



Subject: *PLN25-003 Serenity Lodge: MPS and LUB Amendments and Substantial Development Agreement Amendment*

To: CAO for Planning Advisory Committee, October 21, 2025

Date Prepared: October 14, 2025

Related Motions: C25(95), PAC25(77), C25(223), PAC25(98), and C25(304)

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Approved by: John Woodford, Director of Planning and Development

Summary

Planning staff received direction from East Hants Council on March 26, 2025, to “...direct staff to find a way forward to assist Ms. MacAskill to separate her business and dwelling (two PIDs) through Development Agreement or an alternative. (Re: Serenity Lodge)”. Staff have reviewed the subject property details and the East Hants Official Community Plan to determine amendments that could be adopted by Council that would allow for the subdivision of 53 Bakery Lane and 39 Russell McKeen Drive.

There is currently a development agreement in place that allows for the current institutional use (Serenity Lodge). In addition to amendments to the Municipal Planning Strategy and Land Use Bylaw, the existing development agreement will also have to be substantially amended to permit the land to be subdivided.

First reading of the proposed amendments and initial consideration of the development agreement was given at the September 24th meeting of Council.

Financial Impact Statement

Any financial impact on East Hants would be minimal. No new structures or land uses are being proposed as part of the application.

Recommendation

That Planning Advisory Committee recommends that Council give second reading and approve the proposed Municipal Planning Strategy and Land Use Bylaw amendments and give approval to the development agreement.

Recommended Motions

Planning Advisory Committee recommends that Council:

- *give second reading and approve the proposal to amend the MPS and LUB by adopting policies that will permit Council to consider entering into a development agreement on lands zoned Two Dwelling Unit Residential (R2) Zone to permit Institutional Use (IU) Zone uses to be subdivided on an existing right-of-way easement in a Growth Management Area.*

Planning Advisory Committee recommends that Council:

- *give final consideration and approve entering into a development agreement to permit PID 45287638 to be subdivided on an existing right-of-way easement, signed within one year of Council's approval, and contingent upon approval of the MPS and LUB amendments by the Minister of Municipal Affairs and Housing.*

Background

On March 26, 2025, Council passed Motion C25(95) to “...direct staff to find a way forward to assist Ms. MacAskill to separate her business and dwelling (two PIDs) through a Development Agreement or an alternative. (Re: Serenity Lodge).” Serenity Lodge is located on PID 45287638, and is identified as 39 Russell McKeen Drive. Along with Serenity Lodge, there is also a single unit dwelling, identified as 53 Bakery Lane. PID 45287638 only has 6 m of frontage on Bakery Lane. Under the current Land Use Bylaw regulations, the subdivision of land cannot take place on a right-of-way easement in the Growth Management Areas serviced by Municipal water and wastewater. A variety of items have to be addressed prior to the owner of Serenity Lodge being able to subdivide PID 45287638 into two lots.

The first item to be addressed is that the property owner must acquire land and frontage from 35 Russell McKeen Drive (PID 45078912), in order to have frontage on Russell McKeen Drive (right-of-way easement). A proposed plan of Subdivision has been submitted with the application to show how the land may be subdivided. Without frontage on the existing right-of-way easement, the land cannot be subdivided.

The second item to be addressed are amendments to the MPS and LUB. A new policy and regulation are required to be added to the Planning documents to permit Council to consider the subdivision of land for an Institutional Use (IU) Zone use on an existing right-of-way easement, in the Growth Management Areas on land that is zoned Two Dwelling Unit Residential (R2) Zone. The MPS and LUB already contain a policy and regulation that permits Council to consider development agreements for Institutional Use (IU) Zone uses by development agreement.

The third item to be completed is that the existing development agreement, which currently permits Serenity Lodge, needs to be substantially amended so that the proposal can be considered under Council’s potential new policy.

Further, there is an order in which the above steps have to occur before the land can be subdivided into two lots. Planning staff expect that the above process will take a minimum of 6 months. As a result, the Director of Planning and Development has provided a letter to the applicant to send to the provincial government, indicating that East Hants Council are in the process of considering amendments to permit the subdivision of Serenity Lodge onto its own lot.

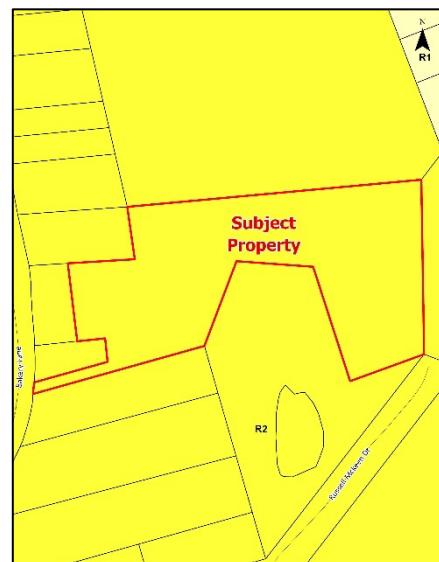
Discussion

SUBJECT PROPERTY

The subject property is shown on the map to the right and is identified as PID 45287638. There are two civic points on the subject lands: 53 Bakery Lane, a single-unit dwelling, and 39 Russell McKeen Drive, which is Serenity Lodge. The total area of the subject property is 1.44 hectares. The lot has 6 m of frontage on Bakery Lane.

The subject property is designated Established Residential Neighbourhood (ER) Designation and zoned Two Dwelling Unit Residential (R2) Zone. Adjoining properties are also zoned Two Dwelling Unit Residential (R2) Zone. There is an existing development agreement on the subject lands that permits Serenity Lodge, which is a senior’s care facility and is considered an institutional use.

Bakery Lane is owned by the provincial government and Russell McKeen Drive is a private right-of-way easement owned by the McKeen and extended family.



DEVELOPMENT PROPOSAL

The purpose of Council's direction is to develop a policy and regulation that will permit Institutional Use (IU) Zone uses to be subdivided on an existing right-of-way easement for land zoned Two Dwelling Unit Residential (R2) Zone. By implementing such amendments, the owners of Serenity Lodge will be permitted to subdivide their property into two lots, with one of the lots having frontage on a right-of-way easement in the South Corridor and Commercial Growth Management Area. Current regulations do not permit land to be subdivided on right-of-way easements in the South Corridor and Commercial Growth Management Area.

The proposal does not enable other lots to be subdivided with frontage on Russell McKeen Drive for purposes other than institutional uses. If the existing land owners are interested in developing their lands in the future, Russell McKeen Drive will have to be upgraded to a public road so that it may be taken over by the Municipality.

PROPOSED MPS AMENDMENTS

The following amendments are proposed to be added to Policy RD23 of the Municipal Planning Strategy:

- RD23. Council shall consider the following by development agreement in the Two Dwelling unit Residential (R2) Zone:
- a) Accessory buildings in excess of the applicable zone requirements.
 - b) Institutional Use (IU) Zone uses.
 - c) Zero Lot Line Developments subject to the requirements of the Municipal Planning Strategy.
 - d) *The subdivision of land on an existing right-of-way easement in a Growth Management Area to permit an Institutional Use (IU) Zone use.*

The following amendment is proposed to be added to Section 6.6 of the Land Use Bylaw:

R2 Zone: Conditional Uses by Development Agreement

- Accessory buildings in excess of the applicable zone requirements.
- Institutional Use (IU) Zone uses
- *The subdivision of land on an existing right-of-way easement in a Growth Management Area to permit an Institutional Use (IU) Zone use.*
- Zero Lot Line Developments subject to the requirements of the Municipal Planning Strategy.

SUBSTANTIAL DEVELOPMENT AGREEMENT AMENDMENT

There is an existing development agreement registered on PID 45287638 that permits the senior care facility, Serenity Lodge, to operate on land zoned Two Dwelling Unit Residential (R2) Zone. To allow for the property to be subdivided into two lots, the existing development agreement will have to be substantially amended to allow Council to consider the development agreement in relation to the new proposed provisions in the MPS and LUB.

The amendments to the Planning documents and the substantial development agreement amendment can run concurrently; however, the MPS amendments will have to be in effect prior to the development agreement being entered into and registered on the subject lands.

POLICY ANALYSIS

Text amendments to the Municipal Planning Strategy shall only be considered by Council when “*a need arises to change policy*”.

IM12. *Council shall consider text amendments to this Strategy when:*

- a) *A need arises to change policy.*

- b) *New information is identified or studies have been undertaken which necessitate or recommend an amendment to the strategy.*
- c) *A provincial policy change requires a change in this Strategy.*
- d) *The boundaries of the planning area are altered.*
- e) *Housekeeping amendments are warranted.*

Council has determined that a need has arisen that requires a change to planning policy. Staff have reviewed the proposed changes and the consideration of the development agreement amendment in relation to the implementing policies. Staff are recommending that the proposed amendments and development agreement be approved so that Serenity Lodge may subdivide on its own lot with frontage on the existing right-of-way easement (Russell McKeen Drive).

CITIZEN ENGAGEMENT

Planning staff have complied with the Citizen Engagement Policies of the Municipal Planning Strategy when processing this application. An advertisement outlining the proposal was placed in the *Chronicle Herald* in May 2025. A Public Information Meeting (PIM) for the proposed amendments was held on July 14, 2025. Notes from the meeting have been attached as Appendix C.

A questionnaire was sent to property owners and residents within 300 m of the subject property. A total of 179 questionnaires were mailed, with 12 responses received. The results have been shared with members of the Planning Advisory Committee for their review.

Overall, the feedback was varied. Some residents viewed the proposed changes positively, others were opposed, and some commented on matters unrelated to the proposal.

A notice advising the public of the October 29, 2025, hearing will be placed in the October 15th and 22nd editions of the *Chronicle Herald* for two consecutive weeks prior to the hearing. The notice will also be placed on social media and on the Municipal website. As well, the date and time of the public hearing were hand-delivered to all properties within 300 m of the subject property. Staff moved forward with hand delivery of the letters due to time constraints imposed by the province on the applicant.

STRATEGIC ALIGNMENT

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

LEGISLATIVE AUTHORITY

The legislative authority is set out in the Municipal Government Act, Part VIII. This part of the MGA sets out the process for MPS and LUB amendments to be considered and for consideration of a development agreement.

FINANCIAL CONSIDERATIONS

Any financial impact on East Hants would be minimal. No new structures or land uses are being proposed as part of the application.

Alternatives

Planning Advisory Committee could recommend refusal of the application.

Attachments

Appendix A - Satellite Image of the Subject Property

Appendix B - Proposed Subdivision Plan

Appendix C - Public Information Meeting Notes

Appendix D - Images of the subject property

Appendix E - Draft Amendment Sheets

Appendix F - Policy Analysis

Appendix G - Questionnaire Results - Confidential

Appendix A - Satellite Image of the Subject Property



Appendix B - Proposed Subdivision Plan

[See separate document]

Appendix C - Public Information Meeting Notes

[See separate document]

Appendix D - Photos of the Subject Property



Looking across the street



Serenity Lodge



Looking north Russell McKeen Drive



Looking south Russell McKeen Drive

Appendix E - Proposed Amendment Sheets

The Municipality of East Hants
Official Community Plan
Municipal Planning Strategy

Municipal Planning Strategy - Section C6: Residential Development

Section C6: Residential Development of the Municipal Planning Strategy is amended by adding the green bold italicize text:

- RD23. Council shall consider the following by development agreement in the Two Dwelling unit Residential (R2) Zone:
- a) Accessory buildings in excess of the applicable zone requirements.
 - b) Institutional Use (IU) Zone uses.
 - c) Zero Lot Line Developments subject to the requirements of the Municipal Planning Strategy.
 - d) ***The subdivision of land on an existing right-of-way easement in a Growth Management Area to permit an Institutional Use (IU) Zone use.***

Amendment Sheet

The Municipality of East Hants
Official Community Plan
Land Use Bylaw

Land Use Bylaw - Part 6: Residential Neighbourhood Zones

Part 6: Residential Neighbourhood Zones of the Land Use Bylaw is amended by adding the green bold italicized text to Section 6.6 of the Land Use Bylaw:

R2 Zone: Conditional Uses by Development Agreement

- Accessory buildings in excess of the applicable zone requirements.
- Institutional Use (IU) Zone uses
- ***The subdivision of land on an existing right-of-way easement in a Growth Management Area to permit an Institutional Use (IU) Zone use.***
- Zero Lot Line Developments subject to the requirements of the Municipal Planning Strategy.

Appendix F - Policy Analysis

Policy	Comments
MPS Policy Criteria <p>IM12 Council shall consider text amendments to this Strategy when:</p> <ul style="list-style-type: none"> a) A need arises to change policy. b) New information is identified or studies have been undertaken which necessitate or recommend an amendment to the strategy. c) A provincial policy change requires a change in this Strategy. d) The boundaries of the planning area are altered. e) Housekeeping amendments are warranted. 	East Hants Council has directed that staff amend the East Hants Official Community Plan to enable Institutional Use (IU) Zone uses to be subdivided on a right-of-way easement in a serviced Growth Management Area for land that is zoned Two Dwelling Unit Residential (R2) Zone. Council has determined that “a need has arisen to change the policy” to accommodate the subdivision of Serenity Lodge on its own lot.
<p>IM28. Council shall consider the following evaluation criteria for any development agreement application:</p>	
<p>a) The impact of the proposed development on existing uses in the area with particular regard to the use and size and of proposed structure(s), buffering and landscaping, hours of operation for the proposed use, and other similar features of the proposed use and structures.</p>	There are no new structures or uses proposed for the subject lands; therefore, there shall be minimal to no impact on existing uses in the area.
<p>b) The impact of the proposed development on existing infrastructure with particular regard to Municipal piped water and wastewater systems, fire protection, refuse collection, school capacities, and recreation amenities. Council shall consider comments from the Municipal Engineer and other agencies as applicable.</p>	The proposal does not change the existing impact on Municipal services.
<p>c) The impact of the proposed development on pedestrian and motor traffic circulation with particular regard to ingress and egress from the site, traffic flows and parking, adequacy of existing and proposed road networks to service the proposed development, adequacy of pedestrian infrastructure including walkways and sidewalks where required. Council shall consider comments from Municipal Engineer(s) and/or the Provincial Transportation Departments as applicable.</p>	There is no further impact on existing pedestrian or motor vehicle traffic. Serenity Lodge is currently using Russell McKeen Drive for ingress/egress into the site, and they will continue the same access with the subdivision of land.
<p>d) Council shall consider, where appropriate, the impact of the development on the comfort and design of proposed streets and existing street users. This shall include</p>	The proposal does not change the impact on existing streets and no new access is being created.

<p>whether the proposed development is human-scaled, is easily accessible to active transportation users, and if it promotes visual variety and interest for active transportation users.</p>	
<p>e) The suitability and availability of other appropriately zoned sites for the proposed use.</p>	<p>Serenity Lodge is an existing use with an existing development agreement that permits institutional uses.</p>
<p>f) The submission of a professionally drawn site plan showing the location of all new and existing structures on the lot, parking areas, proposed and existing walkways, areas of tree retention, watercourses or environmentally sensitive areas, buffering, and landscaping and building plans, including signage plans, if applicable, showing the nature and design of the proposed structure.</p>	<p>A professional plan of subdivision, showing the proposed subdivision of land, has been submitted with the proposal.</p>
<p>g) Adequacy of the size of the lot to ensure required buffering and screening can be carried out.</p>	<p>The new lot will adhere to the minimum lot frontage and area for the R2 Zone.</p>
<p>h) Potential for significantly reducing the continuation of agricultural land uses.</p>	<p>NA</p>
<p>i) The proposed density and urban form, including height, massing, bulk, stepbacks and setbacks, are compatible with (not necessarily the same as) existing development forms.</p>	<p>No new structures are being proposed.</p>
<p>j) If the proposal is inappropriate by reason of the financial capability of the Municipality to absorb any costs relating to the development.</p>	<p>There will be minimal financial impact to the municipality. Land is being subdivided to create two lots.</p>
<p>j) The adequacy of municipally approved water and wastewater services or if services are not provided, the adequacy of the lot to provide an adequate and safe water supply as determined by a hydrogeological assessment prepared by a hydrogeologist. The requirement for a hydrogeological assessment shall be determined by the Municipality.</p>	<p>There are no changes to the existing services or Municipal infrastructure.</p>
<p>IM29. Terms and conditions of the agreement to ensure consistency with Strategy policies and the employment of sustainable development practices shall include, but are not limited to the following where applicable:</p>	
<p>a) The use and size of any new structures or any expansions of existing structures.</p>	<p>NA</p>
<p>b) The compatibility of the structure in terms of design elements including, but not limited to</p>	<p>NA</p>

<p>roof type, exterior cladding material, and overall architectural form and elements that are reasonably consistent with the style and character of the community.</p>	
<p>c) Provisions for adequate buffering and screening to minimize the impacts of the development on adjacent uses, such buffering and screening to be designed with consideration given to the types of impacts that may be felt by adjacent properties (ie. noise, headlights, dust, etc.).</p>	NA
<p>d) Any matter that may be addressed in the Land Use Bylaw, such as yard requirements, outdoor storage, height, bulk and lot coverage, etc.</p>	<p>The new lot will comply with the minimum lot area requirements and minimum lot frontage requirements for the R2 Zone. The lot frontage will be located on Russell McKeen Drive.</p>
<p>e) Time limits for the application for a development permit and the initiation and completion of construction.</p>	<p>One year to enter into the development agreement, and once the development agreement has been registered, the property owner will have one year to complete the subdivision of land.</p>
<p>f) The establishment of hours of operation and maintenance of the proposed use.</p>	NA
<p>g) The provision of adequate parking and parking lot design to include maximum ease and safety of traffic flow and dust control.</p>	<p>Parking for the existing use will be located on the new lot, along with Serenity Lodge.</p>
<p>h) Provisions regarding signage that may be sensitive to the overall visual amenity of the immediate area and safety issues.</p>	NA
<p>i) Methods of protection of the land and watercourses and mitigation practices during and after construction of the proposed development.</p>	NA
<p>j) Methods of stormwater management on-site during and after construction and methods used to control erosion and sedimentation.</p>	NA
<p>k) Provisions regarding tree removal, devegetation, and tree planting on the site and overall adequacy of landscaping.</p>	NA