



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information <input type="checkbox"/>	Recommendation <input checked="" type="checkbox"/>	Decision Request <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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To: Planning and Heritage Advisory Committee

Submitted by: _____

Madelyn LeMay, Director, Planning and Development

Date: October 13, 2022

Subject: West Hants Land Use By-law; Housekeeping Amendments File # 22-16

1.0 LEGISLATIVE AUTHORITY
Municipal Government Act, Part 8

2.0 RECOMMENDATION
Should the Planning and Heritage Advisory Committee (PAC/HAC) wish to forward a positive recommendation, the following motion would be in order:

...that PAC/HAC recommends that Council give First Reading and hold a Public Hearing to consider amending the text of the West Hants Land Use By-law to correct errors in the metric equivalent of front yard requirements in the Two-Unit Residential (R-2) Zone and the Multiple Residential (R-3) Zone, add a general clause to the West Hants Land Use By-law regarding the required standard of measurement, and correct the reference to the West Hants Municipal Planning Strategy policy for uses in existing non-residential buildings which exceed the commercial floor area limit in the Hamlet and Resource designations, all as shown in Appendix D of the October 13, 2022, report #22-16 ,West Hants Land Use By-law Housekeeping Amendments.

3.0 BACKGROUND

Property <input checked="" type="checkbox"/>	Public Opinion <input type="checkbox"/>	Environment <input type="checkbox"/>	Social <input type="checkbox"/>	Economic <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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As Planning and Development staff review planning documents in order to respond to people inquiring about development potential, errors in the planning documents are occasionally found. Two have recently been found in the West Hants Land Use By-law (WHLUB): the first is related to the metric equivalent for imperial measurements and the second is related to the criteria for development agreements in the Hamlet and Resource designations.

4.0 DISCUSSION

4.1 Imperial/Metric Equivalent

The Two Unit Residential (R-2) Zone of the WHLUB contains a front yard setback of “15 ft. (7.62 m)”. The actual metric equivalent of 15 ft. is 4.57 metres.

In reviewing the document I found the same error in the Multiple Residential (R-3) Zone requirements. 4.57 m is correctly used as the equivalent for 15’ in nine (9) other locations in the WHLUB (Appendix A).

The WHLUB also does not contain the following usual statement regarding measurements “*The imperial system of measurement is used throughout this By-law and in all cases represents the required standard. Metric measurements are approximate and for convenience only.*”

In order to ensure that all measurements within the document are clear and not open to interpretation, the front yard setback in both the Two Unit Residential (R-2) Zone and the Multiple Residential (R-3) Zone should be corrected, and the statement regarding the standard of measurement should be added to Section 4.7, “Units of Measurement” as shown in Appendix D.

4.2 Part 6.0, Development Agreements

Clause (q) of Section 6.1 of the WHLUB reads: “(q) *Local Commercial (LC), Hamlet Industrial (M-2) or Rural Commercial (RC) uses in existing non-residential buildings which exceed the commercial floor area limit in the Hamlet and Resource designations, in accordance with Policy 4.5.1 of the Municipal Planning Strategy;*”(Appendix B).

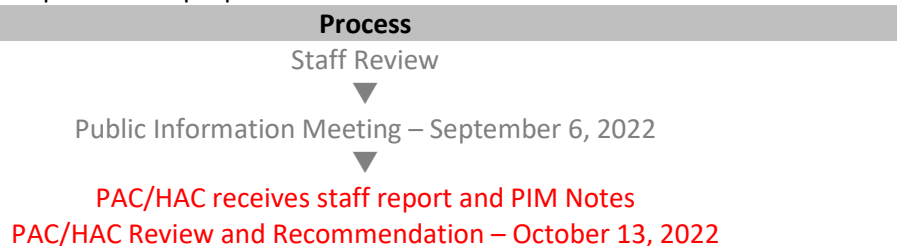
Policy 4.5.1 of the West Hants Municipal Planning Strategy (WHMPS) is related to development on municipally-owned land in any zone rather than to uses in existing non-residential buildings in the Hamlet and Resource designations. Policy 4.6.1 of the WHMPS, however, clearly refers to and establishes the criteria for “*existing non-residential buildings exceeding the commercial floor area limit in the Hamlet and Resource designations*” (Appendix C).

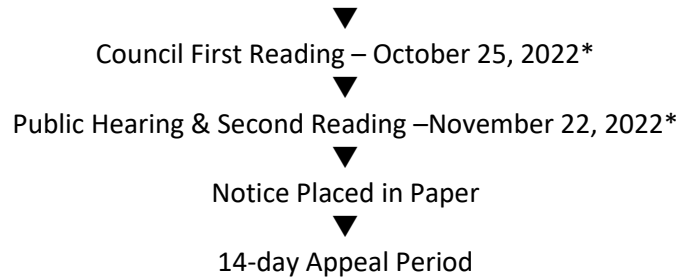
Planning and Development staff have had one serious inquiry this summer about development using clause 6.1 (q) which brought the error to light. Although no application for a development agreement followed, the error should be removed so that clause 6.1 (q) can be used should a developer wish to. The error is contained in the original document approved by Council May 13, 2008.

5.0 NEXT STEPS

The Public Information Meeting was held on September 6,2022, and comments could be submitted until noon September 23. No comments were received. (Appendix E).

The process to complete these proposed amendments is as follows:





*anticipated date; final dates set by Council

6.0 FINANCIAL IMPLICATIONS

There are no anticipated costs to the Municipality related to the proposed amendments.

7.0 ALTERNATIVES

In response to the application, Council may decide to:

- not hold a public hearing regarding the proposed amendments; or
- provide alternative direction such as requesting further information on a specific topic.

8.0 APPENDICES

Appendix A	WHLUB Two Unit Residential (R-2) and Multiple Residential (R-3) Zone
Appendix B	WHLUB 6.1 (q)
Appendix C	WHMPS Policy 4.5.1 and Policy 4.6.1
Appendix D	Draft Amendments
Appendix E	Public Information Meeting Notes

Report Prepared by: _____

Madelyn LeMay, Director, Planning and Development

APPENDIX A

Taken from the West Hants Land Use By-law September 12, 2022

9.0 TWO UNIT RESIDENTIAL (R-2)

Permitted Uses

- 9.1 The following uses shall be permitted in the Two Unit Residential (R-2) zone:
- Two-unit dwellings
 - Mini homes
 - Uses permitted in the R-1 zone subject to the R-1 zone requirements
Mobile homes in the Three Mile Plains Growth Centre (Amendment 20-28 Effective June 15, 2021)
- 9.2 In the R-2 zone, no development permit shall be issued except in conformity with the following:

	Mobile homes and Mini homes		Two-unit dwellings	
	with municipal services	with on-site services	with municipal services	with on-site services
Minimum lot area	6,000 ft ² (557.40 m ²); 7,000 ft ² (650.30 m ²) for corner lots	29,000 ft ² (2,694.10 m ²)	3,500 ft ² (325.15 m ²)/unit	29,000 ft ² (2,694.10 m ²)/unit
Minimum lot frontage	50 ft (15.24 m)	100 ft (30.48 m)	30 ft (9.14 m)/unit	100 ft (30.48 m)/unit
Minimum front yard	15 ft (7.62 m)			
Minimum rear yard	25 ft (7.62 m)			
Minimum side yard	one side	6 ft (1.83 m)		
	other side	6 ft (3.05 m)		
Max. height of main building	35 ft (10.67 m)			

(Amendment 20-28 Effective June 15, 2021) (Amendment GC2LUB 17-01 Effective March 7, 2018)

10.0 MULTIPLE RESIDENTIAL (R-3)

Permitted Uses

10.1 The following uses shall be permitted in the Multiple Residential (R-3) zone:

- Dwellings with more than two units in accordance with Sections 10.2 and 10.7 below;
- Boarding or rooming houses in accordance with Sections 10.2 and 10.7 below;
(Amendment WHLUB 14-01 Effective January 22, 2015)
- Residential care facilities providing care for five or fewer persons in accordance with Sections 10.2 and 10.7 below;
- Uses permitted in the R-1 zone subject to the R-1 zone requirements, with side yard requirements in accordance with Sections 10.2 and 10.7 below;
- Uses permitted in the R-2 zone subject to the R-2 zone requirements with side yard requirements in accordance with Sections 10.2 and 10.7 below.
(Amendment GC2LUB 17-01 Effective March 7, 2018)

R-3 Zone General Requirements

10.2 In the R-3 zone, no development permit shall be issued except in conformity with the following:

		Townhouse and triplex dwellings	Apartment buildings, residential care facilities
Minimum lot area		3,000 ft ² (278.70 m ²)/unit	10,000 ft ² (929.00 m ²) for the first 4 units; plus 1,500 ft ² (139.35 m ²) for each additional unit
Minimum lot frontage		30 ft (9.14 m)/unit	100 ft (30.48 m)
Minimum front yard		15 ft (7.62 m)	15 ft (7.62 m)
Minimum rear yard		25 ft (7.62 m)	35 ft (10.67 m)
Minimum side yard	one side	6 ft (1.83 m)	
	other side	5 ft (1.52 m)	
Maximum height of main building		35 ft (10.67 m)	3 storeys*
Maximum number of units per building		8	20

APPENDIX B

Taken from the West Hants Land Use By-law September 12, 2022

6.0 DEVELOPMENT AGREEMENTS

Developments to be considered by Development Agreement

6.1 The following developments may be considered only by development agreement in accordance with the *Municipal Government Act* and the Municipal Planning Strategy:

...

Hamlets, Agriculture and Resource

...

- (q) Local Commercial (LC), Hamlet Industrial (M-2) or Rural Commercial (RC) uses in existing non-residential buildings which exceed the commercial floor area limit in the Hamlet and Resource designations, in accordance with Policy 4.5.1 of the Municipal Planning Strategy;

APPENDIX C

Taken from the West Hants Municipal Planning Strategy September 12, 2022

4.5 Development on Municipally-owned land

Institutional, community use and public works development on municipally-owned lands shall be permitted in any zone. For major developments, however, such as a sewage treatment plant, or other public or institutional building or facility, Council feels it is important to consider the impact on the surrounding neighbourhood as well as to provide an opportunity for public input. For this reason, where such developments, if undertaken on privately-owned land, would be subject to a development agreement or rezoning process, Council will take into consideration the relevant policies of the Municipal Planning Strategy prior to commencing construction.

- Policy 4.5.1** It shall be the policy of Council to allow institutional, community use or public works development on municipally owned land in any zone; however, where such development involves the construction of a new main building with a gross floor area greater than 2,000 ft² (185.80 square meters) and would require a development agreement or rezoning if undertaken on privately-owned land, it shall be the intention of Council, prior to commencing such development, to consider its potential impact on the community and seek public input by:
- (a) requesting a staff report reviewing the relevant policies of the Municipal Planning Strategy including Policy 16.3.1; and
 - (b) holding a public meeting and publishing a notice of the public meeting.

4.6 Existing Buildings Exceeding Floor Area Limited in Hamlet and Resource Designations

Within the Hamlet and Resource designations, permitted floor area is limited for certain commercial uses. The purpose of this restriction is to ensure that larger scale, non-resource commercial and industrial development is directed to the Growth Centres, while Hamlets and resource areas provide small-scale, local services. There are, however, several existing non-residential buildings in the Hamlet and Resource designations which are far in excess of the floor area limit. This means that, in some cases, large sections of these existing buildings cannot be used. Council does not wish to prevent the re-development of these existing buildings, but wants to have some control over their development and the impact on neighbouring properties and land uses. For this reason, Council will consider permitting development of these existing large buildings by development agreement. To allow for a wide variety of uses, uses permitted in the Local Commercial (LC), Hamlet Industrial (M-2) and Rural Commercial (RC) zones will be considered.

Policy 4.6.1

It shall be the intention of Council that existing non-residential buildings exceeding the commercial floor area limit in the Hamlet and Resource designations may be permitted to use the full extent of their floor area for commercial or industrial use by entering into a development agreement, subject to the following:

- (a) the proposed use or uses are permitted in the Local Commercial (LC), Hamlet Industrial (M-2) or Rural Commercial (RC) zones;*
- (b) safe and efficient roadway access is provided;*
- (c) adequate on-site parking is provided;*
- (d) the proposed use or uses are not considered obnoxious by reason of noise, odours, dust, fumes, or other emissions;*
- (e) adequate landscaping and screening, especially of open storage and parking, is provided;*
- (f) the use or uses are compatible with adjacent land uses with respect to traffic generation, hours of operation and other matters;*
- (g) any other matter which may be addressed by development agreement;
and*
- (h) Policy 16.3.1.*

APPENDIX D

PROPOSED AMENDMENTS: WEST HANTS LAND USE BY-LAW

Purpose: to correct errors and omissions regarding metric equivalents and to correct a policy reference in the West Hants Land Use By-law

- In Section 4.7, *Units of Measurement*, add the following Subsection: *The metric system of measurement is used throughout this By-law and in all cases represents the required standard. Imperial measurements are approximate and for convenience only.*, so that the Section appears as follows:

Units of Measurement

4.7 (a) Units of measurement used in this by-law are abbreviated as follows: feet - ft; meters – m; square feet – ft²; and square meters – m²:

(b) The imperial system of measurement is used throughout this By-law and in all cases represents the required standard. Metric measurements are approximate and for convenience only.

- In Part 9, within the chart in Subsection 9.2, replace the minimum front yard requirement of *15 ft (7.62 m)* with a minimum front yard requirement of 15 ft. (4.57 m) so that the chart appears as follows:

9.2 In the R-2 zone, no development permit shall be issued except in conformity with the following:

	Mobile homes and Mini homes		Two-unit dwellings	
	with municipal services	with on-site services	with municipal services	with on-site services
Minimum lot area	6,000 ft ² (557.40 m ²); 7,000 ft ² (650.30 m ²) for corner lots	29,000 ft ² (2,694.10 m ²)	3,500 ft ² (325.15 m ²)/unit	29,000 ft ² (2,694.10 m ²)/unit
Minimum lot frontage	50 ft (15.24 m)	100 ft (30.48 m)	30 ft (9.14 m)/unit	100 ft (30.48 m)/unit
Minimum front yard	15 ft (4.57 m)			
Minimum rear yard	25 ft (7.62 m)			
Minimum side yard	one side	6 ft (1.83 m)		
	other side	6 ft (3.05 m)		
Max. height of main building	35 ft (10.67 m)			

3. In Part 10, within the chart in Subsection 10.2, replace the minimum front yard requirement of 15 ft (7.62 m) with a minimum front yard requirement of 15 ft. (4.57 m) so that the chart appears as follows:

10.2 In the R-3 zone, no development permit shall be issued except in conformity with the following:

		Townhouse and triplex dwellings	Apartment buildings, residential care facilities
Minimum lot area		3,000 ft ² (278.70 m ²)/unit	10,000 ft ² (929.00 m ²) for the first 4 units; plus 1,500 ft ² (139.35 m ²) for each additional unit
Minimum lot frontage		30 ft (9.14 m)/unit	100 ft (30.48 m)
Minimum front yard		15 ft. (4.57 m)	15 ft. (4.57 m)
Minimum rear yard		25 ft (7.62 m)	35 ft (10.67 m)
Minimum side yard	one side	6 ft (1.83 m)	
	other side	5 ft (1.52 m)	
Maximum height of main building		35 ft (10.67 m)	3 storeys*
Maximum number of units per building		8	20

4. In Part 6, clause (q), delete the number 4.5.1 and replace it with the number 4.6.1, so that the clause reads as follows:

6.0 DEVELOPMENT AGREEMENTS

Developments to be considered by Development Agreement

6.1 The following developments may be considered only by development agreement in accordance with the *Municipal Government Act* and the Municipal Planning Strategy:

Hamlets, Agriculture and Resource

...

- (q) Local Commercial (LC), Hamlet Industrial (M-2) or Rural Commercial (RC) uses in existing non-residential buildings which exceed the commercial floor area limit in the Hamlet and Resource designations, in accordance with Policy 4.6.1 of the Municipal Planning Strategy;

APPENDIX E
Public Information Meeting Notes
September 6, 2022 (via Zoom) – September 23, 2022
File# 22-16A

West Hants Land Use By-law Amendments: Housekeeping

Meeting date and time	A public information meeting was held on September 6, 2022 beginning at 6:30 p.m. The meeting was broadcast live on the Municipal Facebook page.
File Number	22-06 A
Attending	Councillor Jim Ivey, PIM Chair Madelyn LeMay, Director, Planning and Development Mark Phillips, CAO PAC/HAC Members: Resident Bill Preston Resident Jennifer Nichols Councillor Debbie Francis Councillor John Smith Two members of the public were in attendance via Zoom.
Applicant none	Ms. LeMay outlined the proposed amendments which are intended to correct errors in the Land Use By-law related to the metric equivalent of front yard requirements in the Two-Unit Residential (R-2) Zone and the Multiple Residential (R-3) Zone and the reference to the West Hants Municipal Planning Strategy policy for uses in existing non-residential buildings which exceed the commercial floor area limit in the Hamlet and Resource designations.
Adjournment	The presentation portion of the PIM ended at approximately 6:37 p.m.; comments could be submitted by the public by mail, drop-off at the Municipal Office, e-mail and telephone to Ms. LeMay until noon, September 23, 2022.
PIM Submissions	No questions or comments were received during the Zoom meeting. No verbal or written submissions were received.