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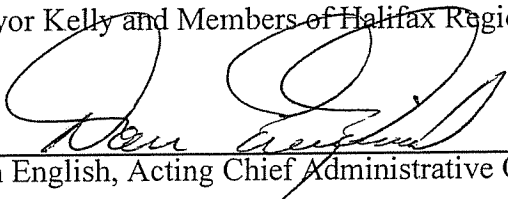


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Halifax Regional Council  
July 13, 2004

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY:

  
\_\_\_\_\_  
Dan English, Acting Chief Administrative Officer

DATE: July 8, 2004

SUBJECT: **Case 00648: Flag Lots in Harbour East Community Council Area -  
Amendments to Municipal Planning Strategies and Subdivision  
By-law**

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**ORIGIN:**

At Regional Council (status sheet item 11.4.5(ii) - November 12, 2002), Councillor Cooper requested staff to prepare a report on eliminating the ability to reduce lot frontage (ie., flag lots) in areas designated "Water Service District" within the jurisdiction of Harbour East Community Council.

**RECOMMENDATION:**

It is recommended that Regional Council:

- 1) initiate the process to amend the Municipal Planning Strategies within the jurisdiction of Harbour East Community Council and the former Halifax County Subdivision By-law to prohibit reduced lot frontages within areas designated "Water Service District"; and
- 2) request staff to follow the public participation program as approved by Council in February, 1997.

**BACKGROUND:**

Councillor Cooper's request is in response to a preliminary subdivision application on Ritcey Crescent, Cole Harbour, to subdivide the rear portion of a lot which would have access onto Ritcey Crescent. To achieve the proposed subdivision, lot frontage requirements must be reduced from those under the applicable zoning. This can be achieved under Section 14.1 of the Subdivision By-law which permits lots to be subdivided with either reduced (ie flag lots<sup>1</sup>) or no road frontage. The subject application was later cancelled as the applicant was unable to obtain all the required approvals.

Ritcey Crescent is located within a Water Service District which enabled building lots to be serviced with centralized water service in response to groundwater issues associated with this area. Councillor Cooper has expressed concern that by allowing reduced lot frontages within Water Services Districts, the character or appearance of existing subdivisions could be significantly changed. It has been suggested that Regional Council amend those policies and provisions which allow for a reduction in lot frontage requirements for areas designated "Water Service District" within the jurisdiction of Harbour East Community Council (Map1) by removing the ability to subdivide on the basis of reduced lot frontage.

Land Use Policy

The Municipal Planning Strategy for Cole Harbour/Westphal presently supports a reduction in lot frontage (Policy TR-20), except in certain situations where properties are:

- (a) located within the Service Boundary (includes sanitary and water services); and
- (b) zoned for commercial, industrial, or community facility purposes;

In addition, Policy TR-21 indicates that no development permit shall be issued for a commercial, industrial, or community facility use on a lot created with reduced lot frontage (pursuant to Section 14.1 of the Subdivision By-law). Policies TR-20 and TR-21 were adopted on December 13, 1993 and implemented via the Subdivision By-law. Identical policies were adopted in the Municipal Planning Strategy for Eastern Passage/Cow Bay (TR-15 and TR-16).

In regards to the Lake Major/Preston plan area, only a portion of this area is under the planning authority of HECC as illustrated on Map 1. Within the Lake Major/Prestons plan area, reduced lot frontages are not permitted on lands zoned for commercial, industrial, or community facility purposes (Attachment 3).

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<sup>1</sup> Flag Lots means a lot with a configuration that resembles a fully outstretched flag at the top of a flag pole and where the "pole" portion of the lot contains the required lot frontage and lot access route (**Map 2**).

### Water Service Districts

In 1994, Halifax County adopted policy with respect to development accessing municipal centralized water services from Pockwock and Dartmouth water systems. The policies establish Water Service Districts along with the criteria for expanding and/or establishing new Districts. Water Service Districts have been applied to existing residential areas which are experiencing water quantity or quality issues. There are a number of such areas within the Cole Harbour/Westphal, Eastern Passage/Cow Bay, and Lake Major/Prestons plan areas.

### Subdivision By-law

Part 14 of the Subdivision By-law (Other Approvals Permitted) contains a number of exemptions to the lot frontage requirements of the various Land Use By-laws within the former Halifax County Municipality. Of the exemptions provided, Subsection 14.1(a) is the most widely used and is the one that applies in the Ritcey Crescent subdivision application (Attachment 4).

Subsection 14.1 (a) allows for the creation of up to two lots (one lot plus remainder) with reduced or no road frontage for subdivision of a parcel of land that was in existence on or before August 1, 1987. This exemption can only be applied on a one time basis only.

In addition to Subsection 14.1(a), Section 14.8 prohibits approval of a plan of subdivision showing lots with reduced lot frontage within serviceable areas or specified zones within Cole Harbour/Westphal, Eastern Passage/Cow Bay, and Lake Major/Prestons (Attachment 4).

### **DISCUSSION:**

The Municipal Planning Strategies for Cole Harbour/Westphal, Eastern Passage/Cow Bay, and Lake Major/Preston clearly indicate where reduced lot frontage requirements apply and do not apply. However, the existing policies were adopted prior to the establishment of Water Service Districts in these plan areas. Therefore, the impact of reduced lot frontage in these areas were not considered.

Reduced lot frontage requirements do not apply within areas serviced with central services because of the impact such development may have on the provision of services, driveway access, and the existing character of streets and subdivisions. The same reasons are also applicable within areas designated Water Service District. To implement Councillor Cooper's request, the effected municipal planning strategies would require amendments in order to prohibit a reduction in lot frontage requirements in areas designated as Water Services Districts.

### **BUDGET IMPLICATIONS:**

Not Applicable

**FINANCIAL MANAGEMENT POLICIES/BUSINESS PLAN:**

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating Reserves, as well as any relevant legislation.

**ALTERNATIVES:**

The following alternatives are identified:

1. Regional Council may wish to follow staff's recommendation. In this case, staff would initiate the process to prohibit reduced lot frontages (ie flag lots) in areas designated "Water Service District" within the jurisdiction of Harbour East Community Council. This is the recommended course of action.
2. Alternatively, Regional Council may choose not to initiate the plan amendment process. Staff do not support this course of action for the reasons stated in this report.

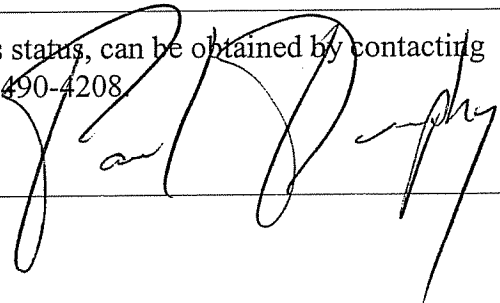
**ATTACHMENTS:**

Attachment 1: Excerpts from Municipal Planning Strategy for Cole Harbour/Westphal  
Attachment 2: Excerpts from Municipal Planning Strategy for Eastern Passage/Cow Bay  
Attachment 3: Excerpts from Municipal Planning Strategy for Lake Major/Prestons  
Attachment 4: Excerpts from Halifax County Subdivision By-law

Map 1: Water Service District Boundaries within Jurisdiction of Harbour East  
Community Council  
Map 2: Subdivision by Flag Lot

Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report prepared by: Kurt Pyle, Planner, 490-4428



**Attachment 1**

**Excerpts from  
Municipal Planning Strategy for Cole Harbour/Westphal**

Reduced Lot Frontages

In certain instances, the subdivision of existing properties has been hampered due to a lack of sufficient road frontage. The Municipal Subdivision By-law contains provisions which permit limited subdivision on the basis of reduced road frontage. The application of these provisions in the Plan Area would support the creation of new lots from larger areas of land which may have limited frontage on the public road network. These provisions are not, however, considered to be appropriate within areas served by central services or for uses of land which generate higher volumes of traffic, such as commercial, industrial or institutional developments.

TR-20 It shall be the intention of Council to permit the application of Part 14 of the Subdivision By-law except for the reduced lot frontage provisions contained in Section 14.1, which shall not apply in the following circumstances:

- (a) where properties are located within the Service Boundary as shown on Map 2; and
- (b) where properties are zoned for commercial, industrial, or community facility purposes.

TR-21 It shall be the intention of Council that development permits shall not be issued for commercial, industrial, or community facility uses for lots created pursuant to Section 14.1 of the Subdivision By-law. (C-Dec13/93, M-Dec22/93)

**Attachment 2**

**Excerpts from  
Municipal Planning Strategy for Eastern Passage/Cow Bay**

Reduced Lot Frontages

In certain instances, the subdivision of existing properties has been hampered due to a lack of sufficient road frontage. The Municipal Subdivision By-law contains provisions which permit limited subdivision on the basis of reduced road frontage. The application of these provisions in the Plan Area would support the creation of new lots from larger areas of land which may have limited frontage on the public road network. These provisions are not, however, considered to be appropriate within areas served by central services or for uses of land which generate higher volumes of traffic, such as commercial, industrial or institutional developments.

TR-15 It shall be the intention of Council to permit the application of Part 14 of the Subdivision By-law except for the reduced lot frontage provisions contained in Section 14.1, which shall not apply in the following circumstances:

- (a) where properties are located within the Service Boundary as shown on Map 2; and
- (b) where properties are zoned for commercial, industrial, or community facility purposes.

TR-16 It shall be the intention of Council that development permits shall not be issued for commercial, industrial, or community facility uses for lots created pursuant to Section 14.1 of the Subdivision By-law. (C-Dec13/93, M-Dec22/93)

**Attachment 3**

**Excerpts from  
Municipal Planning Strategy for  
North Preston, Lake Major, Lake Loon, Cherry Brook, East Preston**

Reduced Lot Frontages

In certain instances, the subdivision of existing properties has been hampered due to a lack of sufficient road frontage. The Municipal Subdivision By-law contains provisions which permit limited subdivision on the basis of reduced road frontage. The application of these provisions in the Plan Area would support the creation of new lots from larger areas of land which may have limited frontage on the road network. These provisions are not, however, considered to be appropriate for uses of land which generate higher volumes of traffic, such as commercial, industrial, institutional and multiple unit residential developments.

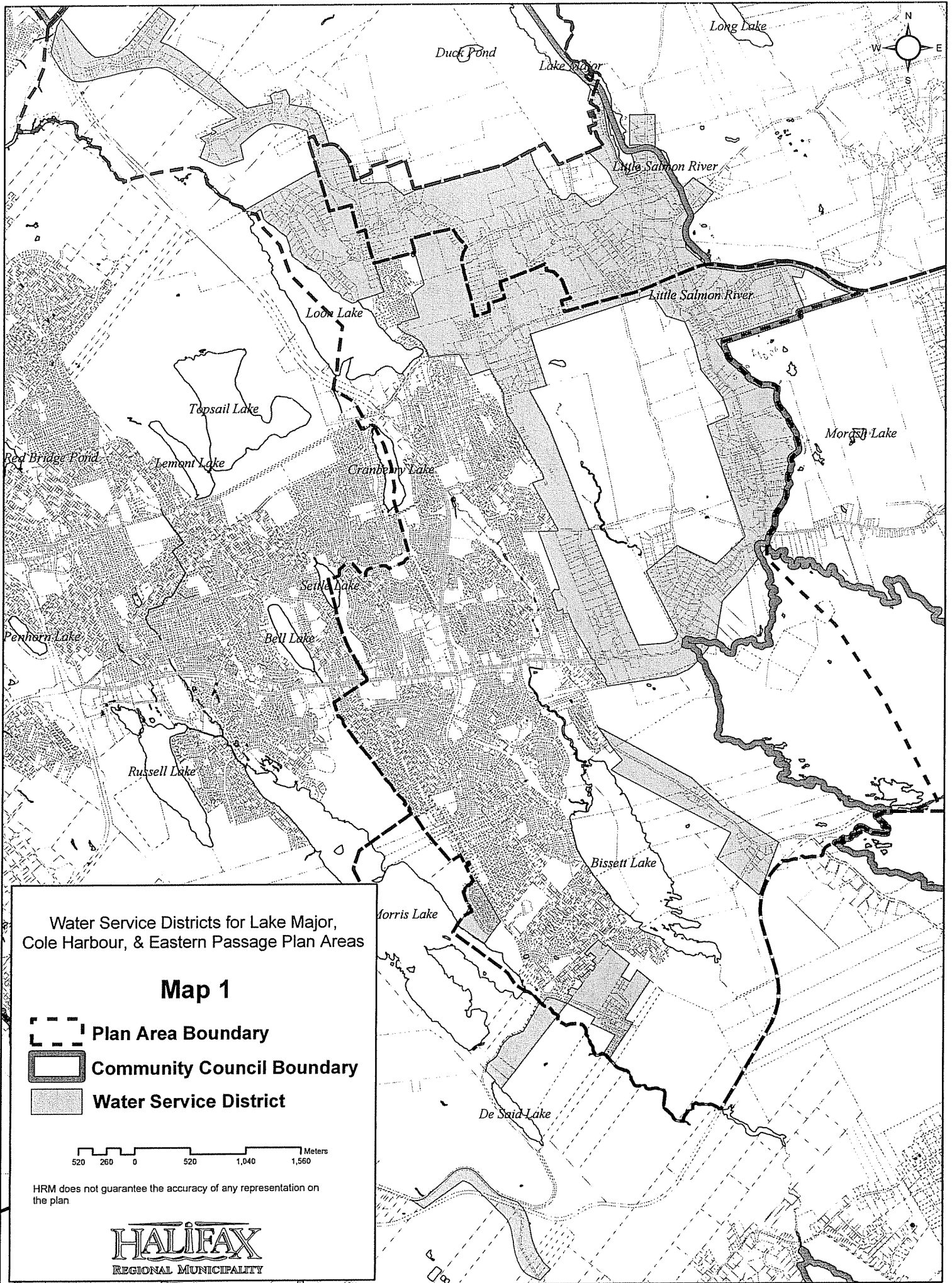
TR-18 It shall be the intention of Council to permit the application of certain sections of Part 14 of the Subdivision By-law as specified therein, except for the reduced lot frontage provisions of Section 14.1, which shall not apply where properties are zoned for commercial or institutional purposes. Furthermore, it shall be the intention of Council that development permits shall not be issued for commercial, industrial, institutional or multi-unit residential uses on lots created pursuant to Section 14.1 of the Subdivision By-law.

Attachment 4

Excerpts from  
Halifax County Subdivision By-law




- 14.1 (a) An area of land may be subdivided into two (2) lots only, or one (1) lot plus a remainder lot, where either one or both lots do not meet the lot frontage requirements of Part 12 and Section 13(1) of this By-law.
- 14.8 Notwithstanding the lot frontage requirements of Part 12, and as provided for in the municipal planning strategies for:
- (a) Sackville (Policy TR-12);
  - (b) Timberlea/Lakeside/Beechville (Policy TC-13);
  - (c) **Eastern Passage/Cow Bay (Policy TR-15);**
  - (d) the communities of **North Preston, Lake Major, Lake Loon/Cherry Brook and East Preston (Policy TR-18);**
  - (e) Planning Districts 15, 18, and 19 (Policy P-94); and
  - (f) **Cole Harbour/Westphal (Policy TR-20)**, the Development Officer may approve a plan of subdivision showing lots subdivided pursuant to Sections 14.1, 14.2, 14.3, except that Section 14.1 shall not apply within the serviceable areas identified in Schedules "C", "D", "E", "F" and "H" of this By-law. Section 14.1 shall also not apply within specified zones identified in the policies cited above.
  - (g) Planning District 5 (Chebucto Peninsula)

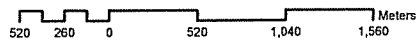




Water Service Districts for Lake Major,  
Cole Harbour, & Eastern Passage Plan Areas

### Map 1

-  Plan Area Boundary
-  Community Council Boundary
-  Water Service District



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

# One Parcel of Land

(Flag Lot Potential)

Flag Lot #1

Flag Lot #2

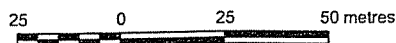
Conventional Lot

Driveway  
● Driveway

Driveway typically shared,  
and length at owner's  
discretion

Existing Road

Map 2  
Flag Lot Subdivision



**HALIFAX**  
REGIONAL MUNICIPALITY  
PLANNING SERVICES