



P.O. Box 1749  
Halifax, Nova Scotia  
B3J 3A5 Canada

## Item No. 11.2

Halifax Regional Council  
March 20, 2018  
April 24, 2018

**TO:** Mayor Savage and Members of Halifax Regional Council

**SUBMITTED BY:** Original Signed  
Councillor Tony Mancini, Chair of Harbour East-Marine Drive Community Council

**DATE:** March 2, 2018

**SUBJECT:** **Case 21281:** Amendments to the Regional MPS and the Eastern Shore (West)  
LUB for lands on the east side of Scots Lake, Musquodoboit Harbour

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### **ORIGIN**

March 1, 2018 meeting of Harbour East-Marine Drive Community Council, Item 13.1.1.

### **LEGISLATIVE AUTHORITY**

Section 25(c) of the Halifax Regional Municipality Charter sets out the powers and duties of Community Council to include “recommending to the Council appropriate by-laws, regulations, controls and development standards for the community”.

### **RECOMMENDATION**

The Harbour East-Marine Drive Community Council recommends Halifax Regional Council:

1. Give First Reading to consider the proposed amendments to the Regional Municipal Planning Strategy (RMPS) and the Land Use By-law for the Eastern Shore (West) as set out in Attachments A and B of the staff report dated January 24, 2018, to enable development of certain 10-hectare (25-acre) lots on the east side of Scots Lake, Musquodoboit Harbour, and schedule a public hearing; and
2. Approve the proposed amendments to the Regional Municipal Planning Strategy (RMPS) and the Land Use By-law for the Eastern Shore (West) as set out in Attachments A and B of the staff report dated January 24, 2018.

## **BACKGROUND**

The Harbour East-Marine Drive Community Council received a staff report dated January 24, 2018 and heard a staff presentation at their March 1, 2018 meeting pertaining to Case 21281. This proposal cannot be considered under existing planning policies and by-law provisions therefore, the applicant is seeking site specific amendments to the RMPS and the LUB.

For further information, please refer to the attached staff report dated January 24, 2018.

## **DISCUSSION**

The Harbour East-Marine Drive Community Council considered the January 24, 2018 staff report at their March 1, 2018 meeting and forwarded the recommendation to Halifax Regional Council as outlined in this report.

## **FINANCIAL IMPLICATIONS**

As outlined in the attached January 24, 2018 staff report.

## **RISK CONSIDERATION**

As outlined in the attached January 24, 2018 staff report.

## **COMMUNITY ENGAGEMENT**

Community Council meetings are open to public attendance and members of the public are invited to address the Community Council for up to five minutes at the end of each meeting during Public Participation. Community Councils' agendas, reports, and minutes are posted on Halifax.ca.

## **ENVIRONMENTAL IMPLICATIONS**

As outlined in the attached January 24, 2018 staff report.

## **ALTERNATIVES**

The Community Council did not discuss alternatives.

Alternatives are outlined in the attached January 24, 2018 staff report.

## **ATTACHMENTS**

Staff recommendation report dated January 24, 2018.

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A copy of this report can be obtained online at [halifax.ca](http://halifax.ca) or by contacting the Office of the Municipal Clerk at 902.490.4210.

Report Prepared by: Krista Vining, Legislative Assistant, Office of the Municipal Clerk, 902-490-6519

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P.O. Box 1749  
Halifax, Nova Scotia  
B3J 3A5 Canada

**Item No. 13.1.1**  
**Harbour East-Marine Drive Community Council**  
**March 1, 2018**

**TO:** Chair and Members of Harbour East-Marine Drive Community Council

**SUBMITTED BY:** **ORIGINAL SIGNED**

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Kelly Denty, Acting Director, Planning and Development

**DATE:** January 24, 2018

**SUBJECT:** **Case 21281: Amendments to the Regional Municipal Planning Strategy and the Land Use By-law for the East Shore (West) for lands on the east side of Scots Lake, Musquodoboit Harbour**

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**ORIGIN**

- Application by Scott Rowlings on behalf of 3224570 Nova Scotia Limited; and
- August 15, 2017, Regional Council initiation of the Regional Municipal Planning Strategy amendment process.

**LEGISLATIVE AUTHORITY**

*Halifax Regional Municipality Charter (HRM Charter), Part VIII, Planning & Development*

**RECOMMENDATION**

It is recommended that Harbour East-Marine Drive Community Council recommend that Regional Council:

1. Give First Reading to consider the proposed amendments to the Regional Municipal Planning Strategy (RMPS) and the Land Use By-law for the Eastern Shore (West) as set out in Attachments A and B of this report, to enable development of certain 10-hectare (25-acre) lots on the east side of Scots Lake, Musquodoboit Harbour, and schedule a public hearing; and
2. Approve the proposed amendments to the Regional Municipal Planning Strategy (RMPS) and the Land Use By-law for the Eastern Shore (West) as set out in Attachments A and B of this report.

## **BACKGROUND**

The applicant has applied to amend the Regional Municipal Planning Strategy (RMPS) and the Eastern Shore (West) Land Use By-law (LUB) to enable development permits to be issued on ten existing 10hectare (25acre) lots located on the east side of Scots Lake, Musquodoboit Harbour. This proposal cannot be considered under existing planning policies and by-law provisions therefore, the applicant is seeking site-specific amendments to the RMPS and the LUB.

<b>Subject Site</b>	10 lots on the east side of Scots Lake PIDs 41394255, 41394248, 41394230, 41394222, 41394214, 41394206, 413194198, 41394180, 41394172, 41394164
<b>Location</b>	Musquodoboit Harbour
<b>Regional Plan Designation</b>	Rural Commuter
<b>Community Plan Designation (Map 1)</b>	Mixed Use (MU) Designation
<b>Zoning (Map 2)</b>	Mixed Use (MU) Zone
<b>Size of Site</b>	Ten 10-hectare (25-acres) lots which cover a total area of approximately 101.08 hectares (249.7 acres)
<b>Street Frontage</b>	Frontage along a public road is limited to two locations (48m and 6.1m) along Highway #357 and both contain easements
<b>Current Land Use(s)</b>	Vacant with a constructed shared access driveway
<b>Surrounding Use(s)</b>	Single unit dwellings and undeveloped lands

### **Regional Plan Context**

The RMPS regulates rural housing development in multiple ways to support traditional service centres, manage environmental impacts and preserve rural character. While new housing is permitted on existing public and approved private roads, the development of new public roads is limited to a maximum of 8 lots plus one remainder lot and new private roads are prohibited. These provisions have been in place since the adoption of the Regional Municipal Planning Strategy in 2006. These controls are intended to direct development to existing roads, which reduces long-term servicing costs, and prevents uncontrolled development of large scale rural subdivisions. New private roads are not permitted due to long-term maintenance risks that have resulted in the Municipality being requested to take over private roads at significant costs. As an alternative, the RMPS permits new large scale housing developments through the conservation design development agreement process.

### **History**

The *HRM Charter* includes a clause that allows the creation of parcels having with an area greater than 10-hectares (25 acres) without subdivision approval. This exemption from the lot approval process was originally intended for resource uses such as farming or forestry. Notwithstanding the original intent, this exemption has become commonly used to create lots for residential purposes. Many of these lots do not meet LUB requirements for frontage and therefore, development permits cannot be issued.

However, some development permits were issued for single unit dwellings on lots created through this exemption even though they did not meet land use by-law requirements for frontage. On January 10, 2017, Regional Council approved amendments to the RMPS and several community LUBs to remedy this situation by relaxing minimum frontage requirements to allow continued development of several subdivisions that had received permits for some lots. This was a one-time exception, intended to focus on unique situations and maintain the intent of the Regional Plan while remaining fair to affected property owners. Seven subdivisions received that one-time exception including the applicant's development on the west side of Scots Lake. (Attachment C)

### **Proposal (East Side of Scots Lake)**

The applicant is the owner and developer of the lands located on both the west and east sides of Scots Lake in Musquodoboit Harbour (Map 3). In 2012, the applicant received subdivision approval for 5 lots on the east side of the lake under the lot frontage exemption provisions of the Regional Subdivision By-law

(RSBL). The following year, the applicant subdivided an additional ten lots under the *HRM Charter* 10hectare (25acre) subdivision approval exemption. The lots on the east side of Scots Lake were not recommended for inclusion within the one-time exception adopted by Regional Council on January 10, 2017 as they were different from the other sites being recommended as 1) HRM had not issued development permits for any of the lots; and 2) the lands remained under the common ownership of the developer and were able to be developed under existing policies and regulations. Regional Council debated a motion to have the east side of Scots Lake considered at the January 10, 2017 public hearing for 10hectare (25acre) lots (see *Supplementary Report dated November 23, 2016*), however, the motion was defeated. Further, staff at that time were of the understanding that the ten, 10-hectare (25 acre) lots on the east side of Scots Lake could be reconfigured through the as-of-right subdivision process in a way that would both yield a similar number of lots and meet the standards of the Land Use By-law. Upon further evaluation, staff determined that this is not the case. Further, the shared access to the subject site constructed by the applicant does not satisfy LUB requirements for street frontage.

The development of all 10 lots as specifically proposed (Map 3) cannot be accommodated within existing policies. After several meetings with the applicant and his consultants, it became apparent the development options for the east side of Scots Lake are more limited than what was first anticipated in early 2017. There are several technical constraints as well as financial implications to development of the area.

The available options and limitations under the current planning documents for the subject lands are provided below.

<b>Planning Document</b>	<b>Options</b>	<b>Limitations</b>
<i>Regional MPS</i>	<u>Policies S-14, S-15, S-16, S-17:</u> Lower Density, Higher Density and Hybrid Conservation Design development	Very limited access to an existing publicly owned and maintained road, topography limits development to along the shoreline which could possibly result in additional road construction to comply with policy. The outset costs of the Conservation Design development applications are a concern for the applicant. Further, the lot configuration has already been established and a shared driveway access constructed.
	<u>Policy S-28 A and S-28 B:</u> Permits residential uses on lots in specified subdivisions where the lots do not meet road frontage requirements and where development permits were issued on or before April 1, 2016.	There were no permits issued on any of the ten 10-hectare (25-acre) located on the east side of Scots Lake unlike the west side of the lake. The east side of Scots Lake is not one of the specified subdivisions therefore development permits cannot be issued on the east side of the lake.
<i>Regional Subdivision By-law</i>	<u>Section 38:</u> Re-subdivide the lands into a total of 10 lots that do not meet lot frontage requirements.	This option requires the repeal of the Land Registry document that created the 10 hectare lots under the <i>HRM Charter</i> . This would reinstate the bulk lands as they previously existed which would enable the approval of 5 lots, and 5 remainders, (10 areas of land in total) all of which would be eligible for development permits. The applicant has advised this option would result in a different lot configuration and would not maximize the potential of the property as well as incurring significant costs in survey and legal fees. Further, the reconfiguration may not enable the use of existing shared access.

## **COMMUNITY ENGAGEMENT**

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy, the HRM Charter, and the Public Participation Program approved by Council on February 25, 1997. The level of community engagement was consultation, achieved through providing information and seeking comments through the HRM website, signage posted on the subject site, letters mailed to property owners within the notification area and a public information meeting held on September 27, 2017. Attachment D contains a copy of the minutes from the meeting and comments from the public were generally supportive of the proposed development.

A public hearing must be held by Regional Council before they can consider approval of the proposed RMPS and Eastern Shore (West) LUB amendments. Should Regional Council decide to proceed with a public hearing on this application, in addition to the published newspaper advertisements, property owners within the notification area shown on Map 4 will be notified of the hearing by regular mail.

The proposal will potentially impact local residents and property owners.

## **DISCUSSION**

The Regional MPS (RMPS) is a strategic policy document that sets out the goals, objectives and direction for long term growth and development in the Municipality. Amendments to the RMPS are significant undertakings and Council is under no obligation to consider such requests. In this case, staff advise that the RMPS and the Eastern Shore (West) LUB should be amended to enable development permits to be issued on the ten existing 10hectare (25acre) lots located on the east side of Scots Lake which do not meet public road frontage requirements to be developed. The following paragraphs review the rationale and content of the proposed RMPS and LUB amendments.

### **Limited Scope**

The proposed amendment is site specific and has limited implications to residential development region-wide. At their January 10<sup>th</sup>, 2017 meeting, Regional Council specified that given the individuality of the community plans and lot configurations throughout the municipality, staff should approach issues related to rural 10-hectare lot development on a case by case bases. This was reiterated in a Memorandum dated February 28<sup>th</sup>, 2017 to Regional Council regarding the “Development of 10-hectare (25acre) lots – Regional Council Follow-Up”. More specifically, Council sought to work with property owners as they identified issues to develop practical and reasonable solutions. This request is consistent with the case by case approach. Further, it is reasonable to anticipate that an additional 10 large scale residential lots is limited in scope and will have a minimal impact on the surrounding area.

### **Five Municipally Approved Lots**

Of the lands owned by the applicant on the east side of Scots Lake, five of the 15 lots meet the LUB requirements thus meaning that development permits can be issued on five of the 15 lots. This will result in five residential lots dispersed along the existing 1.5km long shared driveway access (Map 3). Enabling the issuance of development permits on the remaining ten lots will assist with providing financial support for ongoing maintenance of the shared access (Darius Lane) in the future.

### **Previous Advice to Regional Council**

As referenced previously, Regional Council did consider granting the east side of Scots Lake with the same one-time exception as the west side of Scots, however, the motion was defeated. At that time staff was of the understanding that the ten, 10hectare (25acre) lots on the east side of Scots Lake could be reconfigured through the as-of-right subdivision process in a way that would yield a similar number of lots and meet the standards of the Land Use By-law. Staff has since determined that this is not the case. Had staff known this at the time and provided Council with this information, it is conceivable Regional Council could have decided to grant the one-time exception to both sides of Scots Lake.

### **Musquodoboit Community Development Plan**

In the spring of 2017 Ekistics completed the Musquodoboit Harbour Community Development Plan (CDP). This plan was the outcome of a request for proposals from the Musquodoboit Harbour and Area Chamber of Commerce & Civic Affairs to maintain the momentum of the Vision Plan that was approved by Regional Council in 2007. The Community Development Plan is designed to highlight both public and private investment linking the previous vision to real projects. Planning staff is currently engaged in a community planning initiative to review the CDP and will be reporting to Regional Council in the coming months. The subject lands are outside the bounds of the study area of CDP and therefore do not impact future development opportunities recommended by the CDP. Approval of the application will have minimal impact on the CDP recommendations.

### **Proposed Amendments**

Staff considered the existing RMPS policy context and several policy approaches when drafting the proposed RMPS and Eastern Shore (West) LUB amendments. Attachments A and B contain the proposed RMPS and Eastern Shore (West) LUB amendments. In summary, the proposed amendments would:

- Allow the east side of Scots Lake to be treated in the same way as the west side of the lake that was granted the one time exception;
- Recognize that at the time of the January 10th, 2017 public hearing for 10hectare (25acre) lots, staff identified that other development options were available for the lots on the east side of Scots Lake. While this remains true to a limited degree, the development potential is not to the extent that staff originally understood and communicated to Council;
- Enable development permits for ten lots to be issued along 1.5 km shared driveway access which has five existing approved lots, thereby providing financial support to the ongoing maintenance of the shared access; and
- Enable a similar development pattern on both sides of Scots Lake.

### **Conclusion**

Staff have reviewed the application and the existing policy context and advise that the RMPS and LUB should be amended to enable development permits to be issued on the ten existing 10hectare (25acre) lots located on the east side of Scots Lake. This request is consistent with the case by case approach and it is reasonable to anticipate an additional 10 large scale residential lots will have a minimal impact on the surrounding area. Therefore, staff recommend that the Harbour East - Marine Drive Community Council recommend that Regional Council approve the proposed amendments to the Regional Municipal Planning Strategy (RMPS) and the Eastern Shore (West) Land Use Bylaw as set out in Attachments A and B of this report.

### **FINANCIAL IMPLICATIONS**

The HRM costs associated with the processing of this planning application can be accommodated within the approved 2017/2018 operating C310 Urban and Rural Planning Applications.

### **RISK CONSIDERATION**

There are limited risks associated with the recommendations contained within this report. While the proposed amendments contain provisions aimed at mitigating risks associated with enabling development that is accessed by shared private driveways, there is still a risk that emergency vehicles or other government services may have difficult accessing individual properties. In addition, as noted in the Discussion section above, there are financial risks associated with the potential to receive future requests to take over shared private driveways as public roads.

There are no risks associated with the MPS amendment process. MPS amendments are at the discretion of Regional Council and are not subject to appeal to the N.S Utility and Review Board.

### **ENVIRONMENTAL IMPLICATIONS**

No additional concerns were identified beyond those raised in this report.

## **ALTERNATIVES**

The Harbour East-Marine Drive Community Council may choose to recommend that Regional Council:

1. Modify the proposed amendments to the Regional MPS and the Land Use By-law Eastern Shore (West), as set out in Attachments A and B of this report. If this alternative is chosen, specific direction regarding the requested modifications is required. Substantive amendments may require another public hearing to be held before approval is granted. A decision of Council to approve or refuse the proposed amendments is not appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.
2. Refuse the proposed amendments to the Regional MPS and the Land Use By-law for the Eastern Shore (West). A decision of Council to approve or refuse the proposed amendments is not appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.

## **ATTACHMENTS**

Map 1: Generalized Future Land Use  
Map 2: Zoning  
Map 3: Site Plan  
Map 4: Notification

Attachment A: Proposed Amendments to the Regional Municipal Planning Strategy  
Attachment B: Proposed Amendment to the Eastern Shore (West) Land Use By-law  
Attachment C: Excerpts from Regional Planning Strategy and Eastern Shore (West) Land Use By-law  
Attachment D: Public Information Meeting (PIM) Notes

### **Initiation Report for Case 21281**

<https://www.halifax.ca/sites/default/files/documents/city-hall/regional-council/170815rc14110.pdf>

### **Previous Staff Reports relating to 10-hectare (25-acre) lots**

Initiation Report: <http://legacycontent.halifax.ca/council/agendasc/documents/161004ca14112.pdf>

Staff Report: <http://legacycontent.halifax.ca/council/agendasc/documents/170110ca112i.pdf>

Supplementary Report: <http://legacycontent.halifax.ca/council/agendasc/documents/170110ca112.pdf>

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A copy of this report can be obtained online at [halifax.ca](http://halifax.ca) or by contacting the Office of the Municipal Clerk at 902.490.4210.

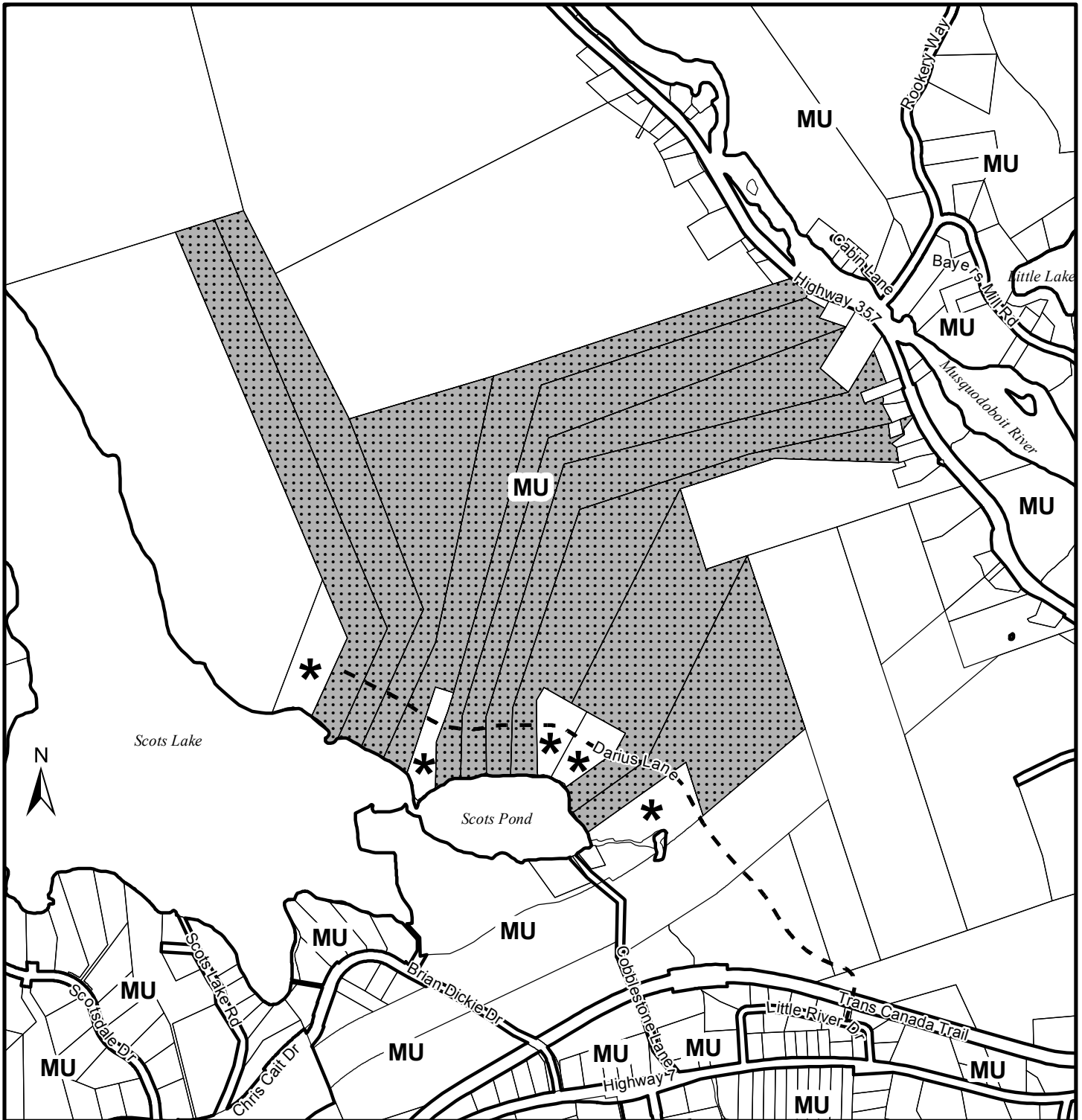
Report Prepared by: Thea Langille, Principal Planner, Current Planning, 902.490.7066

### **ORIGINAL SIGNED**

Report Approved by: \_\_\_\_\_  
Steven Higgins, Acting Manager, Current Planning, 902.490.4382

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**Map 1 - Generalized Future Land Use  
Petpeswick Hills  
Musquodoboit Harbour**

**HALIFAX**

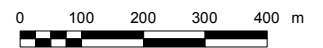
 Subject Properties

 Lots Approved in 2012

 Shared Access

**Designations**

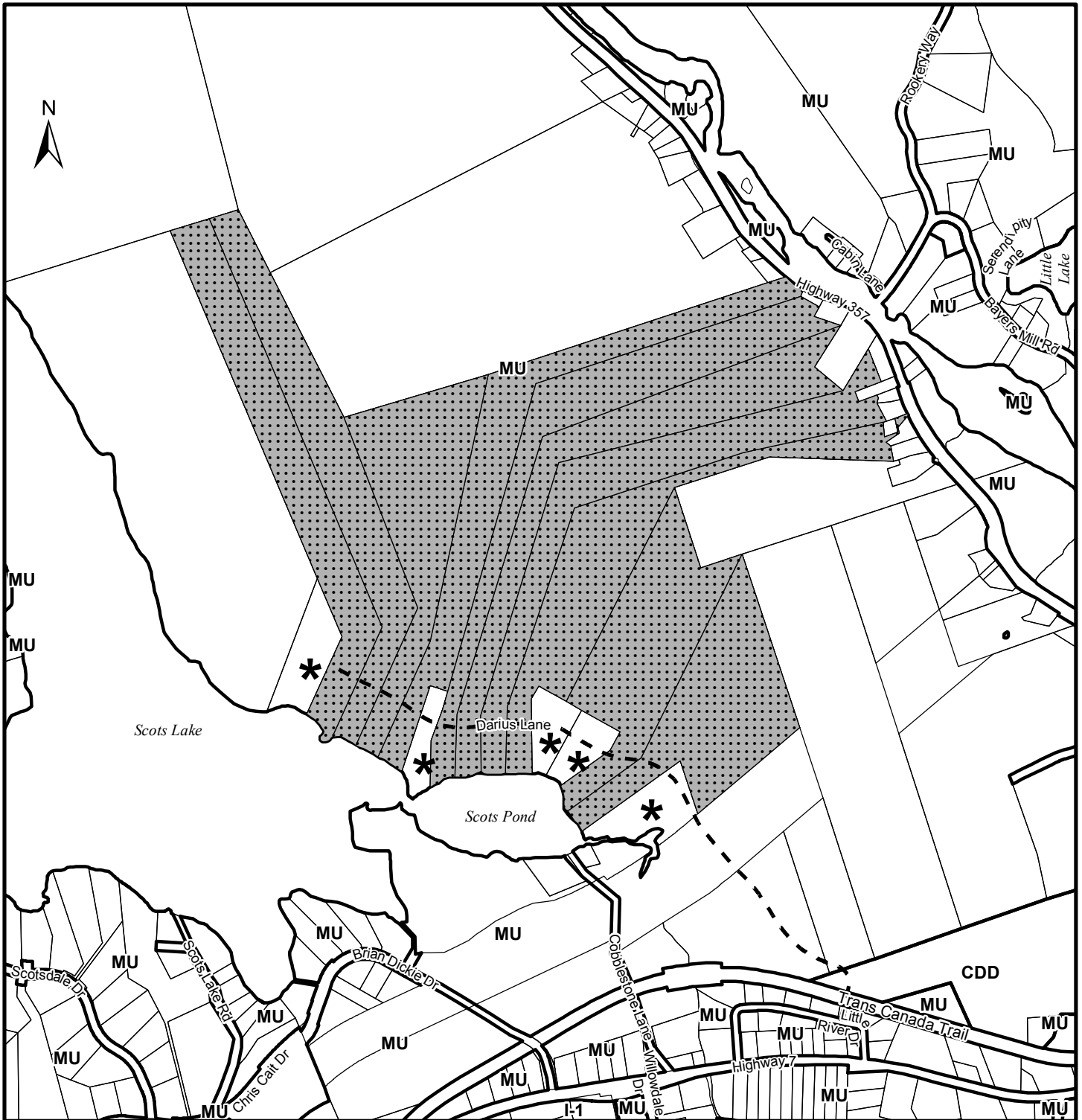
MU Mixed Use



This map is an unofficial reproduction of a portion of the Generalized Future Land Use Map for the plan area indicated.


The accuracy of any representation on this plan is not guaranteed.

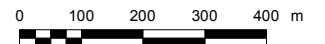
Eastern Shore (West)  
Plan Area




**Map 2 - Zoning  
Petpeswick Hills  
Musquodoboit Harbour**

**HALIFAX**

 Subject Properties



 Lots Approved in 2012

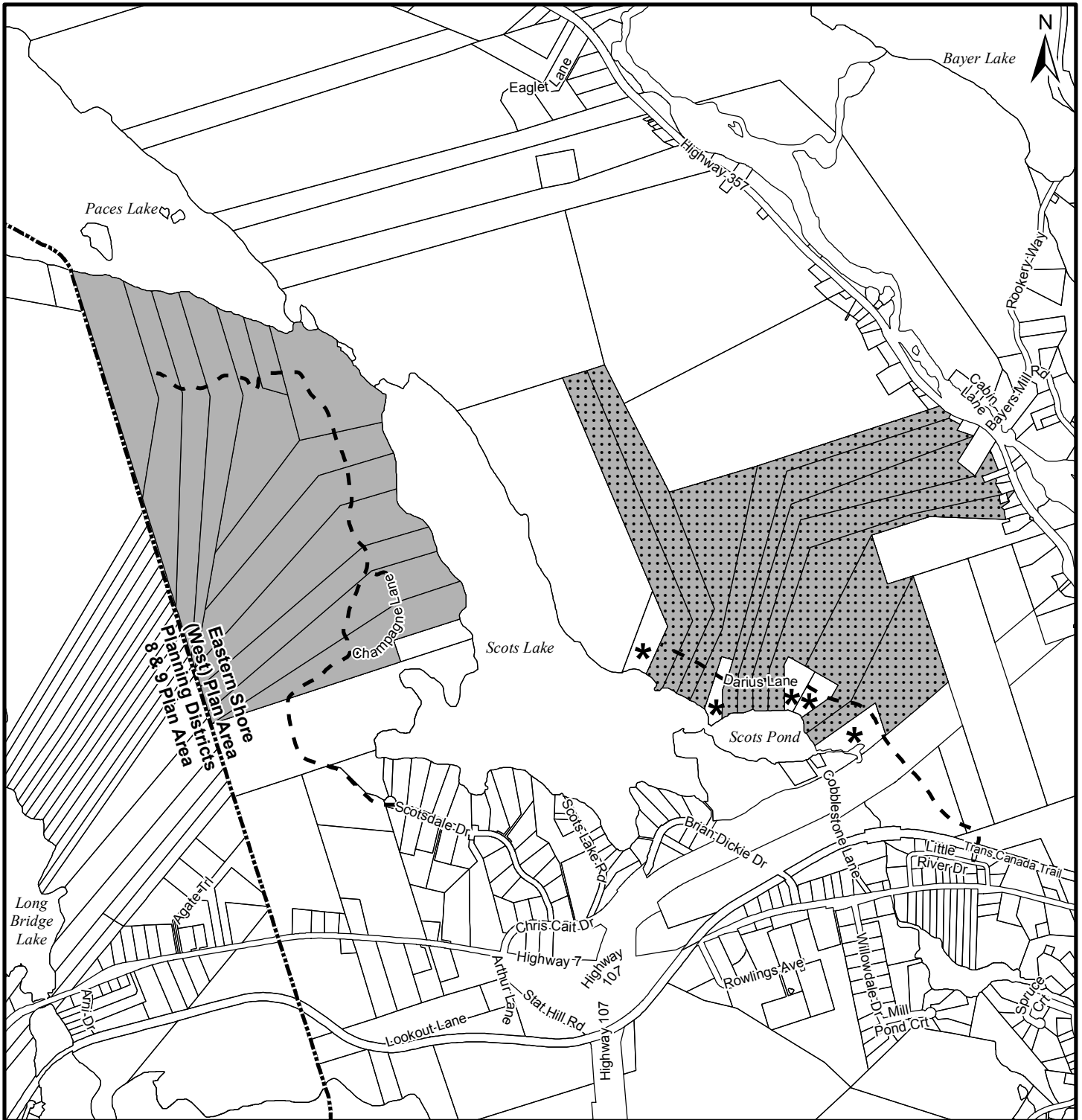
**Zone**

MU Mixed Use  
CDD Comprehensive Development District

This map is an unofficial reproduction of a portion of the Zoning Map for the plan area indicated.





The accuracy of any representation on this plan is not guaranteed.

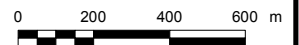
- - Shared Access  
Eastern Shore (West)  
By-Law Area



**Map 3 - Site Plan  
Petpeswick Hills  
Musquodoboit Harbour**

**HALIFAX**

-  Subject Properties
-  Shared Access
-  Lots Subject to Reduced Road Frontage Requirements (Land Use By-Law Schedule D)
-  Lots Approved in 2012





Eastern Shore (West)  
Plan Area

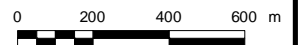
The accuracy of any representation on  
this plan is not guaranteed.



**Map 4 - Notification Area**  
**Petpeswick Hills**  
**Musquodoboit Harbour**

**HALIFAX**

-  Subject Properties
-  Area of notification



Eastern Shore (West)  
 Plan Area

The accuracy of any representation on  
 this plan is not guaranteed.

## Attachment A

### Proposed Amendment to the Regional Municipal Planning Strategy

BE IT ENACTED by the Regional Council of the Halifax Regional Municipality that the Regional Municipal Planning Strategy is hereby amended as follows:

1. Within Section 3.4.3, Special Provisions and Other Growth Management Mechanisms, insert the text as shown in bold below following Policy S-28B.

**S-28C            HRM shall, through the applicable land use by-law, permit development on ten (10) lots do not meet road frontage requirements and that existed on or before April 1, 2016 on the east side of Scots Lake in Musquodoboit Harbour.**

I HEREBY CERTIFY that the amendments to the Regional Municipal Planning Strategy, as set out above, were duly passed by a majority vote of the Halifax Regional Municipal Council at a meeting held on the day of , 2018.

GIVEN under the hand of the Clerk and the Corporate Seal of the Halifax Regional Municipality this day of , 2018.

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Municipal Clerk

## **Attachment B**

### **Proposed Amendment to the Eastern Shore (West) Land Use By-law**

BE IT ENACTED by the Regional Council of the Halifax Regional Municipality that the Land Use By-law for Eastern Shore (West) is hereby amended as follows:

1. Amend "Schedule D – Areas subject to reduced road frontage requirements" as shown on Schedule A.

I HEREBY CERTIFY that the amendments to the Eastern Shore (West) Land Use By-law, as set out above, were duly passed by a majority vote of the Halifax Regional Municipal Council at a meeting held on the day of , 2018.

GIVEN under the hand of the Clerk and the Corporate Seal of the Halifax Regional Municipality this day of , 2018.

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Municipal Clerk

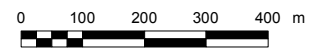


**Schedule A**  
**Petpeswick Hills**  
**Musquodoboit Harbour**

**HALIFAX**



Subject Areas to be added to Schedule D- Areas Subject to Reduced Road Frontage Requirements



Eastern Shore (West)  
 Plan Area

The accuracy of any representation on this plan is not guaranteed.

## ATTACHMENT C

### Excerpts from Regional Planning Strategy and Eastern Shore (West) Land Use By-law

#### Regional Planning Strategy:

The HRM Charter enables lots that exceed 10 hectares in area to be created outside of the municipal subdivision approval process. This exception is generally intended for resource uses, such as farming or forestry. In recent years, however, it has become more common for people to utilize the exemption with the intent to create such lots for cottage or residential development. Although such lots can be created without meeting land use by-law requirements for road frontage, the lots must meet land use by-law requirements in order to obtain development permits. (RC-Jan 10/17;E-Feb 25/17)

In recognition of certain development permits having being issued for a limited number of single unit dwellings on lots created through the 10 hectare exception in the HRM Charter, Council approves relaxing the road frontage requirements and allowing the continued development of subdivisions that had received permits for some, but not all lots. This one time exception is intentionally focused on these unique situations to maintain the general intent of this Plan while being fair to affected property owners. (RC-Jan 10/17;E-Feb 25/17)

S-28A HRM shall, through the applicable land use by-laws, permit residential uses located on lots that do not meet road frontage requirements and were issued development permits on or before April 1, 2016. (RC-Jan 10/17;E-Feb 25/17)

S-28B HRM shall, through the applicable land use by-laws, permit development on lots that existed on or before April 1, 2016, and do not meet road frontage requirements within identified subdivisions that received development permits for some, but not all, lots located with the same subdivision. (RC-Jan 10/17;E-Feb 25/17)

#### Eastern Shore (West) Land Use By-law:

##### Section 4.4 REDUCED FRONTAGE OR AREA

- (d) Notwithstanding the lot frontage requirements found elsewhere in this By-law, residential uses that are located on lots that do not meet lot frontage requirements and received development permits on or before April 1, 2016 are permitted provided all other applicable provisions of this By-law are satisfied. (RC-Jan 10/17;E-Feb 25/17)
- (e) Notwithstanding the lot frontage requirements found elsewhere in this By-law, residential uses, excluding daycare facilities and senior citizen housing, are permitted on lots that do not meet lot frontage requirements provided the following conditions are satisfied: (RC-Jan 10/17;E-Feb 25/17)
  - i. the lot existed on April 1, 2016 and is located within the area shown in Schedule D; (RC-Jan 10/17;E-Feb 25/17)
  - ii. at the time of permitting, the applicant shall provide evidence satisfactory to the Development Officer establishing a registered easement in favour of the property that allows vehicular access to a street or road; (RC-Jan 10/17;E-Feb 25/17)



- iii. where the vehicular access required by subclause ii is a shared private driveway serving four or more dwellings, it has been constructed, as certified by a professional engineer, to the design standards contained in Schedule E; (RC-Jan 10/17;E-Feb 25/17)
- iv. for properties accessed by the shared private driveway known as Moser Head Road, Subsection iii of this section shall come into force on January 1, 2022; and (RC-Jan 10/17;E-Feb 25/17)
- v. all other requirements of this By-law are met. (RC-Jan 10/17;E-Feb 25/17)

# Schedule D – Areas Subject to Reduced Road Frontage Requirements

(RC-Jan 10/17;E-Feb 25/17)



**Attachment D  
Public Information Meeting (PIM) Notes**

**HALIFAX REGIONAL MUNICIPALITY  
Public Information Meeting  
Case 21281**

**The following does not represent a verbatim record of the proceedings of this meeting.**

**Wednesday, September 27, 2017  
7:00 p.m.**

**Old School Community Gathering Place - 7962 Nova Scotia Trunk 7, Musquodoboit  
Harbour, NS**

**STAFF IN**

**ATTENDANCE:** Thea Langille, Principal Planner, HRM Planning  
Alden Thurston, Planning Technician, HRM Planning  
Tara Couvrette, Planning Controller, HRM Planning  
Stephanie Salloum, HRM Planning, Planner

**ALSO IN**

**ATTENDANCE:** Councillor, David Hendsbee, District 2  
Mike Williams – Consultant from WNL Surveying

**PUBLIC IN**

**ATTENDANCE:** Approximately 31

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The meeting commenced at approximately 7:00 p.m.

**Call to order, purpose of meeting – Ms. Langille**

Ms. Langille introduced herself as the Planner and Facilitators for the application. She also introduced; David Hendsbee - Councillor (District 2); Tara Couvrette – Planning Controller, Alden Thurston - Planning Technician, Stephanie Salloum – Planner; and Mike William, consultant from WNL Surveying, there on behalf of Scott Rowlings.

Case 21281 - Application by Scott Rowlings to amend the Regional Planning Strategy and the Eastern Shore (West) Land Use By-law to enable development permits to be issued on 10 existing 10 hectare (25 acres) lots located on the east side of Scots Lake, Musquodoboit Harbour.

Ms. Langille explained; the purpose of the Public Information Meeting (PIM) is: a) to identify that HRM has received a proposal for the site; b) to provide information on the project; c) to explain the Planning Policies and the stages of the Planning Process; d) an opportunity for Staff to receive public feedback regarding the proposal. No decisions are made at this PIM.

**1. Presentation of Proposal – Ms. Langille**

Ms. Langille provided a brief introduction to the application and then made a presentation to the public outlining the purpose of the meeting, status of the application and the consultants' request. Ms. Langille outlined the context of the subject lands and the relevant planning policies.

## **1b. Presentation by the consultant – Mike Williams, WNL Surveying**

Mr. Williams gave a brief introduction of the proposal, a history of the lands, and then explained the status of the application.

## **2. Questions and Comments**

**Ron Stever – Champagne Lane** – He stated he had no objections to the proposal. He thinks it should be there for the community and that the community needs to grow. He fails to understand how a developer can get so far along in a process and spend so much money to be told that he doesn't meet the requirements to be issued a permit. He feels there is a flaw in the system that needs to be corrected so this can be approved. He doesn't see a reason why the exception can't be offered on this side of the lake as well. For the people who live on private roads, it costs them more to live in terms of paying for the road maintenance, etc. Maybe the city should consider collecting the association fees and remit to the association as they do taxes to the other communities and reducing the amount of taxes people pay by those fees. **Ms. Langille** explained the policy and differences between the province and the municipality.

**Steve Tolly – Scots Lake** – He stated he is from the east side of the lake and he purchased his property as an investment property and after looking at all these restrictions he feels his options are limited. He feels he has a tax burden because he can't build on it and he can't sell it. He said because of this he is being driven out of Halifax County to purchase property to build on in a rural area. He also wanted to note that he is in favor of this development.

**Ms. Langille** encouraged people to contact HRM to look at the options that are available for their properties as there may be more than they are aware of.

**Leanne Rathall – Scots Lake** - She has no objections to the proposed development. She stated people want to live in Musquodoboit Harbour and development is going to happen. It is good investment, good lifestyle and reasonable pricing; it's a good place to live. A lot of people invested a lot of money with a certain notion of wealth for their properties and when the lack of recognitions of the subdivision of lots was enforced by HRM it moved it by a decimal point. It made the land unsellable and devalued; it wiped out a significant amount of wealth within the rural community. She is glad that the planning department recognizes that the rural community is different.

**Ms. Langille** thanked everyone for coming and expressing their comments.

## **3. Adjournment**

The meeting adjourned at approximately 7:37 p.m.