

L4C

STAFF REPORT

Presented To: Planning Advisory Committee
Prepared By: Dept. of Planning & Development
Date: October 21, 1985
Application No. PA-EP-11-85

PLAN AMENDMENTS RE -
EASTERN PASSAGE -
TWO UNITS ON A LOT


C. A. O'Neil
DIRECTOR

In accordance with the Committee's direction, the amendments to the Eastern Passage/Cow Bay planning strategy and land use by-law to accommodate Mr. Thomas Rehberg are attached.

Background:

Following a staff report dated September 6, 1985 and at the specific request of PAC, this report presents amendments to the Eastern Passage/Cow Bay municipal planning strategy which would permit a second residential structure to be located on a property. The rationale for PAC's request is to accommodate Mr. Thomas Rehberg, who constructed a second dwelling unit above a garage, in contravention of the building and land use by-laws.

Previously the PAC directed amendments in response to Mrs. Shannon Gladwin, another resident who is in violation of the by-laws. This resident installed a second mobile home on a lot, purporting that the home is a "temporary" measure only. As both situations involve placing a second residential use on a property, the attached amendments could accommodate both applicants if Council also approves the development agreements. Planning staff neither recommend the amendments to the plan and by-law nor any specific agreements for the two properties at hand.

The amendments would permit a second residential structure on any lot, subject to certain technical requirements.

These requirements are based on maintaining an interrelationship between the two dwelling units as well as maintaining, to the greatest possible extent, existing zoning standards. They would be enforced through a development agreement. Any proposal which can meet these requirements would be eligible for an agreement.

Staff can suggest no locational criteria which would guide Council in determining whether or not a particular site is appropriate.

A BY-LAW TO AMEND THE
EASTERN PASSAGE/COW BAY
MUNICIPAL DEVELOPMENT PLAN

The Eastern Passage/Cow Bay Municipal Development Plan is hereby amended by:

(a) inserting the following text immediately before Policy P-23:

Rental accommodation within the Plan Area is likely to be provided in smaller residential structures such as duplex and semi-detached dwellings as well as by basement apartments in conventional single unit dwellings. In order to provide the widest possible latitude in providing rental accommodation, particularly where a single unit dwelling already exists, a second dwelling unit will be permitted within a separate structure on a lot. In order to ensure compatibility with the surrounding area, these dwelling units will only be permitted through a development agreement.

(b) by adding the following policy immediately after Policy P-28:

P-28(a) In order to encourage that adequate rental accommodation is provided, it shall be the intention of Council to consider the establishment of a second residential dwelling unit in a structure separate from the main residential structure, according to the provisions of 33(2)(b) and 34 of the Planning Act. In considering such development agreements, Council shall have regard to the following:

- (i) that the zoning on the property permits two unit dwellings or mobile homes;
- (ii) that two dwelling units are not contained within the main building;
- (iii) that municipal water and sewer services are available;
- (iv) that the lot cannot be subdivided so as to accommodate a second residential structure;
- (v) that the sewerage and water services of the second dwelling unit are connected directly to those of the main building rather than provided by separate lateral connection to the main trunk lines;
- (vi) that the floor area devoted to the second residential dwelling unit does not exceed that of a normally permitted accessory building, unless the second unit is a mobile home;
- (vii) that were the second unit is a mobile dwelling or other temporary unit, the agreement specifies the time period during which the unit may remain on the property and the method by which the unit shall be removed; and
- (viii) that all other standards of the zoning by-law applicable to the main building are met.

(c) by adding the following as clause (c) to Policy P-87(i), (Uses Considered Subject to the Provisions of Sections 33(2)(b) and 34 of the Planning Act) within the Residential A or B Designations:

- (c) structures containing second dwelling units according to Policy P-28(a).

A BY-LAW TO AMEND THE
EASTERN PASSAGE/COW BAY ZONING BY-LAW

The Eastern Passage/Cow Bay Zoning By-law is hereby amended by:

(a) adding the following as clause (j) to Part 3.6:

(j) a separate structure containing a second dwelling unit on a lot in an R-2 Zone or R-3 Zone.

STAFF REPORT

TO: Planning Advisory Committee
 FROM: Department of Planning & Development

DATE: July 21, 1986

FILE NOS. SB-01-86
 ZA-SA-03-86
 ZA-CH/W-04-86
 ZA-EP/CB-05-86
 ZA-T/L/B-06-86
 ZA-LM-07-86

PROPOSED AMENDMENTS TO THE
 SUBDIVISION BY-LAW AND LAND
 USE BY-LAWS

[Signature]
 ACTING CAO

[Signature]
 MANAGER, POLICY DIVISION

RECOMMENDATION:

THAT PAC RECOMMEND TO COUNCIL THE APPROVAL OF THE AMENDMENTS TO THE SUBDIVISION BY-LAW AND LAND USE BY-LAWS AS OUTLINED IN APPENDICES A, B, C, D, E AND F OF THIS REPORT.

BACKGROUND

Section 4.3 of the Subdivision By-law requires that any remainder lot which occurs as the result of a subdivision application and for which no approval is requested, must meet the minimum lot area and lot frontage requirements of the By-law. These requirements are outlined in Section 12.1. Except in serviced areas, this generally means that remainder lots must have 100 feet of frontage.

A situation has recently come to light concerning roadway access for which these remainder lot provisions have created problems. This problem is related to the identification of future road entrances.

When subdividing land, subdividers are generally not permitted to create a situation in which the front portion of a lot is separated from the rear portion in a manner which leaves no lot frontage for the rear portion. In order to provide access to these backlands, subdividers often leave road entrance reserves along the existing public road from which a new road could be extended. The width of these reserves conforms to the requirements of the Department of Transportation, generally 66 feet.

Under the Subdivision By-law, however, such a road entrance reserve is not of sufficient width if it is the only frontage serving backlands. One of the results of this situation is illustrated in Figure No. 1, page 4.

In the example shown in Figure No. 1, all of the lots except Lot 5 have been approved. Approval for this lot is currently being sought. Such approval cannot, however, be given to this lot since the only lot frontage for Parcel "A" would be the 66 foot wide road entrance reserve which cannot meet the remainder lot provisions of the By-law.

The Department of Transportation has advised that it carries out a site investigation of these road entrances in terms of whether their location meets proper stopping site distances. In carrying out this evaluation, the Department of Transportation may require some additional information concerning cross sections and profiles in order to assure itself that acceptable grades can be met.

In cases where 100 feet of lot frontage has been left as a remainder, any evaluation of its suitability as a road entrance would be at the initiative of the applicant since the By-law requirements have been met. Quite clearly, simply leaving 100 feet of frontage has little regard to the longer term development potential of the backlands.

Even in situations where the remaining lot frontage is later approved for a roadway entrance, the Department of Transportation will usually take only what is necessary for a roadway, e.g., 66 feet. The remaining land must then be somehow dealt with, usually by adding it to another lot(s) since it cannot be approved separately.

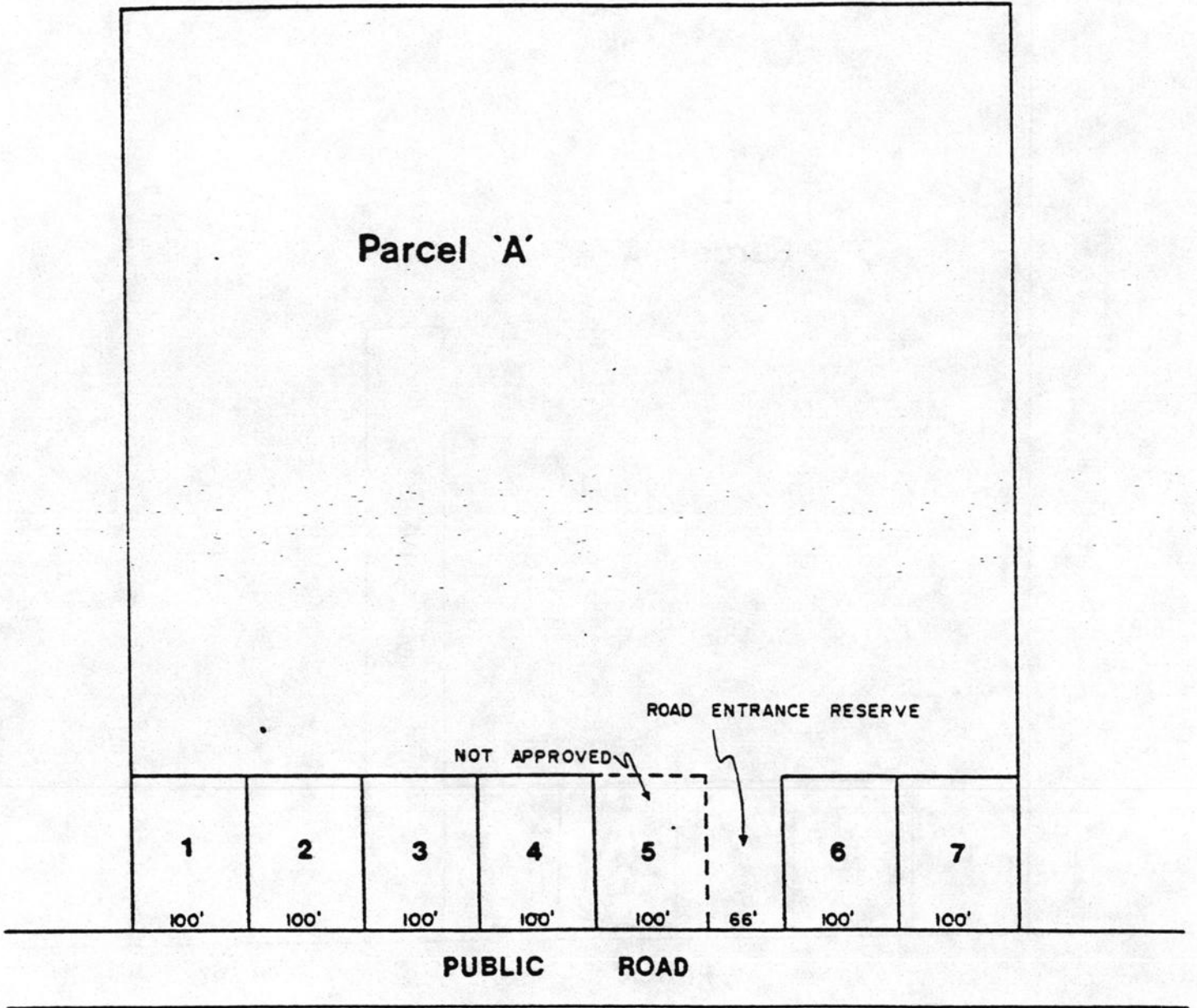
Since the subdivision and development of land often occurs in phases, the identification of future road entrances is a necessary element in this process. Therefore, such road entrances should be dealt with as separate entities rather than as simply providing the frontage for a lot. If the Department of Transportation approves a particular location as being a suitable entrance for a future road, this approval should be regarded in the same manner as if for an actual road. The width should be that which is acceptable to the Department of Transportation.

A similar situation could occur with respect to private roads. Unlike public roads, private roads remain the property of the subdivider rather than their ownership being transferred to the Department of Transportation. Since the Subdivision By-law does not contain any specific standards for private roads, they are treated as simply being another "lot". Therefore, they must have 100 feet of frontage, regardless of any lesser width being acceptable to the Department of Transportation. The private road shown in Figure No. 2, page 5, would not meet the requirements of the Subdivision By-law.

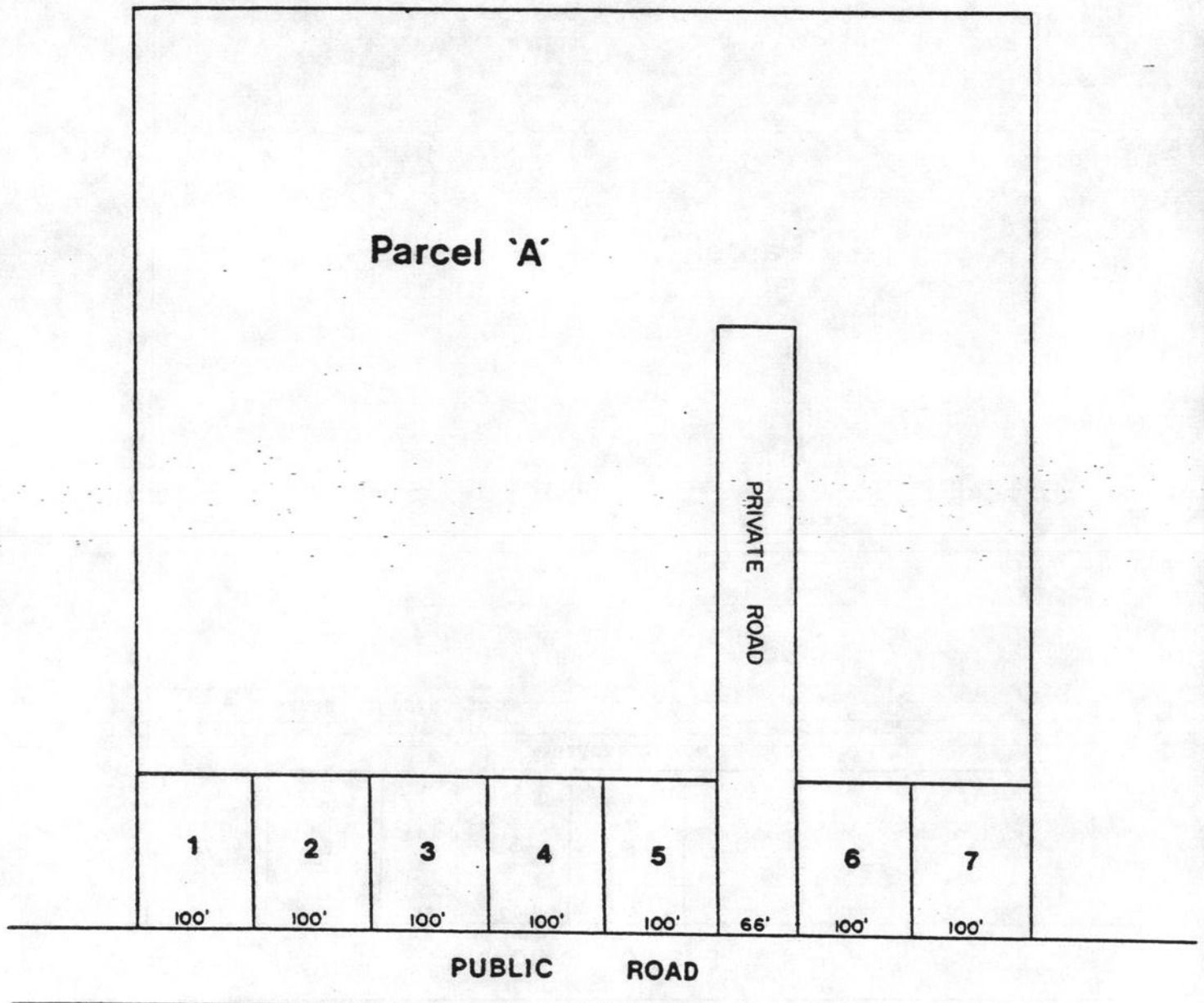
CONCLUSION

There is a need to recognize that road entrance reserves and private roads are legitimate elements in the design of roadway systems and are not lots in the normal sense of the word. As such, they should not be regarded as having to meet the various lot frontage provisions of the Subdivision By-law and land use by-laws, but rather, should be subject to meeting appropriate roadway standards.

Both the Subdivision By-law and land use by-laws should, therefore, be amended to require that portions of lots approved as road entrance reserves need only meet the requirements of the Department of Transportation.



Scale 1" = 132'



Scale 1" = 132'

APPENDIX "A"

A BY-LAW TO AMEND

THE SUBDIVISION BY-LAW

The Subdivision By-law for the Municipality of the County of Halifax is hereby amended by:

1. adding the following clause to Section 2.2 (Area of land definition) after the word "boundaries" in the first line:

"but shall not include a private road."

2. and by adding the following as Section 2.17B:

2.17B ROAD ENTRANCE RESERVE means the frontage which provides access to a public street or highway or private road from an area of land consisting of a minimum of five acres, and which entrance has been approved by the Department of Transportation for the purposes of a public or private road entrance reserve.

3. and by adding the following as Section 12.6 (d):

(d) Notwithstanding the lot frontage provisions of Section 12.1, a portion of a lot identified as a road entrance reserve shall meet the requirements of the Department of Transportation.

4. and by adding the following as Section 15.6 (g):

(g) where a road entrance reserve is shown the words, "Important Notice: The Department of Transportation has reviewed the proposed road entrance shown on this plan for compliance with site distance requirements only. There are no guarantees that it is feasible to build a road in this location which will meet the right-of-way, alignment, and gradient requirements of the Department of Transportation or of the Municipality".

APPENDIX "B"

A BY-LAW TO AMEND

THE ZONING BY-LAW FOR SACKVILLE

The Land Use By-law for Sackville is hereby amended by:

1. adding the following clause as Part 2.52A:

2.52A **ROAD ENTRANCE RESERVE** means the frontage which provides access to a public street or highway or private road from an area of land consisting of a minimum of five acres, and which entrance has been approved by the Department of Transportation for the purposes of a public or private road entrance reserve.

2. adding the following clause as Part 4.29:

4.29 Road Entrance Reserves

Notwithstanding the lot frontage provisions contained in this By-law, a portion of a lot identified as a road entrance reserve shall meet the requirements of the provincial Department of Transportation.

APPENDIX "C"

A BY-LAW TO AMEND
THE ZONING BY-LAW FOR
COLE HARBOUR/WESTPHAL

The Land Use By-law for Cole Harbour/Westphal is hereby amended by:

1. adding the following clause as Part 2.53A:

2.53A **ROAD ENTRANCE RESERVE** means the frontage which provides access to a public street or highway or private road from an area of land consisting of a minimum of five acres, and which entrance has been approved by the Department of Transportation for the purposes of a public or private road entrance reserve.

2. adding the following clause as Part 4.30:

4.30 Road Entrance Reserves

Notwithstanding the lot frontage provisions contained in this By-law, a portion of a lot identified as a road entrance reserve shall meet the requirements of the provincial Department of Transportation.

APPENDIX "D"

A BY-LAW TO AMEND

THE ZONING BY-LAW FOR

TIMBERLEA/LAKESIDE/BEECHVILLE

The Land Use By-law for Timberlea/Lakeside/Beechville is hereby amended by:

1. adding the following clause as Part 2.52A:

2.52A ROAD ENTRANCE RESERVE means the frontage which provides access to a public street or highway or private road from an area of land consisting of a minimum of five acres, and which entrance has been approved by the Department of Transportation for the purposes of a public or private road entrance reserve.

2. adding the following clause as Part 4.31:

4.31 Road Entrance Reserves

Notwithstanding the lot frontage provisions contained in this By-law, a portion of a lot identified as a road entrance reserve shall meet the requirements of the provincial Department of Transportation.

APPENDIX "E"

A BY-LAW TO AMEND
THE ZONING BY-LAW FOR
EASTERN PASSAGE/COW BAY

The Land Use By-law for Eastern Passage/Cow Bay is hereby amended by:

1. adding the following clause as Part 2.52A:

2.52A ROAD ENTRANCE RESERVE means the frontage which provides access to a public street or highway or private road from an area of land consisting of a minimum of five acres, and which entrance has been approved by the Department of Transportation for the purposes of a public or private road entrance reserve.

2. adding the following clause as Part 4.31:

4.31 Road Entrance Reserves

Notwithstanding the lot frontage provisions contained in this By-law, a portion of a lot identified as a road entrance reserve shall meet the requirements of the provincial Department of Transportation.

APPENDIX "F"

A BY-LAW TO AMEND

THE ZONING BY-LAW FOR

NORTH PRESTON, LAKE MAJOR, LAKE LOON/CHERRY BROOK AND EAST PRESTON

The Land Use By-law for North Preston, Lake Major, Lake Loon/Cherry Brook and East Preston is hereby amended by:

1. adding the following clause as Part 2.61A:

2.61A **ROAD ENTRANCE RESERVE** means the frontage which provides access to a public street or highway or private road from an area of land consisting of a minimum of five acres, and which entrance has been approved by the Department of Transportation for the purposes of a public or private road entrance reserve.

2. adding the following clause as Part 5.37:

5.38 Road Entrance Reserves

Notwithstanding the lot frontage provisions contained in this By-law, a portion of a lot identified as a road entrance reserve shall meet the requirements of the provincial Department of Transportation.

PUBLIC MEETING - MOBILE HOME PARK BY-LAW

SEPTEMBER 23, 1986

PRESENT WERE: Warden MacKenzie
Councillor Walker
Councillor Poirier
Councillor P. Baker
Councillor C. Baker
Councillor Deveaux
Councillor DeRoche
councillor Randall
Councillor Bayers
Councillor Reid
Councillor Lichter
Councillor Snow
Councillor Merrigan
Councillor MacKay
Councillor McInroy
Councillor Eisenhower
Councillor MacDonald
Deputy Warden Wiseman
Councillor Mont

ALSO PRESENT: Mr. K.R. Meech, Chief Administrative Officer
Mr. R.G. Cragg, Municipal Solicitor
Mr. J.C. Hefler, Chief Building Inspector
Ms. Valerie Spencer, Manager, Policy Division
Mr. B. Butler, Planner

SECRETARY: Glenda Higgins

Warden MacKenzie called the public meeting to order at 7 p.m. He advised the purpose of the meeting was to allow the public to voice their concerns about the draft Mobile Home Park By-law before it is presented to the Department of Municipal Affairs for final adoption. He called upon Mr. Butler to present the draft by-law to Council.

Mr. Butler informed in June, 1983 when preparation of the by-law began there were approximately 3,400 mobile homes located within the County, representing approximately 10 percent of the housing stock. Approximately 70 percent of the mobile homes are located in 20 mobile home parks throughout the Municipality. One-half of these parks have undergone some expansion since 1983. There is definitely a need and a demand for mobile home parks within the Municipality.

Mr. Butler continued that the Mobile Home Park By-law is the result of much work, many public meetings, and a number of re-written drafts. This by-law will replace the 1972 Mobile Home Park By-law, which not only dealt with mobile home parks, but also single mobile homes, seasonal sporting parks and campgrounds, and mobile home sales. The adoption of the proposed by-law should also be accompanied by an

amendment to the Building By-law, which would make clear that individual mobile homes fall under the jurisdiction of the Building By-law.

The new by-law will apply to the entire Municipality, and within existing plans and in the plans currently underway, it appears the development of mobile home parks will be controlled by development agreements; however, that should not minimize the importance of this by-law because it will be the basis for the development agreements, establishing the procedures and standards of the development of these parks.

This by-law will not entirely satisfy everybody concerned. The Planning Advisory Committee have had two primary concerns with respect to this by-law. These are the amount of retroactivity of the by-law and the cost of development. It became quite clear that the people in existing parks would not be satisfied that a new by-law only apply to new or expanded parks because they also wanted the improvements as required in the new by-law. The Planning Advisory Committee was faced with the task of trying to find a balance between what services would be required in a park knowing they would cost money, and getting too excessive to the point where it would prohibit the development of parks.

Mr. Butler stated that Part 3.2 of the by-law establishes that Parts 9 and 10 will be retroactive in their application. Some of the provisions that will apply to existing as well as new mobile home parks include the location and relocation of mobile homes. It is required that new mobiles must be 15 feet from an adjacent one. Some of the present parks have smaller lot sizes, so if a mobile is moved out, a new one moving in may not be able to maintain the new 15 foot clearance. Therefore, the space will be left vacant, and there will be room to upgrade the existing parks. There must be an annual inspection by the Nova Scotia Power Corporation with respect to electrical services within the park and an annual inspection of the water and sewer services within the park. Within new and existing parks several services are required to be provided. These include garbage collection, snow plowing, the erection of speed limit signs, and a potable water source must be provided. These provisions apply to the mobile home park owner, and the mobile home owner will be responsible to provide skirting; within an expansion the skirting must be placed within 45 days of the location of the mobile; within existing parks, the skirting must be built within one year of the adoption of the by-law. The construction of accessory buildings and the location of business uses are also subject to the provision of the by-law with existing and new parks.

Development costs which resulted in considerable discussion at the Planning Advisory Committee included survey costs in the initial preparation of plans for a new park or an expansion to an existing park. The by-law presently requires that a boundary of the entire area of the new park must be surveyed as must the roads. It was felt by the Planning Advisory Committee that the surveying of individual lot spaces was too expensive. Street lighting will be required within new and

expanded parks, and within existing parks it is at the option of the owner whether he provides this service. It can only occur where there is an area rate to cover the costs. Water and sewer services will be required within new or expanded parks. Where they connect to the municipal systems, they will be required to be installed according to the general specifications for water and sewer for a subdivision. The same also holds for storm drainage. Recreation space is required within new and expanded parks. This has been a major argument put forth by residents of existing parks because it is felt there is not enough. The new by-law will require either 5 percent of the land being developed or 4,000 square feet as a minimum.

The new Mobile Home Park By-law is based on three permits: 1) mobile home park construction permit, 2) mobile home operating permit, and 3) mobile home permit. The mobile home park construction permit will be required for any developer proposing a new park or an expansion to an existing park. In order to obtain this permit there are requirements that the plans for the development must be shown, as well as the construction standards.

The mobile home park operating permit is required of new and existing parks which must be renewed annually. The Nova Scotia Power Corporation must do a check of the electrical system, the water and sewer services must meet the requirements of the Engineering Department or the Department of Health and/or Environment, and the mobiles and mobile home stands must all be installed according to the by-law. All these requirements must be met in order to obtain the annual mobile home park operating permit.

The mobile home permit is required for the location or relocation of mobile homes within existing and new parks. It will be required of both the mobile home park owner, if he is developing the park, as well as the mobile home owner if he is going to put an addition on the home or establish an accessory building.

Mr. Butler concluded that the new by-law is the result of three years of effort by the Planning Advisory Committee which will hopefully provide a better living environment to a large proportion of the Municipality's residents.

Councillor C. Baker asked if the existing mobile home parks presently have all the services that will be required under the new by-law. Mr. Butler informed some of the parks may not have all these services, but within the by-law for existing parks, it will be required that all these services be provided. Street lighting will be required only in new parks, and it will be the option of the owner of existing parks. The existing parks are not required to implement street lighting because of the cost involved.

Councillor C. Baker asked for further clarification of the requirement for play areas. Mr. Butler informed the 5 percent only applies to new parks and the expansion of existing parks. It would not be retroactive in its application.

Councillor MacDonald noted that street lighting in mobile home parks is now provided as it is in new subdivisions. If the poles are up, the street lights are provided. People in mobile home parks pay a street light rate to the County, as well as one to the mobile home park owner through the lot rent. Mr. Butler stated the by-law is clear that existing parks without street lights who have them implemented will have to pay an area rate, as in a subdivision.

Councillor MacDonald noted many mobile home parks are not up to standards electrically. He asked what the requirements are with respect to electrical inspections and the mobile home operating permit, and if there is a time limit to give people a chance to upgrade the electrical standards. Mr. Butler replied the Nova Scotia Power Corporation had expressed concern with some of the mobile home parks particularly with respect to underground wiring; they are not enthused about this. The by-law allows that the owner annually obtain an inspection or a written confirmation from the Corporation stating that the mobile home park's electrical services are satisfactory or that the owner of the park is presently in the process of an upgrading program for the electrical services within the park. The Planning Advisory Committee felt this type of phasing-in approach would be more acceptable than having all parks upgraded within one year. The Nova Scotia Power Corporation is also more satisfied with this.

Councillor Eisenhower expressed preference for the word "replacement" rather than location and relocation of a mobile home. Mr. Butler assured replacement is included under the term relocation, and for existing parks it is recognized that maintaining the 15 foot clearance from adjacent mobile homes may present a problem in some parks with smaller lots. If this is true, the opportunity is provided to improve the density of the park. The Planning Advisory Committee felt while this may create a hardship, it will be worthwhile in the long run, improving the overall park.

Councillor Eisenhower asked if the by-law addresses what must be done with the mobile home being disposed of. Mr. Butler informed the by-law does not take the disposal of mobile homes into consideration.

Elizabeth Publicover expressed many difficulties and questions with respect to the new by-law. With regard to Section 3.2, page 3 of the new by-law, Mrs. Publicover noted that different people have stated the new by-law will apply to existing parks; however, she felt this section would exempt existing park occupants from the by-law. She asked that this section be clarified. She noted the intent is not to exempt these people, but felt this section reads incorrectly. Warden MacKenzie advised Mrs. Publicover her concerns would be noted and taken back to the Planning Advisory Committee for discussion.

With respect to Sections 9.3, 11.6, and 11.7, Mrs. Publicover felt these sections ask for a duplication of electrical inspections whereby both the park owner and the building inspector will require inspections.

Councillor Eisenhauer asked if there is any other way more feasible to have this annual inspection done without the necessity to pay the high rates are required by the Nova Scotia Power Corporation. He suggested the Municipality have their own inspector do this inspection. Mrs. Publicover stated it would have to be an electrical inspector from the Nova Scotia Power Corporation. They have informed her they know what is right and wrong in each of the parks from recent investigations. However, she did not know how the cost could be cut. The electrical enclosures each have to be looked at - some of them do not even have covers. There is also a minimum height for the poles, and many do not meet that requirement. This will all cost money because many requirements will have to be adhered which will require many repairs and much upgrading.

Mrs. Publicover also questioned if the six month period allowed in Section 11.2 would be sufficient with the requirement for all the electrical inspections, etc.

Councillor MacDonald clarified that all electrical hook-ups are by overhead wiring now. Mrs. Publicover agreed adding there is sometimes a problem with the location of poles and the wires cannot be strung over the roof of the mobile. Mrs. Publicover again expressed concern about the six month period not being enough time to get all the electrical inspections done. She also suggested the permits be issued on an annual basis from the first of May to the end of April rather than from the first of January to the end of December. People will want to get their inspections done as close to the deadline as possible and the end of December will make it difficult through the snow and winter conditions.

The next concern Mrs. Publicover was with Section 9.7, page 7. She stated many of the sewerage connections presently do not have caps, and they should also be child-proof caps. There has been a problem with children and teenagers taking caps off the sewerage connections and causing sewerage back-ups. She also felt the water connections should also be capped; only the sewer connection is referenced in the by-law.

Mrs. Publicover felt Section 10.1, page 8 with respect to cleanliness and appearance of the mobile home space is vague. She stated what is clean and tidy to one person may not be to another, although the by-law should not be full of too many rules and regulations. Warden MacKenzie suggested it may be rather difficult to clarify this section any further.

Section 10.7, page 8 refers to the street numbering for identification purposes, and Mrs. Publicover asked if there would be an official register with the Municipality for this. She felt somebody may want to change the numbers and street names, and they might go ahead and do it without contacting the Municipality. Mr. Butler informed the numbering and naming of streets will take place at the time of development of the park, as does a subdivision development. All information would be kept with the Policy Division, and application must be made to the Municipality before any such changes could be made.

With respect to skirting a mobile home [Section 12.1 (b)(i)], Mrs. Publicover asked if chipboard would be acceptable. She stated chipboard is very good for skirting because when looked after properly, it is not necessary to replace it. She asked if plywood would be necessary for replacement of skirting should it be required. Mr. Butler informed the skirting would have to apply to CSA standards. Otherwise, the only requirement would be to make it look nice; the inspectors would not be irrational when considering chipboard for skirting. He felt this should not be a concern.

Mrs. Publicover stated the Canadian Plumbing Code calls for certain criteria up to the risers, but from the ends of the risers to the end of inlet/outlet there is nothing in particular required [Section 12.2(a)(iii)]. Neither is there anything respecting an approved connection. Some people disconnect and connect their water and sewer. They usually disconnect the waterline when in freezes to thaw it out. This leaves the pipe completely open. Often the heat tape does not work, and people must thaw the lines. She informed she has written to the manufacturer, the CSA, and the chief electrical inspector about the problem with heat tape. She felt there should be a requirement for a connection that could not be easily removed. Mr. Hefler informed the Plumbing Code only refers to building construction only. There is some concern as expressed by Mrs. Publicover. The plumbing inspector now does the inspections to the house line and the Engineering Department inspects the connections beyond the house line. He noted the previous section of the by-law requires that before the permit for the park is issued there must be approval from the Nova Scotia Power Corporation and the Engineer in areas in which a parks enters into the municipally owned sewer. Mr. Hefler informed he would look further into, expecting the requirements for a mobile home park would be similar to a development of any other kind. Mrs. Publicover noted the plumbing for a mobile home is all above-ground, but connections to a home are via service pipes directly into the house.

If there are lots without 15 feet between the mobile homes, Mrs. Publicover asked if there will be any requirement to have the water and sewer outlets and electrical enclosures removed. She expressed concern about leaving the lines open allowing germs and bacteria to get into them. Mr. Butler advised the by-law calls for capping provisions, but Mrs. Publicover was not satisfied with that requirement. She felt there should be further restrictions. Mr. Butler informed her concerns would be addressed with the Planning Advisory Committee.

Nino Chiarot addressed the concerns of the Harrietsfield/Williamswood Ratepayers Association as outlined in a letter he had circulated to Councillors. He informed their concerns were more community-oriented and the impact of the by-law on the mobile home park communities.

Mr. Chiarot's concerns began with Section 6.1, page 4 with the procedure for preliminary plan evaluation. He suggested the Development Officer should also forward a copy of all material received pursuant to Part 5 to the School Board of Trustees for the area and the Fire Chief in order to ensure awareness of the impact of a high

density city development will have on school facilities and will also ensure readiness within the fire and rescue department in the event of an emergency.

Mr. Chiarot's second concern was with respect to Section Section 11.6. He felt there should be an additional clause including the fire chief, stating the proper access, street identification, and lot numbering are in place. He felt this would ensure efficiency in emergency operations.

With respect to Section 11.8, it was felt a third paragraph should be added to ensure that a mobile home operation permit would not be issued without the inspector's satisfaction that adequate access, street identification, and numbering are in place. This would be consistent with the previous concern and suggested amendment.

Mr. Chiarot suggested that Section 12.2 (b) be amended to require a mobile home to be located a minimum of thirty (30) feet from any public street or highway. He felt this would be consistent with the location of other residential dwellings.

With respect to recreation space, Mr. Chiarot proposed an addition of three paragraphs which would bring the subject of recreation in line with other types of high density developments. It would also partially satisfy the ever increasing demand for recreation facilities and improve the quality of life within a mobile home park. It would also ensure the presence of the Municipal Authorities in planning this type of development and the use of recreation space.

With respect to the amendment suggested to Section 12.2 (b) (i), Mr. Chiarot suggested that Part 5 (b) of Schedule "A" also be amended to read to read "to a minimum distance of 30 feet or 9 metres beyond each public street or highway and 20 feet or 6 metres beyond any park street."

Mr. Butler informed Mr. Chiarot that all his concern would be taken up with the Planning Advisory Committee and discussed for consideration.

Frank Sutherland expressed congratulations to the Planning Advisory Committee and staff for bringing the draft by-law to this stage, and he expressed support for the attempted proposals with the proposed new by-law. However, he also expressed concern with what is happening with the existing parks. More particularly, he noted Part 5.1 (c), (d), (e), and (f). He felt many of these records are probably not on file with the County for existing mobile home parks. He suggested this should be brought in with very little expense to the park owner. There are probably very few parks with their outside boundaries identified. There are areas identified in this section that could fall into the transition period, and it is not explicit in the by-law as to how and when these things will be made available. Mr. Sutherland felt there would still be some improvements made to the existing parks.

Councillor MacDonald asked that a member of the RCMP be present at this meeting to comment on the policing problems in mobile homes parks.

Sergeant Wayne Bishop of the Cole Harbour detachment of the RCMP advised there have been problems with activities in some of the mobile home parks. He felt the majority of the problems are dealing with motorbikes, All Terrain Vehicles, etc. Sergeant Bishop informed the RCMP do not have a contract to enforce by-laws, although the loitering by-law may be enforced from time to time. Unless they are directed to enforce these by-law by the Attorney General, they are not required to do so. The Protection of Property Act (provincial) can be enforced without too much difficulty if the park owner posts signs in reference to no motorbikes, all terrain vehicles etc. allowed in the park, posted speed limits within the park, etc. The Private Property Act states "... engages in an activity which is prohibited from the premises by notice." Sergeant Bishop informed all prohibitions would have to be posted before they could be enforced by the RCMP, and he suggested they be posted at the entrance of the park. He felt the by-law does not require any amendments because most problems in mobile home parks could be covered under the Private Property Act.

Councillor MacDonald informed the Planning Advisory Committee had received a letter from Superintendent Penny stated that if proper signs were posted in the park, the RCMP would do their best to enforce them. He stated the by-law requires the mobile home park owners to post the signs so the RCMP will have the authority to enforce the Private Property Act. Sergeant Bishop questioned Councillor MacDonald's information, stating that the signs which the RCMP enforce are placed on the roadways by the Traffic Authority, and the mobile home parks are privately owned with no traffic authority. Councillor MacDonald stated the signs simply have to be erected to be enforced because the Private Property Act refers to mobile home parks. Sergeant Bishop informed he would look further into this.

Councillor Merrigan questioned the meaning of notice. He was of the understanding that giving proper notice within a mobile home park had to be in writing in the entrance to the park - a stop sign or speed sign within the park would not be acceptable, but there had to be a posted notice at the entrance of the park noting that all stop signs, speed signs, etc. had to be obeyed within the park. Sergeant Bishop expressed agreement with Councillor Merrigan such notice should be given at the entrance of the mobile home park. However, the Private Property Act is not so specific stating that "... the sign shall be posted so it is clearly visible in daylight under normal conditions from the approach to each usual point of access to the premises to which it applies." Councillor Merrigan clarified if it is to be assured that speed limits, etc. are enforced, there should be a requirement within the Mobile Home Park By-law that such notices be installed at the entrance of the park.

Councillor DeRoche advised that Council is trying to assume jurisdiction where it presently has none. With respect to the signs outlined within the draft by-law, they are there as an accomodation. Representation was made to the Planning Advisory Committee from the RCMP, indicating the Protection of Private Property Act could be enforced within

enforced within mobile home parks subject to certain conditions. Such conditions were included in the by-law as indicated by the RCMP representation at the Planning Advisory Committee meeting, unless it was not within the jurisdiction of the Municipality to do so. He continued that the Planning Advisory Committee were advised by senior representatives of the RCMP that the Protection of Private Property Act could be utilized subject to certain conditions, but it is not the Municipality's intent to use this by-law for the enforcement of a Provincial Statute. He concluded the Municipality is simply putting into the by-law factors which are appropriate and reasonable throughout the entire by-law.

Councillor Deveaux asked if something was received in writing from the senior officers of the RCMP stating this could be carried out within mobile home parks, he questioned if that information was ever passed onto other members of the force. He stated somebody often says they will take care of something by the others are not told and do not know it is their jurisdiction to do so. Sergeant Bishop informed the RCMP do not have the authority under the Motor Vehicle Act, and nothing has been received by way of correspondence from his superiors with respect to this. He informed he would address the issue in correspondence to Superintendent Penny.

There was much discussion concerning RCMP protection of mobile home parks, signage, etc. Councillor DeRoche informed all the matters discussed tonight would be addressed by the Planning Advisory Committee. Councillor Merrigan stated he would like to see the letter which was referenced by Councillor MacDonald. He stated police protection is important and before he could support the by-law without any further reference to police protection, he would have to see the letter from Superintendent Penny. Mr. Butler agreed to check into this, and have a copy of the letter sent to Councillor Merrigan. Councillor MacDonald felt the concerns were covered in Section 13.11 (c). It was agreed to discuss these at the Planning Advisory Committee level.

ADJOURNMENT

It was moved by Councillor DeRoche, seconded by Councillor Deveaux:

"THAT this public meeting adjourn."
MOTION CARRIED

The meeting adjourned at 8:30 p.m.

A BY-LAW TO AMEND THE BUILDING BY-LAW

The Building By-law of the Municipality of the County of Halifax is hereby amended by:

- (a) deleting from Section 2 (b) the words "but does not include a mobile home as defined in the Zoning By-law of the Municipality" ; and
- (b) inserting immediately following Section 6 the following:
 - 6A (1) No person shall locate or occupy a mobile home outside a mobile home park, or cause or permit the same to be so located or occupied, without having first obtained a written permit therefor from the inspector, provided that a mobile home may:
 - (a) be parked in the yard of any residential premises for a period not exceeding three weeks at any one time; or
 - (b) be parked in the yard of the residential premises of the owner thereof, if in either case it is not while so parked used for living or eating purposes or for the carrying on of any business.
 - (2) Unless a mobile home situate outside of a mobile home park has been located in accordance with the provisions of Subsection (1), no person shall permit a mobile home, whether or not occupied, to remain on any property assessed to him by the Municipality of the county of Halifax for a period of more than seven days after notice to remove the same has been given to him by the Building Inspector.
 - (3) Notice under Subsection (2) may be served on the assessed owner personally or by registered mail addressed to him at the address shown on the Assessment Roll and if served by registered mail shall be deemed to have been served on the fifth day after the day of mailing.
- 6B (1) No addition shall be built onto or become a part of any mobile home located or occupied under this Part.
- (2) Notwithstanding the provisions of Subsection (1), an addition may be built onto a mobile home located and occupied under this Part where such addition is a foundation or is for use as a porch, sundeck or storage space and of a size and design approved by the inspector.
- (3) Notwithstanding the provisions of Subsection (1), a single car garage or carport may be erected on the lot on which a mobile home is located under this Part of a size and design approved by the inspector.

6C Notwithstanding the provisions of this or any other By-law or Regulation of the Municipality, a single family dwelling may be erected on a lot on which is located a single occupied mobile home, provided that such single family dwelling shall not be occupied as a residence for more than thirty days while the mobile home is located on the lot.

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Municipal Council of the Municipality of the County of Halifax held on the _____ day of _____, 1986.

GIVEN under the hand of the Municipal Clerk and under the corporate seal of the said Municipality this _____ day of _____, A.D. 1986.

GERARD J. KELLY
Municipal Clerk



Municipality of the
County of Halifax

MOBILE HOME PARK BY-LAW

DRAFT

**AUGUST
1986**

THE MUNICIPALITY OF THE COUNTY OF HALIFAX

DRAFT

MOBILE HOME PARK BY-LAW

AUGUST 1986

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AUGUST 1986

MOBILE HOME PARK BY-LAW

PART 1: TITLE

This By-law may be cited as the "Mobile Home Park By-law" of the Municipality of the County of Halifax.

PART 2: DEFINITIONS

In this By-law the word "shall" is mandatory and not permissive. Words used in the present tense shall include the future. Words used in the singular number shall include the plural and words used in the plural number shall include the singular, unless otherwise indicated. All other words shall carry their customary meaning except those defined hereinafter.

- 2.1 ACCESSORY BUILDING means any building or structure which is constructed or otherwise placed on a mobile home space and is used exclusively as a use which is accessory to the use of the mobile home as a dwelling.
- 2.2 ADDITION means any deck, enclosed space, stairway or wheelchair ramp and any similar structure which is attached to the mobile home or otherwise added onto the mobile home space and shall exclude the foundation and skirting of the mobile home.
- 2.3 APPLICANT means the mobile home park owner or designated agent as the case may be.
- 2.4 COUNCIL means the Council of the Municipality of the County of Halifax.
- 2.5 DEVELOPMENT OFFICER means the Development Officer of the Municipality of the County of Halifax.
- 2.6 ENGINEER means the Director of the Department of Engineering and Works of the Municipality of the County of Halifax.
- 2.7 FRONTAGE means the frontage of the mobile home space as measured at a distance of fifteen (15) feet from a park street or twenty (20) feet from a public street or highway.
- 2.8 INSPECTOR means the Chief Building Inspector of the Municipality of the County of Halifax.
- 2.9 LAND SURVEYOR means a land surveyor who is a registered member, in good standing, of the Association of Nova Scotia Land Surveyors.

- 2.10 MOBILE HOME means a single or multiple section manufactured dwelling unit that is:
- a) designed to be transportable, whether or not it is equipped with wheels; and
 - b) used as a dwelling for one (1) or more persons, but shall not include a travel trailer, school bus, recreational vehicle or trailer otherwise designed.
- 2.11 MOBILE HOME OWNER means the owner of a mobile home located within a mobile home park.
- 2.12 MOBILE HOME PARK means a lot or area of land which contains two (2) or more mobile home spaces and includes any service building and services used as part of the equipment of the mobile home park.
- 2.13 MOBILE HOME PARK DEVELOPMENT means the construction of a new mobile home park and any expansion of an existing mobile home park.
- 2.14 MOBILE HOME PARK OWNER means the owner of a mobile home park.
- 2.15 MOBILE HOME SPACE means a parcel of land which is developed to accommodate one (1) mobile home within a mobile home park.
- 2.16 MOBILE HOME STAND means that portion of a mobile home space upon which a mobile home is directly situated.
- 2.17 MUNICIPAL SERVICES SYSTEMS GENERAL SPECIFICATIONS means the latest edition of the specifications approved by a resolution of the Council and containing the minimum engineering and other specifications for all municipal water and sewerage services.
- 2.18 MUNICIPAL WATER AND SEWERAGE SERVICES mean any water distribution and/or sanitary sewerage system that is owned and maintained by the Municipality of the County of Halifax.
- 2.19 PARK STREET means a street situated within a mobile home park, which is not a public street or highway owned and maintained by the Nova Scotia Department of Transportation, and shall also include any privately owned access road leading from a public road to a mobile home park.
- 2.20 PEACE OFFICER means a police officer, including a member of the Royal Canadian Mounted Police, a police officer or by-law enforcement officer appointed by the Municipality, a police officer appointed by the Attorney General, or a motor vehicle inspector.
- 2.21 PROFESSIONAL ENGINEER means a registered or licensed member, in good standing, of the Association of Professional Engineers of Nova Scotia.
- 2.22 RECREATIONAL VEHICLE means a vehicular portable structure with motive power and an overall width not exceeding eight and one half (8.5) feet.

- 2.23 SERVICE BUILDING means any building or structure which is constructed or otherwise placed within the mobile home park and is used or intended to be used as part of the services or equipment of the mobile home park.
- 2.24 SKIRTING means the enclosure around a mobile home that serves to screen and protect the crawl space underneath the mobile home.
- 2.25 STORM SEWERAGE SYSTEM means a system receiving, carrying and controlling stormwater and surface run-off and which may include pipes, conduits, catchpits, culverts, ditches, watercourses, roadways and retention ponds.
- 2.26 TRAVEL TRAILER means a vehicular portable structure without motive power and an overall width not exceeding eight and one half (8.5) feet.

PART 3: APPLICATION AND ADMINISTRATION

- 3.1 This By-law shall apply to the development and maintenance of all new mobile home parks and all expansions to existing mobile home parks within all of the Municipality.
- 3.2 Notwithstanding Section 3.1, Part 9 and Part 10 of this By-law shall also apply to mobile home parks existing on the effective date of this By-law, except where mobile homes were located on the parcel of land prior to any requirement that permits be issued for such uses under any previous by-law or regulation.
- 3.3 Parts 5, 6, 7, 8 and 13 of this By-law shall be administered and enforced by the Development Officer.
- 3.4 Parts 9, 10, 11 and 12 of this By-law shall be administered and enforced by the Inspector.
- 3.5 Section 14.3 of this By-law shall be administered and enforced by a peace officer.

PART 4: GENERAL REQUIREMENTS

- 4.1 Nothing in this By-law shall exempt any person from obtaining any licence, permission, permit, authority or approval required by any other by-law or regulation of the Municipality or any statute and regulation of the Province of Nova Scotia.
- 4.2 Where the provisions of this By-law conflict with those of any other Municipal or Provincial regulation, by-law or code, the higher or more stringent requirements shall prevail, except that the provisions of a development agreement pursuant to a municipal planning strategy and land use by-law shall always prevail.
- 4.3 Mobile homes shall meet the Canadian Standards Association's Z240 set of standards with the exception of those mobile homes already located in mobile home parks or purchased prior to the effective date of this By-law.

PART 5: PRELIMINARY PLAN EVALUATION

- 5.1 Any person proposing a mobile home park development may submit to the Development Officer eight (8) copies of a preliminary plan or sketch showing or together with the following information and documentation:
- a) the approximate dimensions and area of the mobile home park and of each proposed mobile home space;
 - b) the approximate location, dimensions and name of all existing and proposed park streets and of all abutting public streets and highways;
 - c) a schematic of the proposed water distribution, sanitary sewerage and storm drainage systems including topographical information;
 - d) the approximate location and dimensions of all existing rights-of-way, easements, railway lines, utility lines and all accesses to existing park streets and public streets and highways;
 - e) the approximate location, dimensions and area of land to be reserved for recreation purposes;
 - f) the approximate location of any watercourse, swamp, prominent rock formation, wooded area, area subject to flooding and any other prominent natural feature which might affect the number of mobile home spaces, the provision or layout of sanitary sewerage systems, storm sewerage systems, water distribution systems, park streets and public streets or highways;
 - g) the North Point; and
 - h) a key plan, located on the top right-hand corner of the plan and showing the general location of the proposed mobile home park with respect to the community within or closest to which it is located.

PART 6: PROCEDURE FOR PRELIMINARY PLAN EVALUATION

- 6.1 The Development Officer shall, if applicable, forward a copy of all material received pursuant to Part 5 to:
- a) the Nova Scotia Department of Health;
 - b) the Nova Scotia Department of the Environment;
 - c) the Nova Scotia Power Corporation;
 - d) the Nova Scotia Department of Transportation;
 - e) the Engineer;
 - f) any other department or agency deemed necessary by the Development Officer in order to evaluate the design, environmental, planning and public safety aspects of the proposed mobile home park development.

- 6.2 The Development Officer shall advise the applicant in writing of all departments and agencies which have not responded within thirty (30) days of the date on which the preliminary plan was forwarded.
- 6.3 When the Development Officer has received the written comments of all applicable agencies pursuant to Section 6.1, the Development Officer shall provide an evaluation and forward a copy of the evaluation and all comments received to the applicant.

PART 7: PLAN REQUIREMENTS FOR THE DEVELOPMENT OF A MOBILE HOME PARK

- 7.1 Any person proposing a mobile home park development shall submit to the Development Officer eight (8) copies of a plan showing or together with the following information and documentation:
- a) the name and address of the applicant, and if the applicant is not the owner of the mobile home park, the name of the owner;
 - b) a survey of the mobile home park boundary showing the dimensions and total area of land to be developed as a mobile home park, which shall be certified and stamped by a Nova Scotia Land Surveyor in accordance with the Nova Scotia Land Surveyors Act and the regulations made thereunder;
 - c) a survey of the mobile home park streets which shall be certified and stamped by a Nova Scotia Land Surveyor in accordance with the Nova Scotia Land Surveyors Act and the regulations made thereunder;
 - d) the location, boundaries, dimensions and total area of each proposed mobile home space, park street and recreation area drawn to a scale within the range of 1 inch = 400 feet to 1 inch = 40 feet;
 - e) the frontage of each mobile home space drawn to scale, with each mobile home space numbered for identification purposes;
 - f) the location and dimensions of existing park streets within and adjacent to the proposed mobile home park development and the location of public streets or highways;
 - g) the location and dimensions of all existing rights-of-way, easements, railway lines, utility lines and accesses to all existing park streets and public streets or highways;
 - h) the approximate location of all existing and proposed structures on the land to be developed as a mobile home park;
 - i) the location of any watercourse, swamp, prominent rock formation, wooded area, area subject to flooding and any other prominent natural feature which might affect the number of mobile home spaces or the provision or layout of sanitary sewerage systems, storm sewerage systems, water distribution systems, park streets and public streets or highways;

- j) a key plan, located on the top right-hand corner of the plan and showing the general location of the proposed mobile home park with respect to the community within or closest to which it is located;
 - k) the date on which the plan was drawn;
 - l) the scale to which the plan is drawn;
 - m) the North Point;
 - n) any other information deemed necessary by the Development Officer to determine whether the plan conforms to this By-law.
- 7.2 In addition to the requirements of Section 7.1, the applicant shall provide four (4) copies of a drainage plan and engineering drawings of the proposed water distribution, storm sewerage, sanitary sewerage and park street systems.
- 7.3 Drainage plans and engineering drawings shall contain information as described in Schedule "A" of this By-law.
- 7.4 Engineering designs and drawings shall be prepared, certified and stamped by a Professional Engineer.

PART 8: PROCEDURE FOR ISSUING A MOBILE HOME PARK CONSTRUCTION PERMIT

- 8.1 When the Development Officer is satisfied that the mobile home park development plan is complete and accompanied by all information required by Part 7, the Development Officer shall forward a copy of the plan and documentation to the Engineer for approval of the water distribution system, the storm sewerage system, the sanitary sewerage system and the park street system.
- 8.2 The applicant shall obtain from the Nova Scotia Department of Health and Nova Scotia Department of the Environment a joint certificate approving the design of the water distribution system and sanitary sewerage system and shall forward a copy of the joint certificate to the Engineer.
- 8.3 The applicant shall obtain written acceptance of the electrical service, distribution, street lighting pattern and method of installation from the Nova Scotia Power Corporation and shall forward a copy of the acceptance to the Development Officer.
- 8.4 Within fourteen (14) days of receiving approvals from all agencies and departments to which the application has been referred, the Development Officer shall:
- a) issue a Mobile Home Park Construction Permit; or
 - b) advise the applicant in writing whether the proposed mobile home park development meets the provisions of this By-law and, if not, of all objectionable features.

- 8.5 A permit to develop a mobile home park issued under this Part shall expire one (1) year after its date of issue if the development for which the permit has been issued has not been commenced, and may be renewed before expiry for a period of one (1) year only.

PART 9: RESPONSIBILITIES OF THE MOBILE HOME PARK OWNER

- 9.1 The mobile home park owner shall annually obtain a Mobile Home Park Operating Permit pursuant to Part 11.
- 9.2 The mobile home park owner shall obtain a Mobile Home Permit to locate or relocate a mobile home in any mobile home park pursuant to Section 12.2, and shall make a copy of the permit and its terms and conditions available to the mobile home owner.
- 9.3 The mobile home park owner shall annually obtain an inspection or written confirmation from the Nova Scotia Power Corporation stating that:
- a) the mobile home park's electrical services are satisfactory and operating in a safe and acceptable manner; or
 - b) an electrical service upgrading program satisfactory to the Nova Scotia Power Corporation has been established and is in progress for the mobile home park.
- 9.4 The mobile home park owner shall obtain a Mobile Home Permit to locate a service building in any mobile home park pursuant to Section 12.7.
- 9.5 The mobile home park owner shall maintain the mobile home park, including all related facilities and services, in good repair and in a clean and sanitary condition.
- 9.6 The mobile home park owner shall arrange to have all garbage and refuse removed from the mobile home park at least once each week.
- 9.7 The mobile home park owner shall cap all sewerage connections when not in use.
- 9.8 The mobile home park owner shall:
- a) provide a continuous supply of potable water to all mobile homes in the mobile home park; and
 - b) notify all mobile home owners at least twenty-four (24) hours in advance if any interruption in water service is anticipated.
- 9.9 The mobile home park owner shall maintain all park streets in good condition and shall plow all park streets within twenty-four (24) hours of the cessation of a snowfall.
- 9.10 Within one (1) year of the effective date of this By-law, the mobile home park owner shall erect and maintain speed limit signs and street signs in the mobile home park according to Part 13.10.