



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

Item No. 14.5.1
Halifax Regional Council
July 17, 2018

TO: Mayor Savage and Members of Halifax Regional Council

Original Signed

SUBMITTED BY: _____
Councillor Outhit, Chair of North West Community Council

DATE: July 6, 2018

SUBJECT: **Case 20589: Amendments to the Musquodoboit Valley-Dutch Settlement Municipal Planning Strategy and Land Use By-law, and the Halifax Regional Subdivision By-law to allow the creation of 6 lots with reduced or no road frontage on the lands of the late Mary Sibley in Meaghers Grant**

ORIGIN

October 16, 2017 meeting of North West 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

North West Community Council recommends that Regional Council:

1. Give First Reading to consider the proposed amendments to the Municipal Planning Strategy and Land Use By-law for Musquodoboit Valley/Dutch Settlement, and the Halifax Regional Subdivision By-law to allow the creation of 3 lots and a remainder, with reduced or no road frontage in addition to the 2 lots plus a remainder currently allowed on the lands of the late Mary Sibley situated on Highway 357, in Meaghers Grant as set out in Attachments B, C, and D of the staff report dated September 15, 2017 and schedule a public hearing; and
2. Approve the proposed amendments to the Municipal Planning Strategy and Land Use By-law for Musquodoboit Valley/Dutch Settlement, and the Halifax Regional Subdivision By-law, as set out in Attachments B, C and D of the staff report dated September 15, 2017.

BACKGROUND

The North West Community Council considered a staff report dated September 15, 2017 and heard a staff presentation at their October 16, 2017 meeting pertaining to Case 20589. The amendments would allow the creation of six (6) lots, with reduced or no road frontage on the lands of the late Mary Sibley in Meaghers Grant.

For further information, please refer to the attached staff report dated September 15, 2017.

Subsequent to North West Community Council giving First Reading for Case 20589 on October 16, 2018, staff received a request from the applicant to postpone scheduling the public hearing due to travel commitments. As such the report has been brought forward for the consideration of Halifax Regional Council on July 17, 2018.

DISCUSSION

The North West Community Council considered the staff report dated September 15, 2017 at their October 15, 2017 meeting and forwarded the recommendation to Halifax Regional Council as outlined in this report.

FINANCIAL IMPLICATIONS

As outlined in the staff report dated September 15, 2017.

RISK CONSIDERATION

As outlined in the staff report dated September 15, 2017.

COMMUNITY ENGAGEMENT

North West 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. The agenda, reports, and minutes of North West Community Council are posted on Halifax.ca.

ENVIRONMENTAL IMPLICATIONS

As outlined in the staff report dated September 15, 2017.

ALTERNATIVES

North West Community Council did not discuss alternative recommendations.

Alternatives are outlined in the staff report dated September 15, 2017.

ATTACHMENTS

Staff report dated September 15, 2017.

A copy of this report can be obtained online at halifax.ca or by contacting the Office of the Municipal Clerk at 902.490.4210.

Report Prepared by: Liam MacSween, Legislative Assistant, Office of the Municipal Clerk, 902.490.6521

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

Item No. 13.1.1
North West Community Council
October 16, 2017

TO: Chair and Members of North West Community Council

SUBMITTED BY: ORIGINAL SIGNED

Kelly Denty, Acting Director, Planning and Development

DATE: September 15, 2017

SUBJECT: **Case 20589: Amendments to the Musquodoboit Valley-Dutch Settlement Municipal Planning Strategy and Land Use By-law, and the Halifax Regional Subdivision By-law to allow the creation of 6 lots with reduced or no road frontage on the lands of the late Mary Sibley in Meaghers Grant.**

ORIGIN

- Application by Lorna Snair
- November 22, 2016, Regional Council initiation of the MPS amendment process

LEGISLATIVE AUTHORITY

See Attachment A.

RECOMMENDATION

It is recommended that North West Community Council recommend that Regional Council:

1. Give First Reading to consider the proposed amendments to the Municipal Planning Strategy and Land Use By-law for Musquodoboit Valley/Dutch Settlement, and the Halifax Regional Subdivision By-law to allow the creation of 3 lots and a remainder, with reduced or no road frontage in addition to the 2 lots plus a remainder currently allowed on the lands of the late Mary Sibley situated on Highway 357, in Meaghers Grant as set out in Attachments B, C, and D of this report and schedule a public hearing; and
2. Approve the proposed amendments to the Municipal Planning Strategy and Land Use By-law for Musquodoboit Valley/Dutch Settlement, and the Halifax Regional Subdivision By-law, as set out in Attachments B, C and D of this report.

BACKGROUND

Lorna Snair is the executor of the estate of her late mother, Mary Sibley. The late Mrs. Sibley was advised by her legal counsel that she could divide her land in Meaghers Grant into 6 lots through will and testament without seeking Municipal Subdivision Approval. Her legal counsel was relying on Section 278 (2)(m) of the Halifax Regional Municipality Charter which states that “*Subdivision approval is not required for a subdivision resulting from a devise of land by will executed on or before January 1, 2000*”. However, Mrs. Sibley’s will was dated April 22, 2005 and cannot be used as an instrument to divide the land as initially intended.

Subject Site	PID 00474965 - Highway 357 Meaghers Grant
Regional Plan Designation	Agriculture
Community Plan Designation (Map 1)	Village (VIL) Designation under the Municipal Planning Strategy for Musquodoboit Valley – Dutch Settlement
Zoning (Map 2)	Village (VIL) Zone under the Land Use By-law for the Musquodoboit Valley – Dutch Settlement Area (LUB)
Size of Site	45 acres (18.2 ha)
Street Frontage	226 feet (69 m) non-contiguous - 100 feet (30 m) east side and 126 feet (38 m) west side)
Current Land Use(s)	Vacant
Surrounding Use(s)	The property is surrounded by single unit dwellings on the east, west, and south sides of the property fronting on Highway 357. The property is surrounded by woodlands on the east, west and north sides beyond a depth of one typical building lot off Highway 357.

Proposal Details

In order to carry out the intent of the will described above, the family of Lorna Snair is proposing to create 5 lots and a remainder, for a total of 6 lots with limited or no road frontage on a parcel of land in Meaghers Grant (Map 1). The property has insufficient road frontage to be subdivided into six lots along Highway 357, and a public road would have to be constructed to subdivide the long narrow parcel into 6 lots at the back of the property. No new public roads or private roads are permitted to intersect with Highway 357 pursuant to the Subdivision By-law (SUB). Therefore, the only way that Ms. Snair can subdivide this property to carry out her late mother’s will, is with an amendment to both the Municipal Planning Strategy and Regional Subdivision By-law to enable her to create 6 lots with reduced or no road frontage with the lots to be accessed via a private driveway. On November 22, 2016, Regional Council approved the initiation of the MPS amendment process. A copy of the staff report is available online at <http://legacycontent.halifax.ca/council/agendasc/documents/161122ca1419.pdf>.

MPS and LUB Context

The parcel of land is located in the Village Designation of the Musquodoboit Valley/Dutch Settlement Municipal Planning Strategy (MPS) as shown on Map 1. Within the Village Designation a maximum of two lots and a remainder may be created with reduced or no road frontage pursuant to policies SB-1 and SB-1(a) of the MPS and sections 38 and 64 of the Subdivision By-law. However, a maximum of five lots with 6.1 metres of frontage plus a remainder with no frontage may be created within the Mixed Use Designation (Policy SB-3).

The Village Designation has been applied to the communities of Dutch Settlement, Middle Musquodoboit, Upper Musquodoboit, and Meaghers Grant. It is intended to recognize the potential service function that these areas may provide to the surrounding communities either now or in the future. It supports the development of low density residential uses while continuing to support the traditional mix of residential, commercial and resource uses that have occurred in the past.

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, and letters mailed to property owners within the notification area outlined in Map 2. A public information meeting was held on February 23, 2017. Attachment E contains a copy of the minutes from the meeting.

The meeting was attended by 27 people. Two members of the public did not support the requested exemption being applied throughout the Village Centre Designation. These two members of the public also did not want to see houses developed on the lots. They were relieved when the Snair Family clarified that they had no intention to develop the property and that they only wanted to subdivide the property to give the property to the 6 family members in accordance with the aforementioned will.

A public hearing must be held by Regional Council before they can consider approval of the proposed MPS and LUB and SUB 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 2 will be notified of the hearing by regular mail.

DISCUSSION

The MPS is a strategic policy document that sets out the goals, objectives and direction for long term growth and development in the Municipality. Amendments to an MPS are significant undertakings and Council is under no obligation to consider such requests. Amendments should be only considered within the broader planning context and when there is reason to believe that there has been a change to the circumstances since the MPS was adopted, or last reviewed. In this case, staff advise that the proposed amendments are recommended for Council approval. The following paragraphs review the rationale and content of the proposed MPS, Subdivision By-law and LUB amendments.

Lot Frontage Exemptions

The Musquodoboit Valley-Dutch Settlement Municipal Planning Strategy acknowledges the cultural benefit of using lot frontage exemptions to allow the infill of development within the rural landscape. Many parts of the Plan Area have long narrow strips of land that were created for historical development purposes but are incapable of meeting the frontage requirements for subdivision developments under current regulations. This has given rise to a cultural landscape where traditional farm houses are situated close to the front of the property with working farms or woodlots to the rear. These large farm houses are scattered throughout the community of Meaghers Grant on large parcels of land, and are reflective of the rural character of this area.

In order to allow the continuation of the cultural tradition of allowing landowners to give a lot to a family member(s), the Plan allows for the creation of lots with reduced or no road frontage in designated areas of the plan to varying degrees. The Subdivision By-law permits the creation of a maximum of two lots – one lot plus a remainder – with reduced or no road frontage on parcels of land in existence on or before August 1, 1987 pursuant to Policy SB-1 of the MPS and Section 38 of the SUB (Attachment F). The Plan also permits the creation of one lot plus a remainder with no road frontage from parcels of land in existence on or before May 3, 1996 pursuant to Policy SB(1)(a) of the MPS and Section 64 of the SUB (Attachment F). If the Snair Family used both these exemptions together, they could subdivide the property into a maximum of 2 lots and a remainder (total of 3). Within the Mixed Use Designation - not applied to this site -, the Plan also permits the subdivision of a maximum of five lots having a minimum of 6.1 metres (20 feet) of frontage plus one additional lot with no road frontage where the area of land was in existence on before May 3, 1996 pursuant to Policy SB-3 of the MPS and Section 63 of the Subdivision By-law (Attachment F).

Subject Property

The subject property is located near the edge of the Village Designation, approximately 457 m (1,500 feet) away from the Mixed Use Designation as shown on Map 1. The subdivision of this 18 hectare (45 acre) parcel into 6 lots will not detract from the rural character of Meaghers Grant or have any substantial impact

on surrounding properties. This 18 hectare parcel would yield 6 three hectare (7.5 acre) lots that would not be substantially different from the large lot pattern to east, west and north sides of the property. The construction of a private driveway would also be in keeping with the pattern of development in the surrounding area and indicative of the rural landscape.

Proposed Amendments

Staff considered the existing MPS policy context and a number of policy approaches when drafting the proposed MPS, LUB and SUB amendments. In order to allow the creation of a maximum of 6 lots with reduced or no road frontage, it is recommended that the MPS, LUB and SUB be amended to allow the creation of 3 lots with reduced or no road frontage in addition to the 2 lots and a remainder that are currently permitted pursuant to Policies SB-1 and SB-1a and Sections 38 and 64 of the SUB for this property. The proposed MPS, LUB and SUB amendments are outlined below:

- **MPS Amendment** - Amend Policy SB-3 under the MPS to allow the subject property to have three additional lots having a minimum of 6.1 metres (20 feet) of road frontage, and one remainder without road frontage under the Subdivision By-law as outlined in Attachment B. This amendment would allow the Sibley Family to create the six lots in all with the current exemptions permitted under Section 38 and 64 of the SUB. The amendment would not apply to any other properties within the Village Designation in order to maintain the cultural lot pattern and rural character that has evolved throughout the Village of Meaghers Grant.
- **LUB Amendment** - Update Section 4.5 of the Land Use By-law to change the reference to PART 14 to Section 38, Section 40, Section 41, Section 42, Section 63, and Section 64 and add the new Section 63(a) as shown on Attachment C. Reference to PART 14 was the previous reference to Section 38, Section 42, Section 63 and Section 64 under the former Halifax County Subdivision By-law. Section 63(a) is the new Section proposed to implement this requested amendment by Lorna Snair. This amendment clarifies that permits can be issued to allow development on lots with reduced frontage.
- **SUB Amendment** – Add Section 63(a) to the Subdivision By-law to include the subject property as a property that may be subdivided into 3 lots having a minimum road frontage of 6.1 metres (20 feet) and a remainder having no frontage as shown in Attachment D.

Conclusion

Staff have reviewed the application and the existing policy context and advise that the MPS, LUB and SUB should be amended to increase the allowable lots on this property to a maximum of 5 lots plus a remainder (total of 6 lots in effect) in order to allow the family of the late Mary Sibley to carry out their mother's will. The proposed amendments will not have a significant impact on the surrounding area. Confining the proposed amendment to the subject property to prevent the infill of lots throughout the Village Designation in Meaghers Grant would retain the rural character of this area. Therefore, staff recommend that that Community Council recommend that Regional Council approve the proposed amendments pertaining to the Musquodoboit Valley – Dutch Settlement MPS and LUB and the Halifax Regional Subdivision By-law as outlined in Attachments B, C and D.

FINANCIAL IMPLICATIONS

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

RISK CONSIDERATION

There are no significant risks associated with the recommendations contained within this report. This application involves proposed amendments to a Municipal Planning Strategy. Such amendments are at the discretion of Regional Council and are not subject to appeal to the Nova Scotia Utility and Review Board.

ENVIRONMENTAL IMPLICATIONS

There are no environment implications arising from this package of proposed amendments.

ALTERNATIVES

The North West Community Council may choose to recommend that Regional Council:

1. Modify the proposed amendments to the SUB and the MPS and LUB for Musquodoboit Valley – Dutch Settlement as set out in Attachments B, C, and D 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 SUB and the MPS and LUB for Musquodoboit Valley – Dutch Settlement. 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	Subject Property and Village and Mixed Use Designation
Map 2	Zoning and Notification
Attachment A	Legislative Authority
Attachment B	Proposed Amendments to the Municipal Planning Strategy for the Musquodoboit Valley-Dutch Settlement
Attachment C	Proposed Amendments to the Land Use By-law for the Musquodoboit Valley-Dutch Settlement
Attachment D	Proposed Amendments to the Halifax Regional Municipality Regional Subdivision By-law
Attachment E	Minutes of Public Information Meeting
Attachment F	Existing Policy and Regulations

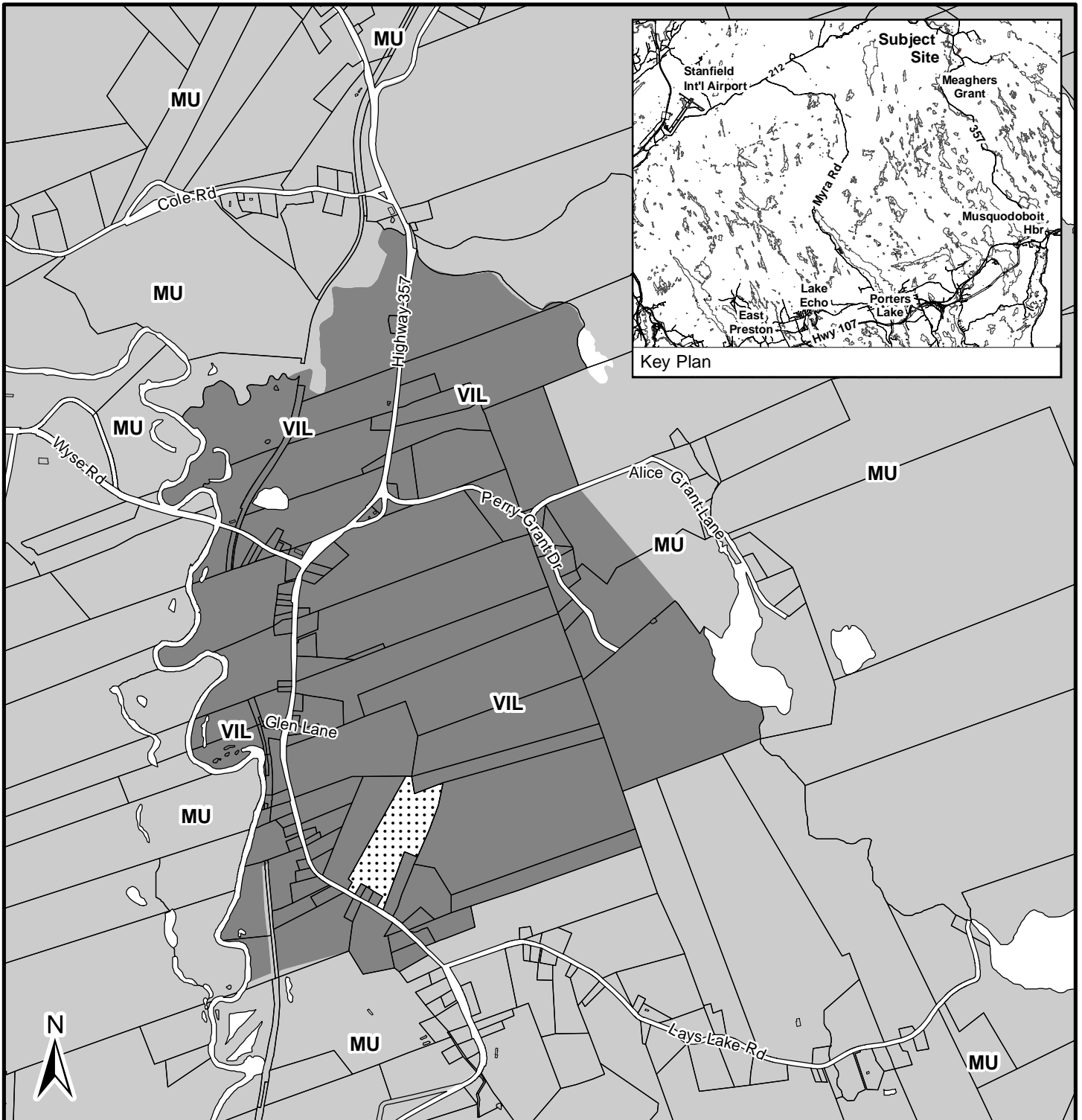
A copy of this report can be obtained online at halifax.ca or by contacting the Office of the Municipal Clerk at 902.490.4210.

Report Prepared by: Maureen Ryan, Planner III, 902.490.4799

ORIGINAL SIGNED




Report Approved by:

Carl Purvis, Planning Applications Program Manager, 902.490.4797



Map 1 - Subject Property and Village and Mixed Use Designation

PID # 00474965

-  Subject Property for Subdivision
-  Village (VIL) Designation
-  Mixed Use (MU) Designation

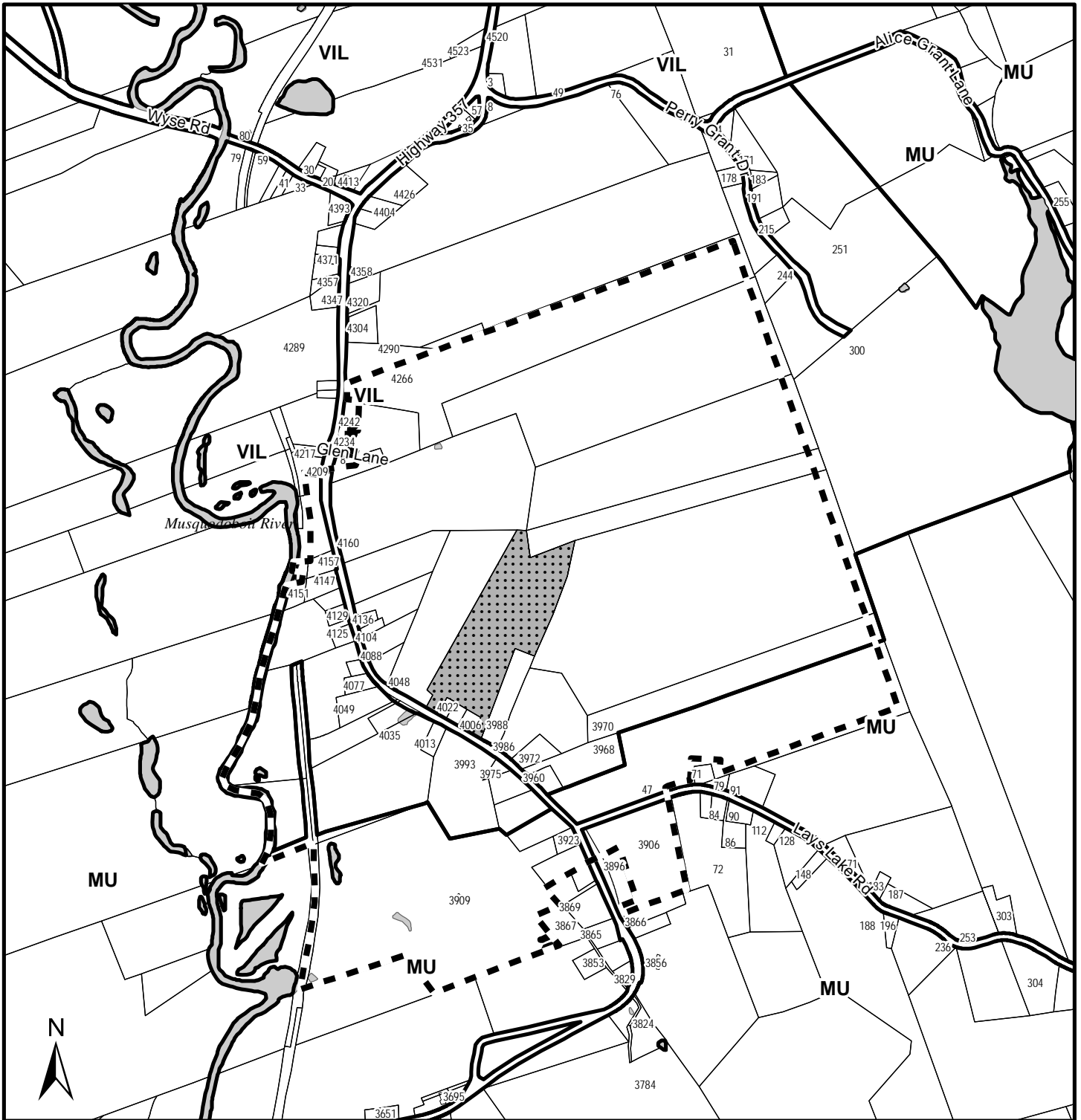
Musquodoboit Valley & Dutch Settlement
Plan Area

HALIFAX

0 120 240 480 720 960
m

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.



Map 2 - Zoning and Notification

PID # 00474965

HALIFAX



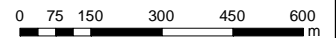
Subject Property for Subdivision



Notification Area

Zone

MU Mixed Use
VIL Village



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

HRM does not guarantee the accuracy of any representation on this plan.

Musquodoboit Valley & Dutch Settlement
Land Use By-Law Area

Attachment A – Legislative Authority

Municipal Planning Strategy and Land Use By-law Amendments Initiated by Regional Council

Halifax Regional Municipality Charter, Part VIII, Planning and Development, including:

Planning documents reasonably consistent

214 (1) Planning documents adopted after the adoption of a statement of provincial interest that applies within the Municipality must be reasonably consistent with the statement.

Planning advisory committee

215 (1) The Municipality may, by policy, establish a planning advisory committee and may establish different planning advisory committees for different parts of the Municipality.

(4) The purpose of a planning advisory committee or a joint planning advisory committee is to advise respecting the preparation or amendment of planning documents and respecting planning matters generally.

Public participation program

219 (1) The Council shall adopt, by policy, a public participation program concerning the preparation of planning documents.

(2) The Council may adopt different public participation programs for different types of planning documents.

(3) The content of a public participation program is at the discretion of the Council, but it must identify opportunities and establish ways and means of seeking the opinions of the public concerning the proposed planning documents.

220 (1) The Council shall adopt, by by-law, planning documents.

(4) The Council shall complete the public participation program before placing the first notice for a public hearing in a newspaper circulating in the Municipality.

Purpose of municipal planning strategy

228 The purpose of a municipal planning strategy is to provide statements of policy to guide the development and management of the Municipality and, to further this purpose, to establish

- (a) policies that address problems and opportunities concerning the development of land and the effects of the development;
- (b) policies to provide a framework for the environmental, social and economic development within the Municipality;
- (c) policies that are reasonably consistent with the intent of statements of provincial interest; and
- (d) specify programs and actions necessary for implementing the municipal planning strategy.

Statements of policy in planning strategy

229 (1) A municipal planning strategy may include statements of policy with respect to any or all of the following:

- (a) the goals and objectives of the Municipality for its future;
- (b) the physical, economic and social environment of the Municipality;
- (c) the protection, use and development of lands within the Municipality, including the identification, protection, use and development of lands subject to flooding, steep slopes, lands susceptible to subsidence, erosion or other geological hazards, swamps, marshes or other environmentally sensitive areas;

- (d) stormwater management and erosion control;
- (e) in connection with a development, the excavation or filling in of land, the placement of fill or the removal of soil, unless these matters are subject to another enactment of the Province;
- (f) in connection with a development, retention of trees and vegetation for the purposes of landscaping, buffering, sedimentation or erosion control;
- (g) studies to be carried out prior to undertaking specified developments or developments in specified areas;
- (h) the staging of development;
- (i) the provision of municipal services and facilities;
- (j) municipal investment for public and private development and the coordination of public programs relating to the economic, social and physical development of the Municipality;
- (k) non-conforming uses and structures;
- (l) the subdivision of land;
- (m) the use and conservation of energy, including the height and siting of developments;
- (n) measures for informing, or securing, the views of the public regarding contemplated planning policies and actions or bylaws arising from such policies;
- (o) policies governing
 - (i) land-use by-law matters,
 - (ii) amendment of the land-use by-law,
 - (iii) the acceptance and use of cash-in-lieu of required parking,
 - (iv) the use of development agreements,
 - (v) the establishment of comprehensive development districts,
 - (vi) the use of site-plan approval areas, including whether notice must be given to owners and tenants of property that is thirty metres or more from the applicant's property,
 - (vii) the establishment of transportation reserves,
 - (viii) the use of infrastructure charges,
 - (ix) the eligibility criteria for the establishment of a commercial development district including, without limiting the generality of the foregoing, the percentage increase in the taxable assessed value of the eligible properties, as defined in subsection 92C(1), within the proposed commercial development district and the period over which the increase in the taxable assessed value of the properties occurs;
- (p) the regulation or prohibition of development in areas near airports with a noise exposure forecast or noise exposure projections in excess of thirty, as set out on maps produced by an airport authority, as revised from time to time, and reviewed by the Department of Transport (Canada);
- (q) any other matter relating to the physical, social or economic environment of the Municipality.

- (2) The Council shall include policies in the municipal planning strategy on how it intends to review the municipal planning strategy and land-use by-law.

No action inconsistent with planning strategy

- 232 (1)** The Municipality may not act in a manner that is inconsistent with a municipal planning strategy.

Adoption of land-use by-law or amendment

- 234 (1)** Where the Council adopts a municipal planning strategy or a municipal planning strategy amendment that contains policies about regulating land use and development, the Council shall, at the same time, adopt a land-use by-law or land-use by-law amendment that enables the policies to be carried out.

Content of land-use by-law

- 235 (1)** A land-use by-law must include maps that divide the planning area into zones.

- (2) A land-use by-law must
- (a) list permitted or prohibited uses for each zone; and
 - (b) include provisions that are authorized pursuant to this Act and that are needed to implement the municipal planning strategy.
- (3) A land-use by-law may regulate or prohibit development, but development may not be totally prohibited, unless prohibition is permitted pursuant to this Part.
- (4) A land-use by-law may
- (a) regulate the dimensions for frontage and lot area for any class of use and size of structure;
 - (b) regulate the maximum floor area of each use to be placed upon a lot, where more than one use is permitted upon a lot;
 - (c) regulate the maximum area of the ground that a structure may cover;
 - (d) regulate the location of a structure on a lot;
 - (e) regulate the height of structures;
 - (f) regulate the percentage of land that may be built upon;
 - (g) regulate the size, or other requirements, relating to yards;
 - (h) regulate the density of dwelling units;
 - (i) require and regulate the establishment and location of off-street parking and loading facilities;
 - (j) regulate the location of developments adjacent to pits and quarries;
 - (k) regulate the period of time for which temporary developments may be permitted;
 - (l) prescribe the form of an application for a development permit, the content of a development permit, the period of time for which the permit is valid and any provisions for revoking or renewing the permit;
 - (m) regulate the floor area ratio of a building;
 - (n) prescribe the fees for an application to amend a landuse by-law or for entering into a development agreement, site plan or variance.
- (5) Where a municipal planning strategy so provides, a land-use by-law may
- (a) subject to the *Public Highways Act*, regulate or restrict the location, size and number of accesses from a lot to the abutting streets, as long as a lot has access to at least one street;
 - (b) regulate or prohibit the type, number, size and location of signs and sign structures;
 - (c) regulate, require or prohibit fences, walks, outdoor lighting and landscaping;
 - (d) in connection with a development, regulate, or require the planting or retention of, trees and vegetation for the purposes of landscaping, buffering, sedimentation or erosion control;
 - (e) regulate or prohibit the outdoor storage of goods, machinery, vehicles, building materials, waste materials, aggregates and other items and require outdoor storage sites to be screened by landscaping or structures;
 - (f) regulate the location of disposal sites for any waste material;
 - (g) in relation to a development, regulate or prohibit the altering of land levels, the excavation or filling in of land, the placement of fill or the removal of soil unless these matters are regulated by another enactment of the Province;
 - (h) regulate or prohibit the removal of topsoil;
 - (i) regulate the external appearance of structures;
 - (j) set out conditions, including performance standards, to be met by a development before a development permit may be issued;
 - (k) provide for incentive or bonus zoning in the HRM by Design Downtown Plan Area and the Centre Plan Area, including requirements for incentive or bonus zoning;
 - (l) prescribe methods for controlling erosion and sedimentation during the construction of a development;
 - (m) regulate or prohibit excavation, filling in, placement of fill or reclamation of land on floodplains identified in the land-use by-law;
 - (n) prohibit development or certain classes of development where, in the opinion of the

Council, the

- (i) cost of providing municipal wastewater facilities, stormwater systems or water systems would be prohibitive,
- (ii) provision of municipal wastewater facilities, stormwater systems or water systems would be premature, or
- (iii) cost of maintaining municipal streets would be prohibitive;
- (o) regulate or prohibit development within a specified distance of a watercourse or a municipal water-supply wellhead;
- (p) prohibit development on land that
 - (i) is subject to flooding or subsidence,
 - (ii) has steep slopes,
 - (iii) is low-lying, marshy, or unstable,
 - (iv) is otherwise hazardous for development because of its soil conditions, geological conditions, undermining or topography,
 - (v) is known to be contaminated within the meaning of the *Environment Act*, or
 - (vi) is located in an area where development is prohibited by a statement of provincial interest or by an enactment of the Province;
- (q) regulate or prohibit development in areas near airports with a noise exposure forecast or noise exposure projections in excess of thirty, as set out on maps produced by an airport authority, as revised from time to time, and reviewed by the Department of Transport (Canada);
- (r) permit the development officer to grant variances in parking and loading spaces, ground area and height, floor area occupied by a home-based business and the height and area of a sign.

- (6) Where the land-use by-law provides for incentive or bonus zoning within the Centre Plan Area, the land-use by-law must require the inclusion of affordable housing in a development in addition to any other requirements adopted by the Council, as the contribution for any incentive or bonus zoning applicable to the development.

No appeal permitted

263 The following are not subject to an appeal:

- (d) an amendment to a land-use by-law that is required to carry out a concurrent amendment to a municipal planning strategy.

Subdivision by-law

281 (1) . . .

- (2) A subdivision by-law must include
 - (a) any requirements prescribed by the provincial subdivision regulations applicable to the Municipality unless . . .
 - (ii) the municipal requirements implement the municipal planning strategy;

Provincial Subdivision Regulations

A - Lot requirements

3 (1) All lots shall abut . . .

or in a district, county or regional municipality,

- (b) a public street;
- (c) a private road; or
- (e) a Schedule "B" road.

- 8 (1) For purposes of this Section, "area of land" means any lot or parcel as described by its boundaries as they existed on August 1, 1987 notwithstanding that the area of land has been subdivided subsequent to August 1.
- (2) One lot that does not meet Section 3 and the lot frontage requirements of clause 4(a) may be created within an area of land, provided no such lot has already been subdivided within the area of land.
- (3) Notwithstanding the limitation to one lot contained in subsection (2), two lots may be created, including any remainder lot, where
 - (a) the area of land does not abut a public street, a private road, or a Schedule "B" road; or
 - (b) the area of land has less than 6 metres (19.7 feet) of frontage on a public street, a private road, or a Schedule "B" road.

**Attachment B:
Proposed Amendments to the Municipal Planning Strategy for the Musquodoboit Valley-Dutch Settlement**

BE IT ENACTED by the Council of the Halifax Regional Municipality that the Municipal Planning Strategy for the Musquodoboit Valley-Dutch Settlement as adopted by the former Halifax County Municipality on the 19th day of February 1996, A. D. and approved with amendments by the Minister of Municipal Affairs on the 3rd Day of May, 1996 A. D. which includes all amendments thereto as of the 18th Day of October, 2014 is hereby further amended as follows:

1. Amending the subsection entitled "Reduced Lot Frontages" under the Section entitled "SUBDIVISION OF LAND" by adding the text shown as bold, as follows:

SUBDIVISION OF LAND

Reduced Lot Frontages

In many parts of the Plan Area, traditional approaches to land ownership have resulted in the creation of numerous long narrow strips of land. Many of these lots have insufficient road frontage to permit subdivision under current regulations. Many landowners still wish to continue the custom of giving a piece of the "backlands" of these properties to family members to build homes on.

While consolidation of these strips is the logical and preferable solution to many of the development problems, it is recognized that this is not always practical. In many cases, financial or other hardship may be incurred if subdivision is not permitted. In order to allow reasonable use and development of strip lots, some reduction of subdivision and road construction standards is justifiable.

The Subdivision By-law contains provisions which are designed in part to ease the development problems of the narrow strips of land described previously. Those provisions permit the creation of an additional lot which does not have the required minimum frontage on a public road. There is widespread support in the more rural areas to allow for the creation of additional lots. Current provincial subdivision regulations in effect in a number of other municipalities permit the creation of one lot without frontage and an unlimited number of lots having a minimum frontage of twenty feet. There is no wish, however, to create a large number of lots with such narrow frontage as this is seen as creating potential traffic hazards due to the increased number of accesses onto public roads and highways.

- SB-1 It shall be the intention of Council to apply the lot frontage exemption of Part 14 of the Subdivision By-Law within the Plan Area.
- SB-1a Notwithstanding Policy SB-1, it shall be the intention of Council to permit the creation of a maximum of two lots (one lot plus a remainder) without road frontage on any area of land which was in existence on the effective date of the Municipal Planning Strategy. These lot frontage exemptions will not apply to any lands which are serviced by central water and/or sewage. (RC-Jan 13/98;M-Mar 19/98)
- SB-2 It shall be the intention of Council, through the Land Use By-law for Musquodoboit Valley - Dutch Settlement Area to establish minimum road frontage requirements along any provincial highway of one hundred (100) feet unless the lot is serviced with central services.

SB-3 Notwithstanding Policy SB-2, it shall be the intention of Council to amend the Subdivision By-law to permit the subdivision of any residential lot, in existence at the time of adoption of the municipal planning strategy, into no more than two (2) lots or one (1) lot and a remainder, provided that each lot has a minimum frontage of twenty (20) feet. Furthermore, within the Mixed Use Designation the creation of a maximum of five (5) lots having a minimum road frontage of twenty (20) feet and one lot having no frontage on a public roadway from an area of land that was in existence on the effective date of this planning strategy shall be permitted , **and on the property identified as PID 00474965 in the Village Designation in Meagher's Grant the creation of a maximum of two (2) lots having a minimum road frontage of twenty (20) feet and one lot having no frontage on a public roadway from an area of land that was in existence on or before May 18, 2017 shall be permitted.**

I HEREBY CERTIFY that the amendments to the Municipal Planning Strategy for Musquodoboit Valley-Dutch Settlement as set out above, were passed by a majority vote of the Halifax Regional Council held on the _____ day of _____, 2017.

GIVEN under the hand of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this _____ day of _____, 2017.

Kevin Arjoon
Municipal Clerk

Attachment C:

Proposed Amendments to the Land Use By-law for the Musquodoboit Valley-Dutch Settlement

BE IT ENACTED by the Council of the Halifax Regional Municipality that the Land Use By-law for the Musquodoboit Valley-Dutch Settlement as adopted by the former Halifax County Municipality on the 19th day of February 1996, A. D. and approved with amendments by the Minister of Municipal Affairs on the 3rd Day of May, 1996 A. D. which includes all amendments thereto as of the 18th Day of October, 2014 is hereby further amended as follows:

1. Amending the Section 4.5 (a) by deleting text shown as ~~strikeout~~ and inserting text shown as **bold**, as follows:

4.5 REDUCED FRONTAGE OR AREA

- (a) Any lot created pursuant to Section 107 of the Planning Act, S.N.S. 1989 and any lot created pursuant to ~~PART 44~~ **Section 38, Section 40, Section 41, Section 42, Section 63, Section 63(a) and Section 64** of the Subdivision By-law may be used for any purpose permitted in the Zone in which the lot is located and a development permit may be issued and a building may be erected on the lot, provided that all other applicable provisions of this By-law are satisfied.

I HEREBY CERTIFY that the amendments to the Land Use By-law for Musquodoboit Valley-Dutch Settlement as set out above, were passed by a majority vote of the Halifax Regional Council held on the ____ day of _____, 2017.

GIVEN under the hand of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this ____ day of _____, 2017.

Kevin Arjoon
Municipal Clerk

**Attachment D:
Proposed Amendments to the Halifax Regional Municipality Regional Subdivision By-law**

BE IT ENACTED by the Halifax Regional Council of the Halifax Regional Municipality that the Regional Subdivision By-law for Halifax Regional Municipality which was adopted by Halifax Regional Council on the 25th day of June, 2014, and approved by the Minister of Service Nova Scotia and Municipal Relations on the 16th Day of September, 2014 is hereby further amended as follows:

1. Inserting after Section 63, new Section 63(a) as follows:

63(a) Within the Musquodoboit Valley-Dutch Settlement Plan Area and notwithstanding section 34 and the lot frontage requirements of section 7 and subsection 31(2), within the boundaries of any area of land in existence on May 18, 2017 on the lands identified as PID 00474965 in the Village Designation in Meaghers Grant, the Development Officer may approve a plan of subdivision showing a maximum of 3 lots, in addition to all other exemptions permitted under this By-law, having a minimum frontage of 6.1 m each, and one lot having no frontage on a public street or highway.

I HEREBY CERTIFY that the amendments to the Regional Subdivision By-law for Halifax Regional Municipality as set out above, were passed by a majority vote of the Halifax Regional Council held on the ____ day of _____, 2017.

GIVEN under the hand of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this ____ day of _____, 2017.

Kevin Arjoon
Municipal Clerk

Attachment E

HALIFAX REGIONAL MUNICIPALITY Public Information Meeting Case 20589

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

Thursday, February 23, 2017
7:00 p.m.

Meagher's Grant Community Hall - 4413 Highway 357, Meagher's Grant, NS

STAFF IN

ATTENDANCE: Maureen Ryan, Planner, HRM Planning
Alden Thurston, Planning Technician, HRM Planning
Tara Couvrette, Planning Controller, HRM Planning

ALSO IN

ATTENDANCE: Councillor, Steve Streach, District 1
Myra Thiemann, Family of the applicant
Maureen MacEwan, Family of the applicant
Doris Campbell, Family of the applicant

PUBLIC IN

ATTENDANCE: Approximately: 27

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

Call to order, purpose of meeting – Maureen Ryan

Mrs. Ryan introduced herself as the Planner and Facilitator for the application. She also introduced; Councillor Steve Streach, Tara Couvrette – Planning Controller, Alden Thurston - Planning Technician, and the family of the applicant.

Case No. 20589: Application by Lorna Snair to amend the Municipal Planning Strategy and Land Use By-law of the Musquodoboit Valley and the Halifax Regional Subdivision By-law to allow for the creation of 6 lots with reduced or no frontage within the Village Designation of Meagher's Grant.

Mrs. Ryan 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.

2. Questions and Comments

Two members of the public had concerns about houses being built on the lots and if a change to the by-law would open the door for others to make the same request. **Maureen Ryan** stated she was not aware of any desire to put houses on the lots and this change to the by-law would only be effective for this property. If anyone else wanted to do the same they would need to make their own application to the Municipality. **Myra Thiemann, family member of the applicant** stated that they do not plan to develop the lots.

Councillor Streach made comments regarding the 25 acre lots.

3. Closing Comments

Mrs. Ryan thanked everyone for coming and expressing their comments.

4. Adjournment

The meeting adjourned at approximately 7:32 p.m.

Attachment F
Polices and Regulations Allowing the Subdivision of Land
With Reduced or No Road Frontage
Under the MPS for Musquodoboit Valley-Dutch Settlement and the
Halifax Regional Subdivision By-law

MPS Policies

SUBDIVISION OF LAND

Reduced Lot Frontages

In many parts of the Plan Area, traditional approaches to land ownership have resulted in the creation of numerous long narrow strips of land. Many of these lots have insufficient road frontage to permit subdivision under current regulations. Many landowners still wish to continue the custom of giving a piece of the "backlands" of these properties to family members to build homes on.

While consolidation of these strips is the logical and preferable solution to many of the development problems, it is recognized that this is not always practical. In many cases, financial or other hardship may be incurred if subdivision is not permitted. In order to allow reasonable use and development of strip lots, some reduction of subdivision and road construction standards is justifiable.

The Subdivision By-law contains provisions which are designed in part to ease the development problems of the narrow strips of land described previously. Those provisions permit the creation of an additional lot which does not have the required minimum frontage on a public road. There is widespread support in the more rural areas to allow for the creation of additional lots. Current provincial subdivision regulations in effect in a number of other municipalities permit the creation of one lot without frontage and an unlimited number of lots having a minimum frontage of twenty feet. There is no wish, however, to create a large number of lots with such narrow frontage as this is seen as creating potential traffic hazards due to the increased number of accesses onto public roads and highways.

SB-1 It shall be the intention of Council to apply the lot frontage exemption of Part 14 of the Subdivision By-Law within the Plan Area.

SB-1a Notwithstanding Policy SB-1, it shall be the intention of Council to permit the creation of a maximum of two lots (one lot plus a remainder) without road frontage on any area of land which was in existence on the effective date of the Municipal Planning Strategy. These lot frontage exemptions will not apply to any lands which are serviced by central water and/or sewage. (RC-Jan 13/98;M-Mar 19/98)

...

SB-3 Notwithstanding Policy SB-2, it shall be the intention of Council to amend the Subdivision By-law to permit the subdivision of any residential lot, in existence at the time of adoption of the municipal planning strategy, into no more than two (2) lots or one (1) lot and a remainder, provided that each lot has a minimum frontage of twenty (20) feet. Furthermore, within the Mixed Use Designation the creation of a maximum of five (5) lots having a minimum road frontage of twenty (20) feet and one lot having no frontage on a public roadway from an area of land that was in existence on the effective date of this planning strategy shall be permitted.

Subdivision Regulations

37 (1) For the purposes of section 38, "area of land" means:

- (a) any lot or parcel described by its boundaries as they existed on August 1, 1987; or
- (b) the Remainder of any lot or parcel subdivided since August 1, 1987 for which the lot frontage exemptions of section 38 (former Halifax County Municipality Subdivision By-law section 14.1) were never applied; or
- (c) areas of land which met the requirements of clause (a) or (b) which **have had their boundaries altered, but such alteration** did not **change** the general dimensional characteristics of the parcel, **and which have not** utilized the provisions of section 38. **(RC-Jun 21/16;E-Jul 30/16)**

Lot Frontage Exemption

38 (1) Notwithstanding section 8 and subsection (2) of section 31, an area of land may be subdivided into 2 lots only, or one lot plus a Remainder lot, where either one or both lots do not meet the lot frontage requirements of sections 7, 8 and 31.

Lots Permitted With 6.1 m of Frontage

63 Within the Musquodoboit Valley Dutch Settlement Plan Area and notwithstanding section 34 and the lot frontage requirements of sections 7 and 31(2), within the boundaries of any area of land in existence on May 3, 1996 and located within the Mixed Use Designation, the Development Officer may approve a plan of subdivision showing a maximum of 5 lots having a minimum frontage of 6.1 m and one lot having no frontage on a public street or highway. This section does not preclude the application of Section 38 to any eligible area of land. (RC-Jun 21/16;E-Jul 30/16)

Lots Permitted With Reduced Frontage

64 (1) Within the Musquodoboit Valley Dutch Settlement Plan Area and notwithstanding the lot frontage requirements of sections 7 and 31(2), where an area of land was in existence on May 3, 1996, the Development Officer may approve a plan of subdivision showing not more than two lots, or one lot plus a Remainder, where either one or both lots do not meet the lot frontage requirements of the Land Use By law for Musquodoboit Valley Dutch Settlement Area and section 7 and subsection 31(2). This section does not preclude the application of Section 38 to any eligible area of land. (RC-Jun 21/16;E-Jul 30/16)