



WEST HANTS REGIONAL MUNICIPALITY REPORT

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

Submitted by: _____
Sara Poirier, Planner

Date: 2021-03-11

Subject: WHLUB Amendment: 234 Mountain Rd, Three Mile Plains; PID 45213758; File #20-28

LEGISLATIVE AUTHORITY

Section 210 of the Municipal Government Act.

RECOMMENDATION

To allow the requested development, staff recommends that the PAC/HAC forward a positive recommendation by passing the following motion:

that PAC/HAC recommends that Council give First Reading and hold a Public Hearing to consider amending the text of the West Hants Land Use By-law to add "Mobile homes in the Three Mile Plains Growth Centre" to the list of permitted uses in the Two Unit Residential (R-2) zone in a manner substantively the same as the draft set out in Attachment A of the report to the Planning and Heritage Advisory Committee report #20-28 dated March 11, 2021.

BACKGROUND

A completed application was received on December 24, 2020 from Jack and Aletha Lantz to consider permitting a mobile home on the lot at 234 Mountain Road, Three Mile Plains (PID 45213758). The lot is owned by Mr. Jack Richard Lantz; Ms. Aletha Lantz is his mother.

The subject lot is zoned Two Unit Residential (R-2) and within the Residential designation and the Three Mile Plains Growth Centre. The lot is approximately 15,000 sq. ft. (0.34 acres) in size. A survey plan of the lot from 1988 shows that a mobile home was located

on the lot. The owner purchased the then-vacant lot in October 2019. Mr. Lantz stated that he believes the lot has been vacant for at least the last 6-8 years.

A mobile home was placed on the lot in November 2020 without first receiving development and occupancy permits. Only single and two-unit dwellings, mini homes, accessory apartments and existing manufactured homes are permitted in the Two Unit Residential (R-2) zone, as per the West Hants Land Use By-law. Therefore, the Development Officer could not issue a permit for the mobile home that was placed on site and the resident was advised to apply to have Council consider the addition of mobile homes to the list of permitted uses in the Two Unit Residential (R-2) zone in Three Mile Plains.

DISCUSSION

The subject lot is located on Mountain Road in Three Mile Plains. The lot is designated Residential on the Generalized Future Land Use Map (Figure 1) of the West Hants Municipal Planning Strategy (WHMPS) and is within the Three Mile Plains Growth Centre. Part 5.3 of the WHMPS contains the overall intention for properties designated Residential within the Three Mile Plains Growth Centre in West Hants.

The lot is zoned Two Unit Residential (R-2) on the Zoning Map of the West Hants Land Use By-law (WHLUB) (Figure 2). As noted above only single and two-unit dwellings, mini homes, accessory apartments and existing manufactured homes are permitted in the Two Unit Residential (R-2) zone. The lot abuts properties zoned Two Unit Residential (R-2) and designated Residential within the Three Mile Plains Growth Centre.

The applicant requested that Council consider amending the text of the West Hants Land Use By-law (WHLUB) to permit "Mobile homes in the Three Mile Plains Growth Centre" to the list of permitted uses in the Two Unit Residential (R-2) zone. If the application is approved, any vacant lot within the Three Mile Plains Growth Centre would be permitted to place a mobile home on the lot (Figure 3), subject to receiving the required development and building permits.

Mobile Homes

A mobile home is a type of manufactured home incorporating a bow-truss roof and designed for transportation on its own frame. Table 1 outlines the definitions for mobile homes, mini homes and manufactured home as per the current West Hants Land Use By-law and as per the list of definitions accepted by the Planning Advisory Committee on September 10, 2020 for incorporation in the Regional planning documents.

The Manager of Building and Fire Inspection Services has confirmed that there is no difference in terms of building or fire codes between mobile homes and mini homes as per the National Building Code of Canada and added that mobile homes are just an older style factory built home.

Table 1: Definition of Mobile Home, Mini Home and Manufactured Home

Term	Description
<p>Mobile Home</p>	<p><i>means a manufactured home incorporating a bow-truss roof and designed for transportation on its own frame;</i> (Definition from the West Hants Land Use By-law and approved for incorporation in the Regional documents)</p> <p>Identifiers:</p> <ul style="list-style-type: none"> • bow-truss roof • designed for transportation on its own frame <div style="display: flex; justify-content: space-around;"> <div data-bbox="493 604 902 909">  </div> <div data-bbox="928 604 1403 909">  </div> </div> <p>Website: https://toughnickel.com/real-estate/Tips-on-Buying-and-Older-Mobile-Home</p> <p>Mobile home placed on site at 234 Mountain Rd., Three Mile Plains</p>
<p>Mini Home</p>	<p><i>means a manufactured home incorporating a pitched roof;</i> (Definition from the West Hants Land Use By-law)</p> <p><i>means a dwelling unit built as a manufactured home to a CSA standard which meets or exceeds a length to width ratio of 3:1 and incorporates pitched roof;</i> (Definition approved for incorporation in the Regional documents)</p> <p>Identifiers:</p> <ul style="list-style-type: none"> • meets or exceeds a length to width ratio of 3:1 • incorporates pitched roof <div style="display: flex; justify-content: space-around;"> <div data-bbox="461 1545 854 1759">  </div> <div data-bbox="902 1545 1403 1759">  </div> </div> <p>Website: http://www.havillsminihomes.com</p> <p>Website: https://heatherhomes.co/new-3-bdrm-mini-homes/</p>

Manufactured Home	<p><i>means a dwelling unit manufactured in a factory and designed for transportation after fabrication, whether on its own wheels or a trailer, which arrives at the site where it is to be occupied as a dwelling complete and ready for occupancy (except for minor unpacking and assembling operations to place the building on an acceptable foundation), and having a width of not more than 6 m (20 ft), but does not include a travel trailer or recreational vehicle. Manufactured home includes a mobile home and a mini home, but does not include a modular or sectional home transported in two or more sections and assembled on site;</i></p> <p>(Definition from the West Hants Land Use By-law and approved for incorporation in the Regional documents)</p>
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DOCUMENT REVIEW

The Province of Nova Scotia has six (6) *Statements of Provincial Interests* which form part of the *Municipal Government Act* and provide municipalities guidance on certain aspects of development in the Province: drinking water, flood risk areas, agricultural land, infrastructure, housing and the development of the Nova Centre. The *Statement of Provincial Interest* related to housing specifies that the goal is to “provide housing opportunities to meet the needs of all Nova Scotians” by incorporating housing policies into the municipal planning documents which address affordable housing, special-needs housing, rental accommodation, and providing for manufactured housing. All of the planning documents for the Region have housing policies and discuss residential development in specific communities. Staff reviewed the planning documents for Hantsport, West Hants and Windsor to determine where mobile homes are permitted in the Region (Table 2).

Table 2: Zones where Mobile Homes are Permitted in the Regional Municipality

Hantsport	West Hants	Windsor
<p>Mini Home Park Zone permits “Mini homes”; this zone is not used anywhere in Hantsport.</p>	<p>Single Unit Residential (R-1) Zone permits “Existing manufactured homes”</p> <p>Two Unit Residential (R-2) Zone permits “Mini homes” but not mobile or manufactured homes; and permits “Uses permitted in the R-1 zone subject to the R-1 zone requirements”</p> <p>Rural Residential (R-4), Manufactured Home Park (MHP), Agricultural Priority Two (AR-2), General Resource (GR)</p>	<p>No discussion on mobile or mini homes in Windsor.</p>

	<p>and Mineral Resource (MR) Zones permit "Manufactured homes"</p> <p>General Commercial (GC) Zone permits "Single unit dwellings or mini homes on existing vacant lots under 10,000 ft² in area, subject to the R-1 zone requirements"</p> <p>Agricultural Priority Three (AR-3) Zone permits "Manufactured homes" however "21.3 (b) mobile homes shall not be permitted on properties zoned AR-3 in a Growth Centre or Village designation."</p> <p>Resource Industrial (M-1) and Hamlet Industrial (M-2) Zones permit "One dwelling unit in conjunction with a permitted industrial use, either located in the same building or as a single unit dwelling or manufactured home on the same lot"</p>	
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West Hants Municipal Planning Strategy

As the application to permit a mobile home came from a resident in Three Mile Plains, staff concentrated on the housing policies in the West Hants Municipal Planning Strategy for guidance and direction.

An excerpt from Section 4.11, *Housing*, of the West Hants Municipal Planning Strategy outlines Councils intention for housing in West Hants by stating "Council feels it is important to encourage the provision of housing that is inclusive of all citizens of West Hants regardless of socio-economic status, age or physical or mental disability". Policy 4.11.1 outlines that Council will "encourage the provision of housing adequate to meet the needs of all citizens of West Hants. Affordable housing, special-needs housing and rental accommodation shall be encouraged to develop in a manner that is sensitive to the needs of the community and those being served" and Policy 4.11.2 states that Council shall "provide for the development of a range of housing types in West Hants".

Manufactured Home Parks

Section 4.15 of the West Hants Municipal Planning Strategy General Land Use Policies describes the policies for the creation of manufactured home parks where “residents may own, lease or rent their homes, but do not own the land”. Policy 4.15.1 specifies that a Manufactured Home Park (MHP) Zone will be created and applied to existing manufactured home parks, and Policy 4.15.2 specifies that new manufactured home parks will be considered by development agreement only in the Growth Centres.

The specific sections for the Falmouth and Three Mile Plains Growth Centres also outline a corresponding policy which allows manufactured home parks to be considered by development agreement (Policy 5.3.9 and 5.4.6). To determine if stand alone mobile homes are permitted in specific areas of the municipality the specific policies for each community were reviewed.

Falmouth

Some of the general development objectives of the Falmouth Growth Centre are to provide for predominantly residential development, accommodate rural lifestyle activities that are compatible with moderate density residential development, and to monitor the extension of services to ensure the capacity of the municipal sewer and water system is not exceeded. Section 5.4 of the West Hants Municipal Planning Strategy discusses the residential policies for the Falmouth Growth Centre. Policy 5.4.7 specifically states that *“It shall be the policy of Council to prohibit the development of mobile homes on separate lots which are not part of a manufactured home park in the Falmouth Growth Centre.”*

Staff are not recommending any changes that would permit mobile homes on individual lots in the Falmouth Growth Centre.

Brooklyn

The general development objectives for the community of Brooklyn are to maintain the quiet, village atmosphere and continue its role as a commercial and institutional service centre for surrounding communities. Section 6.2 of the West Hants Municipal Planning Strategy discusses the residential policies for the community of Brooklyn, currently referred to as a Village in the planning documents. Policy 6.2.2 specifically states that *“It shall be the policy of Council to apply Two Unit Residential (R-2) zoning to the majority of residential land outside the Village Core area of Brooklyn. Within the Village designation, the R-2 zone will permit one and two unit dwellings and mini homes; however, mobile homes will not be permitted.”*

Staff are not recommending any changes that would permit mobile homes on individual lots in the community of Brooklyn.

Three Mile Plains

Some of the general development objectives of the Three Mile Plains Growth Centre are to accommodate the majority of future commercial growth in West Hants, permit an urban residential growth pattern which includes higher density development, and allow the development of small lots to make better use of existing infrastructure. Section 5.3 of the West Hants Municipal Planning Strategy discusses residential policies for the Three Mile Plains Growth Centre. The background statement for the residential policies in the Three Mile Plains Growth Centre states *“The majority of residential land in the Three Mile Plains Growth Centre will be zoned Two Unit Residential (R-2) which permits one and two unit dwellings and mini homes. Mobile homes will not be permitted except in manufactured home parks which will be considered by development agreement”*. Unlike the sections of the West Hants Municipal Planning Strategy for Falmouth and Brooklyn,

there is no policy that corresponds with this background statement to prohibit stand alone mobile homes in Three Mile Plains. Therefore, staff are requesting Council consider the request to add "Mobile homes in the Three Mile Plains Growth Centre" to the list of permitted uses in the Two Unit Residential (R-2) Zone.

Two Unit Residential (R-2) Zone

Staff investigated where else in West Hants the Two Unit Residential (R-2) zone is permitted. The Two Unit Residential (R-2) zone is one of the residential zones in the communities of Three Mile Plains, Brooklyn, Currys Corner, Garlands Crossing and Falmouth (Figure 3). The Three Mile Plains Growth Centre incorporates the land zoned Two Unit Residential (R-2) in the communities of Currys Corner, Garlands Crossing and Three Mile Plains (Figure 4).

As the amendment to the list of permitted uses in the Two Unit Residential (R-2) zone would be written specifically as "Mobile homes in the Three Mile Plains Growth Centre", this use would not be permitted on any other lot zoned Two Unit Residential (R-2) outside of the Three Mile Plains Growth Centre. This amendment would be consistent with the policies described earlier.

WHMPS Specific Criteria

There are no specific criteria for this text amendment.

WHMPS General Criteria

The proposed amendment will meet the general criteria for amendments and development agreements set out in WHMPS Policy 16.3.1. These criteria are examined in detail in Attachment B. In summary:

- the proposal is not premature or inappropriate for the area;
- no municipal costs related to the proposal are anticipated;
- the Fire Chief, Development Officer, Manager of Building and Fire Inspection Services, Director of Public Works, Manager of Public Works Operations, and Area Manager for the Department of Transportation and Infrastructure Renewal have no concerns.

West Hants Land Use By-law

Section 5.23 of the West Hants Land Use By-law states that "where manufactured homes are permitted by this By-law, the following conditions shall be met:

- (a) No wheels, hitches or other transport attachments shall be visible; and
- (b) The structure shall be skirted within 30 days of placement on the lot."

The applicants would be required to follow these regulations if this application is approved.

Text Amendment

To permit the requested use, an amendment to the text of the West Hants Land Use By-law (WHLUB) would be required. The proposed amendment is to add "Mobile homes in the Three Mile Plains Growth Centre" to the list of permitted uses in the Two Unit Residential (R-2) zone (Attachment A).

Map Amendment

As the subject lot is currently zoned Two Unit Residential (R-2), a map amendment is not required as part of this application.

MUNICIPAL CLIMATE CHANGE ACTION PLAN

The Municipal Climate Change Action Plan (MCCAP) for West Hants (2013) identifies that overtopping of the Lebreau Creek Brook has caused flooding of homes adjacent to the brook along Highway 1, near Panuke Road, and in Three Mile Plains. Map 2B shows that some properties along Highway 14 and the Windsor Back Road may experience flooding in the future due to sea level rise, and Appendix B, the Inland Flooding Map, shows some areas in Three Mile Plains that may face inland flooding in the future.

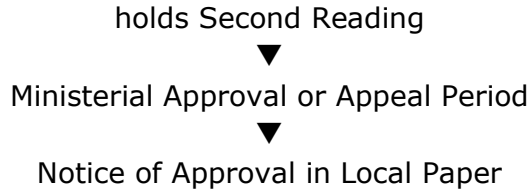
The Three Mile Plains Stormwater Management Study (2019) completed a series of simulations to identify areas that may be potentially vulnerable to flooding. Specific Lebreau Creek Brook crossings at Old Shanks Road, Mountain Road and Panuke Road in Three Mile Plains were identified as areas that may be vulnerable to flooding. Other flood vulnerable areas in Three Mile Plains include: Alexander Drive, Denise Drive, Windsor Back Road, Highway 1, and Three Mile Plains Cross Road.

As this is a general text amendment and not a map amendment for a specific lot, any property owner within the Three Mile Plains Growth Centre should review the MCCAP and Three Mile Plains Stormwater Management Study to be aware of any potential flood risk to their lot prior to developing.

NEXT STEPS

As noted above, the proposed amendment has been considered within the context of the general policies of the WHMPS and is consistent with the intent, objectives and policies of the WHMPS. The amendment meets the general criteria for amendment to the WHLUB. As a result, it is reasonable to amend the text of the West Hants Land Use By-law to add "Mobile homes in the Three Mile Plains Growth Centre" to the list of permitted uses in the Two Unit Residential (R-2) zone.





FINANCIAL IMPLICATIONS

There are no anticipated costs to the Municipality in regard to this development.

ALTERNATIVES

In response to the application, PAC may recommend that Council:

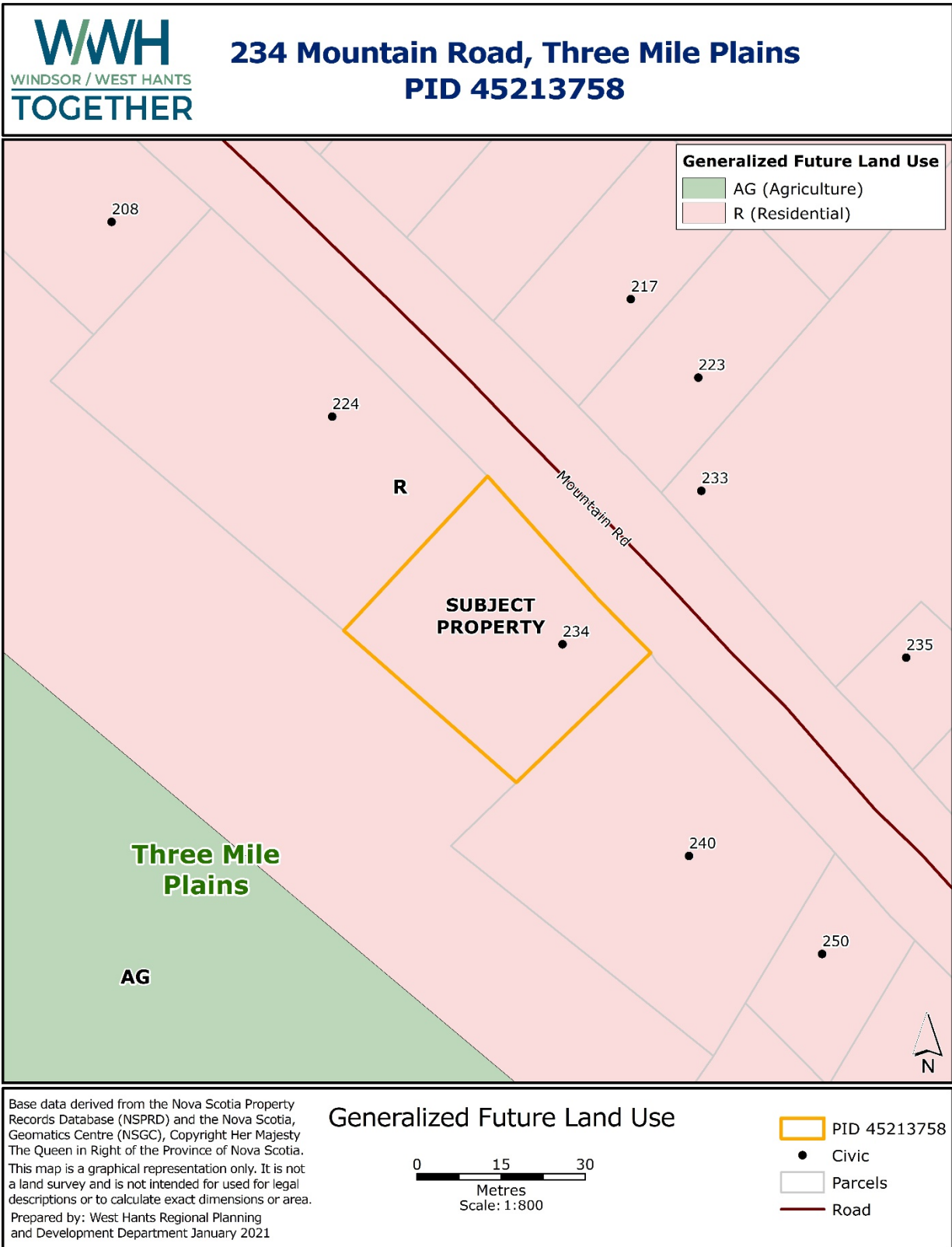
- recommend that Council hold First Reading and authorize a Public Hearing to approve the WHLUB amendment as drafted or as specifically revised by direction of PAC;
- provide alternative direction such as requesting further information on a specific topic.

ATTACHMENTS

Figure 1	West Hants GFLUM Extract
Figure 2	West Hants Zoning Map Extract
Figure 3	West Hants Zoning Map Extract - Two Unit Residential (R-2) Zone
Figure 4	West Hants Zoning Map Extract - Two Unit Residential (R-2) Zone within the Three Mile Plains Growth Centre
Attachment A	Draft Amendments to the West Hants Land Use By-law
Attachment B	General Criteria for Amendment

Report Reviewed by: _____
Madelyn LeMay, Director of Planning and Development

**Figure 1
West Hants GFLUM Extract**



**Figure 2
West Hants Zoning Map Extract**

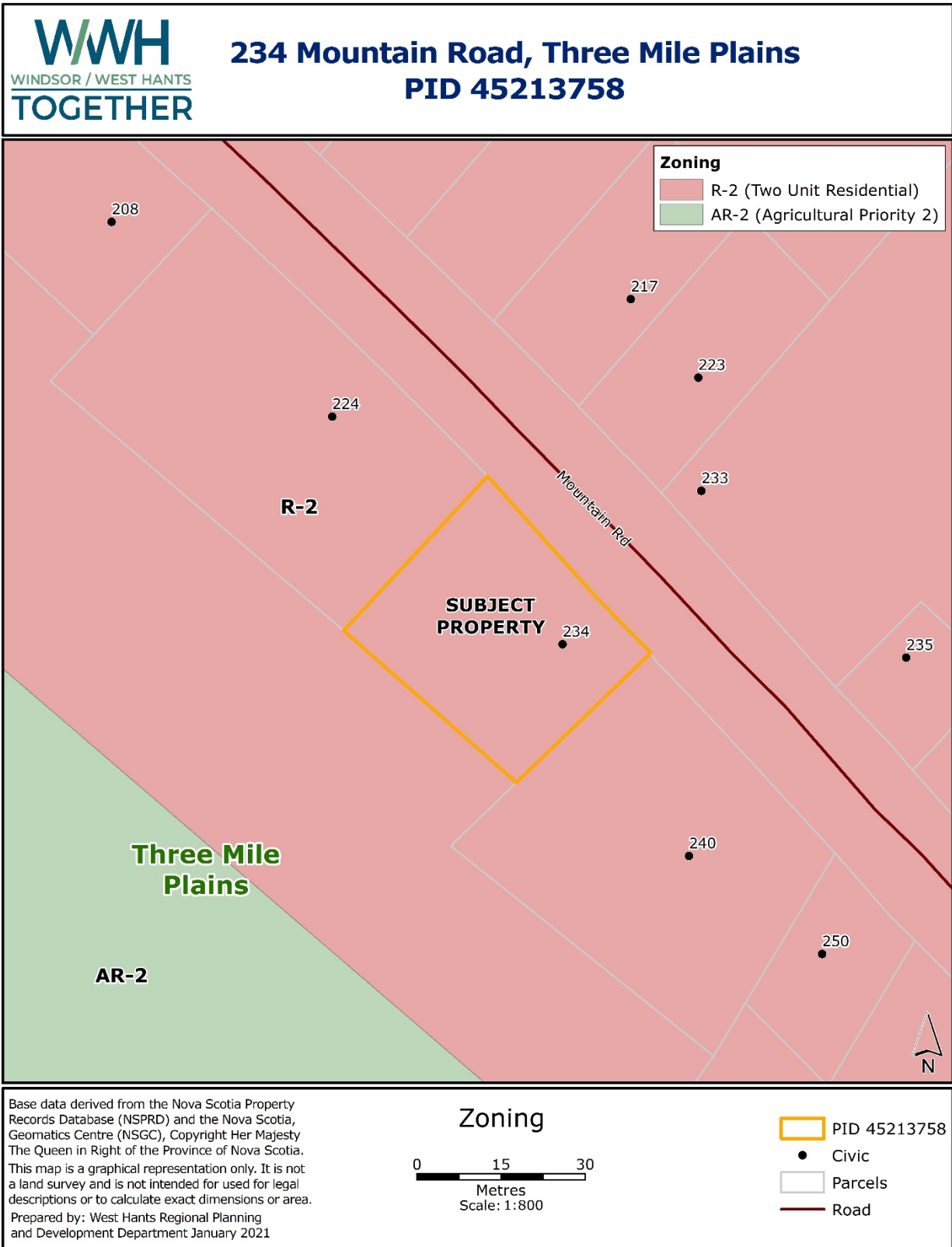


Figure 3
West Hants Zoning Map Extract
Two Unit Residential (R-2) Zone

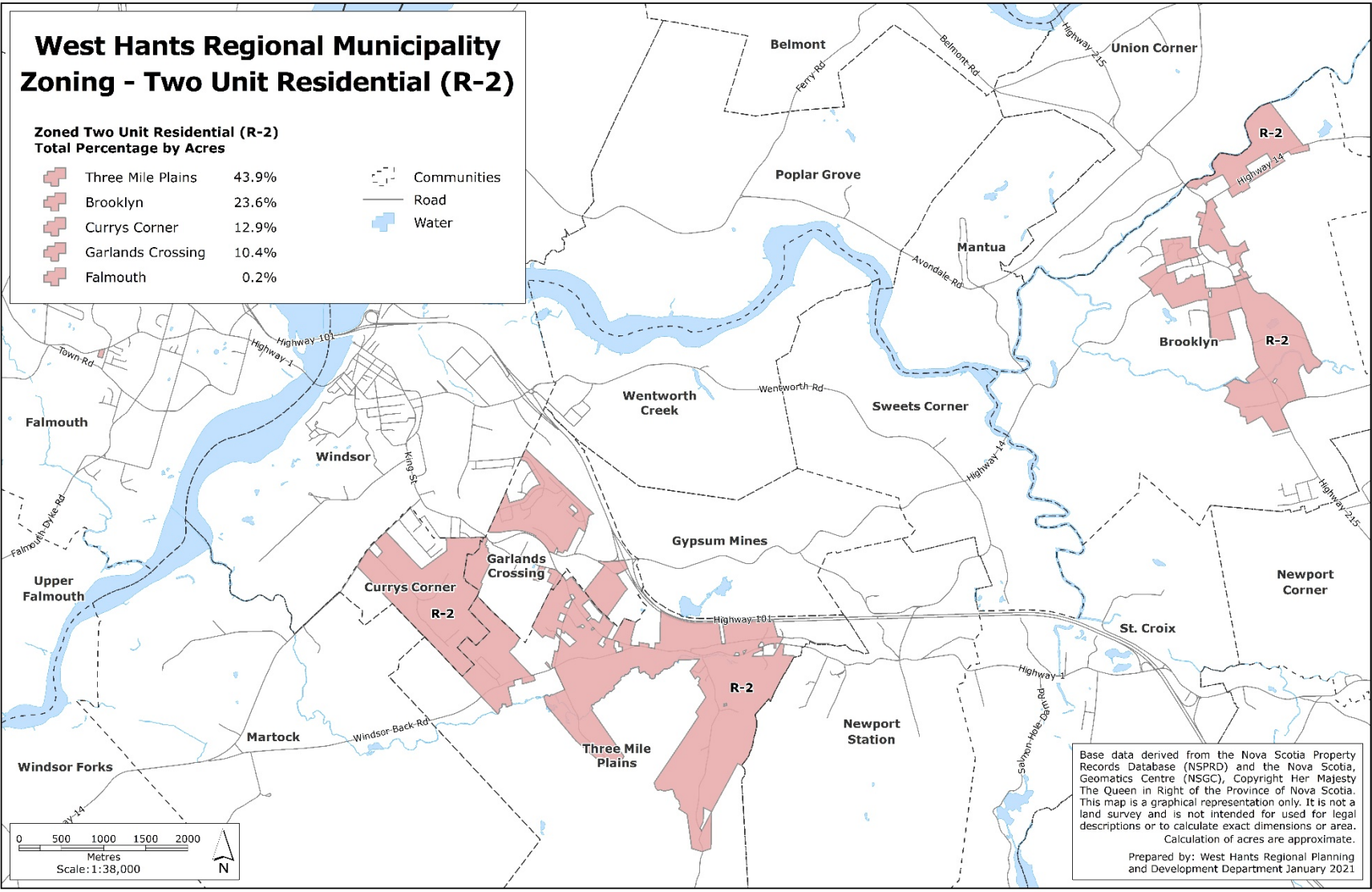
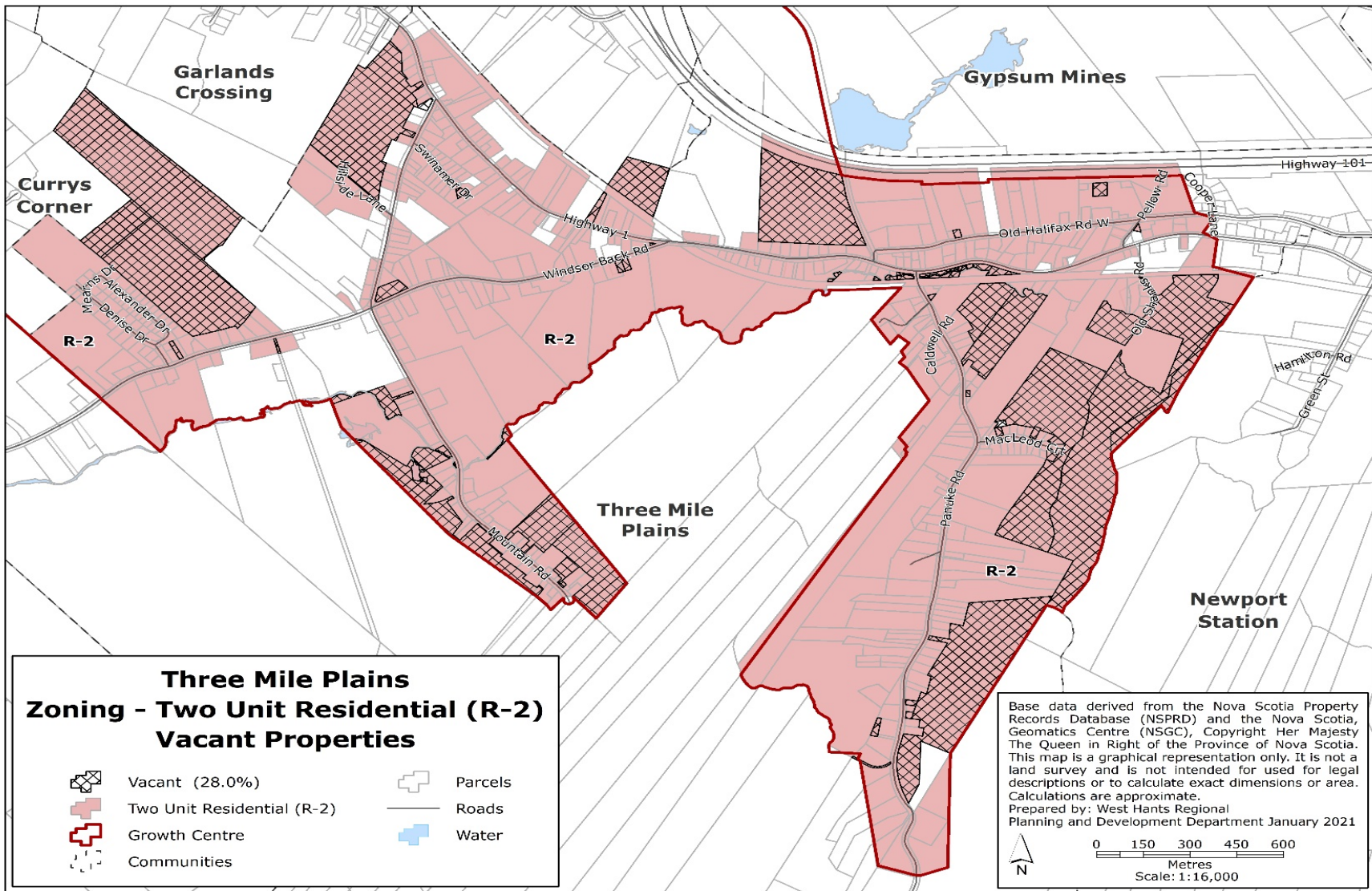


Figure 4
West Hants Zoning Map Extract
Two Unit Residential (R-2) within the Three Mile Plains Growth Centre



Attachment A
Draft Amendments to the West Hants Land Use By-law

A text amendment to the list of permitted uses in the Two Unit Residential (R-2) Zone in the West Hants Land Use By-law to permit mobile homes in the Three Mile Plains Growth Centre.

In Part 9.0 of the West Hants Land Use By-law, *Two Unit Residential (R-2)*:

- 1. Amend Part 9.1 *Permitted Uses* to include mobile homes in the Three Mile Plains Growth Centre to the list of permitted uses by adding “Mobile homes in the Three Mile Plains Growth Centre” to the list of permitted uses; and**
- 2. Amend the lot specification chart in Part 9.2 to require the same lot specifications for mobile homes as mini homes by adding “Mobile homes”, so that it reads as follows:**

9.0 TWO UNIT RESIDENTIAL (R-2)

Permitted Uses

9.1 The following uses shall be permitted in the Two Unit Residential (R-2) zone:

- Two-unit dwellings
- Mini homes
- Uses permitted in the R-1 zone subject to the R-1 zone requirements
- Mobile homes in the Three Mile Plains Growth Centre

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

	Mobile homes and Mini homes		Two-unit dwellings	
	with municipal services	with on-site services	with municipal services	with on-site services
Minimum lot area	6,000 ft ² (557.40 m ²); 7,000 ft ² (650.30 m ²) for corner lots	29,000 ft ² (2,694.10 m ²)	3,500 ft ² (325.15 m ²)/unit	29,000 ft ² (2,694.10 m ²)/unit
Minimum lot frontage	50 ft (15.24 m)	100 ft (30.48 m)	30 ft (9.14 m) / unit	100 ft (30.48 m) / unit
Minimum front yard	15 ft (7.62 m)			

Minimum rear yard		25 ft (7.62 m)
Minimum side yard	one side	6 ft (1.83 m)
	other side	6 ft (3.05 m)
Max. height of main building		35 ft (10.67 m)

(Amendment GC2LUB 17-01 Effective March 7, 2018)

Subdivision of Semi-detached Units

- 9.3 Semi-detached dwelling units located on an approved water and sewer serviced lot may be subdivided into lots provided each dwelling unit has separate service connections and provided all applicable provisions of the West Hants Subdivision By-law and this By-law are met. No side yard shall be required along the common lot boundary dividing a semi-detached dwelling.

Attachment B
General Criteria for Amendment

Policy 16.3.1 In considering development agreements and amendments to the West Hants Land Use By-law, in addition to the criteria set out in various policies of this Strategy, Council shall consider:

CRITERIA	COMMENT
<i>(a) whether the proposal is considered premature or inappropriate in terms of:</i>	
<i>(i) the adequacy of sewer and water services;</i>	The Director of Public Works has stated that adding mobile homes in the Three Mile Plains Growth Centre to the list of permitted uses in the Two Unit Residential (R-2) zone would have no negative impact related to the adequacy of municipal services in these serviced areas. They also noted that some of the areas shown on the map (Figure 3) may not have access to municipal water / wastewater services.
<i>(ii) the adequacy of school facilities;</i>	No impact on school facilities is anticipated.
<i>(iii) the adequacy of fire protection and other emergency services;</i>	In response to an inquiry, the local Fire Chief stated "I do not have any fire resource or hazard concerns with these structures being permitted in the county. There are many of these that are older models and we do definitely adjust our approach to them, but none that would refuse them being allowed in bylaws." The Manager of Building and Fire Inspection Services stated that "under the Building & Fire Codes, there is no difference between Mini Homes & Mobile Homes. Mobile Homes are just an older style factory built home". They have no issues with this change with regard to fire safety.
<i>(iv) the adequacy of road networks adjacent to, or leading to the development; and</i>	The Area Manager for the Department of Transportation and Infrastructure Renewal stated that "the Department does not anticipate an impact to the adequacy of the Provincial road network with the proposed changes to the West Hants Land Use By-law." The Manager of Public Works Operations stated they would not anticipate any

	<p>impact or have any concerns related to transportation of the mobile homes on the West Hants Regional Municipality road network by permitting mobile homes in the Two Unit Residential (R-2) zone of the West Hants Land Use By-law.</p>
<p><i>(v) the financial capacity of the Municipality to absorb any costs relating to the development.</i></p>	<p>There are no anticipated costs to the Municipality related to this development agreement amendment.</p>
<p><i>(b) whether the development is serviced, or capable of being serviced, by a potable water supply and either central sewer or an approved on-site sewage disposal system;</i></p>	<p>The Director of Public Works noted that some areas on the map (Figure 3) may not have access to municipal water / wastewater services. This would be assessed as permits are requested for specific properties.</p>
<p><i>(c) the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;</i></p>	<p>The Area Manager for the Department of Transportation and Infrastructure Renewal stated that "the Department has no transportation concerns with respect to permitting mobile homes in the Two Unit Residential (R-2) zone."</p> <p>The Manager of Public Works Operations stated they would not anticipate any impact or have any concerns related to transportation of the mobile homes on the West Hants Regional Municipality road network by permitting mobile homes in the Two Unit Residential (R-2) zone of the West Hants Land Use By-law.</p> <p>There are no anticipated impacts to rail or pedestrian traffic by permitting mobile homes in the Three Mile Plains Growth Centre.</p>
<p><i>(d) the adequacy of the dimensions and shape of the lot for the intended use;</i></p>	<p>The dimensions and shape of the lot for a mobile home would have to meet the Two Unit Residential (R-2) zone requirements. This would be assessed as permits are requested for specific properties.</p>
<p><i>(e) the pattern of development which the proposal might create;</i></p>	<p>One of the Development Officer stated that they do not have any issues or concerns allowing mobile homes in the Two Unit Residential (R-2) zone as they may provide a more affordable housing option for residents. However, they did note that mobile homes are encouraged in Mobile Home Parks by Development Agreement and are not encouraged in</p>

	<p>Falmouth and Brooklyn as per policy based on public input. They stated that if mobile homes were permitted in Falmouth and Brooklyn the general public may be opposed. The proposed amendments to the documents would only allow mobile homes on properties zoned Two Unit Residential (R-2) in the Three Mile Plains Growth Centre. The other Development Officer added that "Mobile homes provide an affordable housing option. Mobile homes are sometimes a first step in an effort to find affordable housing and quite often leads to a future investment in a mini home, single unit dwelling, etc. Although they may not be appropriate in all R2 zones, I do not have a problem in permitting them in the R2 zones in the Three Mile Plains Growth Centre as the area is already the location for many mobile homes. As the availability of mobile homes due to decreasing production over time will become a factor and with the increase in popularity of mini homes, it can be expected the number of mobile homes will greatly be reduced. Allowing mobile homes in the R2 zones of the Three Mile Plains Growth Centre I don't believe would create a pattern of development negatively affecting other areas."</p>
<p><i>(f) the suitability of the area in terms of steepness of grade, soil and geological conditions, location of water courses or wetlands, and susceptibility of flooding;</i></p>	<p>The suitability of the area in terms of steepness of grade, soil and geological conditions, location of water courses or wetlands, and susceptibility of flooding would have to be assessed as permits are requested for specific properties. The lot for a mobile home would have to meet the Two Unit Residential (R-2) zone requirements. This would be assessed as permits are requested for specific properties.</p>
<p><i>(g) whether the proposal meets the requirements of the appropriate provincial or federal agencies as well as whether it conforms to all other relevant municipal by laws and regulations; and</i></p>	<p>All Municipal, Provincial and Federal regulations will have to be met.</p>

<i>(h) any other matter required by relevant policies of this Strategy.</i>	All other matters have been addressed elsewhere in this report.
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