


**Item No. 11.1.10**  
**Halifax Regional Council**  
**June 24, 2014**

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

**SUBMITTED BY:** Original signed by   
Richard Butts, Chief Administrative Officer

Original Signed by Director

Jane Fraser, Director, Planning and Infrastructure

**DATE:** June 17, 2014

**SUBJECT:** **Initiation of Proposed Amendments to the Municipal Planning Strategy for Planning District 4 and the Regional Subdivision By-law**

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**ORIGIN**

February 4, 2013 - Motion of the Halifax and West Community Council to direct staff to initiate the process to amend the Municipal Planning Strategy for Planning District 4 and the Halifax Regional Municipality Subdivision By-law to allow further exemptions for subdivisions without road frontage in the Mixed Use Designation of Planning District 4.

**LEGISLATIVE AUTHORITY**

Section A- 3 (1) of the *Provincial Subdivision Regulations* require that all lots shall abut a public street; a private road; or Schedule “B” road.

Section A-8 (3) creates an exception to allow for the creation of a maximum of two lots without road frontage from an area of land that was in existence on August 1, 1987.

Section 281 (2)(a)(ii) of the *Halifax Regional Municipality Charter* states “A subdivision by-law must include any requirements prescribed by the *Provincial Subdivision Regulations* unless the municipal requirements implement a municipal planning strategy.

**RECOMMENDATION**

It is recommended that Halifax Regional Council:

1. Direct staff to initiate a process to amend the Municipal Planning Strategy for Planning District 4 and the Halifax Regional Subdivision By-law to allow the creation of an additional lot without road frontage within the Mixed Use Designation of Planning District 4, per motion of the Halifax and West Community Council; and

**RECOMMENDATION CONTINUED ON NEXT PAGE**

2. Direct staff to follow the public participation program as approved by Council in February 1997, should Council decide to initiate these amendments at the Halifax and West Community Council's request.

## **BACKGROUND**

The former Western Region Community Council requested a staff report on the options to amend the applicable planning documents to enable subdivision of the Slaunwhite property at Riverside Drive, Terence Bay, PID #00437038, to create one additional lot without the street frontage required by the Regional Subdivision By-Law.

Staff recommended that no amendments be undertaken to allow for any additional lots without road frontage to be created from those parcels of land that had already been subdivided without road frontage.

Staff was initially concerned that the amendment would have led to the creation of elongated private driveways throughout the rural areas of the Municipality and pose difficulties for fire emergency access. There was also concern that these private driveways would function as private roads and undermine Policy S-30 of the Regional Plan to prohibit the development of private roads within the Municipality.

Halifax and West Community Council upon hearing the concerns narrowed the scope of the application to the Terrance Bay area of Planning District 4. Specifically, the Community Council passed a motion on February 4, 2013 to request Regional Council to initiate a process to amend the Municipal Planning Strategy for Planning District 4 and the Halifax Regional Municipality Subdivision By-Law, to allow further exemptions for subdivision without road frontage only in the Mixed Use Designation.

## **DISCUSSION**

The requested amendment would apply only to the lands within the Mixed Use Designation of the Municipal Planning Strategy for Planning District 4 (see Attachment B of this Staff Report). The Mixed Use Designation applies to the community of Terence Bay and Lower Prospect which is a 250 year old coastal village south-west of Halifax. Development within this area is characterized by a pattern of irregular shaped lots, clustered around the coves and inlets.

The Municipal Planning Strategy for Planning District 4 recognizes the benefit of using lot frontage exemptions to allow subdivision without the impact of road development on historic coastal villages. In this particular case, the Plan allows for the creation of a maximum of two lots (one plus a remainder) without road frontage under Section 38 (1) of the Halifax Regional Municipality Subdivision By-Law. This lot frontage exemption however, is only applicable to a parcel of land once, and Ms. Slaunwhite's property was previously subdivided using this

exemption in 2006.<sup>1</sup>

With the confinement of the request to the Mixed Use Designation, area specific analysis revealed that there are only 22 properties without road frontage and the vast majority of those are close to the public road and would not pose a problem. Ms. Slaunwhite's property is accessed via a long private driveway. The lane, however, according to HRM Fire Services, is adequate to allow for emergency vehicle access, egress and turning maneuvers.

Should Council decide to initiate this amendment, regulations can be drafted to only allow the creation of new lots where the property owner has an easement for access over a properly constructed common driveway. The driveways would have to be of a sufficient size and design to allow safe access, egress and maneuverability of fire emergency vehicles.

### **FINANCIAL IMPLICATIONS**

The HRM costs associated with processing this planning application can be accommodated within the approved 2014/2015 operating budget.

### **COMMUNITY ENGAGEMENT**

A public meeting will have to be held in the Terence Bay Community to seek community input should Council decide to initiate an amendment to the Municipal Planning Strategy for Planning District 4 and the Halifax Regional Municipality Subdivision By-law

### **ENVIRONMENTAL IMPLICATIONS**

There are no anticipated environmental implications arising from this amendment.

### **ALTERNATIVES**

1. Regional Council may choose not to initiate a process to amend the Municipal Planning Strategy for Planning District 4 and the Halifax Regional Municipality Subdivision By-law to allow further exemptions for subdivision without road frontage in the Mixed Use Designation of Planning District 4 as requested by the Halifax and West Community Council.

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<sup>1</sup> This lot frontage exemption is applicable to any parcel of land within the former County of Halifax that was in existence on August 1, 1987 but may only be applied to a parcel once. Ms. Slaunwhite's property was previously created using this exemption in 2006 and cannot be further subdivided pursuant to Section 38.

**ATTACHMENTS**

Attachment A – Staff Report dated January 18, 2013

Attachment B – Map showing Land Area with Potential for Subdivision without Road Frontage

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A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.html> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Maureen Ryan, Senior Planner, 490-4799

Report Approved by: \_\_\_\_\_  
Austin French, Manager, Planning Services, Planning & Infrastructure, 490-6717

Financial Approval by: \_\_\_\_\_  
Greg Keefe, Director of Finance & ICT/CFO, 490-6308

Report Approved by: \_\_\_\_\_  
Peter Stickings, Acting Director, Planning and Infrastructure, 490- 7166

Report Approved by: \_\_\_\_\_  
Brad Anguish, Director, Community and Recreation Services, 490- 4933

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**Halifax and West Community Council**  
**February 4, 2013**

**TO:** Chair and Members of Halifax and West Community Council

**SUBMITTED BY:**

Original Signed

Jane Fraser, Director Planning and Infrastructure

**DATE:** January 18, 2013

**SUBJECT:** **Slaunwhite Request to allow further subdivision of land without road frontage in Terence Bay**

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## **ORIGIN**

Motion of the former Western Region Community Council to request a staff report on the options to amend the applicable planning documents to enable subdivision of the Slaunwhite property at Riverside Drive, Terence Bay, PID #00437038, to create one additional lot without the street frontage required by the Regional Subdivision By-Law.

## **LEGISLATIVE AUTHORITY**

Section 281 (3)(d) of the Halifax Regional Municipality Charter, enables HRM to waive certain requirements of the Halifax Regional Municipality Subdivision By-Law.

## **RECOMMENDATION**

It is recommended that Regional Council direct that no amendments be undertaken to the Regional Subdivision By-Law to allow for any further subdivision of land without road frontage on lands that had been previously subdivided pursuant to Section 38.

## **BACKGROUND**

The Western Region Community Council, on behalf of Ms. Susan Slaunwhite, passed a motion at its meeting of July 23, 2012, requesting a staff report on the options to amend the applicable planning documents to enable subdivision of the Slaunwhite property at Riverside Drive, Terence Bay, PID #00437038, to create one additional lot without the street frontage required by the Subdivision By-Law.

Susan Slaunwhite is the owner of lot 7A, shown on the attached plan of subdivision (Attachment A). She is seeking the opportunity to create an additional lot from this 4 acre parcel of land which has no road frontage. Lot 7A was created in 2006 from another land locked parcel of land in 2006. Neither Lot 7A or 7B have frontage on a public road and Lot 7A can only be accessed via Riverview Lane and a private driveway over lot 7B.

## **DISCUSSION**

The Regional Municipal Planning Strategy allows the creation of a maximum of two lots (one plus a remainder) without road frontage in accordance with Section 38 (1) of the Regional Subdivision By-Law (Policy P-31). This exemption is applicable to any parcel of land within the former County of Halifax that was in existence before August 1, 1987, but may only be applied to a parcel once. Ms. Slaunwhite's property was previously created using this exemption in 2006 and cannot be further subdivided pursuant to Section 38.

To allow any further subdivision of this property, Council would have to amend the Subdivision By-Law to allow additional subdivision on lots without road frontage. This is not recommended since it would allow all other lands without road frontage in the former County of Halifax to be further subdivided and cause challenges for municipal service. Council could limit the area of application to the Mixed Use Designation under the Municipal Planning Strategy for Planning District 4 (Prospect), wherein this property is situated (Attachment B - Map 1). This however, would create a precedent for future amendments to the Subdivision By-Law and undermine the development standards that have been established within the Municipality.

The Regional Municipal Planning Strategy standardized the approach to development under the Halifax Regional Subdivision By-Law to ensure that development meets a reasonable standard to facilitate service access and minimize future costs. Allowing further development of lots without public road frontage can indirectly lead to the creation of private lanes, which the Regional Plan prohibits under Policy S-30. With further subdivision of lands without road frontage, these lanes could emerge without having to be built to any public standard and could be left unmaintained. This could pose challenges for emergency vehicle access, damage to equipment, or expenditures to adapt local fire equipment to service properties with limited access.<sup>1</sup> This can also lead to future public expectations for service or public pressure to upgrade a lane to a public standard, since the Municipality does not provide garbage collection, road maintenance or any other services to developments along private lanes.

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<sup>1</sup> In the service area of Station 58 – Lakeside, Special Equipment in the form of a pick up truck and longer hoses had to be purchased to service private lanes which cannot be access via fire truck.

Allowing further subdivision development without public road frontage would undermine the intention of the Regional Plan towards the attainment of a good public standard for subdivision development; no amendments to the Subdivision By-Law are recommended.

### **FINANCIAL IMPLICATIONS**

There are no direct financial implications arising from this recommendation. A recommendation to amend the Subdivision By-Law to allow further subdivision of land without road frontage, could lead to some long-term financial implications should the Municipality have to take over private lanes or modify equipment to provide emergency response services.

### **COMMUNITY ENGAGEMENT**

Community engagement would be required if an amendment to the Subdivision By-Law is initiated.

### **ENVIRONMENTAL IMPLICATIONS**

Future environmental implications will be assessed if an amendment to the Subdivision By-Law is initiated.

### **ALTERNATIVES**

Council could direct staff to initiate an amendment to the Halifax Regional Subdivision By-Law, to allow an additional lot to be created without road frontage from any area of land that was created for any parcel of land existing as of current date for lands within the Mixed Use Designation under Planning District 4 (Prospect). This is not recommended for the reasons outlined in this report.

### **ATTACHMENTS**

Attachment A	Plan of Subdivision
Attachment B	Map 1 – Mixed Use Designation of the Municipal Planning Strategy for Planning District 4 (Prospect)

A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/cc.html> then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

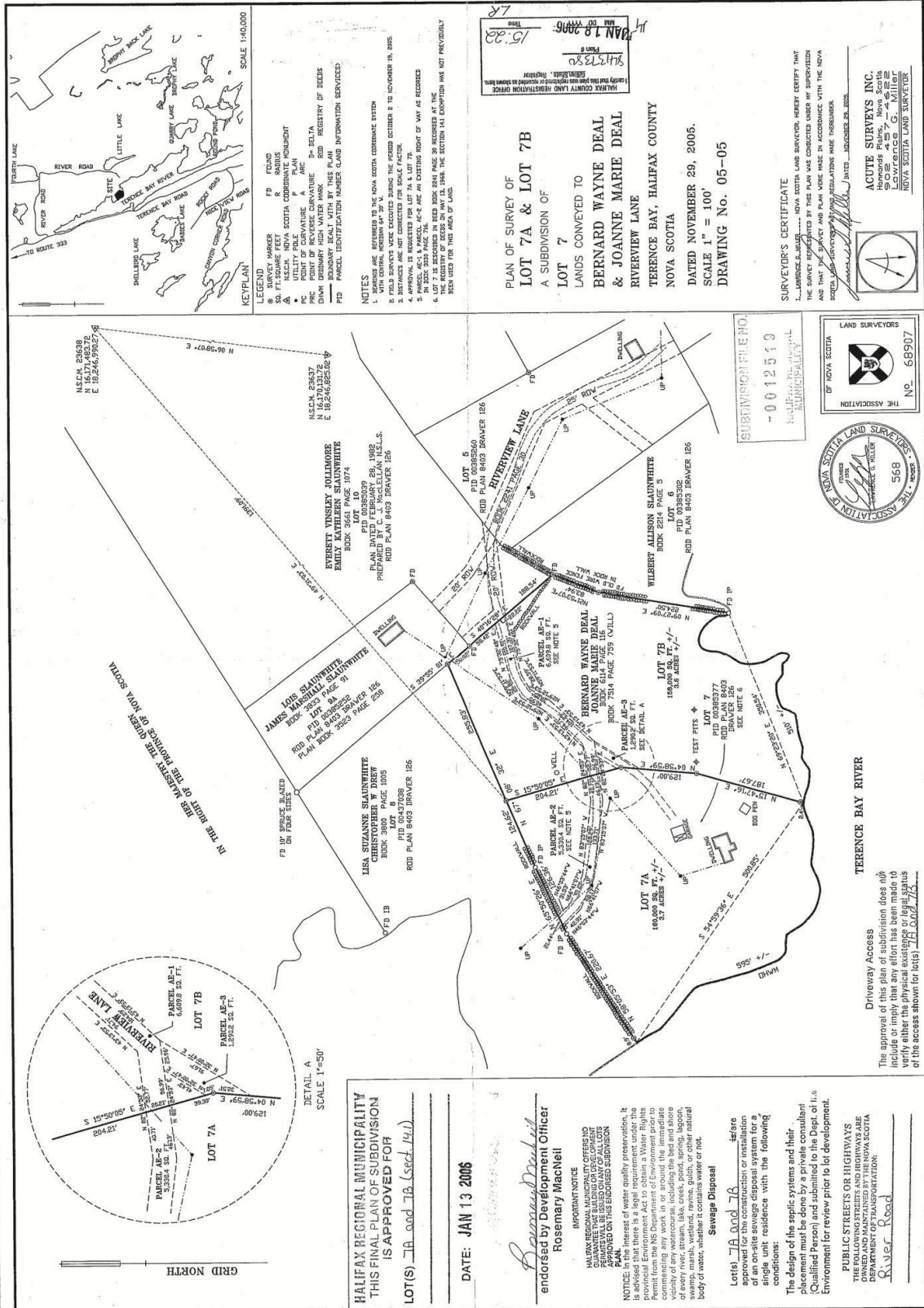
Report Prepared by: Maureen Ryan, Senior Planner, Planning and Infrastructure, 490-4799

Original Signed

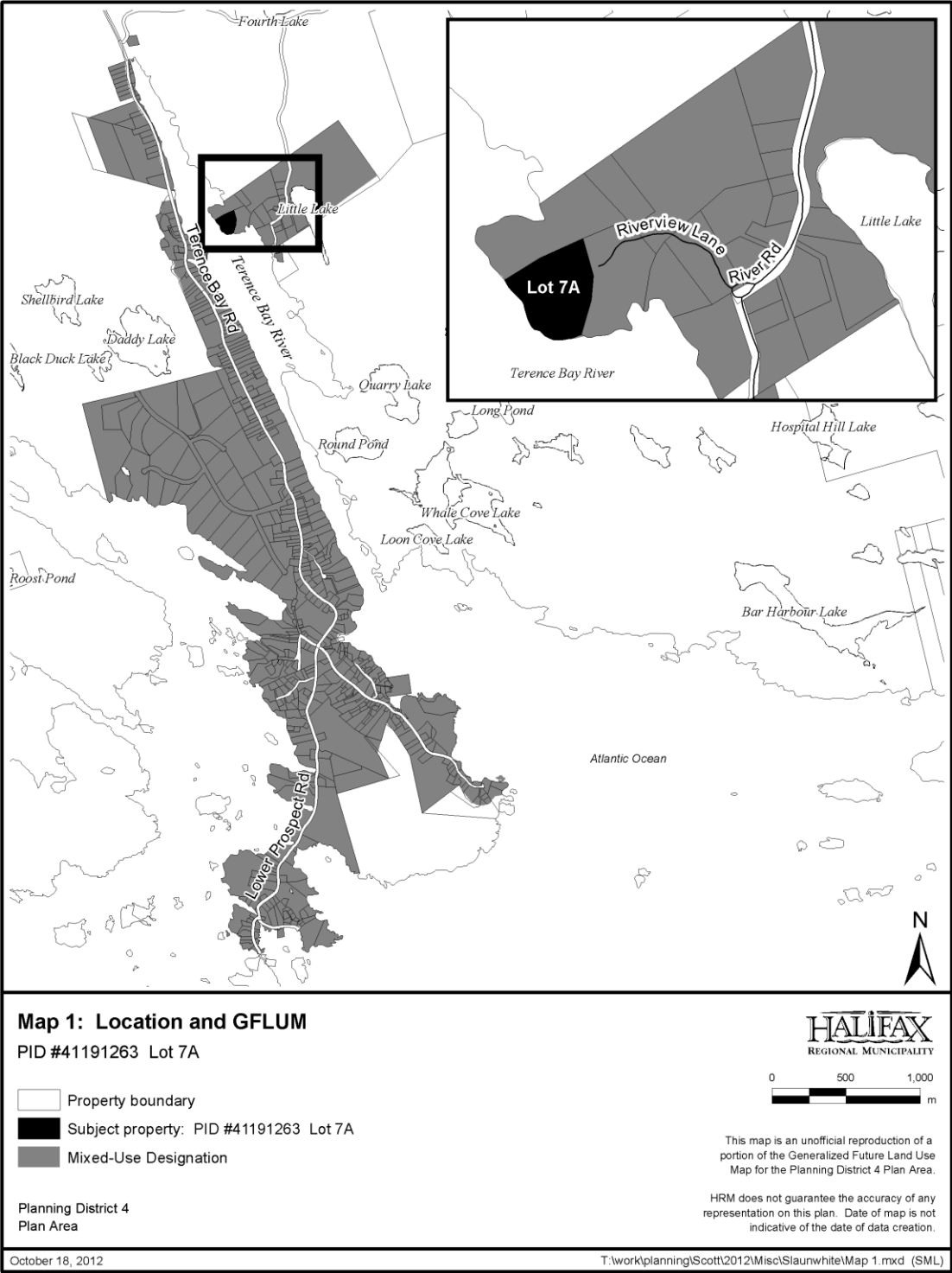
Report Approved by:  Austin French, Manager, Planning and Infrastructure, 490-6717

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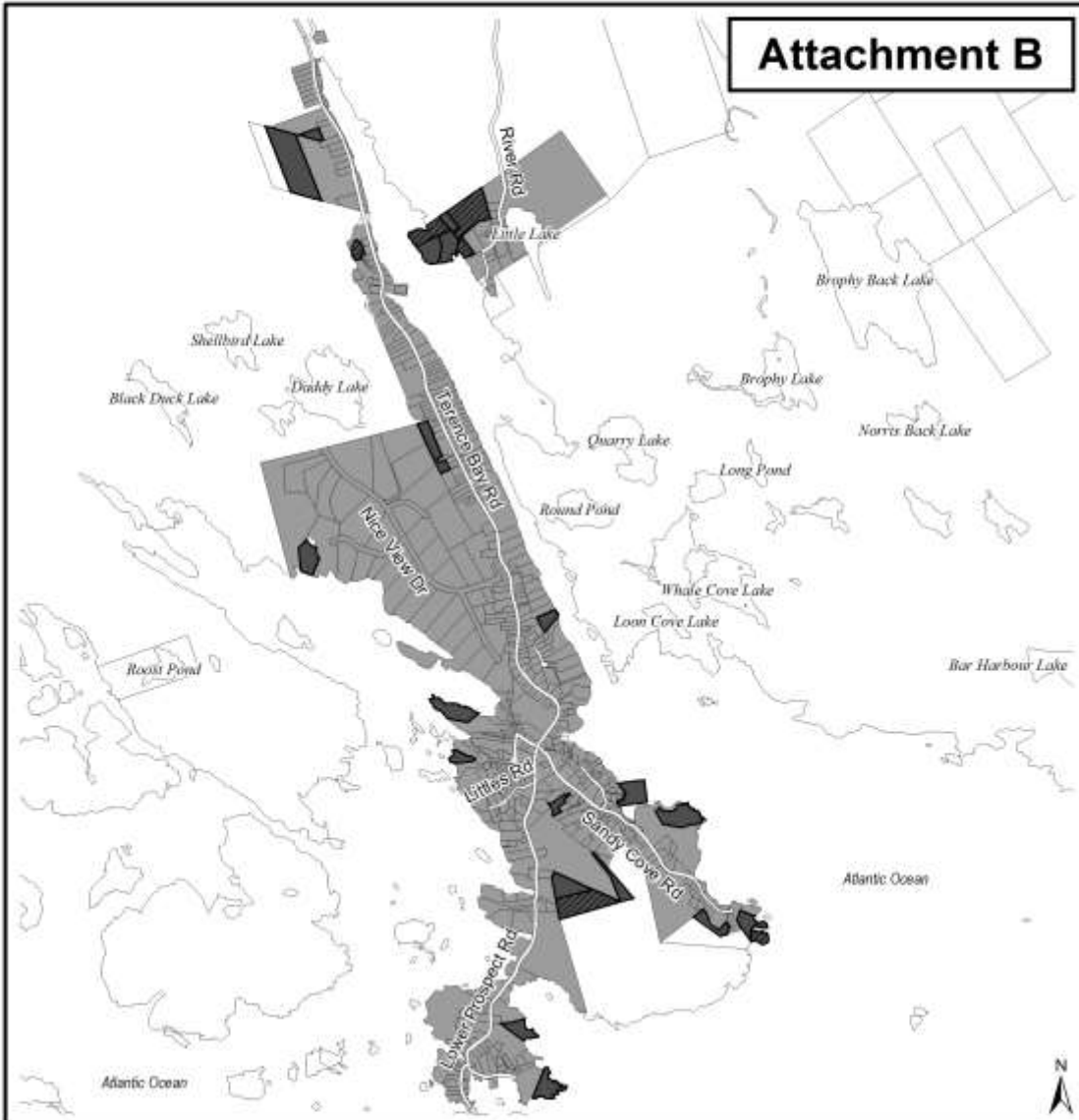




**Attachment B**



## Attachment B



### Land Area with Potential for Subdivision without Road Frontage

- MU Designation (GFLUM)
- Lot created after August 1, 1987
- Lot created before August 1, 1987

**HALIFAX**  
REGIONAL MUNICIPALITY

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Planning District 4  
Plan Area

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

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

June 24, 2013

Path: T:\work\planning\Scott\2013\Map\Staurwhite Plan Amendment\Potential for Subdivision - report map.mxd (SML)