



Municipality of the District of West Hants

STAFF REPORT

To: Planning Advisory Committee
From: Jeanne Bourque
Date: April 16, 2015
Re: Falmouth Growth Centre Zoning Map – Housekeeping Correction

ORIGIN

Internal review by Staff

Due to a query from a Falmouth property owner who wished to expand his existing agricultural use, staff became aware that an area of Falmouth had been rezoned in error during the Plan Review which preceded the adoption of the new Municipal Planning Strategy (MPS) and Land Use By-law (LUB) in 2008. Planning staff are bringing this proposed correction to the Planning Advisory Committee for discussion and recommendation.

BACKGROUND

During the Plan Review process carried out from 2001 to 2008, careful consideration was given to balancing the protection of existing agricultural land with the desire to encourage growth in those areas of the municipality with existing municipal services. While new residential and commercial growth would be encouraged in the Falmouth Growth Centre, Council also wished to ensure that the existing agricultural uses would continue to be permitted and would be zoned appropriately. A new zone designation was created, Agricultural Priority Three (AR-3), that would be applied to active agricultural lands in the Falmouth Growth Centre previously zoned Agriculture/Resource (AG/R) (see **Exhibit 1**). As noted numerous times during the review, *“...the Agriculture/Resource zone is used as a holding zone for the planning area. Its purpose is to protect existing agricultural uses as long as they are active, but to allow for the eventual transition to residential development.”*¹

Many properties within the Falmouth Growth Centre that were zoned AG/R were changed to Single Unit Residential (R-1), generally at the request of the landowners who were not using the land for agricultural purposes, and who had future intentions of residential development. However, there was no request from the landowners of the subject properties to have their zoning changed. All properties making up the subject area were in active agricultural use and should have been given the zoning designation of AR-3. The past and present uses range from forestry uses, orchards, forage crops and livestock pasturing. It appears from mapping found in the plan review files that the change to R-1 was done in error, and that the error was never noted by staff, PAC, Council or the property owners until recently. The current zoning is shown on **Exhibit 2**.

¹ Planning Advisory Committee Minutes July 21, 2005

Property Description

The subject area for which the agricultural zoning would be restored is approximately 35 acres (see **Exhibit 3**). The area is located within the Falmouth Growth Centre, between Highway 1 to the south and the railway line to the north (see **Exhibit 2**). In 2008, it was made up of three separate properties, with the AG/R zoning running approximately 200 feet from Highway 1 (see **Exhibit 1**). There were five smaller properties directly abutting Highway 1 that were zoned residential, and these are still in place. One of the original properties has since been subdivided into three lots, two large (PIDs 45386026 and 45335924), and a smaller residential lot (PID 45386018), civic #1885 which fronts on Highway 1 (see **Exhibit 2**).



Figure A
View of subject area to the right, driving northeast on Highway 1, with civic 1849 in foreground

As can be seen in the following excerpt from the West Hants MPS, it is Council's clear intent to have agricultural zoning on active agricultural lands in Growth Centres:

5.9 Agriculture

Active agricultural land within the Growth Centres will be zoned Agricultural Priority Three (AR-3) pursuant to Part 8.0 of this Strategy. As the Growth Centres are intended to be the area where most new residential and commercial development is encouraged to occur in West Hants, new intensive livestock operations and agricultural support uses, such as abattoirs, will not be permitted since their location could limit the potential for residential or commercial growth. Existing intensive livestock operations will be recognized as permitted uses with the same right to continue to operate or to expand as any other permitted use.

After the proposed correction is made, adjacent residential uses would continue to be protected from conflicting land uses by the restrictions placed on the AR-3 zone by the Land Use By-law, attached as page 4 of this report.

RECOMMENDATION

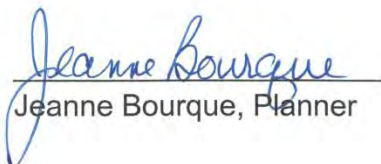
It is recommended:

THAT COUNCIL CORRECT SCHEDULE A: ZONING MAP AND SCHEDULE A: GC-1 TO RESTORE AGRICULTURAL ZONING TO AN AREA OF THE FALMOUTH GROWTH CENTRE AS SHOWN IN EXHIBIT 3 ATTACHED TO THE STAFF REPORT OF APRIL 16, 2015.

OPTIONS

1. PAC could accept the staff recommendation that Council approve the housekeeping correction to the Falmouth Growth Centre Zoning Maps as shown in **Exhibit 3**.
2. PAC could direct staff to make changes to the proposed housekeeping correction and prepare a supplementary staff report for consideration.
3. PAC could decide to maintain the status quo and take no action on the proposed housekeeping correction.

Respectfully submitted,


Jeanne Bourque, Planner

EXCERPT FROM WEST HANTS LAND USE BY-LAW 2008

21.0 AGRICULTURAL PRIORITY THREE (AR-3) ZONE

Permitted Uses

21.1 The following uses shall be permitted in the Agricultural Priority Three (AR-3) zone:

- Agricultural support uses
- Agricultural uses
- Churches, community centres and fire halls
- Forestry and forestry related activities
- Manufactured homes
- One and two unit dwellings
- Existing indoor recreation uses

AR-3 Zone General Requirements

21.2 In the AR-3 zone, no development permit shall be issued except in conformity with the following:

	Agricultural uses & support uses, Forestry uses	Dwellings	Churches, Community Centres, Fire Halls
Minimum lot area	3 acres (1.21 ha)	40,000 ft ² (3,716.00 m ²)	1 acre (0.40 ha)
Minimum lot frontage	300 ft (91.44 m)	150 ft (45.72 m)	100 ft (30.48 m)
Minimum front yard	40 ft (12.19 m)	25 ft (7.62 m)	25 ft (7.62 m)
Minimum rear yard	40 ft (12.19 m)	25 ft (7.62 m)	25 ft (7.62 m)
Minimum side yard	40 ft (12.19 m)	6 ft (1.83 m) on one side; 10 ft (3.05 m) on other	10 ft (3.05 m)
Maximum height of main building		55 ft (16.76 m)	35 ft (10.67 m)
Maximum height of accessory building		55 ft (16.76 m)	

Special Provisions for Growth Centres, Village and Hamlets

21.3 Notwithstanding the permitted uses listed in Section 21.1:


- (a) new intensive livestock operations and agricultural support uses shall not be permitted on properties zoned AR-3 in a Growth Centre, Village or Hamlet designation;
- (b) mobile homes shall not be permitted on properties zoned AR-3 in a Growth Centre or Village designation.

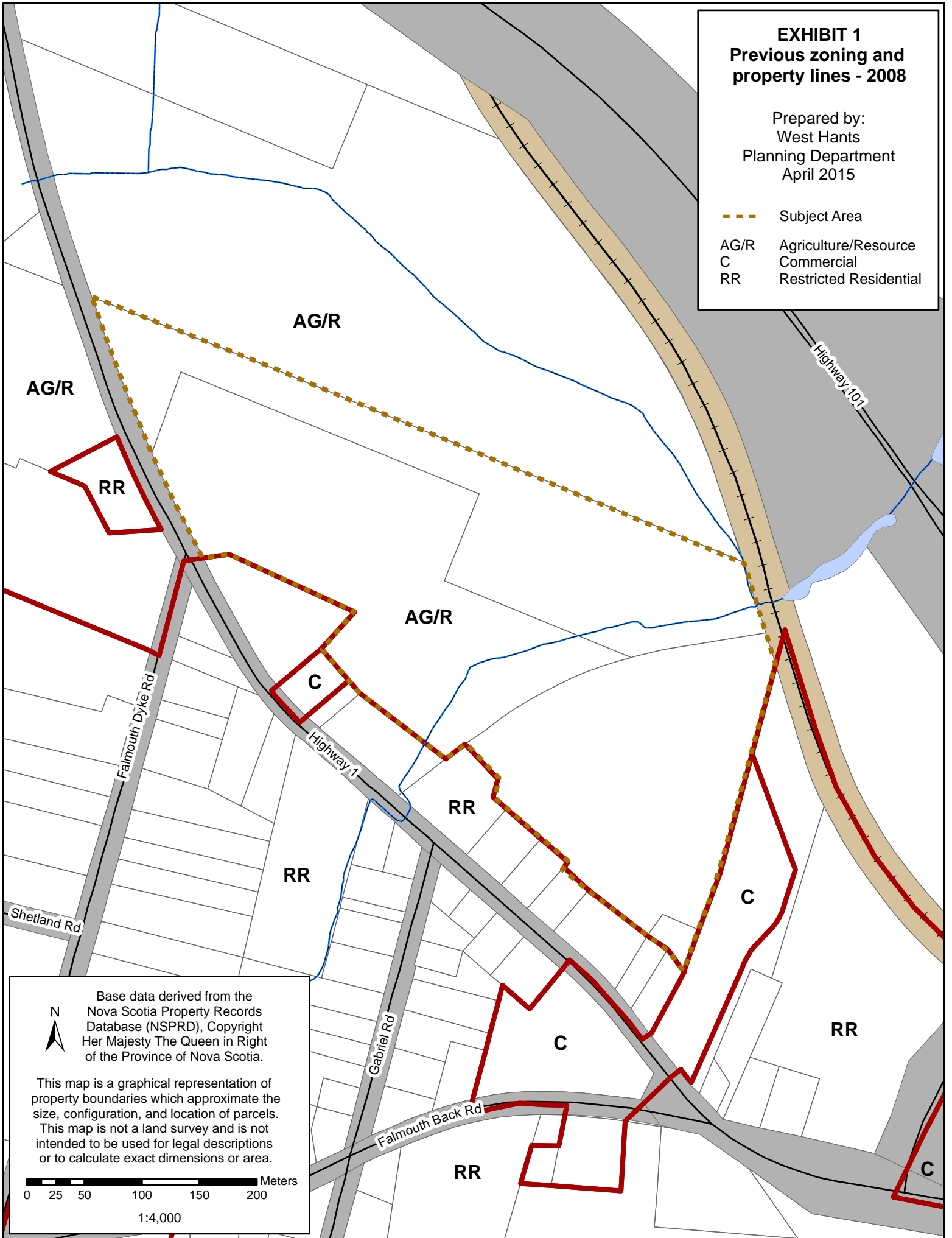
Limitation on Subdivision

21.4 Pursuant to Section 17(d) of the West Hants Subdivision By-law, all lots to be approved in the AR-3 zone shall abut an existing public street or meet the requirements for lots less than the required frontage (s. 279 Municipal Government Act variance, water frontage, right-of-way, encroachments, main buildings prior to August 6, 1984) as specified in Sections 20, 21, 23, 24 and 25 of the West Hants Subdivision By-law.

EXHIBIT 1 Previous zoning and property lines - 2008

Prepared by:
West Hants
Planning Department
April 2015

-  Subject Area
- AG/R Agriculture/Resource
- C Commercial
- RR Restricted Residential



Base data derived from the
Nova Scotia Property Records
Database (NSPRD), Copyright
Her Majesty The Queen in Right
of the Province of Nova Scotia.

This map is a graphical representation of
property boundaries which approximate the
size, configuration, and location of parcels.
This map is not a land survey and is not
intended to be used for legal descriptions
or to calculate exact dimensions or area.

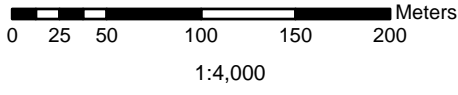
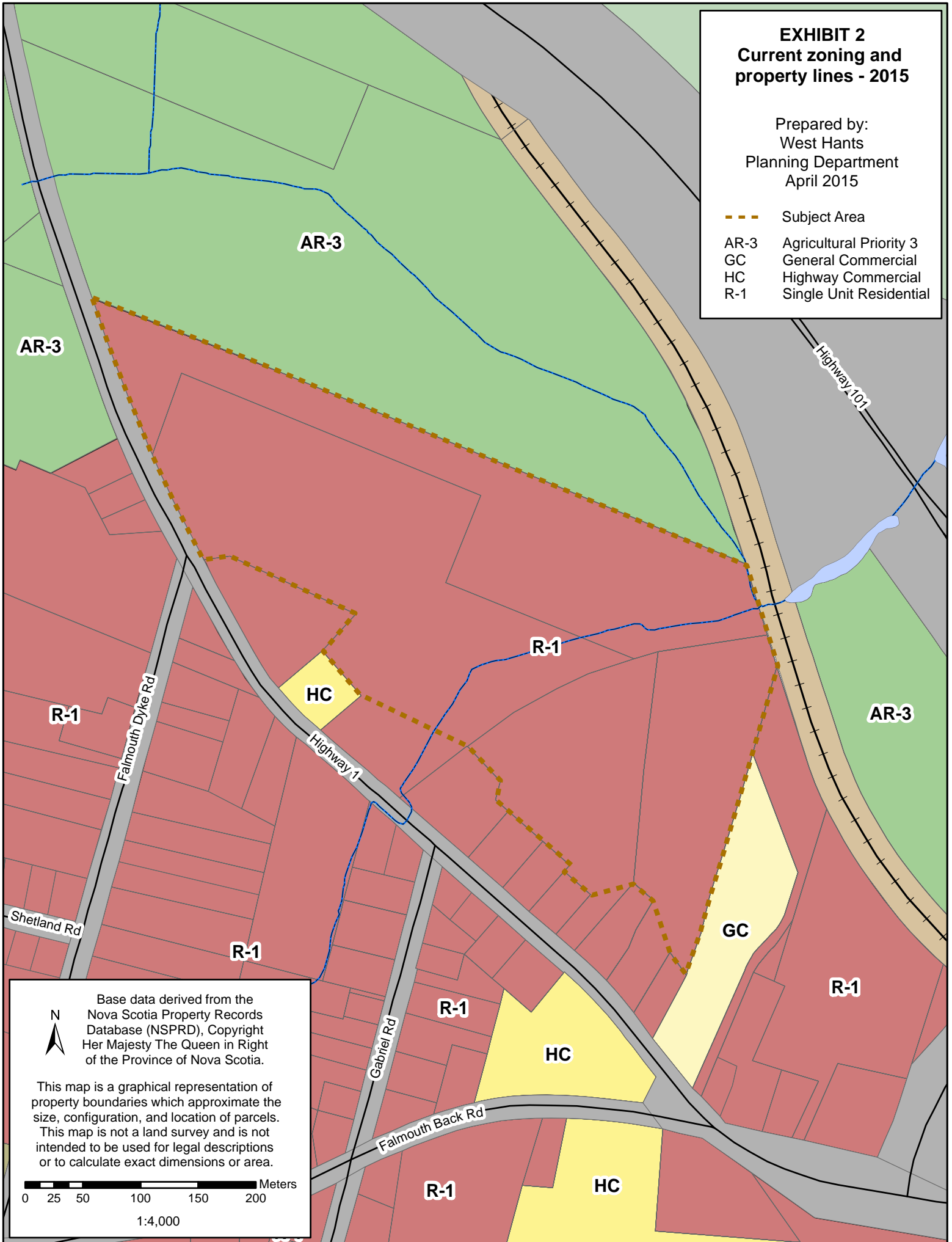


EXHIBIT 2 Current zoning and property lines - 2015

Prepared by:
West Hants
Planning Department
April 2015

- - - Subject Area
- AR-3 Agricultural Priority 3
- GC General Commercial
- HC Highway Commercial
- R-1 Single Unit Residential




Base data derived from the Nova Scotia Property Records Database (NSPRD), Copyright Her Majesty The Queen in Right of the Province of Nova Scotia.

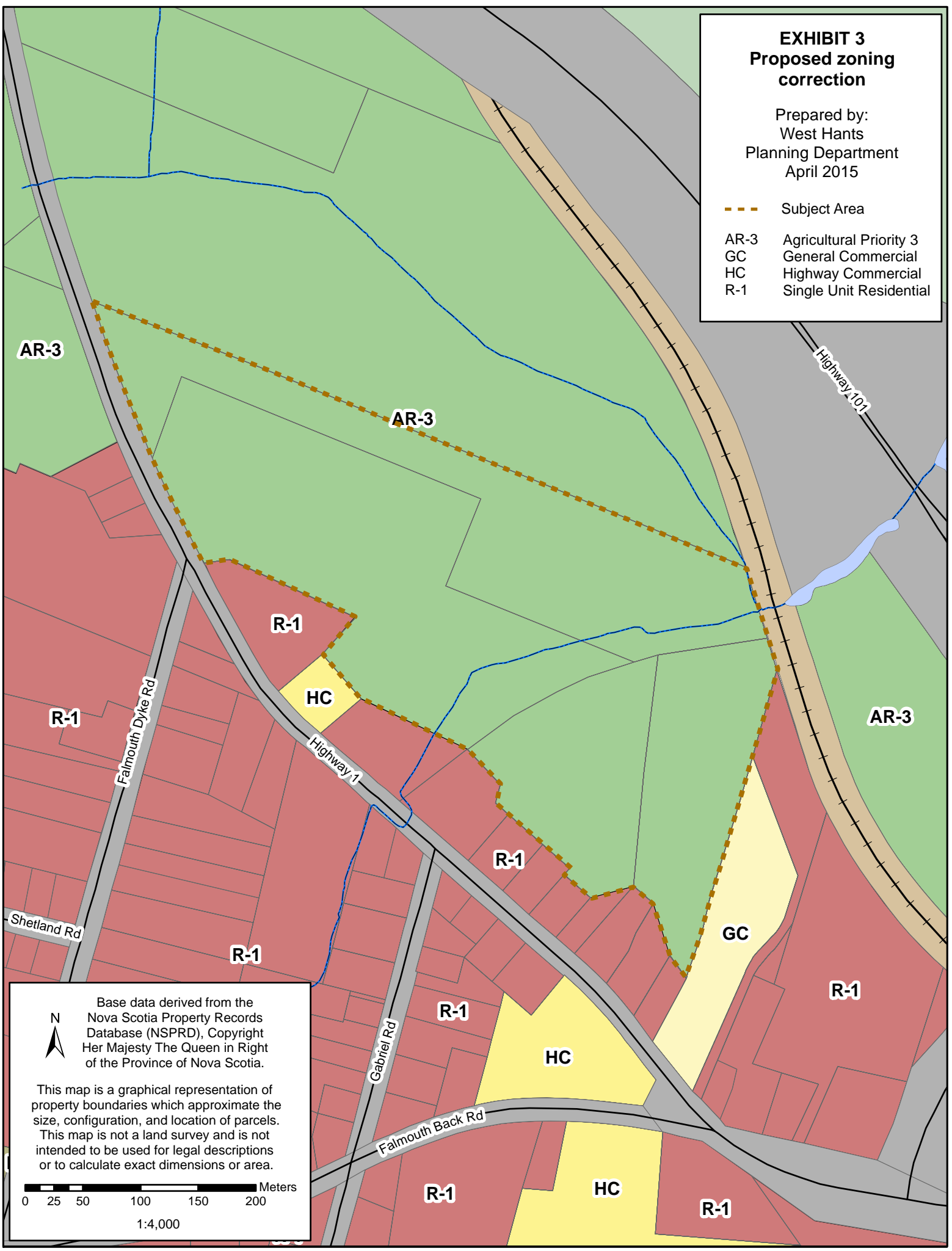
This map is a graphical representation of property boundaries which approximate the size, configuration, and location of parcels. This map is not a land survey and is not intended to be used for legal descriptions or to calculate exact dimensions or area.

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EXHIBIT 3 Proposed zoning correction


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West Hants
Planning Department
April 2015

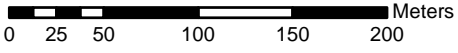
-  Subject Area
- AR-3 Agricultural Priority 3
- GC General Commercial
- HC Highway Commercial
- R-1 Single Unit Residential



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