

HALIFAX

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

Item No. 14.1.5
Halifax Regional Council
December 13, 2016

TO: Mayor Savage and Members of Halifax Regional Council

SUBMITTED BY: Original Signed by 

Jacques Dubé, Chief Administrative Officer

Original Signed by 

Jane Fraser, Acting Deputy Chief Administrative Officer

DATE: November 23, 2016

SUBJECT: **Amendments to the Regional MPS and Community Land Use By-laws
Regarding the Development of 10 hectare (25 acre) lots**

SUPPLEMENTARY REPORT

ORIGIN

- October 26, 2016 staff report regarding November 22, 2016 Regional Council Item 14.1.8
- November 22, 2016, Item 14.1.8 motion of Regional Council for a supplementary staff report based on proposed amendments circulated at the November 22, 2016 Council session and the correspondence submitted to date.

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter (HRM Charter), Part VIII, Planning & Development

RECOMMENDATION

It is recommended that Halifax Regional Council:

1. Give first reading to consider the proposed amendments to the Regional Municipal Planning Strategy (MPS) and applicable community land use by-laws, as set out in Attachments A and B of this report, to allow residential development on lots created through the *HRM Charter* 10 hectare subdivision approval exemption and which do not meet land use by-law requirements for road frontage and schedule a public hearing; and
2. Approve the proposed amendments to the Regional MPS and applicable land use by-laws, as set out in Attachments A and B of this report.

BACKGROUND

This supplementary report specifically relates to the development of lots that are 10 hectares (25 acres) or more in size and created outside of the municipal subdivision approval process. The October 26, 2016 staff report¹ contains the full background and discussion on this item and on November 22, 2016, Regional Council considered proposed amendments to the Regional Municipal Planning Strategy (MPS) and applicable community land use by-laws related to this matter.

At the November 22, 2016 meeting, Regional Council:

- Proposed further amendments by adding 5 properties located in Ketch Harbour to the areas enabled for development with reduced road frontage requirements (shown in Attachment B);
- forwarded the proposed MPS and LUB amendments, as amended, to a Public Hearing; and
- requested a supplementary report to review i) the proposed amendments circulated at the November 22, 2016 Council session, and ii) the correspondence submitted to date.

This supplementary report responds to Council's requests for additional information. As the items discussed in this supplementary report directly impact the ability of some land owners to develop properties, the Public Hearing has not yet been advertised and is pending Council's review of this supplementary report. Should Council give first reading to the new amendments attached to this report, the previous first reading would be discarded.

DISCUSSION

The following sections review the proposed amendments circulated at the November 22 Council session (Attachment C) and the public submissions received to date (Attachment D). As a result of additional information and reviews, staff are recommending that the previously circulated amendments be further amended, as described in the following sections.

Addition of PID 40029225

The November 22 staff report identified six subdivisions that do not meet LUB road frontage requirements that have received permits for some, but not all lots located within the same subdivision. Given this permitting history, the proposed amendments enable the remaining lots to be developed without meeting road frontage requirements.

One of the amendments circulated at the November 22 Council session requested the addition of the property identified as PID 40029225. This property is approximately 162 acres in size and is located directly between the Moser Head and Pleasant Point subdivisions that are recognized within the proposed amendments. While staff had initially understood that this property already met existing road frontage exemptions, a further review shows that the property is in fact part of the Pleasant Point subdivision and should be included in the proposed amendments. As a result, staff recommend including this property and have added the property to the amendments for Eastern Shore (West) LUB, as set out in Attachment B.

Reducing Proposed Shared Private Driveway Standards

The amendments contained in the November 22 staff report establish shared private driveway design standards aimed at ensuring suitable access for emergency vehicles. These standards are based on the requirements established for use in conservation design developments and apply to shared driveways that provide access to 4 or more dwellings. These standards require a minimum 6 metre wide travel lane, 1.5 metre wide shoulders, as well as other features related to slope, drainage and curvature.

The amendments circulated on November 22, 2016 revise the shared private driveway design standards by removing the requirement for a 1.5 metre shoulder. Property owners within the identified 10 hectare

¹ See report at: <http://www.halifax.ca/council/agendasc/documents/161122ca1418.pdf>

lot subdivision have made similar suggestions due to concerns with the cost and feasibility of upgrading existing driveways. Regarding these proposed standards, staff recognize the significant costs and difficulty associated with the unexpected need to upgrade existing shared private driveways that are already in use. In order to better balance safety and cost considerations, staff therefore recommend removing the 1.5 metre wide shoulder requirement, as set out in Attachment B.

Moser Head Road Unique Situation

As noted in the November 22 staff report, the shared private driveway known as Moser Head Road faces unique challenges. An approximately 500 metre segment of Moser Head Road is recognized by the Nova Scotia Department of Transportation and Infrastructure Renewal (DTIR) as a “historical road”, which is a segment of road that is owned but not maintained by the Province. In order to address this issue, staff understand that land owners are actively working with DTIR to transfer ownership of this segment to individuals or another entity, such as an organized homeowners’ association

While the historical status issue does not in itself impact HRM’s ability to issue development permits, it would prevent landowners within the subdivision from undertaking the work needed to upgrade the shared private driveway to the design standards described in the preceding section. In addition, property owners within this subdivision have been actively preparing to develop homes and wish to begin construction as soon as possible. In order to address this unique situation, staff support the proposal to delay the requirement to meet the shared private driveway design requirements by 5 years in order to enable land owners to immediately proceed with development while providing time to address the historical status of Moser Head Road. Meanwhile, the delayed requirement would continue to ensure that the shared private driveway is upgraded in the future. Therefore, staff recommend that the proposed amendments for the Eastern Shore (West) LUB include a clause that specifically delays the private driveway design standards for the Moser Head Road subdivision, as set out in Attachment B.

Correspondence Received Regarding the Proposed Amendments

On November 22, 2016, Regional Council received a number of written submissions from members of the public concerning the proposed MPS and LUB amendments related to 10 hectare lots. Attachment D contains a copy of these written submissions.

Two of the submissions identified two additional 10 hectare lot subdivisions that do not meet LUB road frontage requirements that land owners believe should be included in the proposed amendments. Information concerning these subdivisions is summarized in the following table.

Table 1: Subdivisions requested to be included in proposed amendments

Subdivision	# of Lots	Permits Issued	Development options
Armco Capital Inc., Upper Sackville	12	None	All lots within this subdivision remain in common ownership by the developer. The developer appears eligible to apply for a conservation design development agreement under existing Regional Plan policies. Alternatively, there also appears to be sufficient road frontage to develop a public road, which could enable the development of up to 8 additional lots.
East Petpeswick Hills, located on the east side of Scott’s Lake, Musquodoboit Harbour	10	None	All lots within this subdivision remain in common ownership by the developer. Staff have been in contact with the developer and advised that the subdivision is able to be reconfigured to meet existing LUB road frontage exceptions that are based on lake access and frontage.

Staff advise that the above subdivisions are not similar to the six subdivisions identified by the proposed amendments as HRM has not issued development permits for any lots located within these subdivisions. In addition, the lands remain in common ownership by the developer and are able to be developed under existing policies and regulations, including provisions for parkland dedication which would otherwise not be required.

One submission suggested that the amendments should enable all 1,000+ 10 hectare lots to be developed without meeting LUB road frontage requirements. As noted in previous staff reports, these lots may continue be used and developed for a number of purposes, depending on the specific situation, applicable local regulations and such things as the opportunity to work with neighbouring land owners. A number of lots, for example, already meet existing road frontage exemptions related to the date the lot was created. In addition, further permitting the wide spread development of 10 hectare lots without road frontage would not be consistent with the general intent of the Regional Plan.

Some of the submissions raised concerns regarding the proposed shared private driveway standards due to costs, difficulty in upgrading shared driveways that are already in use, and comparisons with other existing developments. As discussed above, staff recognize the challenges in upgrading private driveways that are already in use and support removing the requirement for a 1.5 metre wide shoulder as well as special consideration for the Moser Head Road subdivision.

Conclusion

Staff have reviewed the items raised by Regional Council and members of the public and advise that the proposed LUB amendments should be revised to include one additional property, reduce shared private design standards, and recognize Moser Head Road's unique situation. The amendments also include the five Ketch Harbour properties Council included at the November 22, 2016, Council session. Therefore, in order to move forward with the revised package of amendments, staff recommend that Regional Council approve the proposed Regional MPS and related community LUB amendments as set out in Attachments A and B of this report.

FINANCIAL IMPLICATIONS

There are no direct financial implications. The HRM costs associated with the MPS amendment process can be accommodated within the approved 2016/17 operating budget with existing resources. However, there is a longer-term financial risk that HRM may receive future requests to take over shared private driveways as public roads.

RISK CONSIDERATION

There are limited risks associated with the recommendations contained within this report. While the proposed amendments contain provisions aimed at mitigating risks associated with enabling development that is accessed by shared private driveways, there is still a risk that emergency vehicles or other government services may have difficulty accessing individual properties. In addition, as noted in the above Financial Implications section, there are financial risks associated with the potential to receive future requests to take over shared private driveways as public roads.

There are no risks associated with the MPS amendment process. MPS amendments are at the discretion of Regional Council and are not subject to appeal to the N.S. Utility and Review Board.

COMMUNITY ENGAGEMENT

The community engagement process is consistent with the intent of the HRM Community Engagement

Strategy, the *HRM Charter*, and the Public Participation Program approved by Council on February 25, 1997. In addition to the public feedback attached to the November 22 staff report, Regional Council received further written submission that are reviewed within the Discussion Section of this report and included as Attachment D.

A public hearing must be held by Regional Council before they can consider approval of the proposed MPS and LUB amendments. Should Regional Council decide to proceed with a public hearing, ads will be published within the local newspaper and HRM website.

Amendments to the Regional Plan and applicable LUBs will potentially impact the following stakeholders: rural landowners and developers.

ENVIRONMENTAL IMPLICATIONS

No additional concerns were identified beyond those raised in the November 22 staff report.

ALTERNATIVES

1. Regional Council may choose to modify the proposed amendments to the Regional Plan and community LUBs, as set out in Attachments A and B of this report. If this alternative is chosen, specific direction regarding the requested modifications is required. Substantive amendments may require another public hearing to be held before approval is granted. A decision of Council to approve or refuse the proposed amendments is not appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.
2. Regional Council may choose to refuse the proposed MPS amendments and related LUB amendments. A decision of Council to refuse MPS amendments is not appealable to the NS Utility and Review Board as per Section 262 of the *HRM Charter*.

ATTACHMENTS

Attachment A Proposed Regional MPS amendments
Attachment B Proposed amendments to applicable community LUBs
Attachment C Proposed amendment circulated on November 22, 2016
Attachment D Public Submissions

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.php> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 902.490.4210, or Fax 902.490.4208.

Report Prepared by: Ben Sivak, Principle Planner, Regional and Community Policy, 902.490.6573

Report Approved by: _____
Bob Bjerke, Chief Planner and Director, Planning and Development, 902.490.1627

**Attachment A
Proposed Amendments to the Regional MPS**

BE IT ENACTED by the Regional Council of the Halifax Regional Municipality that the Regional Municipal Planning Strategy is hereby amended as follows:

1. At the beginning of Section 3.4.3, amend the introductory sentence by adding the text as shown in bold below.

Special provisions are made in recognition of certain applications made and approvals granted prior to the adoption of this Plan, **as well as other unique situations.**

2. Within Section 3.4.3, Special Provisions and Other Growth Management Mechanisms, insert the text following Policy S-28, as shown in bold below.

The HRM Charter enables lots that exceed 10 hectares in area to be created outside of the municipal subdivision approval process. This exception is generally intended for resource uses, such as farming or forestry. In recent years, however, it has become more common for people to utilize the exemption with the intent to create such lots for cottage or residential development. Although such lots can be created without meeting land use by-law requirements for road frontage, the lots must meet land use by-law requirements in order to obtain development permits.

In recognition of certain development permits having being issued for a limited number of single unit dwellings on lots created through the 10 hectare exception in the HRM Charter, Council approves relaxing the road frontage requirements and allowing the continued development of subdivisions that had received permits for some, but not all lots. This one time exception is intentionally focused on these unique situations to maintain the general intent of this Plan while being fair to affected property owners.

- S-28A HRM shall, through the applicable land use by-laws, permit residential uses located on lots that do not meet road frontage requirements and were issued development permits on or before April 1, 2016.**
- S-28B HRM shall, through the applicable land use by-laws, permit development on lots that existed on or before April 1, 2016, and do not meet road frontage requirements within identified subdivisions that received development permits for some, but not all, lots located with the same subdivision.**

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of Regional Council of Halifax Regional Municipality held on the _____ day of _____, 20__.

GIVEN under the hand of the municipal clerk and under the Corporate Seal of the said Municipality this _____ day of _____, 20__.

Municipal Clerk

Attachment B

Proposed Amendment to the Eastern Shore (West) LUB

BE IT ENACTED by the Regional Council of the Halifax Regional Municipality that the Land Use By-law for Eastern Shore (West) is hereby further amended as follows:

1. Within Section 4.4, Reduced Frontage or Area, insert clauses (d) and (e) following clause (c) as shown in bold below.

4.4 REDUCED FRONTAGE OR AREA

- (a) Any lot created in accordance with Section 98 of the Planning Act may be used for any purpose permitted in the zone in which the lot is located, and a development permit may be issued provided that all other applicable provisions of this By-law are satisfied.
 - (b) Notwithstanding the lot frontage and lot area requirements found elsewhere in this By-law, lots may be created in accordance with the provisions of Part 14 of the Subdivision By-law, and a development permit may be issued provided that all other applicable provisions of this By-law are satisfied.
 - (c) Notwithstanding the lot frontage and area requirements found elsewhere in this By-law, fish and boat shed lots may be created in accordance with the provisions of the Subdivision By-law, and a development permit may be issued provided that all other applicable provisions of this By-law are satisfied.
 - (d) **Notwithstanding the lot frontage requirements found elsewhere in this By-law, residential uses that are located on lots that do not meet lot frontage requirements and received development permits on or before April 1, 2016 are permitted provided all other applicable provisions of this By-law are satisfied.**
 - (e) **Notwithstanding the lot frontage requirements found elsewhere in this By-law, residential uses, excluding daycare facilities and senior citizen housing, are permitted on lots that do not meet lot frontage requirements provided the following conditions are satisfied:**
 - i. **the lot existed on April 1, 2016 and is located within the area shown in Schedule D;**
 - ii. **at the time of permitting, the applicant shall provide evidence satisfactory to the Development Officer establishing a registered easement in favour of the property that allows vehicular access to a street or road;**
 - iii. **where the vehicular access required by subclause ii is a shared private driveway serving four or more dwellings, it has been constructed, as certified by a professional engineer, to the design standards contained in Schedule E;**
 - iv. **for properties accessed by the shared private driveway known as Moser Head Road, Subsection iii of this section shall come into force on January 1, 2022; and**
 - v. **all other requirements of this By-law are met.**
2. Insert the attached Schedule D, Areas Subject to Reduced Road Frontage Requirements, following Schedule C.
 3. Insert the attached Schedule E, Shared Private Driveway Design Standards, following Schedule D.
 4. Within the Table of Contents, insert a reference to “**Schedule D – Areas Subject to Reduced Road Frontage Requirements**” and “**Schedule E – Shared Private Driveway Design Standards**” following Schedule C.

Proposed Amendment to the Planning District 5 (Chebucto Peninsula) LUB

BE IT ENACTED by the Regional Council of the Halifax Regional Municipality that the Land Use By-law for Planning Districts 5 (Chebucto Peninsula) is hereby further amended as follows:

1. Within Section 4.7, Reduced Frontage, insert clauses (d) and (e) following clause (c) as shown in bold below.

4.7 REDUCED FRONTAGE

- (a) Notwithstanding the lot frontage requirements found elsewhere in this By-law, lots may be created pursuant to the provisions of Sections 40, 41, 42 and 45 (RC-Jun 25/14;E-Oct 18/14) of the Subdivision By-law and a development permit may be issued provided that all other applicable provisions of this By-law are satisfied.
 - (b) 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 Department of Transportation or the Municipal Service System Guidelines, as applicable (RC-Jun 25/14;E-Oct 18/14).
 - (c) Deleted (RC-Jun 25/14;E-Oct 18/14)
 - (d) **Notwithstanding the lot frontage requirements found elsewhere in this By-law, residential uses that are located on lots that do not meet lot frontage requirements and received development permits on or before April 1, 2016 are permitted provided all other applicable provisions of this By-law are satisfied.**
 - (e) **Notwithstanding the lot frontage requirements found elsewhere in this By-law, residential uses, excluding daycares facilities, are permitted on lots that do not meet lot frontage requirements provided the following conditions are satisfied:**
 - i. **the lot existed on April 1, 2016 and is located within the area shown in Schedule E;**
 - ii. **at the time of permitting, the applicant shall provide evidence satisfactory to the Development Officer establishing a registered easement in favour of the property that allows vehicular access to a street or road;**
 - iii. **where the vehicular access required by subclause ii is a shared private driveway serving four or more dwellings, it has been constructed, as certified by a professional engineer, to the design standards contained in Schedule F; and**
 - iv. **all other requirements of this By-law are met.**
2. Insert the attached Schedule E, Areas Subject to Reduced Road Frontage Requirements, following Schedule D.
 3. Insert the attached Schedule F, Shared Private Driveway Design Standards, following Schedule E.
 4. Within the Table of Contents, insert a reference to **“Schedule E – Areas Subject to Reduced Road Frontage Requirements”** and **“Schedule F – Shared Private Driveway Design Standards”** following Schedule D.

Proposed Amendment to the Eastern Shore (East) LUB

BE IT ENACTED by the Regional Council of the Halifax Regional Municipality that the Land Use By-law for Eastern Shore (East) is hereby further amended as follows:

1. Within Section 4.4, Reduced Frontage or Area, insert clause (d) following clause (c) as shown in bold below.

4.4 REDUCED FRONTAGE OR AREA

- (a) Any lot created in accordance with Section 98 of the Planning Act may be used for any purpose permitted in the zone in which the lot is located, and a development permit may be issued provided that all other applicable provisions of this By-law are satisfied.
- (b) Notwithstanding the lot frontage requirements found elsewhere in this By-law, lots may be created in accordance with the provisions of Part 14 of the Subdivision By-law, and a development permit may be issued provided that all other applicable provisions of this By-law are satisfied.
- (c) Notwithstanding the lot frontage and area requirements found elsewhere in this By-law, fish and boat shed lots may be created in accordance with the provisions of the Subdivision By-law, and a development permit may be issued provided that all other applicable provisions of this By-law are satisfied.
- (d) Notwithstanding the lot frontage requirements found elsewhere in this By-law, residential uses that are located on lots that do not meet lot frontage requirements and received development permits on or before April 1, 2016 are permitted provided all other applicable provisions of this By-law are satisfied.**

Proposed Amendment to the Musquodoboit Valley/Dutch Settlement LUB

BE IT ENACTED by the Regional Council of the Halifax Regional Municipality that the Land Use By-law for Musquodoboit Valley/Dutch Settlement is hereby further amended as follows:

1. Within Section 4.5, Reduced Frontage or Area, insert the following text as shown in bold below.

4.5 REDUCED FRONTAGE OR AREA

- (a) Any lot created pursuant to Section 107 of the Planning Act, S.N.S. 1989 and any lot created pursuant to PART 14 of the Subdivision By-law may be used for any purpose permitted in the Zone in which the lot is located and a development permit may be issued and a building may be erected on the lot, provided that all other applicable provisions of this By-law are satisfied.
- (b) Notwithstanding the lot frontage requirements found elsewhere in this By-law, residential uses that are located on lots that do not meet lot frontage requirements and received development permits on or before April 1, 2016 are permitted provided all other applicable provisions of this By-law are satisfied.**

Proposed Amendment to the Planning Districts 1 & 3 (St. Margaret's Bay) LUB

BE IT ENACTED by the Regional Council of the Halifax Regional Municipality that the Land Use By-law for Planning Districts 1 & 3 (St. Margaret's Bay) is hereby further amended as follows:

1. Within Section 4.3, Reduced Frontage and Area, insert clause (c) following clause (b) as shown in bold below.

4.3 (a) REDUCED FRONTAGES AND AREAS

Where a lot with reduced frontage is created pursuant to PART 14 of the Subdivision By-law, a development permit may be issued for residential or resource uses.

(b) Notwithstanding the Lot Frontage and Lot Area requirements of any zone, a lot containing a cemetery in existence on November 15, 2003 may be subdivided and a development permit issued provided that:

- (i) the cemetery lot does not contain a dwelling and/or buildings other than accessory buildings or structures;
- (ii) where a cemetery lot does not abut a public street or highway or private road, a right-of-way or easement of access of a minimum width of twenty (20) feet, extending from the cemetery lot to its point of intersection with the public street or highway or private road shall be shown on the plan of subdivision;
- (iii) the easement or right of way appurtenant to the cemetery lot, shall be provided by the subdivider concurrently with the conveyance of the cemetery lot;
- (iv) notwithstanding the requirements of any zone, accessory buildings and structures permitted in conjunction with cemetery lots shall be subject to the provisions of Section 4.13 of the this By-law; and
- (v) the remaining lands meet the requirements of the applicable zone. (WRCC-Nov 24/03;E-Dec 16/03)

(c) Notwithstanding the lot frontage requirements found elsewhere in this By-law, residential uses that are located on lots that do not meet lot frontage requirements and received development permits on or before April 1, 2016 are permitted provided all other applicable provisions of this By-law are satisfied.

Proposed Amendment to the Planning Districts 14 & 17 (Shubenacadie Lakes) LUB

BE IT ENACTED by the Regional Council of the Halifax Regional Municipality that the Land Use By-law for Planning Districts 14 & 17 (Shubenacadie Lakes) is hereby further amended as follows:

1. Within Section 4.6A, Reduced Frontage or Area, insert the following text as shown in bold below.

4.6A REDUCED FRONTAGE OR AREA

- (a)** Any lot created pursuant to Section 98 of the Planning Act and any lot created pursuant to PART 14 (C-Dec 18/89;E-Jan 13/90) of the Subdivision By-law may be used for any purpose permitted in the zone in which the lot is located and a development permit may be issued and a building may be erected on the lot, provided that all other applicable provisions of this By-law are satisfied.
- (b) Notwithstanding the lot frontage requirements found elsewhere in this By-law, residential uses that are located on lots that do not meet lot frontage requirements and received development permits on or before April 1, 2016 are permitted provided all other applicable provisions of this By-law are satisfied.**

Proposed Amendment to the Planning District 4 (Prospect) LUB

BE IT ENACTED by the Regional Council of the Halifax Regional Municipality that the Land Use By-law for Planning District 4 (Prospect) is hereby further amended as follows:

1. Within Section 4.5, Reduced Frontage or Area, insert clause (d) following clause (c) as shown in bold below.

4.5 REDUCED FRONTAGE OR AREA

- (a) Development permits may be issued for lots approved pursuant to Section 38, 43 or 43A (RC-Sep 8/15;E-Nov 7/15) of the Subdivision By-law as specified therein provided that all other applicable provisions of this By-law are satisfied but no development permit shall be issued for a commercial, industrial, or community facility use, regardless of the zone in which it is located, for lots created pursuant to Section 14.1 of the Subdivision By-law except for home business uses. (WRCC-Aug 23/95;E-Sep 18/95)
- (b) Notwithstanding the lot frontage and area requirements found elsewhere in this By-law, fish and boat shed lots may be created in accordance with the provisions of the Subdivision By-law, and a development permit may be issued provided that all other applicable provisions of this By-law are satisfied.
- (c) Notwithstanding the Lot Frontage and Lot Area requirements of any zone, a lot containing a cemetery in existence on November 15, 2003 may be subdivided and a development permit issued provided that:
 - (i) the cemetery lot does not contain a dwelling and/or buildings other than accessory buildings or structures;
 - (ii) where a cemetery lot does not abut a public street or highway or private road, a right-of-way or easement of access of a minimum width of twenty (20) feet, extending from the cemetery lot to its point of intersection with the public street or highway or private road shall be shown on the plan of subdivision;
 - (iii) the easement or right of way appurtenant to the cemetery lot, shall be provided by the subdivider concurrently with the conveyance of the cemetery lot;
 - (iv) notwithstanding the requirements of any zone, accessory buildings and structures permitted in conjunction with cemetery lots shall be subject to the provisions of Section 4.12 of the this By-law;
 - (v) the remaining lands meet the requirements of the applicable zone. (WRCC-Nov 24/03;E-Dec 16/03)
- (d) **Notwithstanding the lot frontage requirements found elsewhere in this By-law, residential uses that are located on lots that do not meet lot frontage requirements and received development permits on or before April 1, 2016 are permitted provided all other applicable provisions of this By-law are satisfied.**

Proposed Amendment to the Beaver Bank, Hammonds Plains and Upper Sackville LUB

BE IT ENACTED by the Regional Council of the Halifax Regional Municipality that the Land Use By-law for Beaver Bank, Hammonds Plains and Upper Sackville is hereby further amended as follows:

1. Within Section 4.6, Reduced Frontage or Area, insert clause (d) following clause (c) as shown in bold below.

4.6 REDUCED FRONTAGE OR AREA

- (a) Any lot created pursuant to the reduced frontage or area requirements of the Subdivision By-law may be used for any purpose permitted in the zone in which the lot is located and a development permit may be issued and a building may be erected on the lot, provided that all other applicable provisions of this By-law are satisfied.
- (b) With the exception of the R-1, P-2, and any commercial or industrial zones, or lots serviced by central sewer and/or water services, the Development Officer may issue a development permit for a lot approved pursuant to Part 14 of the Subdivision By-law, provided that all other applicable provisions of this By-law are satisfied.
- (c) Notwithstanding the Lot Frontage and Lot Area requirements of any zone, a lot containing a cemetery in existence on the effective date of this amendment may be subdivided and a development permit issued provided that:
 - (i) the cemetery lot does not contain a dwelling and/or buildings other than accessory buildings or structures;
 - (ii) where a cemetery lot does not abut a public street or highway or private road, a right-of-way or easement of access of a minimum width of twenty (20) feet, extending from the cemetery lot to its point of intersection with the public street or highway or private road shall be shown on the plan of subdivision;
 - (iii) the easement or right of way appurtenant to the cemetery lot, shall be provided by the subdivider concurrently with the conveyance of the cemetery lot;
 - (iv) notwithstanding the requirements of any zone, accessory buildings and structures permitted in conjunction with cemetery lots shall be subject to the provisions of Section 4.11 of the this By-law;
 - (v) the remaining lands meet the requirements of the applicable zone. (NWCC-Dec 18/03;E-Jan 11/04)
- (d) **Notwithstanding the lot frontage requirements found elsewhere in this By-law, residential uses that are located on lots that do not meet lot frontage requirements and received development permits on or before April 1, 2016 are permitted provided all other applicable provisions of this By-law are satisfied.**

Proposed Amendment to the Planning Districts 8 & 9 (Lake Echo/Porters Lake) LUB

BE IT ENACTED by the Regional Council of the Halifax Regional Municipality that the Land Use By-law for Planning Districts 8 & 9 (Lake Echo/Porters Lake) is hereby further amended as follows:

1. Within Section 4.4, Reduced Frontage or Area, insert clause (d) following clause (c) as shown in bold below.

4.4 REDUCED FRONTAGE OR AREA

- (a) Any lot created in accordance with Section 98 of the Planning Act may be used for any purpose permitted in the zone in which the lot is located, and a development permit may be issued provided that all other applicable provisions of this By-law are satisfied.
- (b) Notwithstanding the lot frontage and lot area requirements found elsewhere in this By-law, lots may be created in accordance with the provisions of Part 14 of the Subdivision By-law, and a development permit may be issued provided that all other applicable provisions of this By-law are satisfied.
- (c) Notwithstanding the lot frontage and area requirements found elsewhere in this By-law, fish and boat shed lots may be created in accordance with the provisions of the Subdivision By-law, and a development permit may be issued provided that all other applicable provisions of this By-law are satisfied.
- (d) **Notwithstanding the lot frontage requirements found elsewhere in this By-law, residential uses that are located on lots that do not meet lot frontage requirements and received development permits on or before April 1, 2016 are permitted provided all other applicable provisions of this By-law are satisfied.**

Proposed Amendment to the Sackville LUB

BE IT ENACTED by the Regional Council of the Halifax Regional Municipality that the Land Use By-law for Sackville is hereby further amended as follows:

1. Within Section 4.7, Reduced Frontage or Area, insert clause (f) following clause (e) as shown in bold below.

4.7 REDUCED FRONTAGE OR AREA

- (a) Any lot created pursuant to Section 98 of the Planning Act may be used for any purpose permitted in the zone in which the lot is located and a development permit may be issued and a building may be erected on the lot, provided that all other applicable provisions of this By-law are satisfied.
- (b) Notwithstanding the frontage and area requirements found elsewhere in this by-law, where a lot existing on the effective date of this by-law has less than 120 feet (36.6 m) of frontage and abuts a street in which sewer and water services are available, the lot frontage requirement is reduced to 50 feet (15.2 m) and the lot area requirement is reduced to 5000 square feet (464.5 m²).
- (c) Any lot created according to the provisions of subsections (a) or (b) above may be used for any purpose permitted in the zone in which the lot is located and a building may be erected on the lot, provided that all other applicable provisions of this By-law are satisfied.
- (d) Notwithstanding the lot frontage requirements of this By-law, development permits may be issued for lots approved pursuant to Part 14 of the Subdivision By-law as specified therein provided that all other applicable provisions of this By-law are satisfied but no development permit shall be issued for a commercial, industrial, or community facility use, regardless of the zone in which it is to be located, for lots created pursuant to Section 14.1 of the Subdivision By-law except for business uses in conjunction with a permitted dwelling.
- (e) Notwithstanding the Lot Frontage and Lot Area requirements of any zone, a lot containing a cemetery in existence on the effective date of this amendment may be subdivided and a development permit issued provided that:
 - (i) the cemetery lot does not contain a dwelling and/or buildings other than accessory buildings or structures;
 - (ii) where a cemetery lot does not abut a public street or highway or private road, a right-of-way or easement of access of a minimum width of twenty (20) feet, extending from the cemetery lot to its point of intersection with the public street or highway or private road shall be shown on the plan of subdivision;
 - (iii) the easement or right of way appurtenant to the cemetery lot, shall be provided by the subdivider concurrently with the conveyance of the cemetery lot;
 - (iv) notwithstanding the requirements of any zone, accessory buildings and structures permitted in conjunction with cemetery lots shall be subject to the provisions of Section 4.11 of the this By-law;
 - (v) the remaining lands meet the requirements of the applicable zone. (NWCC-Dec 18/03;E-Jan 11/04)
- (f) **Notwithstanding the lot frontage requirements found elsewhere in this By-law, residential uses that are located on lots that do not meet lot frontage requirements and received development permits on or before April 1, 2016 are permitted provided all other applicable provisions of this By-law are satisfied**

Proposed Amendment to the Eastern Passage/Cow Bay LUB

BE IT ENACTED by the Regional Council of the Halifax Regional Municipality that the Land Use By-law for Eastern Passage/Cow Bay is hereby further amended as follows:

1. Within Section 4.7, Reduced Frontage or Area, insert clause (f) following clause (e) as shown in bold below.

4.7 REDUCED FRONTAGE OR AREA

- (a) Any lot created pursuant to Section 98 of the Part IX of the Halifax Regional Municipality Charter may be used for any purpose permitted in the zone in which the lot is located and a development permit may be issued and a building may be erected on the lot, provided that all other applicable provisions of this By-law are satisfied. (HECC-May 11/09;E-May 30/09)
- (b) Notwithstanding the frontage and area requirements found elsewhere in this by-law, where a lot existing on the effective date of this by-law has less than 120 feet (36.6 m) of frontage and abuts a street in which sewer and water services are available, the lot frontage requirement is reduced to 50 feet (15.2 m) and the lot area requirement is reduced to 5000 square feet (464.5 m²).
- (c) Any lot created according to the provisions of subsection (b) above may be used for any purpose permitted in the zone in which the lot is located and a building may be erected on the lot, provided that all other applicable provisions of this By-law are satisfied.
- (d) Notwithstanding the lot frontage requirements of this By-law, development permits may be issued for lots approved pursuant to Section 38 of the Regional Subdivision By-law as specified therein provided that all other applicable provisions of this By-law are satisfied but no development permit shall be issued for a commercial, industrial, or community facility use, regardless of the zone in which it is to be located, for lots created pursuant to Section 14.1 of the Subdivision By-law except for business uses in conjunction with a permitted dwelling.(HECC-May 11/09;E-May 30/09)
- (e) Notwithstanding the Lot Frontage and Lot Area requirements of any zone, a lot containing a cemetery in existence on the effective date of this amendment may be subdivided and a development permit issued provided that:
 - (i) the cemetery lot does not contain a dwelling and/or buildings other than accessory buildings or structures;
 - (ii) where a cemetery lot does not abut a public street or highway or private road, a right-of-way or easement of access of a minimum width of twenty (20) feet, extending from the cemetery lot to its point of intersection with the public street or highway or private road shall be shown on the plan of subdivision;
 - (iii) the easement or right of way appurtenant to the cemetery lot, shall be provided by the subdivider concurrently with the conveyance of the cemetery lot;
 - (iv) notwithstanding the requirements of any zone, accessory buildings and structures permitted in conjunction with cemetery lots shall be subject to the provisions of Section 4.11 of the this By-law;
 - (v) the remaining lands meet the requirements of the applicable zone. (HECC-Jan9/03, E-Jan29/03)
- (f) **Notwithstanding the lot frontage requirements found elsewhere in this By-law, residential uses that are located on lots that do not meet lot frontage requirements and received development permits on or before April 1, 2016 are permitted provided all other applicable provisions of this By-law are satisfied.**

Proposed Amendment to the Lawrencetown LUB

BE IT ENACTED by the Regional Council of the Halifax Regional Municipality that the Land Use By-law for Lawrencetown is hereby further amended as follows:

1. Within Section 4.3, Reduced Frontages, insert clause (d) following clause (c) as shown in bold below.

4.3 REDUCED FRONTAGES

- (a) Notwithstanding the lot frontage requirements found elsewhere in this by-law, development permits may be issued for residential and resource purposes in the RR-1 zone on lots created pursuant to the provisions of Part 14 of the Subdivision By-law provided that all other applicable provisions of this By-law are satisfied.
- (b) Notwithstanding subsection 4.3(a), lots which have frontage on Highway No. 207 shall not be eligible for the application of the reduced lot frontage provisions of the Subdivision By-law.
- (c) Notwithstanding the lot frontage requirements found elsewhere in this By-law, a development permit may be issued for a maximum of two (2) lots or one (1) lot and a remainder per parcel of land with frontage on Highway No. 207, and which existed on the effective date of this By-law, as specified in the Subdivision By-law, provided that each lot has a minimum frontage of one hundred (100) feet (30.5 m) and provided that all other applicable provisions of this By-law are satisfied.
- (d) **Notwithstanding the lot frontage requirements found elsewhere in this By-law, residential uses that are located on lots that do not meet lot frontage requirements and received development permits on or before April 1, 2016 are permitted provided all other applicable provisions of this By-law are satisfied**

BE IT ENACTED by the Regional Council of the Halifax Regional Municipality that the Land Use By-law for North Preston, Lake Major, Lake Loon, Cherry Brook and East Preston is hereby further amended as follows:

1. Within Section 4.11, Reduced Frontage or Area, insert clause (d) following clause (c) as shown in bold below.

4.11 REDUCED FRONTAGE OR AREA

- (a) Any lot created pursuant to Section 107 of the Planning Act may be used for any purpose permitted in the zone in which the lot is located, and a development permit may be issued and a building may be erected on the lot, provided that all other applicable provisions of this By-law are satisfied.
- (b) Notwithstanding the lot frontage requirements of this By-law, development permits may be issued for lots which are created pursuant to Part 14 of the Subdivision By-law, for residential and resource uses in any zone, provided that all other applicable provisions of this By-law are met.
- (c) Notwithstanding the area requirements of this By-law, the minimum lot area requirement for an existing serviced area of land with less than an area of 12,000 square feet shall be (5,000) square feet (464.5 m²).
- (d) **Notwithstanding the lot frontage requirements found elsewhere in this By-law, residential uses that are located on lots that do not meet lot frontage requirements and received development permits on or before April 1, 2016 are permitted provided all other applicable provisions of this By-law are satisfied.**

Proposed Amendment to the Cole Harbour/Westphal LUB

BE IT ENACTED by the Regional Council of the Halifax Regional Municipality that the Land Use By-law for Cole Harbour/Westphal is hereby further amended as follows:

1. Within Section 4.7, Reduced Frontage or Area, insert clause (e) following clause (d) as shown in bold below.

4.7 REDUCED FRONTAGE OR AREA

- (a) Any lot created pursuant to Section 98 of the Planning Act may be used for any purpose permitted in the zone in which the lot is located and a development permit may be issued and a building may be erected on the lot, provided that all other applicable provisions of this By-law are satisfied.
- (b) Notwithstanding the frontage and area requirements found elsewhere in this by-law, where a lot existing on the effective date of this by-law has less than one hundred and twenty (120) feet (36.6 m) of frontage and abuts a street in which sewer and water services are available, the minimum lot frontage requirement is fifty (50) feet and the minimum lot area requirement is five thousand (5,000) square feet (454.5 m²).
- (c) Any lot created according to the provisions of subsection (b) may be used for any purpose permitted in the zone in which the lot is located and a building may be erected on the lot, provided that all other applicable provisions of this By-law are satisfied.
- (d) Notwithstanding the lot frontage requirements of this By-law, development permits may be issued for lots approved pursuant to Part 14 of the Subdivision By-law as specified therein provided that all other applicable provisions of this By-law are satisfied but no development permit shall be issued for a commercial, industrial, or community facility use, regardless of the zone in which it is to be located, for lots created pursuant to Section 14.1 of the Subdivision By-law except for business uses in conjunction with a permitted dwelling. (C-Dec 13/93;M-Dec 22/93)
- (e) **Notwithstanding the lot frontage requirements found elsewhere in this By-law, residential uses that are located on lots that do not meet lot frontage requirements and received development permits on or before April 1, 2016 are permitted provided all other applicable provisions of this By-law are satisfied.**

Proposed Amendment to the Timberlea/Lakeside/Beechville LUB

BE IT ENACTED by the Regional Council of the Halifax Regional Municipality that the Land Use By-law for Timberlea/Lakeside/Beechville is hereby further amended as follows:

1. Within Section 4.7, Reduced Frontage or Area, insert clause (f) following clause (e) as shown in bold below.

4.7 REDUCED FRONTAGE OR AREA

- (a) Any lot created pursuant to Section 98 of the Planning Act may be used for any purpose permitted in the zone in which the lot is located and a development permit may be issued and a building may be erected on the lot, provided that all other applicable provisions of this By-law are satisfied.
- (b) Notwithstanding the frontage and area requirements found elsewhere in this by-law, where a lot existing on the effective date of this by-law has less than one hundred twenty (120) feet of frontage and abuts a street in which sewer and water services are available, the minimum lot frontage requirement is (50) feet and the minimum lot area requirement is five thousand (5000) square feet.
- (c) Any lot created according to the provisions of subsection (b) above may be used for any purpose permitted in the zone in which the lot is located and a building may be erected on the lot, provided that all other applicable provisions of this By-law are satisfied.
- (d) Notwithstanding the lot frontage requirements of this By-law, development permits may be issued for lots approved pursuant to Part 14 of the Subdivision By-law as specified therein provided that all other applicable provisions of this By-law are satisfied, but no development permit shall be issued for a commercial, industrial, or community facility use, regardless of the zone in which it is to be located, for lots created pursuant to Section 14.1 of the Subdivision By-law except for business uses in conjunction with a permitted dwelling.
- (e) Notwithstanding the Lot Frontage and Lot Area requirements of any zone, a lot containing a cemetery in existence on the effective date of this amendment may be subdivided and a development permit issued provided that:
 - (i) the cemetery lot does not contain a dwelling and/or buildings other than accessory buildings or structures;
 - (ii) where a cemetery lot does not abut a public street or highway or private road, a right-of-way or easement of access of a minimum width of twenty (20) feet, extending from the cemetery lot to its point of intersection with the public street or highway or private road shall be shown on the plan of subdivision;
 - (iii) the easement or right of way appurtenant to the cemetery lot, shall be provided by the subdivider concurrently with the conveyance of the cemetery lot;
 - (iv) notwithstanding the requirements of any zone, accessory buildings and structures permitted in conjunction with cemetery lots shall be subject to the provisions of Section 4.13 of the this By-law;
 - (v) the remaining lands meet the requirements of the applicable zone. (WRCC- Nov 24/03; E-Dec 16/03).
- (f) **Notwithstanding the lot frontage requirements found elsewhere in this By-law, residential uses that are located on lots that do not meet lot frontage requirements and received development permits on or before April 1, 2016 are permitted provided all other applicable provisions of this By-law are satisfied.**

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of Regional Council of Halifax Regional Municipality held on the _____ day of _____, 20__.


GIVEN under the hand of the municipal clerk and under the Corporate Seal of the said Municipality this _____ day of _____, 201__.

Municipal Clerk



Schedule D - Areas subject to reduced road frontage requirements

HALIFAX

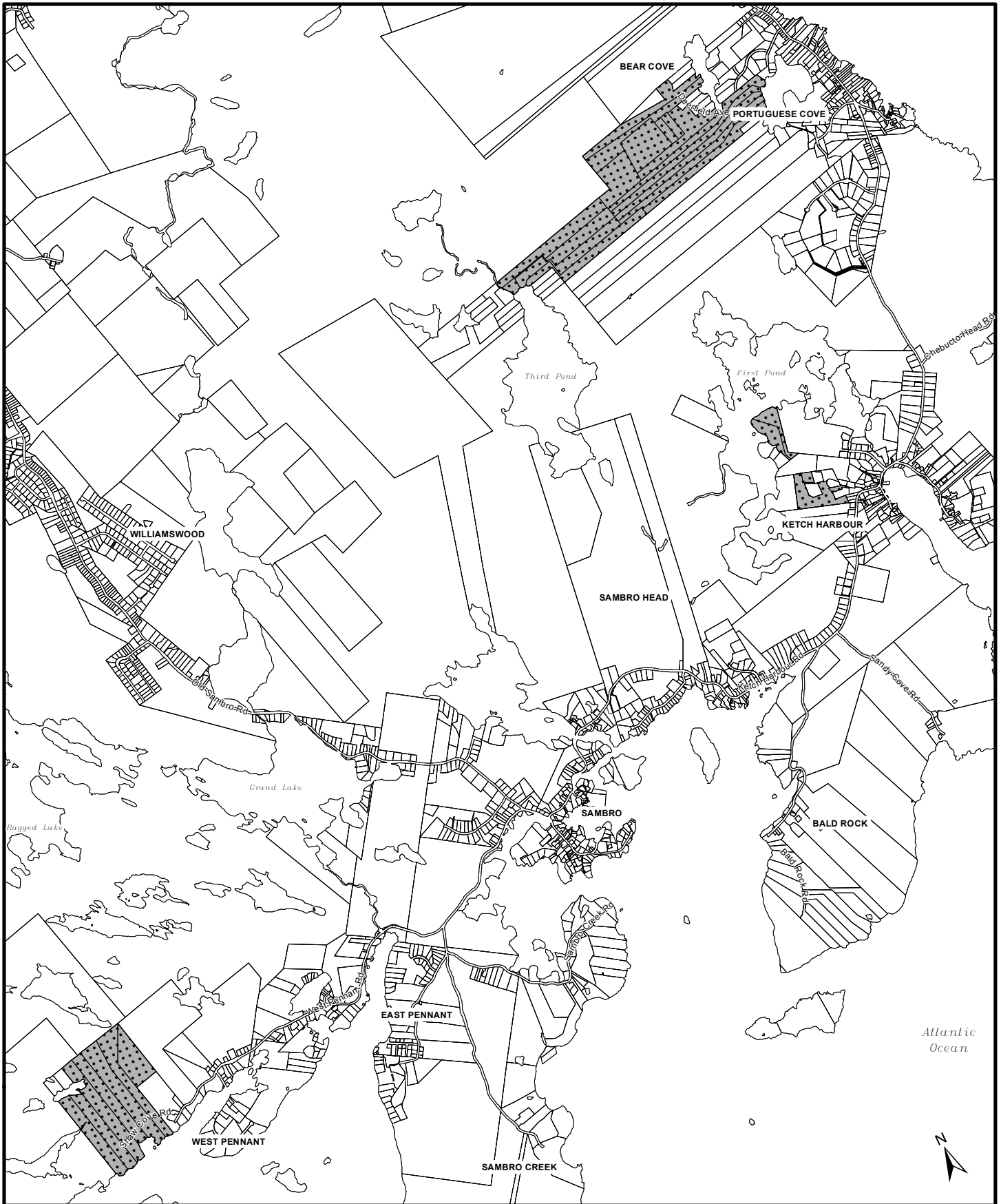
 Areas subject to reduced road frontage requirements

The accuracy of any representation on this plan is not guaranteed.

Schedule E: Shared Private Driveway Design Standards


Where specifically required by LUB provisions, shared private driveways that provide vehicular access to four or more dwellings shall meet the following design standards.

1. All shared private driveways shall have a minimum clear width of 6 meters (19.7 feet) as follows:
 - (a) Travel lanes shall be a minimum of 3 meters (9.8 feet) for each direction of travel and shall not include parking areas. Travel lanes shall be designed and constructed, complete with gravel or a paved asphalt surface, to adequately support the loads produced by all emergency vehicles.
2. All shared private driveways shall be constructed so as to prevent the accumulation of water and ice on any section of the driveway. Where the driveway grades are less than 0.5 percent, the shared private driveway shall be crowned in the center to prevent pooling of water in a travelled way. Swales shall be installed if required to prevent erosion of the shoulders.
3. Provisions for drainage systems, snow banks, utilities, and the like shall be provided and shall not be located within the required 6 meter (19.7 foot) driveway.
4. At least 4.26 meters (14 feet) nominal vertical clearance shall be provided and maintained over the full width of the shared private driveway.
5. Shared private driveways shall not have grades greater than 10 % with no change in grade over 8% in 15 meters (49.21 feet) of travel distance.
6. All cul-de-sacs shall be constructed with a minimum radius of 13 meters (42.65 feet) to the edge of asphalt and 15 meters (49.21 feet) to outside of shoulder.
7. All travel lane curves and turns at intersection, are to have a minimum 12 meter (39.37 feet) centreline travel radius. Curves and turns shall not reduce the clear width of the driveway.
8. The angle of approach and the angle of departure shall not exceed 8 degrees at any point on the driveway or its intersection with another driveway.
9. Sight distance shall be incorporated into the design of intersections.
10. If speed bumps are going to be constructed; acceptable warning signs shall be required



Schedule E - Areas subject to reduced road frontage requirements

HALIFAX

 Areas subject to reduced road frontage requirements

The accuracy of any representation on this plan is not guaranteed.

Schedule F: Shared Private Driveway Design Standards

Where specifically required by LUB provisions, shared private driveways that provide vehicular access to four or more dwellings shall meet the following design standards.

1. All shared private driveways shall have a minimum clear width of 6 meters (19.7 feet) as follows:
 - (a) Travel lanes shall be a minimum of 3 meters (9.84 feet) for each direction of travel and shall not include parking areas. Travel lanes shall be designed and constructed, complete with gravel or a paved asphalt surface, to adequately support the loads produced by all emergency vehicles.
2. All shared private driveways shall be constructed so as to prevent the accumulation of water and ice on any section of the driveway. Where the driveway grades are less than 0.5 percent, the shared private driveway shall be crowned in the center to prevent pooling of water in a travelled way. Swales shall be installed if required to prevent erosion of the shoulders.
3. Provisions for drainage systems, snow banks, utilities, and the like shall be provided and shall not be located within the required 6 meter (19.7 foot) driveway.
4. At least 4.26 meters (14 feet) nominal vertical clearance shall be provided and maintained over the full width of the shared private driveway.
5. Shared private driveways shall not have grades greater than 10 % with no change in grade over 8% in 15 meters (49.21 feet) of travel distance.
6. All cul-de-sacs shall be constructed with a minimum radius of 13 meters (42.65 feet) to the edge of asphalt and 15 meters (49.21 feet) to outside of shoulder.
7. All travel lane curves and turns at intersection, are to have a minimum 12 meter (39.37 feet) centreline travel radius. Curves and turns shall not reduce the clear width of the driveway.
8. The angle of approach and the angle of departure shall not exceed 8 degrees at any point on the driveway or its intersection with another driveway.
9. Sight distance shall be incorporated into the design of intersections.
10. If speed bumps are going to be constructed; acceptable warning signs shall be required

Attachment C
Amendments Circulated on November 22, 2016

Eastern Shore (West)

That Halifax Regional Council amend the proposed amendments to the Eastern Shore (West) Land Use By-law, as contained in Attachment B, as follows:

1. by adding PID 40029225 (and any other specific properties Council wishes to include) within the shaded area shown on Schedule D
2. by striking out clause 1(b) of the Shared Private Driveway Standards in the circulated copy of Schedules E; and
3. by adding subclause iiiia of clause e of section 4.4, following subclause iii and before subclause iv, as shown below

iiiia. For properties accessed by the shared private driveway known as Moser Head Road, Subsection iii of this section shall come into force on January 1, 2022.

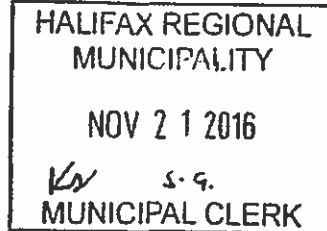
Planning District 5 (Chebucto Peninsula)

That Halifax Regional Council amend the proposed amendments to the Planning District 5 (Chebucto Peninsula) Land Use By-law, as contained in Attachment B, by striking out clause 1(b) of the Shared Private Driveway Standards, as shown in the circulated copy of Schedules F.

Attachment D

Re: Item No. 14.1.8

From: George Hommoen [mailto:]
Sent: November-21-16 3:01 PM
To: Office, Clerks
Subject: Re: Save Rural HRM position on staff recommendations for 10 hectare lots



10 Hectare Amendments Response

Executive Summary

- The proposed amendments do not go nearly far enough and have ignored people in other areas of HRM in the same situation. Landowners in the Portuguese Cove Area, Fall River area, and now even Mr Morry El-Badry's property sandwiched between two 'approved' areas that have not been re-granted development rights.
- These amendments have not addressed over 90% of affected lot owners.
- The proposed amendments have not addressed the historic right of homesteaders who wish to subdivide their lands in the future as was the 'norm' until earlier this year.
- The proposed road standards are too burdensome. A 9m (27') wide road is the Municipal Road standard and it is extremely excessive for a dead-end 'shared driveway' that will serve less than 20 lots with approximately 100 car trips a day.
- HRM has not consistently enforced this road standard. There are numerous private lanes, shared driveways and private roads across HRM that do not meet the proposed standard. For that matter there are municipally owned roads that do not meet this standard. These roads are implicitly grandfathered, we ask for the same.
- We are simply asking for the ability to build on private infrastructure. We do not want expensive public sidewalks, public water, public sewage, or public roads to be spread across the entire municipality. We do not even want school buses or garbage collection on 'shared driveways'. We simply want the right to build homes that do not have public road frontage and satisfy all other zoning and LUB requirements. This is a right which any citizen within another Nova Scotian municipality enjoys. Other municipalities actively encourage these types of developments as it increases their tax base at no additional cost. It is 'win-win' for the municipality and the local economy. Only HRM has made, and continues to make an issue with these lot types.
- In the particular case of Moser Head Road the Provincial unmaintained public section does not need to be an issue. The Province has a clause in the Municipal Government Act (MGA) that allows municipalities to treat this type of road (over 2500 km of it exists in NS) as a private road for by-law purposes on a case by case basis with permission from the municipality or DITR. Other municipalities specifically highlight this mechanism in their subdivision planning bylaws. It is our contention that staff could have made a recommendation to the subdivision bylaws and the HRM Charter (if required) to include a similar provision. Since it is on a case by case basis it would NOT impact the Regional Master Plan.
- Our full position can be found on our website at <http://saveruralhrm.ca/issue-10hectarereportresponse.php>

Our Position

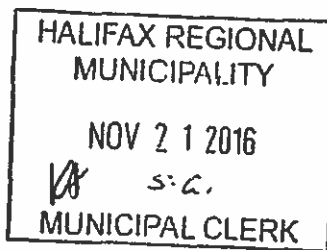
We emphatically ask Council to consider making the following amendments to the report before them:

- Include all of the identified lots in the proposed amendments. At most, it is 1000 homes that are on 100% private infrastructure and do not add any cost to the municipality while increasing tax revenue. At a density of 1 home / 25 acres hundreds of acres of pristine wilderness will be preserved in private hands; all without the attendant government costs.
 - These lands must still satisfy the zoning requirements and all other LUBs before a building permit is issued, we simply ask for the right to develop private shared driveways and lanes as is allowed within every other municipality in the province.
- Preserve the right of homesteaders to subdivide their backlands. The driveway for the existing home is already in place in the majority of cases. As such, this will not increase the service burden on the municipality.
- Recognize that the public municipal road standard is excessive for a dead-end, private 'shared driveway':
 - Grandfather existing lanes and shared driveways to the standards in place at the time of construction. Using Moser Head Road as an example, this would be 2002, not 2016. This is standard practice in other municipalities (e.g. Chester Municipality).
 - A shared driveway does NOT need to be 9m (27' wide).
 - For new roads that have yet to be constructed, put in place a reduced road standard that increases by the number of serviced lots (again, these recommendations are standard practice in other NS municipalities)

# of Existing Lots	Private Shared Driveway Standard
<= 8	Deeded right of way
9-20	5.5m (18') surface including shoulders. A fire truck is 8' wide, a car is 6' wide and that gives 4' of buffer for comfortably passing.
21+ lots	Municipal road standard

- Implement an amendment to the subdivision bylaws and the HRM Charter (if required) to allow sections of province unmaintained public road (aka class K) to be treated as a continuous section of private roadway for the purposes of reaching a maintained public road. This is, once again, standard practice in all other Nova Scotian municipalities. Lot owners would be required to receive the permission of the municipality OR the Department of Transportation and Renewal to use these sections of road on a case by case basis. This will remove an burdensome and uncertain 6-18 month process and fix it 'at the stroke of a pen'.

MUNICIPAL CLERKS OFFICE	
Date Distributed:	Nov 22/16
<input checked="" type="checkbox"/> Councillors	Meeting <u>Regional Council</u>
<input checked="" type="checkbox"/> Mayor	
<input checked="" type="checkbox"/> CAO	Meeting Date: <u>Nov 22/16</u>
<input checked="" type="checkbox"/> DCAO	
<input checked="" type="checkbox"/> Solicitor	Item No. <u>14.1.8</u>
<input checked="" type="checkbox"/> Communications	
<input checked="" type="checkbox"/> Public Affairs	
<input checked="" type="checkbox"/> Gov. Relations	
<input checked="" type="checkbox"/> Other	<u>B. Sivak, K. Denty,</u> <u>K. Rielke</u>



Scott W Rowlings
Musquodoboit Hbr
November 21, 2016

To Whom it May Concern

Upon going over The report" 14.1.08-02 - Report -
_Amendments_to_the_Regional_MPS_and_Community_LUBs_Regarding_the_Develop
ment_of_10_hectare_(25_acre)_lots.pdf - Sent from MaaS360" I find it difficult to see
where this is doing anything at all to alleviate the immense financial burden that has been
placed on myself, business partners and clients whom have already purchased lots. I had
a lengthy meeting with HRM staff planners (accompanied by David Hendsbee in the
spring of 2016). During that meeting it was made very clear on what had brought me to
the point where I have developed these 10-hectare lots for sale. At the time in the mid
2000's HRM staff was had never brought up the lack of frontage issue, nor did the
Survey Engineers advising me at that time (terrain Group), nor did any lawyers or real
estate professionals involved in any of the sales transactions.

From what I see in the recommendations is that firstly no mention of the eleven 10
hectare lots on the East side of Scots Lake were included within the proposed 6
exemption subdivisions even though HRM staff have been very aware of these. Secondly,
although it is nice to see that the initial West side of Scots Lake 10 hectare lots were
included, If i am reading this correctly, in order for existing owners of these lots that have
not yet built (new buyers of the remaining few) to obtain development permits, the lots
will have to conform to what is set out in the attachments to the recommendations. The
burden of these attachments will simply make it financially impossible to address now
that so many have been sold and the business model was not wrapped around what will
be an immense financial capital expense to achieve adherence to the attachments. At this
stage in the process this will become absolutely cost prohibitive to achieve. So essentially
this amendment in its current form will have no positive effect in curing the issue that
HRM has created by allowing the development of the 10-hectare lots at the time. This is a
very large financial issue for myself, my business partners and the affected owners of
these lots whom have bought with the intention of receiving a building permit when they
are ready to build. I have currently lost en entire sales season due to HRM sudden
blocking of permits for these lots. Residential taxes continue to be issued against these
lots.

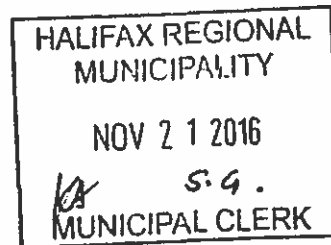
It is very disturbing to see the ongoing denial by HRM of their error in letting the
development of these lots unfold after millions of dollars have been invested, lots have
been sold with some being built on and end clients sitting on bought lots with no recourse
for their actions to HRM of what they now simply say was an "oversight". When a
landowner develops land on the suggestion of a top survey engineering firm in the city
(currently WSP) to utilize the 10 hectare exemption, he follows every and all appropriate
development avenues, meets with HRM staff numerous times, has numerous Lawyers
and real estate professional involved through the process and all seems ok (why wouldn't
it at the time) to suddenly have HRM staff saying "oh no, wait a minute " this cannot be
done". Again I find this whole situation very disturbing, but will remain hopeful that a
better resolution than what is presented can be achieved.

Sincerely
Scott W Rowlings

MUNICIPAL CLERKS OFFICE

Date Distributed: Nov 22/16

- Councillors Meeting Regional Council
- Mayor
- CAO Meeting Date: Nov 22/16
- DCAO
- Solicitor Item No. 14-1-8
- Communications
- Public Affairs
- Gov. Relations
- Other B. Sivalic, K. Denty,
B. Bierke



Mayor and HRM Councillors,

Ref: <http://www.halifax.ca/council/agendasc/documents/161122ca1418.pdf>

Please consider my predicament when debating the 25 acre lot public road frontage bylaw amendments, to be tabled in Council on November 22nd 2016. As a member of Save Rural HRM, I feel strongly that the proposed amendments fall critically short of what the rural communities requires in the form of future bylaw amendments. Please refer to a separate position paper from Save Rural HRM on this important debate but this submission, seifish or not, is centered on my position only.

The overnight enforcement of the road frontage bylaw, with no provision for grandfathering was an impossible situation to anticipate when we purchased our property in Sept 2015. Even had we contacted the HRM Pianning Department prior to buying our property, we would have been told there was no issue. We know this because there was a separate permit granted for another home on Moser Head Road two months after we purchased our land. This is an important fact to consider and shows that we purchased in good faith and with every aspect of due diiligence. What I am requesting, regardless of the outcome of coming debates, is to acquire a building permit by February 2017.

While I commend the efforts to date to try and arrive at a compromise that will satisfy all positions, I feel that common sense has been derailed by an overly cautious approach to make our road meet high volume, public road standards. The proposed restrictions will however almost certainly force us to walk away from building on this property, unless a variance is granted for our family OR the proposed amendments are changed in Council debate.

The newest obstacles to obtaining a permit are as follows:

- 1) The leading 500 meters of Moser Head Road is a Provincial unmaintained section. The report indicates that a transfer to private hands must occur before any more permits will be issued, as our road already has the maximum number of homes allowed in the amendment. This is a very time consuming process that can take from 6 to 18 months. This is despite an existing MGA provision that allows these unmaintained roads to be treated as private roads in all other Nova Scotia jurisdictions. At present, there is no access issue requiring an immediate transfer; the provincial road portion assures public access to the remaining private section of Moser Head Road.
- 2) A private "driveway" standard has been recommended which requires 9 meters in total width. We have estimated that the cost to upgrade our road to this standard would be in excess of \$250,000. Of course, the upgrade to the Provincial portion could not take place until it was in our hands which would add another 3-6 months to the process. There are dozens of current roads that do not meet this standard. As our road was built in 2001, we are asking for some common sense. Moser Head road is already sufficiently wide enough to allow for emergency vehicle access and the roads condition will only improve in the coming months as the home owners association continuously maintains this entire roadway.

If the report is approved "as is", it would be anywhere from 12 to 24 months and a significant financial investment before me and my family could build on this property. Given our circumstances, this is not feasible. I cannot continue to live in my sons home for another year and more. It places my parents at significantly greater odds of having an accident and we cannot continue to provide quality care for my ailing parents in this location, for that long. Furthermore, my mother's late stage Alzheimer's would guarantee significant additional stress for her and us if we were to try and place her into yet another rented home. I am a proud individual but I am begging for special consideration in this matter. Please right this wrong.

Thank you.


Andrew Robbins





MUNICIPAL CLERKS OFFICE
Date Distributed: Nov 22/16
 Councillors Meeting Regional Council
 Mayor
 CAO Meeting Date: Nov 22/16
 CCAO
 Solicitor Item No. 14-1-8
 Communications
 Public Affairs
 Gov. Relations
 Other B. Sivak, K. Denty,
G. Bjence

Stewart, April

From: Hendsbee, David
Sent: November-21-16 2:56 PM
To: Office, Clerks
Cc: Adam McLean; Langille, Thea; Bjerke, Bob; Sivak, Ben; Traves, John; Dube, Jacques
Subject: Fwd: 25 acre lots - Armco
Attachments: image001.jpg; ATT00001.htm; 2016-03-04 Letter from Trevor Creaser.pdf; ATT00002.htm

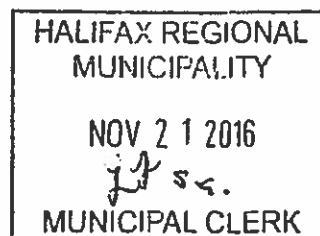
Hello Clerks Office -

Please receive and circulate these comments below about this matter. Thanks / David H

Sent from my iPhone

Begin forwarded message:

From: Laura Masching [REDACTED]
Date: November 21, 2016 at 2:52:13 PM AST
To: "[REDACTED]"
Cc: Adam McLean [REDACTED]
Subject: 25 acre lots - Armco



Hello Councillor Hendsbee,

I've been reading over the report on 25 acre lots going to council tomorrow. We're quite concerned that staff have chosen to refuse development rights to a number of 25 acre lot landowners.

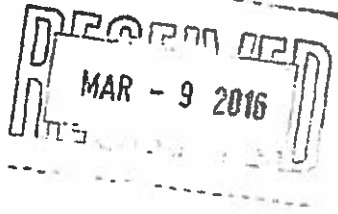
The proposed amendments require landowners to have been issued development permits on or before **April 1, 2016**, in order to develop their lands. Or have had other development permits issued in the same subdivision. Trevor Creaser (HRM Development Officer) sent us a letter on 4 March, 2016, telling us that we would not be issued a development permit, due to the minimum frontage requirements (see attached letter). Because we received this letter and were in discussions with HRM on the matter, we ceased activity on the site, and did not apply for development permits.

Prior to receiving word from HRM that a development permit would not be issued, we had completed a site assessment plan, and constructed a shared private driveway with appropriate permissions from TIR. We had clear intent to develop this land for residential purposes, and do not believe we should be denied permission to do so, solely because HRM's actions delayed us in applying for a development permit. Had we not received this letter we could have applied for (and possibly been granted) a development permit prior to the **April 1** cut-off.

We would appreciate your help in this matter. My contact information can be found below.

Thank you,
Laura

March 4, 2016



Armco Capital Inc.
Adam MacLean
145 Hobsons Lake Dr. Suite 400
Halifax NS B3S 0H9

Dear Mr. MacLean,

Re: Plan of Subdivision of Lots C1 to C12 Inclusive and Block RL-BL1A prepared by Sheldon Chisholm, NSLS dated September 3, 2015 Lands Conveyed to Armco Capital Inc., Upper Sackville

It has been brought to my attention the above plan was registered in the Land Registration Office on October 5, 2015 pursuant to Section 268(2) of the *Municipal Government Act* (Section 278(2) of the *Halifax Regional Municipality Charter*).

Please be advised the lots are zoned MU-2 under the Land Use Bylaw for Hammonds Plains/Beaver Bank/Upper Sackville and most of the lots created under the above section do not meet the minimum frontage requirements as outline in the zone. Therefore, development permits cannot be issued as Section 4.1(a) of the land use bylaw states:

"No development shall be permitted unless a development permit has been issued and no development permit shall be issued unless the provisions of this bylaw are satisfied"

If you have any questions or require clarification, please feel free to contact me.

~~_____~~
Trevor Creaser
Development Officer
Planning and Development
Halifax Regional Municipality
Tel 902.490.4416
Email creaset@halifax.ca

MUNICIPAL CLERKS OFFICE	
Date Distributed: <u>Nov 22/16</u>	
<input checked="" type="checkbox"/>	Councillors Meeting <u>Regional Council</u>
<input checked="" type="checkbox"/>	Mayor
<input checked="" type="checkbox"/>	CAO Meeting Date: <u>Nov 22/16</u>
<input checked="" type="checkbox"/>	DCAO
<input checked="" type="checkbox"/>	Solicitor Item No. <u>14.1.8</u>
<input checked="" type="checkbox"/>	Communications
<input checked="" type="checkbox"/>	Public Affairs
<input checked="" type="checkbox"/>	Gov. Relations
<input checked="" type="checkbox"/>	Other <u>K. Denty, B. Sivak,</u> <u>B. Bjelke</u>



Halifax Regional Municipality
PO Box 1749, Halifax, Nova Scotia
Canada B3J 3A5

halifax.ca