix H: Metes and Bounds and Appendix J: Bibliography** that staff opine are of limited or no contributory value to a planning strategy and should be removed. The information in most appendices to be removed is accessible from the municipality independent of this document at present with the exception of Metes and Bounds and Bibliography. The rationale for removing the District Metes and Bounds is because these descriptions change over time and are better kept relevant and timely by graphical inclusion with mapping; and the Bibliography may be removed as each MPS section includes endnotes and references as well as copious footnotes throughout. The Piped Services Map will be located on the amended GFLUM and is noted as an amendment item in 2.1 (ii) (e) of this report.

The original appendices retained, **Appendix C: Generalized Future Land Use Maps, Appendix D: Comprehensive Development District Maps and Appendix E: Agricultural Impact Study** are

proposed to be re-indexed as **Appendix A: Generalized Future Land Use Map**, **Appendix B: Comprehensive Development District Maps** and **Appendix C: Agricultural Impact Study**.

## **2.2 Proposed Housekeeping Amendments to the MPS**

i. The following text amendments are proposed to the MPS (the strikethrough and replacement text version is included in Appendix A of this report) as listed under the appropriate section as follows:

### **Introduction**

Insertion of newly created **Community Core (C6A) Zone** in **Figure 1.2 Rezoning and Development Agreement Table**.

### **Public Participation**

The requirement below in Policy P2-27 to send a registered letter is proposed to be removed because of the cost to the proponent and the annoyance factor to East Hants residents; early use of this participation technique was unsuccessful.

P2-27 (a) Council shall require a ~~registered~~ letter be sent to any property owner whose land abuts any property for which a rezoning or development agreement is being sought. The ~~registered~~ letter shall include the purpose of the application, details in relation to the proposal, and a contact for both the proponent and a Municipal Staff representative.

## **8.4 Environmental Enhancement**

Under Unsightly Premises; Policy Goal and Policy 8-63 strike through “By-law” and replace with “provisions of the Municipal Government Act”, as this By-law no longer exists, to read as follows:

### **Policy Goal**

Council recognizes employing the Dangerous and Unsightly Premises ~~By-law~~ provisions of the Municipal Government Act in providing protection from hazards due to the storage of hazardous materials.

### **Policy Statements**

P8-63 Council shall ensure that all properties within the Municipality obey the restrictions as set out in the Unsightly Premises ~~By-law~~ provisions of the Municipal Government Act for both the health and satisfaction of any neighbouring residents and to adequately protect the environment from any potential hazard.

## **11.1 Regional Growth**

Under **Regional Serviceable Boundary** replace existing Policy Statement P11-1 with a new statement in order to create Regional Serviceable Boundary by policy; this Boundary is discussed in Policy and shown on the GFLUM but has not been brought into existence by policy. The new P11-1 reads as follows:

### **Policy Statements**

P11-1 Council shall establish a formal regional serviceable boundary for the portion of the East Hants Corridor area where central water services and sewer services are available to existing developed lands and vacant developable lands. The Regional Serviceable Boundary shall be shown on the Generalized Future Land Use Mapping (Appendix A).

Also within the same section under **Shubenacadie Serviceable Boundary** and under **Milford Serviceable Boundary** in P11-3 (revised to P11-4) and P11-8 (revised to P11-9) respectively that reference to Municipal Piped Services Mapping (Appendix G) be struck through and replaced with Generalized Future Land Use Mapping (Appendix A) as the piped services map will now be located on the GFLUM maps.

## **13 Administrative and Implementation**

Under Policy P13-4 (g) add (ii) Open Space Zone; P12-44 following (i) Business Park Zone.

ii. The following amendments are proposed for the Generalized Future Land Use Maps:

- a. 69 Park Road (PID 45248200), Lot 92-2 Park Road (PID 45205689) and Lot 92-1 Park Road (PID 45248192), Elmsdale

These properties are located in the Elmsdale Business Park and are zoned Highway Commercial (C2) although within the business park proper. The Director of Economic Development has requested that the zoning be amended on these three properties to Business Park (C8). The lands are currently designated Highway Commercial (HC) Use and must be designated Business Park (BP) Use in order to facilitate Business Park (BP) zoning.

Amendment to GFLUM Map District 2 and 2A Elmsdale and Lantz

The GFLUM Map District 2 and 2A be amended by designating 69 Park Road, Lot 92-2 Park Road and Lot 92-1 Park Road in Elmsdale Business Park from Highway Commercial (HC) to Business Park (BP).

- b. PID 45151909 Highway 2, Enfield and 29 Catherine Street, Enfield

The property at 29 Catherine Street is zoned Restricted Single Unit Dwelling (R1) however this is the location of Enfield Elementary and should be appropriately zoned Institutional Use (IU) zone. The GFLUM designations need to be interchanged with the school site becoming Residential Subdivision (RS) and the residential one being Community Use (CU) in order to facilitate the zoning changes.

Amendment to GFLUM Map Districts 1A and 1B Enfield

The GFLUM Map Districts 1A and 1B be amended by designating PID 45151909 Highway 2, Enfield from Community Use (CU) to Residential Subdivision (RS) and further by designating 29 Catherine Street (PID 45290673) from Residential Subdivision to Community Use (CU).

- c. PID 45092749 Highway 2, Milford

Planning staff have been requested to review the current zoning on lands known as PID 45092749 on Highway 2 in Milford. A portion of the property directly along Highway 2 within the Milford Growth Management Area is zoned Agricultural Reserve (AR) that restricts residential development severely; abutting properties on the same side of Highway 2 and across the street are zoned Single and Two Unit Dwelling (R2) and the owners would like to see the portion of the land within the GMA rezoned R2 in order to have more development options. The Agricultural Reserve (AR) designation applies to the area within the GMA and must be designated Residential Subdivision (RS) in order to facilitate Single and Two Unit Dwelling (R2) zoning. Staff believe this request to be in keeping with the policies for Milford Growth Management Area as it pertains to municipal services and for residential development in general. Three other lots and a portion of a fourth zoned AR are within the Milford GMA and the designation is to be changed in order to allow the corresponding zoning change.

Amendment to GFLUM District 3 Milford

The GFLUM Map District 3 be amended by designating those portions of properties PID 45092749 and PID 45092756 and properties PID 45092368, PID 45092889, PID 45092822 within the Milford Growth Management Area on Highway 2 in Milford from Agricultural Reserve (AR) to Residential Subdivision (RS).

- d. 1 Kali Lane (PID 45356631) and 7 Kali Lane (PID 45210945), Elmsdale

The above two properties are zoned Single and Two Unit Dwelling (R2), Local Commercial (C3) and Highway Commercial (C2) and the future land use designation is Residential Subdivision (RS), Local Commercial (LC) and Highway Commercial (HC). Two apartment buildings are presently on the C2 and C3 zoned portions of the sites and planning staff believe that changing the zoning to Multiple Unit (R3) would better reflect what is presently developed on the site. Presently Multiple Unit zoning is not permitted in Highway Commercial HC designation and must be designated Local Commercial (LC) to permit Multiple Unit (R3) zoning.

#### Amendment to GFLUM District 2 and 2A Elmsdale and Lantz

The GFLUM District 2 and 2A be amended by designating the portions of 1 Kali Lane (PID 45356631) and 7 Kali Lane (PID 45210945) in Elmsdale from Highway Commercial (HC) to Local Commercial (LC).

- e. The existing Official Community Plan **Transportation Map** and the **Piped Services Map** will be placed on the updated and consolidated GFLUM for easier reference.

#### **2.3 Consolidation of Approved Amendments and Re-formatting of Land Use Bylaw**

Amendments to the Land Use Bylaw (LUB) approved by Municipal Council and placed in the LUB under **Section 11: Appendices** as **Appendix K: LUB Amendments Adopted by Council** have been incorporated into the LUB text in their appropriate location. This will eliminate searching for any changes and eliminate the opportunity for making errors when users are reviewing zones requirements, provisions or definitions.

Mapping amendments to the Land Use Bylaw maps approved by Municipal Council and placed in the above mentioned amendments appendix of the original document have been assigned to their appropriate locations on the zoning maps in order to eliminate searching for changes and the opportunity for making potential errors. The LUB maps have been reformatted for heightened visual legibility and new property mapping added. Incidentally, part of the reason for re-formatting and updating was that the zoning maps have been digitally entered as GIS layers to assist in other planning and development applications as well as for eventual display on the municipal website.

#### **2.4 Proposed Housekeeping Amendments to Land Use Bylaw**

- i. The following text amendments are proposed for the Land Use Bylaw; the actual wording and location showing strikethrough deleted text and highlighted new text may be viewed in Appendix B of this report:

#### **Section 1: Interpretation and Administration**

Two new sections are proposed: one noting all official measurements are in Imperial and the other clarifying permitted similar uses in a zone.

#### **Section 3: Definitions**

Several new definitions have been added to this section (and are highlighted in Appendix XXX) including some that are existing permitted uses in the LUB and/or referred to in the NAICS Appendix (**Accommodations, Arts and Entertainment, Educational Services, Personal and Household Goods Repair and Maintenance, Publishing, Broadcasting and Communication Uses, Recreation Services and Facilities, Social Assistance Service**) that were not defined originally or the definition has been clarified (**Restaurant, Full Service**), some are new uses such as those proposed in the commercial zoning (**Business Service Centre, Call Centre**) or replacement/combination (**Restaurant, Limited Service** replaces the struck through Restaurant, Drive In and Restaurant, Take-Out). Definitions deleted are Automobile Service Station or Service Station, Automobile Washing Equipment, Carport, Hotel/Motel/Guest House, Inn and Neighbourhood Convenience Store. In addition all accompanying illustrations have been redrawn.

#### **Section 4: General Provisions for All Zones**

Proposed changes include the following: clarifying 4.18 c. to read Commercial rather than original Business, adding new section 4.21 permitting public uses in any zone subject to zone provisions, under 4.22 that the provisions for watercourse setbacks apply to watercourse width as only a measurement was given, in 4.26 the side yard provision on corner lots is reduced to 15 feet, and under 4.31 Development Agreements and CDDs several conditions where development agreements are permitted by MPS but not listed have been added. These include multiple unit dwellings in excess of four units but no more than 32 within Rural and Agricultural Zoning on lands zoned R3 and R4 and within Commercial Zoning on lands zoned C1, C3, C6 and C6A; also gasoline stations are to be considered on lands zoned C6A.

#### 4.32 Parking Requirements

Under 4.30.2 Parking Area Standards subsection c. is expanded to include provision for shared parking areas provided certain conditions are met, subsection i. has been added to permit more than two access points based on the dimension of lot frontage and in the case of corner lots, subsection m, n, o, p, and q, refer to “accessible” parking spaces and “physically challenged” descriptor has been removed.

#### 6.1 General Provisions For Residential Zones

Under 6.1.8 The Keeping of Ungulates (Hooved Animals) for Personal Use on lands zoned Rural Use (R4) have been added to R1 and R2.

#### 6.2 Restricted Single Unit Dwelling, 6.3 Single and Two Unit Dwelling (R2) Zone and 6.4 Multiple Unit (R3) Zone

Proposed changes to the R1, R2 and R3 sections include the addition of Bed and Breakfast as permitted uses, provisions in R1 and R2 for development agreements (as outlined in Policy 13-7 for lands having Residential Subdivision designation) regarding IU and OS proposals beyond those permitted in the respective zones; accessory uses or buildings beyond zone requirements; expansion of home based business in excess of applicable requirement; and proposals that do not comply with lakeshore setback requirements, a provision under R1 regarding issuing of development permits for business and commercial uses on Highway 214 where certain conditions are met, and elimination of the access requirement under R3 limiting multiple unit to development on arterial, major collector or collector streets only.

#### 7.2 Rural Use (R4) Zone

Bed and Breakfast is proposed as permitted use and home based business above 1500 square feet of commercial floor area and multiple unit in excess of four units to a maximum of 32 are proposed as uses permitted by development agreement; the home based business and multiple use may be considered by development agreement in Rural use (RU) designation as per MPS policy P13-7. Also, special requirements for Bed and Breakfasts have been added that differ slightly from those found in the general provisions for residential zones regarding parking and signage.

#### 8 Commercial Zones

The following uses are proposed to be added as permitted uses to the commercial zones indicated in parenthesis after the use: **Business Service Centre** (C1, C2, C4, C6, C6A, C8), **Call Centre** (C4, C8), **Commercial Parking Lot** (C4, C6, C6A), **Commercial Photography** (C1, C2, C3, C4, C6, C6A, C7, C8), **Commercial Printing** (C5, C8), and **Country Inn** (C6, C6A, C7).

#### 9.2 Moderate Risk Floodplain (MF) Zone

Under 9.2.2 Zone Requirements a proposal to add a second requirement for any structures associated with public or private parks to comply with both Open Space Zone requirements and floodproofing requirements of Section 9.2.3.

#### 9.4 Environmental Risk (ER) Zone

It is proposed to add Conservation Related Uses as a permitted use.

#### 10 Community Use Zones

The following uses are proposed to be added as permitted uses to the institutional use (IU) zone: **Arenas, Facilities for Spectator Sports, Educational Services, Senior's Residential Complex, and Recreation Services and Facilities**. Cemeteries, an existing permitted use in OS is proposed as a permitted use in IU.

ii. The following amendments are proposed for the Land Use By-law Maps:

- a. 69 Park Road (PID 45248200), Lot 92-2 Park Road (PID 45205689) and Lot 92-1 Park Road (PID 45248192), Elmsdale

These properties are located in the Elmsdale Business Park and are zoned Highway Commercial (C2) although within the business park proper. The permitted uses are identical in both zones except that Business Park (BP) Zone permits manufacturing and industrial uses and development is done by benefit of site plan approval. The Director of Economic Development has requested that the zoning be amended on these three properties. The lands are designated Highway (HC) Use.

Amendment to LUB Map District 2 and 2A Elmsdale and Lantz

The LUB Map District 2 and 2A be amended by rezoning 69 Park Road, Lot 92-2 Park Road and Lot 92-1 Park Road in Elmsdale Business Park from Highway Commercial (C2) Zone to Business Park (C8) Zone.

b. 1231 Highway 1, Lakelands

During the last Plan review the lands of the Parish of the Church of the Holy Spirit in Lakelands were erroneously zoned Open Space (OS) instead of appropriate Institutional Use (IU) Zone. The area Councillor has requested that this correction be made. The lands are designated Community Use (CU) on the GFLUM map.

Amendment to LUB Map District 12A and 12B Mount Uniacke

The LUB Map District 12A and 12B be amended by rezoning 1231 Highway 1 in Lakelands from Open Space (OS) Zone to Institutional Use (IU) Zone.

c. PID 45151909 Highway 2, Enfield and 29 Catherine Street, Enfield

The property at 29 Catherine Street is zoned Restricted Single Unit Dwelling (R1) however this is the location of Enfield Elementary and should be appropriately zoned Institutional Use (IU) zone. This IU zoning was mistakenly applied to an abutting property (PID 45151909) between it and Highway 2 that the owners wish to have rectified to Restricted Single Unit Dwelling (R1). The GFLUM designations are also flipped with the school site being Residential Subdivision and the residential one being Community Use (CU).

Amendment to LUB Map Districts 1A and 1B Enfield

The LUB Map Districts 1A and 1B be amended by rezoning PID 45151909 Highway 2, Enfield from Institutional Use (IU) Zone to Restricted Single Unit Dwelling (R1) Zone and further by rezoning 29 Catherine Street (PID 45290673) from Restricted Single Unit Dwelling (R1) Zone to Institutional Use (IU) Zone.

d. PID 45092749 Highway 2, Milford

The property owners have requested that Planning staff review the current zoning on lands known as PID 45092749 on Highway 2 in Milford. A portion of the property directly along Highway 2 within the Milford Growth Management Area is zoned Agricultural Reserve (AR) that restricts residential development severely; abutting properties on the same side of Highway 2 and across the street are zoned Single and Two Unit Dwelling (R2) and the owners would like to see the portion of the land within the GMA rezoned R2 in order to have more development options. Four other nearby properties (PIDs 45092368, 45092889, 45092756, and 45092822) are also zoned AR within the Milford GMA boundary and because this item is being reviewed as part of a mini-review these properties must also be considered.

Amendment to LUB Map District 3 Milford

The LUB Map District 3 be amended by rezoning the portions of properties PID 45092749 and PID 45092756 and properties PID 45092368, PID 45092889, PID 45092822 within the Milford Growth Management Area on Highway 2 in Milford from Agricultural Reserve (AR) Zone to Single and Two Unit Residential (R2) Zone.

e. 1 Kali Lane (PID 45356631) and 7 Kali Lane (PID 45210945), Elmsdale

The above two properties are zoned Single and Two Unit Dwelling (R2), Local Commercial (C3) and Highway Commercial (C2) and the future land use designation is Residential Subdivision



(RS), Local Commercial (LC) and Highway Commercial (HC). Two apartment buildings are presently on the C2 and C3 zoned portions of the sites. Planning staff believe that changing the zoning to Multiple Unit (R3) would better reflect what is presently developed on the site.

Amendment to LUB Map District 2 and 2A Elmsdale and Lantz

The LUB Map District 2 and 2A be amended by rezoning 1 Kali Lane (PID 45356631) and 7 Kali Lane (PID 45210945) in Elmsdale from Single and Two Unit Dwelling (R2), Local Commercial (C3) and Highway Commercial (C2) Zones to Multiple Unit (R3) Zone.

f. Budland Acres Residential Subdivision, Enfield

A number of cases of split zoning appear within this development. Eight lots near Highway 102 being zoned both Restricted Single Unit (R1) and (RU) are proposed to be rezoned R1. Six lots on Whitney Maurice Drive are split zoned R1 and R2; in the spirit of a housekeeping amendment those lots having a greater portion zoned R1 are proposed to be zoned R1 in their entirety and those lots having a greater portion zoned R2 are proposed to be zoned entirely R2 in their entirety. Affected households will be contacted by letter and apprised of the clarification before the upcoming Public Information Meeting to be scheduled regarding this report.

Amendment to LUB Map District 1A and 1B Enfield

The LUB Map District 1 be amended by rezoning from R1/R2 split zoning PIDs 45353752, 45353836, 45353828, and 45353810 to Restricted Single Unit (R1) zone and PIDs 45331832, 45331824, and 45353745 to Single and Two Unit Dwelling (R2) zone; and also by rezoning from R1/RU split zoning PIDs 45222320, 45222338, 45222346, 45244308, 45244316, 45280724, 45280716, 45280708, and 45280690 to Restricted Single Unit (R1).

**Agricultural Reserve Zoned Lands of George Searle, Densmore Road in Shubenacadie**

Staff has been directed through a Motion of Council adopted at the regular meeting of council in September to look at a land use issue on Densmore Road, Shubenacadie, where the landowner, George Searle, is questioning the restrictive Agricultural Reserve zoning applied to his lands during the last plan review. Staff has reviewed this issue to determine if it may be addressed in the spirit of these housekeeping amendments or if it is of a more substantial nature and needs to be dealt with as a separate item, and also reviewed background information related to this particular case in question. A request to review with a summation of comments and opinions was received from Mr. Searle.

Three lots were subdivided from the existing area of land of George and Norma Searle in 2001 after the February 2000 approval of the present MPS and Land Use Zoning. Records from the plan review indicate that the extensive survey regarding the newly proposed restrictive agricultural zoning was sent to all concerned households and also individual letters, including one addressed to George and Norma Searle, outlining the purpose of the agricultural reserve zone and informing them of an upcoming public information meeting and public hearing. In addition three municipal newsletters containing information regarding the proposed strategy and zoning were sent to all households in the Municipality; the last two, January 1999 and August 1999, contained information regarding the restrictive agricultural and environmental zones and gave times, dates and locations of public information meetings to be held; in all, seven public information meetings and two public hearings were held to provide ample opportunity for members of the public to comment.

Staff have duly considered the matter of Agricultural Reserve zoning on the lands of George Searle as part of this overall amendment package. The perceived issue is that Mr. Searle believes the requirement of section 7.3.10 (b), under the Agricultural Reserve Zone, for municipal Council to consider a non-agricultural use by development agreement pursuant to an Agricultural Impact Study as outlined in Appendix E of the Municipal Planning Strategy to be onerous because of its restrictive nature. These landowners would argue that the ownership of real property comes with the right to convert from agricultural use to residential or commercial uses as they see fit.

It is well established and legally supported that land use zoning applied under the authority of local governments limits the right to develop land; in instances regarding floodplain and wetlands development and through establishment of permitted uses, building densities and so on. Without retracing the history

of zoning it is well settled that land use regulations may be restrictive when supported by a well researched and documented overriding public interest that is directly served by those limitations on development and the landowner is allowed a reasonable and beneficial use of his or her property.

In accordance with the *Municipal Government Act* (MGA) a municipal Council may establish policies that are reasonably consistent with statements of provincial interest (SOPI); in this case it is the SOPI dealing with agricultural preservation. The MGA requires that all municipalities, through their planning documents, address the protection of agricultural land with the goal of maintaining a strong agricultural industry in Nova Scotia. Municipal Council recognizes the importance of fulfilling the Provincial Statement of Interest in Agriculture. Council also appreciates and respects the concerns of the farming community and the property owners who may potentially be affected by these preservation measures. The establishment of the policies and provisions for the Agricultural Reserve (AR) future land use designation and the Agricultural Reserve (AR) Zone are Council's attempt to fulfill their responsibility to both the Province and residents whom they represent.

Agricultural land preservation not only protects commercially viable farms and productive agricultural land, it also serves communities through environmental, social, and cultural benefits. Agricultural preservation supports many of the other policies and goals outlined throughout the East Hants plan. While the primary reason for agricultural preservation is to ensure a viable agricultural industry, there are an abundance of reasons that make it a responsible planning approach. The policies under laying the Agricultural Reserve designation, including the establishment of an Agricultural Reserve Zone, are found in the following section of the MPS.

#### **Agricultural Reserve (AR) Designation**

##### **Policy Goal**

Council recognizes that it is necessary to encourage investment in agriculture and ensure that portions of the rural landscape are reserved for future generations.

##### **Policy Statements**

**P7-1** Council shall establish a means to identify, protect, and foster the agricultural industry within the Municipality of East Hants and to minimize conflicts between agricultural operations and other land uses.

**P7-2** Council shall establish the Agricultural Reserve (AR) future land use designation in which agriculture and agricultural related activities shall be the predominant land uses.

**P7-3** Council shall designate those lands as an Agricultural Reserve (AR) Zone, with the intention of providing a stable environment in which agriculture may operate freely from urban expansion or rural non-farm development on the most productive farmland in East Hants.

**P7-4** Council shall delineate the areas within the Municipality designated and zoned Agricultural Reserve (AR) as described by the GFLUM and LUB Zoning Maps.

**P7-5** Council shall apply the Agricultural Reserve (AR) Designation based on the Provincial Agricultural Land Identification (ALIP) completed in 1997.

Planning staff believe that the Agricultural Reserve Zone, established by the above designation, that entitles the landowner to continue the current agricultural use of their land and other permitted uses, generally limited to associated but no more intensive use, does not abridge or unreasonably curtail the landowners right to develop the land. Furthermore the provisions of the Agricultural Reserve Zone (shown below as taken from the MPS) allows Council to consider non-agricultural uses by development agreement; this is fairly wide open to a wide range of uses, however, if the property is classified as active farmland, as the Searle property is, an Agricultural Impact study is required as per section P7-10 c. below. Agricultural designation and zoning is based on existing agricultural use of land in East Hants.

## **Agricultural Reserve (AR) Zone Provisions**

### **Policy Goal**

Council recognizes the need to establish land use regulations that will protect and preserve the agricultural land defined by the Agricultural Reserve (AR) Zone.

### **Policy Statements**

**P7-10** Council shall consider non-agricultural uses in the Agricultural Reserve (AR) Zone by development agreement only. In considering a proposal for such development, Council shall have regard for the following matters:

- a. that the use is permitted in the Rural Use (R4) Zone;
- b. that the property is not classified as active farmland; or
- c. if classified as active farmland, an Agricultural Impact Study has been prepared as outlined in the format shown in Appendix C, by a qualified professional at the expense of the applicant which concludes:
  - i. that the proposed development does not jeopardize the long term viability of the farms and agricultural lands;
  - ii. that there is no longer a viability in maintaining the agricultural operation; or
  - iii. that ninety (90) percent or more of the property has soils defined as Class 4 or lower capability for agriculture.

The requirement for Council to consider non-agricultural uses through a development agreement and the conditional impact study (if classified as active agricultural land) is to ensure that Council's intent and commitment to agricultural land protection is carried out – without it there would be no assurance of protection from landowners wishing to develop with no obligation to the public interest. Staff believe the current designation and zoning appropriate and do not recommend any changes.

### **2.5 *Proposed Land Use Bylaw Amendments to Appendix E: Design Standards***

These proposed amendments to the design guidelines (found in Part 11 of Appendix B to this report) were presented to PAC in February 2005 following Staff review of the existing Design Standards contained in Appendix E of the Land use By-law under the following circumstances: Motion of Council CO4 (447), as part of the overall plan consolidation and in partial fulfillment of MPS Section 14.2 Future Municipal Projects and Studies. The intent of the review was to create guidelines that are more specific in nature, non-regulatory and contain more listing and explanation of the guidelines to clearly guide all involved in the process.

### **2.6 *Consolidation of Approved Amendments and Re-formatting of Subdivision Bylaw***

The approved SUB amendments to date have been consolidated into the body text of the document and the text has been re-formatted (attached as Appendix C to this report).

### **2.7 *Proposed Housekeeping Amendments to Subdivision Bylaw***

The Director of Finance has offered comments regarding the disparity between the paving time period/municipal takeover and the performance bond requirements in section 10.4 of the SUB with our practice in these areas and staff has followed up with a review:

The issue is that section 10.4 and 15 of the SUB need to be amended to reflect our current practice, since Connie is of the opinion that accepting certified cheques and irrevocable lines of credit is appropriate and Roger feels that in some cases it is necessary and/or more ideal to commence road paving beyond 2 years. Section 15.1 of the Subdivision By-Law sets out a timeframe for a maintenance bond for underground services that is contradictory to that set out in the other municipal engineering standards. To address the inconsistency between practice and our regulation, staff could amend parts sections 10.4, 10.5 and 15.1 of the SUB to read as follows:

10.4 Where road paving is required, pursuant to Section 10.2 (a) (i), the subdivider shall:

- a). ~~undertake all design and construction requirements for road paving under the Municipal Transportation Specifications, within two (2) years of the date that the Municipality assumes ownership of the road, except where a sidewalk and buried stormwater is required in which case section 10.5 shall apply not sooner than two (2) years after the date that the Municipality granted final subdivision approval and not later than three (3) years after the date that the Municipality granted final subdivision approval and;~~
- b) prior to receiving approval for final plan of subdivision, provide ~~a bond~~ to the Municipality either a performance bond or certified cheque, in the amount of 125 percent of the estimated cost for road paving ~~and sidewalk construction as determined by the Municipality's Department of Operational Services Municipality. At the discretion of the Municipality an irrevocable letter of credit may be accepted in lieu of a performance bond or certified cheque.~~

If an irrevocable letter of credit is accepted it is the responsibility of the developer to have the irrevocable letter of credit renewed annually until such time as it is clear that the end date of the instrument extends beyond the date when the work will be completed. Failure to renew the letter of credit will lead the Municipality to call on the irrevocable letter of credit for the full amount of the obligation. Monies held by the Municipality under this section do not earn interest.

10.5 Where ~~a sidewalk and~~ a buried storm system is required, pursuant to Sections 10.2(a) (ii) and (iii) the subdivider shall:

- a) prior to receiving approval of a final plan of subdivision, apply one coat of asphalt to all primary subdivision roads ~~and sidewalks~~, following the construction of buried stormwater infrastructure;
- b) prior to receiving approval for final plan of subdivision, provide to the Municipality either a performance bond or certified cheque to the Municipality in the amount of 125 percent of the estimated cost of completing road paving and sidewalk construction. At the discretion of the Municipality an irrevocable letter of credit may be accepted in lieu of a performance bond or certified cheque subject to the conditions listed in 10.4 (b) above.
- c. undertake all paving requirements ~~and sidewalk construction~~ within two (2) years from the date that the Municipality assumes ownership of the road.

15.1 Following completion of any required Municipally approved central piped service system and before acceptance by the Municipality of any service system, the Subdivider shall:

- a. post a maintenance bond in the amount of ten (10) percent of the actual cost of construction of the service system to ensure the proper operation of such system for a period of ~~twenty four (24) months~~ twelve (12) months after the date that the Municipality granted final subdivision approval;

The amendment example used above stipulates that acceptance of an irrevocable line of credit be contingent upon approval by the Director of Finance. The example above would favour payment by certified cheque but permit payment by line of credit where deemed appropriate by Finance.

The example enables the Transportation Engineer to ensure the road paving following Municipal approval would result in a higher quality road. The example also ensures that the timeframe for the maintenance bond required for underground piped service systems is consistent with the timeframe specified by other municipal standards.

There are other proposed amendments to the SUB but they are of a more substantial nature than the one above and are dealt with accordingly later on in this report.

### 3.0 Subdivision Access and Related Areas of Concern

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#### 3.1 Subdivision Access

During the Engineering Services component of the April 5, 2004 Executive Committee meeting, the Committee passed motion ES04(11):

*“... to recommend to Council, email correspondence prepared by Lew Landers, Project Engineer, dated April 1, 2004, Re: Transportation Standards, Access Amendment, be referred to the Planning Advisory Committee.”*

The Planning and Development Department has reviewed the correspondence and provides a recommendation to implement the access amendment into the Subdivision By-Law as part of the larger set of amendments to be brought forward to Committee in October.

Engineering Services (ES) proposed a revision to the Draft Municipal Transportation Standards which would require subdivisions containing more than 100 lots to include at least two access points onto collector or arterial roads. ES's proposal aims to address safety and emergency access/egress concerns for large subdivisions serviced by only one access point.

ES had originally proposed that the Municipal Transportation Standards be amended to include the following provision: *“Not more than 100 lots containing a maximum of 100 dwelling units shall be serviced by a single street access to a collector or arterial street.”* However, ES has subsequently modified the recommendation to *“In Growth Management and Growth Reserve Areas, not more than 100 lots containing a maximum of 100 dwelling units shall be serviced by a single street access to a collector or arterial street.”*

It is important to note that the Municipal Transportation Standards are currently in draft form and have not been approved by Council. It is also important to note that Planning supports this initiative but recommends that the Subdivision By-Law is the most appropriate location for this requirement, although it could certainly be included in both documents.

Several matters related to residential subdivision access have been raised in East Hants recently. The idea of amending municipal planning and/or engineering documents to require a second transportation access to all developments in excess of 100 lots was initially put forth by Engineering Services following an unsuccessful attempt to negotiate a new access from Highway 2 to Brian MacPhee's new subdivision in Elmsdale. The new subdivision, which has 33 lots, connects to Elmwood Subdivision, which already contained close to 300 lots, via Elmwood Drive. Therefore, Elmwood Drive now serves as the only point of access and egress to Highway 2 for approximately 325 lots. During the subdivision application process Staff identified this access concern but were unable to compel the developer to include a second access

to Highway 2 because it was an as-of-right subdivision application and municipal planning and engineering documents do not currently require a second access.

The MacPhee subdivision application was approved because it met all requirements of the Subdivision By-Law. During the application process, comments were requested from the Nova Scotia Department of Transportation and Public Works (DOT), which does not require two access points for large subdivisions either. Since construction of the subdivision began earlier this year, many residents of Elmwood have expressed concerns related to the additional traffic that will access Highway 2 via Elmwood Drive. Many of these residents have also voiced concerns regarding the Municipality's current inability to prevent large, single access subdivision development even where planning and/or engineering staff identify potential concerns with traffic management, transportation network and emergency access.

Recently, residents of Elmwood Subdivision have requested information from both the Municipality and DOT regarding subdivision access requirements and the subdivision approval process. In a letter dated July 21, 2005 that was posted on Council Chambers online, the Deputy Minister of Transportation and Public Works responded to a request for information regarding the access issue in Elmwood Subdivision. In the letter he indicates the following:

*"Staff (DOT Staff) will point out, however, to the Municipality that a comprehensive traffic impact study should accompany any subsequent subdivision application and that an overall roadway design, including identification of alternative points of access, should be included in the development proposal."*

The Municipality did in fact identify an alternative point of access already owned by the developer and attempt to persuade the developer to include an access at this location. However, a mechanism is not in place that enables Staff to compel a developer to do so. Unless amendments are made to planning documents that would require a second transportation access for large residential developments, this problem will occur elsewhere as vacant land adjacent to existing subdivisions is developed. It will occur simply because building an additional access is an additional cost for developers, and in the absence of a requirement the financial costs associated with the provision of an access can be avoided. However, while the developer avoids the financial costs by choosing not build a second road access, there are social costs, in the form of increased traffic congestion, decreased emergency access/egress capacity, etc.; which are passed on to current and future residents.

Similar measures to ensure safety, efficiency and emergency access/egress have been included in the planning documents of many other municipalities, most notably in HRM whose Subdivision By-Law requires that subdivisions with more than 100 lots have a second road access. While our research to date has not identified any other Municipality in Nova Scotia with a similar requirement, East Hants and HRM are the only Municipalities in Nova Scotia faced with a level of sustained and strong residential development activity that warrants such considerations. The table on the following page does identify other municipalities, both urban and rural, which do have requirements for a second access, many of which are more stringent than what is proposed here.

#### Jurisdictional Scan

<b>Jurisdiction/Study</b>	<b>Document Reference</b>	<b>Subdivision Access Limits</b>
Wenatchee Washington	Subdivision Design Standards, Chapter 11.20.70 (2), <i>Fire Protection Standards</i>	"Ingress and Egress. A subdivision containing 40 lots or more shall contain at least two public road ingress/egress points"

Medina County Ohio	Medina County Subdivision Regulations, Access Standards - 3. Access Points in Major Residential Subdivisions	"No street may serve more than (50) residential sub-lots from a single access point. The provision of opportunities for roads to access adjacent, undeveloped properties and emergency only access point will not be considered a secondary means of access. Larger subdivisions may be required by the Commission to have a proportionately greater number of such access points to ensure adequate and reasonable emergency access."
King George County Virginia	King George County Subdivision Ordinance, 8.3 Streets	"The maximum number of entrances from a subdivision to an existing primary or secondary road shall be one. Additional entrances to a Subdivision from an existing primary or secondary road may be required by the Planning Commission in accordance with the following table: 6-35/1, 36-100/2, 100-200+/3 <i>Major subdivisions shall also provide access to adjoining parcels and subdivisions according tot he same ratios.</i>
City of Portland Oregon	Planning and Zoning Ordinance, Chapter 33.641.020 Transportation Impacts - Approval Criteria	"The transportation system must be capable of safely supporting the proposed development in addition to the existing uses in the area. Evaluation factors include: street capacity and level of service; vehicle access and loading; on-street parking impacts; the availability of transit service and facilities and connections to transit; impacts on the immediate and adjacent neighborhoods; and safety for all modes.
City of Houston Texas	Subdivisions, Developments and Platting Code, Division 6. Multi-Family Residential Developments, Section 42-190, Points of Access	"Any subdivision that includes more than 150 lots shall have at least two points of access separated from each other by a distance of at least 250 feet to a public street outside the boundaries of the subdivision."

Belgrade Montana	Belgrade Subdivision Regulations, A. <i>General Design</i> , (8) <i>Second or Emergency Access</i>	"To facilitate traffic, the provision of emergency services, and the placement of utility easements, the <b>subdivider shall provide all subdivisions with six or more lots with a second means of access.</b> If, in the judgment of the Council, a second dedicated right-of-way cannot be provided for reasons of topography or other physical conditions, the subdivider shall provide an emergency access, built to the standards in these Regulations. The subdivider may be required to provide a second or emergency access for minor subdivisions if the maximum cul-de-sac length standard is exceeded or if topography or physical conditions so warrant."
Town of Williston, Vermont	Town of Williston, Vermont Subdivision Regulations	Section 1020, Streets; B) Access Standards (4) Requirements for Two Access Points. "For purposes of safety and emergency access, no single street access to a major street (as defined in Article II) may serve as the only access for more than fifty (50) dwelling units. <b>If a subdivision is proposed that will cause the number of dwelling units exclusively served by a single street to exceed fifty (50), the proposed subdivision must provide a second connection to a major street.</b> "
State of New Jersey	New Jersey Department of Community Affairs, <i>Residential Site Improvement Standards</i> , <i>Residential Street Hierarchy Definitions</i> , <i>Residential Access</i>	"Residential access streets of "loop" configuration, that is two ways out, should be designed so no section conveys an <b>ADT greater than 1500</b> . Each half of a loop street may be classified as a single residential access street, but the total traffic volume generated on the loop street shall not exceed 750 ADT at any point of traffic concentration."  <b>75 lots at 10 ADT per household</b>

The jurisdictional scan shows a range of maximum dwellings per road access of between 6 and 150 units in the municipalities identified, with the average in the 50 lot range (5 of 8 between 35 and 75 lots).

A graph on the following page identifies several studies and publications that recommend a standard for additional road access points. Some of the standards and requirements mentioned here focus on limits set around ADT or Average Daily Trips. This method uses expected vehicular trips per day to set requirements and standards. According to the Institute of Transportation Engineers (ITE), "*An average value of 10 trips per household can be used for most typical low to medium density areas*". Two of the three studies identified in this report recommend a second access for developments beyond 50 lots while the third recommends an access for every 100 – 200 homes.



"Guidelines for Safe Subdivision Design", Meicha Greenwood and Michael Green, School of Surveying and Spatial Information Systems, University of New South Wales		The study recommends egress onto major roads from at least two points, and <b>one access for every 100-200 homes</b> ; however at the same time the study also recommends at <b>least two emergency service access points for all subdivisions</b> .
"Land Development and Subdivision Regulations that Support Access Management"	Single Access Subdivisions	The study references the Subdivision and Site Plan Handbook (1989) by David Listokin and Carole Walker: "... <b>the maximum number of dwelling units permitted for residential access streets would be about 50 per street</b> ".
"The Subdivision and Site Plan Handbook"	Residential Street Hierarchy (pg. 45)	Suggested maximum ADT for each street type: <ul style="list-style-type: none"> <li>- Residential Access Street - 250/loop, 500 total <b>(50 lots @ 10 ADT per day per household)</b>.</li> <li>- Residential Subcollector - 500/loop, 1000 total <b>(100 lots @10 ADT per day per household)</b>.</li> <li>- Residential Collector</li> <li>- Arterial - 3000 +</li> </ul>

Planning Staff are of the opinion that the proposed amendment to the Draft Municipal Transportation Standards put forth by Engineering Services is an appropriate and effective option for ensuring large subdivisions have at least one alternative access/egress points in the event of an emergency, and for preventing mounting traffic concerns in areas such as Elmwood subdivision from being intensified or occurring elsewhere. Having said this, Planning Staff recommend the amendment put forth by ES be incorporated into the Subdivision By-Law. Staff believe the addition of this requirement into the SUB can be accommodated under the spirit and direction of MPS Policy P10-15:

*Council shall work toward enhancing the existing character within the communities of Enfield, Elmsdale, Lantz, Milford, Shubenacadie, and Mount Uniacke and/or generally those areas designated as Village Core (VC) and Neighbourhood Core (NC) on the Generalized Future Land Use Maps as it relates to **transportation, traffic and pedestrian movement, and safety initiatives and concerns**. The character of these communities shall be enhanced through the development of sidewalks, encouragement of pedestrian traffic, and **the discouragement of large volumes of through traffic on local roads and access streets**.*

The proposal from ES focuses on Growth Management and Growth Reserve Areas, all of which fall into the communities of Enfield, Elmsdale, Lantz, Shubenacadie, Milford, and Mount Uniacke which are identified as the focus of Policy P10-15. As mentioned in Policy P10-15, this initiative focuses on traffic, transportation and pedestrian movement as well as safety initiatives and concerns.

Planning Staff recommend adding the following provision to the Subdivision By-Law:

**10.13 No more than 100 lots and a remainder, shall be serviced by a single road access to a collector or arterial street within Growth Management and Growth Reserve Areas.**

**10.13 A Notwithstanding section 10.13, the Municipality may permit more than 100 lots with a single road access to a collector or arterial street if the development is subject to a development agreement, master plan, NCDD, or phased subdivision application which requires that a second road access to a collector or arterial street will be built in a future phase of development, in a manner and timeframe deemed acceptable by the Municipality.**

### 3.2 Subdivision Connectivity

Another issue, the lack of functional mid-block through road connections between Highway 2 and Highway 102, is related to the subdivision access issue and was also identified as a concern by Staff. As the Corridor area continues to develop the traffic and emergency capacity of Highway 2 will become more and more strained in the absence of any mid-block parallel road connections. Staff have drafted amendments to the MPS and SUB that would identify critical and appropriate mid block road connections and require developers to incorporate these into subdivision and development plans.

Connectivity between residential developments is a safety and traffic management concern much the same as the access issue because appropriate connections and through traffic routes increase possible vehicle trip routes, reduce congestion and increase access/egress capacity and options. The objective is not to pre-design subdivision layouts in any way, but to ensure that a key road connection parallel to Highway 2 is developed in the Corridor region over the long term. If this does not occur, traffic pressure will increase and emergency access options will decrease as the area continues to develop. A minor and relatively short inconvenience resulting from a traffic accident would increase exponentially if/when the population increases by several thousand people. Ensuring that there will eventually be road alternatives to Highway#2 would lessen the significance and disruption of such an event, improve traffic flow and increase emergency access.

As mentioned earlier, connectivity between subdivisions would increase trip route options for every day trips and in the case of an emergency for both evacuation and/or access for emergency vehicles and personnel. Currently the SUB requires connections between subdivisions under certain circumstances through the following provision:

***10.12 Where a public street, highway, or private road in an adjoining subdivision abuts the boundaries of a plan of subdivision submitted for approval, the public street, highway, or private road in the latter shall, if reasonably feasible, be laid out in prolongation of such public streets, highways, or private roads, unless it would be in violation of this by-law.***

Planning Staff recommend PAC give consideration to broadening the scope of current connectivity requirements to ensure logical and functional mid-block road connections as development occurs in the future in order to improve the transportation network and emergency access. Planning Staff's analysis recommends special consideration be given to identifying important future connections on a map to be inserted in the Subdivision By-Law that must be incorporated into future development. The MPS and SUB could then be amended to include requirements for subdivision and development plans to incorporate these connections into development and subdivision plans.

Staff's analysis suggests that it will be necessary to amend the MPS by adopting a policy that establishes Council's intent with regard to street connections, amend the SUB by inserting a map that identifies the required future road connections, and amend the SUB to require that subdivision plans include the required future road connections. Staff have identified the future road connections that would be shown

on the new map and are currently preparing it. The Municipality will not specify the road design and layout, but Staff have identified nodes, stub streets, dead end streets and road reserves in existing developments located adjacent to undeveloped and underdeveloped land which must be connected by the internal road network of new proposed subdivisions.

Staff recommend that Executive Committee give consideration to amending the MPS by adopting the following Policy Goal and Policy Statement with regard to subdivision access and road connections under section 10.2 "Minimum Subdivision Standards" of the MPS:

### **Subdivision Access and Road Connections**

#### **Policy Goal**

**Council's goal is to improve emergency access capability and the overall transportation network by requiring adequate road access to collector and arterial roads for new residential subdivision developments within Growth Management and Growth Reserve Areas and by requiring identified road connections between existing and future residential subdivision developments within the Regional Serviceable Boundary Growth Management Area.**

#### **Policy Statements**

**P10-14 A Council shall ensure that all new subdivision proposals within the Regional Serviceable Boundary provide for appropriate future road connections to adjacent properties and to the existing road network by requiring that the future road connections identified on the Required Future Road Connections Map located in the Subdivision By-Law are incorporated into the road network of subdivision applications.**

**P10-14B Council shall ensure that all new subdivision and development proposals within Growth Management and Growth Reserve Areas have adequate road connections to collector and arterial roads.**

Staff also recommend that Executive Committee consider the following draft amendments to the SUB that would implement a new policy from Council in this area, including insertion of the Regional Serviceable Boundary Required Future Transportation Maps:

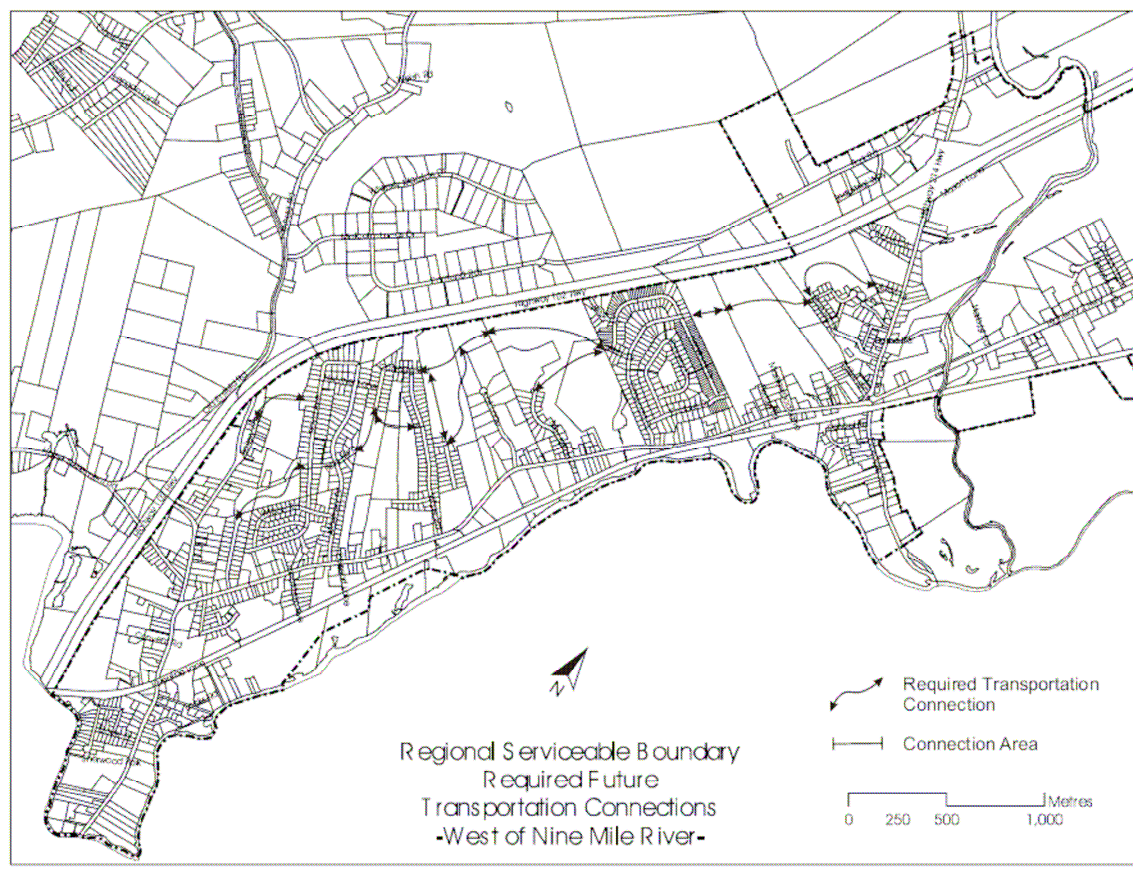
**10.14 Where a Subdivision or development proposal abuts a vacant parcel, undeveloped remainder parcel, or a parcel with a high likelihood for future infill development, re-development or intensification, the street layout of the proposed subdivision must provide for adequate future road and pedestrian connections to the adjacent undeveloped or underdeveloped lands.**

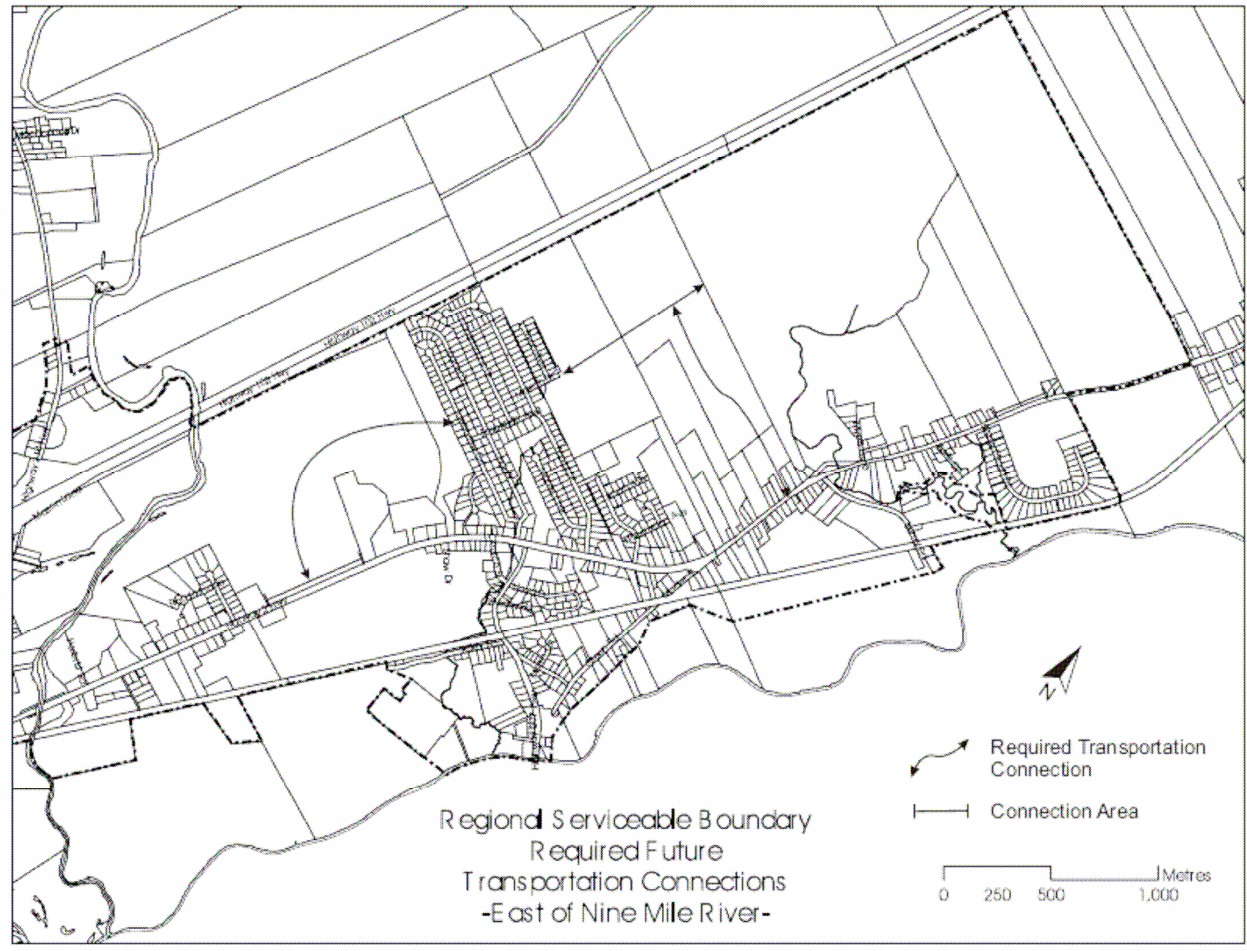
**10.15 Where a Subdivision or development proposal abuts an existing or approved subdivision the street network in the proposed subdivision must be designed to connect to all existing or approved stub streets, dead end streets, and transportation reserves that abut the subject property(s) except where deemed unfeasible by the Development Officer.**

**10.16 Where an application for subdivision includes or abuts lands that contain all of or a portion of a required transportation connection identified on the Regional Serviceable Boundary Required Future Transportation Connections Map, the street network of the subdivision shall be laid out to provide a road connection from one**

**end of the Required Transportation Connection to the other or to the boundary of the lands subject to the subdivision application.**

**10.17 Where an application for subdivision is subject to 10.16, the Required Transportation Connection is not required to adhere to the design portrayed on the Regional Serviceable Boundary Required Future Transportation Connections Map, but the street layout of the subdivision must provide a potential vehicle route from one end of the required connection to the other or to the boundary of the subdivision at a location that will, in the opinion of the Municipal Development Officer, permit the future continuation and completion of the Required Future Road Connection.**





### 3.3 Sidewalks

Staff identified sidewalks as a concern because the development community has been able to sidestep the intent of current Municipal policy and development requirements and avoid constructing sidewalks. Municipal Council has previously established, through policy and the Subdivision By-Law, that developers shall include sidewalks on one side of all primary subdivision roads and also along the front of all properties that abut a school. In some cases developers have simply designed as-of-right subdivision plans to avoid providing sidewalks and incurring this extra cost. This issue is also related to the subdivision access issue: developers are not only choosing to access new development via existing subdivisions to avoid the cost of a new access, but also to avoid building sidewalks. In the absence of a school, sidewalks are required along one side of all primary subdivision roads, but if a new subdivision does not have a direct access to a collector or arterial it would very rarely contain a primary subdivision road, as defined in planning documents, and therefore not require a sidewalk.

The following Policy Goal and Policy Statements identify Council's intent and direction with regard to the provision of sidewalks as part of the development process:

**Policy Goal**

*It is a goal of Council to ensure improved pedestrian safety in existing developed areas and as part of future development.*

**Policy Statements**

- P4-44** *Council shall require developers to provide sidewalks on one side of new primary subdivision roads in the Growth Management Areas, that are serviced with both sewer and water, prior to the Municipality assuming ownership of the road.*
- P10-22** *Council shall require developers to provide sidewalks on one side of new primary subdivision roads in the Growth Management Areas with both Municipal sanitary sewer and water infrastructure.*
- P10-23** *Council shall require that a sidewalk be provided on one side of all new primary and secondary subdivision roads for those subdivisions containing a school, which are located in Growth Management Areas and are serviced by Municipal sanitary sewer and water supply services.*
- P10-15** *Council shall work toward enhancing the existing character within the communities of Enfield, Elmsdale, Lantz, Milford, Shubenacadie, and Mount Uniacke and/or generally those areas designated as Village Core (VC) and Neighbourhood Core (NC) on the Generalized Future Land Use Maps as it relates to transportation, traffic and pedestrian movement, and safety initiatives and concerns. The character of these communities shall be enhanced through the development of sidewalks, encouragement of pedestrian traffic, and the discouragement of large volumes of through traffic on local roads and access streets.*
- P10-5** *Council shall take measures to encourage the construction of roads based on the principles of good civic design including tree planting, landscaping, crosswalks, sidewalks, bicycle paths, median strips, and boulevards where applicable.*

Staff have drafted amendments to the MPS and SUB for Executive Committee's consideration that are aimed to tighten up existing sidewalk requirements to ensure that Council's existing goals with regard to sidewalks are implemented. Staff are also recommending amendments to the planning documents for Executive Committee's consideration which would introduce additional sidewalk requirements as part of the subdivision approval process. Staff believe that further sidewalk requirements warrant consideration in order to ensure pedestrian friendly communities and neighborhoods are developed. One of the primary considerations here is that sidewalks can be built much cheaper, faster and with much less disruption to homeowners if completed during the development and construction than they can years later.

The recommendation of Staff is to require the construction of sidewalks along one side of all new primary subdivision roads *and* along one side of all roads providing access to a subdivision, whether or not the subdivision is accessed from an existing development or a primary subdivision road. Staff also recommend introducing a requirement that the extension of any road with a sidewalk, and any new road connecting to a road with a sidewalk also require a sidewalk along one side. Staff suggest that an exemption to this rule be provided to cul-de-sac and permanently dead end streets containing 10 lots or less. Staff believe these measures will ensure that subdivision roads with through traffic provide a safe pedestrian environment and that existing sidewalks are extended into new residential subdivisions regardless of the definition of the road. A sidewalk would not simply end at the boundary one subdivision or street and not continue to connect to other streets except in the case of dead end streets and cul-de-sacs. This is important in the rapidly growing areas of the Corridor, because while in many instances small to medium sized subdivisions are being built, eventually almost all of the land between Highway 2 and Highway 102 will be built out and comprise a much more urban environment than that which exists today.

Staff recommend amending Policy P10-22 and P4-44 to read as follows:

- P10-22** *Council shall require developers to provide sidewalks on one side of new primary subdivision roads, on one side of all roads providing access to a*

**subdivision, and along one side of all roads connecting to or extending from an existing road with an existing sidewalk, with the exception of permanent cul-de-sacs, dead end streets, loop streets, and crescent streets containing 30 lots or less in the Growth Management Areas with both Municipal sanitary sewer and water infrastructure serviced by Municipal sewer and/or water.**

- P4-44 Council shall require developers to provide sidewalks on one side of new primary subdivision roads, **on one side of all roads providing access to a subdivision, and along one side of all roads connecting to or extending from an existing road with an existing sidewalk, with the exception of permanent cul-de-sacs, dead end streets, loop streets, and crescent streets containing 30 lots or less, in the Growth Management Areas with both Municipal sanitary sewer and water infrastructure serviced by Municipal sewer and/or water,** prior to the Municipality assuming ownership of the road.

Staff also recommend amending the SUB to implement the proposed policy changes to P10-22 and P4-44 as follows:

10.2 All subdivisions of three lots or two lots and a remainder, or more in the Growth Management and Growth Reserve Areas as shown on the map attached as Appendix D, shall be built to the following standards:

- a. Growth Management Areas With Approved Sanitary Sewer and/or Water Services:
- i. All roads shown on a final plan of Subdivision shall be paved and built to the standards as specified under the Municipal Transportation Specifications Municipal standards.
  - ii. All proposed primary Subdivision roads, with the exception of permanent cul-de-sacs, dead end streets, loop streets, and crescent streets containing 30 lots or less, as defined in the Municipal Transportation Specifications shown on a final plan of Subdivision, shall be constructed with sidewalks along one side of the full length of the road according to the design and construction criteria for sidewalks with curb and gutter under the Municipal Transportation Specifications Municipal standards.

### 3.4 Stormwater Management

Stormwater management (SWM), has been a concern of Council, public and Staff alike in recent months. Flooding in the spring of 2005 in Elmwood subdivision has raised interest in this issue and it has been the subject of much discussion between the public and Staff and Councillors since that time.

Planning and Engineering Staff have worked over the summer of 2005 to develop options for strengthening the Municipality's stormwater management requirements. Staff will bring a package of amendments forward to Executive Committee in the near future to include the following measures:

- Require buried storm sewers in all serviced areas.
- Require more detailed stormwater management plans and establish more stringent stormwater requirements at the subdivision application stage.



- Establish lot-grading standards that would have to be met at the development and/or building permit stage.

The costs associated with requiring buried storm sewers in the serviced areas is offset slightly by the increased density permitted in serviced areas and because sewer and/or water infrastructure would be installed at the same time. Going back to install buried storm sewer after problems have developed is much more difficult, expensive and inconvenient for property owners.

The new MacPhee development adjacent to Elmwood subdivision includes buried storm sewer and curb and gutter on all streets indicating that these requirements would not be cost prohibitive for new development. For perspective, the new buried storm system in the MacPhee subdivision, while more expensive than an open ditch system, should greatly reduce the chance of flooding in the new development and is much cheaper for the developer to install at the outset during road and infrastructure construction. Conversely, Elmwood subdivision and its system of open ditches will continue to be prone to flooding during heavy rain events in the winter and spring and replacing the existing system with buried storm now would prove much more expensive than it would have during development/construction.

Council has already established a goal and guiding policy with regard to stormwater management as seen below:

***Development Standards  
Policy Goal***

*Council's goal is to ensure that stormwater management is addressed as part of the "as-of-right" development process, and new development does not worsen any existing stormwater issues.*

*P10-6 Council shall ensure that a stormwater management plan be required for subdivisions over three (3) lots on an existing area of land in the Growth Management and Growth Reserve Areas of the Municipality.*

Recent problems with stormwater drainage in areas such as Elmwood subdivision indicate that new subdivision and development requirements are needed to adequately implement Council's policy goal for stormwater management. Planning Staff believe requiring buried storm sewers in all serviced areas would be a very significant step in preventing problems similar to those experienced in Elmwood in future subdivisions. As indicated earlier, it is also much cheaper, easier and convenient to install storm sewers at the outset with the roads and sanitary sewer and water than after the fact once problems arise.

Staff are currently drafting amendments to the MPS and SUB that would require buried storm sewers in all serviced areas and require developers to submit more detailed Stormwater Management (SWM) Plans that would have to meet new, more specific standards currently being compiled by Engineering Services. A proposed Lot Grading By-Law, that will be brought to Executive Committee in November, will ensure that the site grading plan as approved in the plan of subdivision is conformant before development and/or building permits are issued. The objective of good stormwater management planning is to reduce the root causes of negative impacts on water management and should be adopted as one of the basic design criteria guiding the preparation of the subdivision or site plans where predetermined amounts of runoff can be designed for or the negative impacts of the proposed development may be mitigated pre-construction design process.

In order to make clear to the subdivider or developer that a subdivision grading plan will now be required in addition to the drainage plan as the two components of the Stormwater Management Plan staff proposes that a new clause be added under subsection 12.1. This new clause basically requires a grading plan meeting municipal standards to be submitted. The proposed amendments to section 12 Stormwater Drainage of the SUB are as follows:



- 12.1 Prior to receiving approval of a tentative plan of subdivision in all serviced Growth Management and Growth Reserve Areas, the subdivider shall be required to prepare a stormwater management plan based on the following requirements:
- a. the stormwater management plan shall apply to the entire area of land to be subdivided;
  - b. the stormwater management plan shall include a drainage plan to address all drainage patterns within the subdivision area and shall prescribe a method for the proper drainage and collection of stormwater based on the full development of the site;
  - c. the stormwater management plan shall include a grading plan to address the conveyance of all surface runoff from the developed subdivision area to a stable outlet or established drainage area in accordance with Municipal standards;

Buried storm sewers or storm drains are stormwater facilities most commonly used in urbanized areas as a means of controlling stormwater runoff and changing the characteristics of that runoff including quantity, period of release and velocity of flow; it is not uncommon for these systems to be supplemented by other facilities. In terms of quantitative control buried storm sewers are part of an overall SWM system and it would be erroneous to implement SWM goals by requiring subdivision grading plans and drainage plans and not requiring buried storm sewers; especially in serviced areas. This is an important aspect of good subdivision /site planning in that it aims at reducing or preventing adverse impacts instead of mitigating them and relying on remedial solutions as in past cases in East Hants. The following sections, 10.2 (1) (a) (iii) and 12.4 of the SUB contain the proposed changes to require buried storm on all subdivision roads in serviced areas:

- 10.2 (1) All subdivisions of three lots, or two lots and a remainder, or more in the Growth Management and Growth Reserve Areas as shown on the map attached as Appendix D, shall be built to the following standards:
- a. Growth Management Areas with both Approved Sewer and Water Services
    - iii. All proposed primary subdivision roads shown on a final plan of subdivision ~~where a sidewalk is provided~~, shall be built with a buried stormwater system in accordance with all applicable design and construction criteria under ~~the Municipal Transportation Specifications~~ Municipal standards.

and

- 12.4 A buried stormwater drainage system shall be required for all proposed primary subdivision roads shown on final plans of subdivision in Growth Management Areas where there are municipally approved piped services ~~where a sidewalk is required~~, pursuant to Section 10.2(a)(iii) and shall be designed and constructed according to all applicable standards as specified ~~in the Municipal Transportation Specifications~~ under Municipal standards.

### 3.5 Minimum Frontage

As set out in the Revisions to amendments proposed in the Housekeeping Amendments Report and a discussion of various development related costs and approvals Staff Report dated March 13, 2006 which outlined suggested revisions to the amendments proposed in the November 15, 2005 Housekeeping Staff Report, Staff propose revisions to the amendments proposed in the November 15, 2005 Staff Report so that:

Minimum lot frontage requirements are reduced to 60 feet for single-family dwellings and 30 feet per side for semi-detached dwellings in areas serviced with both municipal sewer and water. This amendment would also necessitate a reduction in minimum lot size from 7500 square feet to 6000 square feet.

At the PIM and in Staff's discussions with one local developer, a reduction in the minimum frontage requirement in serviced areas was identified as a reasonable measure to offset some of the cost of the proposed amendments. Current minimum frontage requirements for serviced areas are 75 feet. Staff are proposing a reduction in the minimum frontage requirement for single-family dwellings to 60 feet because this is the minimum frontage requirement in place in both the Town of Windsor and serviced areas of HRM formerly part of Halifax County. This proposed amendment would result in a 20% reduction in the lot frontage requirement and thereby enable the development of additional lots on a given length of road. Potential storm drainage problems associated with increased density would be reduced because of the proposed requirement for buried storm. Serviced residential building lots would be no smaller than similar lots in adjacent jurisdictions.

The proposed reduction in frontage requirements was included as Point 4 in the March 13, 2006 *Revisions to amendments...* Staff Report. At their March meeting, Council gave first reading to the amendments proposed in the November 15, 2005 *Housekeeping* Staff Report subject to and amended by points 1-5 outlined in the March 13, 2006 *Revisions to amendments...* Staff Report. Therefore, the proposed reduction in lot frontage for serviced residential lots in the R1 and R2 zones, as outlined in Point 4 of the March 13, 2006 *Revisions to amendments...* Staff Report have been included below as proposed amendments to the Land Use By-law. Text proposed to be deleted is identified by the strikethrough effect while text proposed to be added is bolded and underlined:

## 6.2 Restricted Single Unit Dwelling (R1) Zone

### 6.2.1 Permitted Uses

No development permit shall be issued in any (R1) Zone except for one or more of the following uses:

- a. Single Unit Detached Dwelling
- b. Cottage
- c. Bed and Breakfast
- d. Playgrounds and neighbourhood parks subject to the Open Space (OS) Zone requirements

### 6.2.2 Zone Requirements

In the (R1) Zone, no development permit shall be issued except in conformity with the following requirements:

	Type of Servicing		
	Sewer & Water	Sewer Only	On-Site*
Minimum Lot Area	<del>7,500 ft<sup>2</sup> (696.8 m<sup>2</sup>)</del> <b>6000 ft<sup>2</sup> (557.4 m<sup>2</sup>)</b>	10,000 ft <sup>2</sup> (929 m <sup>2</sup> )	40,000 ft <sup>2</sup> (3716 m <sup>2</sup> )
Minimum Lot Frontage	<del>75 feet (22.9 m)</del> <b>60 feet (18.3 m)</b>	75 feet (22.9 m)	100 feet (30.5 m)
Minimum Front Yard	15 feet (4.6 m)	25 feet (7.6 m)	25 feet (7.6 m)
Minimum Rear Yard	20 feet (6.1 m)	20 feet (6.1 m)	35 feet (10.7 m)
Minimum Side Yard	6 feet (1.8 m)	6 feet (1.8 m)	6 feet (1.8 m)
Minimum Flankage Yard	15 feet (4.6 m)	20 feet (6.1 m)	20 feet (6.1 m)
Maximum Height	35 feet (10.7 m)	35 feet (10.7 m)	35 feet (10.7 m)

\*Nova Scotia Department of the Environment approval for on-site sewage disposal system is required.

## 6.3 Single and Two Unit Dwelling (R2) Zone

### 6.3.1 Permitted Uses

No development permit shall be issued in the (R2) Zone except for one or more of the following uses:

- a. Single Unit Dwelling (R1) uses

- b. Duplex Dwellings
- c. Semi-Detached Dwellings
- d. Converted Dwellings as per this Section
- e. Link Dwelling Units
- f. Boarding House (Existing Dwelling)
- g. Bed and Breakfast
- h. Playgrounds and neighbourhood parks subject to the Open Space (OS) Zone requirements
- i. Single and Two Unit Dwelling (R2) Zone

### 6.3.2 Zone Requirements

In the (R2) Zone, unless otherwise permitted by this Part, no development permit shall be issued except in conformity with the following requirements:

	Type of Servicing		
	Sewer & Water	Sewer Only	On-Site*
Minimum Lot Area	<del>7,500 ft<sup>2</sup> (696.8 m<sup>2</sup>)</del> <b>6000 ft<sup>2</sup> (557.4 m<sup>2</sup>)</b>	10,000 ft <sup>2</sup> (929 m <sup>2</sup> )	40,000 ft <sup>2</sup> (3716 m <sup>2</sup> )
Minimum Lot Frontage	<del>75 feet (22.9 m)</del> <b>60 feet (18.3 m)</b>	75 feet (22.9 m)	100 feet (30.5 m)
Minimum Front Yard	15 feet (4.6 m)	25 feet (7.6 m)	25 feet (7.6 m)
Minimum Rear Yard	20 feet (6.1 m)	20 feet (6.1 m)	35 feet (10.7 m)
Minimum Side Yard	6 feet (1.8 m)	6 feet (1.8 m)	6 feet (1.8 m)
Minimum Flankage Yard	15 feet (4.6 m)	20 feet (6.1 m)	20 feet (6.1 m)
Maximum Height	35 feet (10.7 m)	35 feet (10.7 m)	35 feet (10.7 m)

\*Nova Scotia Department of the Environment approval for on-site sewage disposal system is required.

### 6.3.4 Requirements for Semi-Detached and Link Dwelling Units

Semi-detached dwelling units dwelling units located on a lot serviced by municipal water and sewer may be subdivided into two lots provided:

- a. each lot shall contain no more than a single unit;
- b. each dwelling unit has separate service connections;
- c. all applicable provisions of the East Hants Municipal Subdivision By-law are satisfied; and
- d. the following requirements are satisfied:

	Type of Servicing	
	Sewer & Water	Sewer Only
Minimum Area to be Subdivided	<del>7,500 ft<sup>2</sup> (696.8 m<sup>2</sup>)</del> <b>6000 ft<sup>2</sup> (557.4 m<sup>2</sup>)</b>	10,000 ft <sup>2</sup> (929.0 m <sup>2</sup> )
Minimum Area for Each Lot	<del>3,750 ft<sup>2</sup> (348.4 m<sup>2</sup>)</del> <b>3,000 ft<sup>2</sup> (279 m<sup>2</sup>)</b>	5,000 ft <sup>2</sup> (464.5 m <sup>2</sup> )
Minimum Lot Frontage for Each Lot	<del>37.5 feet (11.4 m)</del> <b>30 feet (9.1 m)</b>	37.5 feet (11.4 m)
Minimum Front Yard	15 feet (4.6 m)	15 feet (4.6 m)
Minimum Rear Yard	20 feet (6.1 m)	20 feet (6.1 m)
Minimum Side Yard	6 feet (1.8 m)	6 feet (1.8 m)

<i>Semi-Detached (common wall)</i>	<i>0 feet (0 m)</i>	<i>0 feet (0 m)</i>
<i>Linked (common wall)</i>	<i>0 feet (0 m)</i>	<i>0 feet (0 m)</i>
<i>Linked (unconnected wall)</i>	<i>2.5 feet (0.8 m)</i>	<i>2.5 feet (0.8 m)</i>
<i>Minimum Flankage Yard</i>	<i>15 feet (4.6 m)</i>	<i>20 feet (6.1 m)</i>
<i>Maximum Height</i>	<i>35 feet (10.7 m)</i>	<i>35 feet (10.7 m)</i>

### 6.3.5 Two Detached Dwellings on a Lot

A development permit may be issued to permit a second detached dwelling to be erected on a lot providing that the following requirements are met:

- the lot meets the minimum by-law requirements for two lots, with both potential future lots having sufficient area, frontage and required setback distance to contain a dwelling unit in the R2 zone. Department of Environment approval for installation of two separate on-site sewage disposal systems is required where municipal sewer services are not available;
- the proposed second dwelling must be located so that the property could be subdivided into two separate lots, each containing one of the dwellings, with both resulting lots in compliance with the following minimum lot standard requirements for the R2 Zone:

	Type of Servicing		
	Sewer & Water	Sewer Only	On-Site*
Minimum Lot Area	<del>7,500 sq. feet</del> <b>6000 ft<sup>2</sup> (557.4 m<sup>2</sup>)</b>	10,000 sq. feet	40,000 sq. feet
Minimum Lot Frontage	<del>75 feet</del> <b>60 feet (18.3 m)</b>	75 feet	150 feet
Minimum Front Yard	15 feet	25 feet	25 feet
Minimum Rear Yard	20 feet	20 feet	35 feet
Minimum Side Yard	6 feet		
Maximum Height of Main Bldg.	35 feet		

\*Nova Scotia Department of the Environment approval for on-site sewage disposal system is required.

## 4.0 Public Participation

As per the As per MPS Policy P2-28(c), the Planning Advisory Committee will be required to hold at least one Public Information Meeting when considering amendments that involve changes to the Municipal Planning Strategy. Given the number of changes being proposed to the Land Use By-law and Subdivision By-law in this report, Staff feel such a meeting would be appropriate even if there were no MPS amendments being recommended.

As for notification regarding the proposed changes, Policy P2-27 requires that direct mail be sent to any owners who have property within 1000 feet of properties where zones are proposed to change. Given the interest the development community will undoubtedly have regarding proposed changes that affect subdivision activity in serviced areas of the Municipality, it would also be appropriate to send direct mail to identified development industry stakeholders.

After the Committee has had a chance to review all of the proposed changes over the September and October meetings, Staff will be recommending that a Public Information meeting as outlined above be scheduled. Possible dates at this time, for a meeting to be held at the Milford Rec Centre, are November 3<sup>rd</sup>, 8<sup>th</sup> or 9<sup>th</sup>, beginning at seven o'clock in the evening. Because of the nature of this PIM where the development community will be invited along with members of the affected public, a larger space is probably required.

## 5.0 Summary and Recommendation

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The Planning and Development Department has identified a number of “housekeeping” items that require correcting or clarification to ensure the Planning Documents accurately reflect Council’s intent with respect to land use planning in East Hants and are detailed in the report for approval. Approved amendments to the MPS, LUB and SUB and to the zone mapping and GFLUMs since February 2000 have been consolidated into the text body or located on the maps. With an eye to placing the MEH planning documents to the public website the body text and maps were re-formatted at the same time.

Staff has commented on Engineering Services’ proposal to require a second access for residential subdivisions and in light of that research and ongoing resolution of issues regarding subdivision connectivity, sidewalks, stormwater and other topics dealt with by planning staff during the development process there were several other matters deemed related to this access requirement. Engineering and planning staff, in efforts to improve stormwater management in the serviced area of East Hants, are looking at revised subdivision grading and drainage requirements, including buried stormwater, and inception of a new lot grading by-law. A continuation of this preliminary report and associated amendments will be presented at October PAC regarding these issues.

### Recommendation

Planning Advisory Committee recommend that Council give Second Reading to the amendments outlined in the April 11, 2006, Staff Report entitled *“Housekeeping Amendments and Office Consolidation of Official East Hants Community Plan; Subdivision Access and Related Concerns”* which are hereby adopted by repealing the *East Hants Official Community Plan* (Municipal Planning Strategy, Land Use Bylaw, and Subdivision Bylaw), adopted by Municipal Council on February 17<sup>th</sup>, 2000, and replacing it with the amended *East Hants Official Community Plan* (Municipal Planning Strategy, Land Use Bylaw, and Subdivision Bylaw) attached.

Planning Advisory Committee recommend that Council give Second Reading to the *Lot Grading Bylaw*.