

**Item No. 11.1.5**

**Halifax Regional Council  
June 23, 2009**

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



**SUBMITTED BY:**

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Dan English, Chief Administrative Officer



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Wayne Anstey, Deputy Chief Administrative Officer - Operations

**DATE:** June 2, 2009

**SUBJECT:** **Case 01278: Amendments to Planning Districts 8 & 9 Municipal Planning Strategy and Land Use By-law, Lake Echo**

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**ORIGIN**

Mountain View Mobile Home Park Limited has applied to amend the Planning Districts 8 & 9 Municipal Planning Strategy (MPS) and Land Use By-law (LUB) to allow for a new mobile home park on lands at Lake Echo.

**RECOMMENDATION**

It is recommended that Regional Council:

1. Initiate a process to consider amending the Planning Districts 8 & 9 Municipal Planning Strategy and Land Use Bylaw to permit a new mobile home park in Lake Echo on those properties identified as PID 40141236 and PID 40519555; and
2. Direct staff to follow the public participation process approved by Council in February 1997.

## **BACKGROUND**

### **Proposal**

Mountain View Mobile Home Park Limited has identified lands in Lake Echo for development of a new mobile home park (Map 1). The new park will contain approximately 200 units accessed from Circle Drive. These will be serviced by a private on-site wastewater treatment plant and a number of on-site wells. To permit the consideration of the new mobile home park, the applicant is requesting that the land use designation and zoning on the lands be changed.

### **Location, Designation and Zoning**

- Location: The lands are situated in Lake Echo (identified as PIDs 40141236 and 40519555) and almost entirely contain Jack Weeks Lake in the northern part of the lands. Further, the northern boundary of the lands abuts the Waverley-Salmon River Long Lake Wilderness Area;
- Land Area: Lands consist of two parcels - combined area of 240 hectares (594 acres);
- Current Use: Undeveloped and tree covered;
- Designation: Mixed Use (MU) (Map 1); and
- Zoning: RE (Rural Enterprise) with a portion of the lands zoned R-1 (Single Unit Dwelling) (Map 2). Neither zone permit new mobile home parks.

### **Existing MPS Policy**

The underlying Mixed Use (MU) designation was put in place to allow for a complete range of uses while restricting certain types of residential, commercial and industrial land uses that would detract from the character of the community or degrade the natural environment. Mobile Homes are not a supported residential use within the MU designation that provides a transition towards suburban-type residential development, characteristic of the rural-urban fringe.

### **Regional MPS Policy**

The majority of the lands is within the Rural Commuter Designation with a portion on the northwest shores of Jack Weeks Lake within the Open Space and Natural Resources Designation. The Rural Commuter designation envisions low to medium density residential, open space subdivisions and a mix of commercial, institutional and recreational uses.

### **Mobile Home Park By-law**

Under the Mobile Homes Park By-law owners are required to submit a plan for approval before an operating license may be issued. The plan is evaluated by HRM development services and relevant Provincial Departments such as Health, Environment and Transportation. Plan requirements include a detailed site layout and drainage plans/engineering drawings for water distribution, storm and sanitary sewer, and park street systems. The license is required to be re-newed each year.

HRM is currently reviewing and consolidating all of its existing mobile home park by-laws into a single regional by-law.

**DISCUSSION**

Amendments to the MPS are not considered routine and while Council has the ability to amend an MPS, it is under no obligation to do so. Furthermore, the decision to amend an MPS or not, cannot be appealed. Requests for an MPS amendment are only considered when:

- a) there has been a change in circumstance since the Plan was adopted or last reviewed;
- b) there is a significantly different situation than what the Plan anticipated; or
- c) an error was made.

Council may consider this request for an MPS and LUB amendments for the following reasons:

- (a) wastewater treatment technology has changed from the systems in use or anticipated when the Plan was adopted; and
- (b) the Plan supports expansion of the existing mobile home park in Lake Echo by development agreement and permits large lot mobile dwelling subdivisions. Further, this large scale application approach to mobile home park development was not anticipated in the Plan.

High density mobile home parks are not supported by Plan policy because of concerns of damage to receiving waters and no guarantee of environmental protection resulting from treating wastewater development. The proposed application will not discharge into a lake or watercourse but instead utilize a private on-site wastewater treatment plant that distributes treated effluent to a field dispersal system and not to a lake or stream.

**Approach:**

In order for Council to consider the proposed mobile home park, the current land use designation for the lands needs to be amended. The proposed changes will define the conditions under which Council may consider such a use on the subjects lands. Further, amendments to the land use by-law will also be required to address compatibility and location concerns with mobile home uses.

Any new mobile home parks will be subject to the terms and conditions of the current Mobile Home Park By-law or any future version of the By-law. Due to the wide range of issues and conditions addressed under the By-law, staff will consider addressing any outstanding concerns through the use of site plan approval or other processes.

**Conclusion:**

Due to changes in technology, relative to the treatment of sewage for mobile home parks, staff are recommending that Council initiate the MPS and LUB amendment process to allow for consideration of a new mobile home park within Lake Echo.

**BUDGET IMPLICATIONS**

The HRM costs associated with processing this planning application can be accommodated within the approved operating budget for C310.

**FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN**

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

**ALTERNATIVES**

1. Council may choose to initiate the process to consider amendments to the Planning Districts 8 & 9 Municipal Planning Strategy and Land Use By-law. This is the recommended course of action.
2. Council may choose not to initiate the process to consider amendments to the Planning Districts 8 & 9 Municipal Planning Strategy and Land Use By-law. Council is under no obligation to initiate a process to amend a MPS or adopt requested amendments.

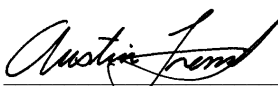
**ATTACHMENTS**


- Map 1: Generalized Future Land Use Map (GFLUM)  
Map 2: Zoning and Notification

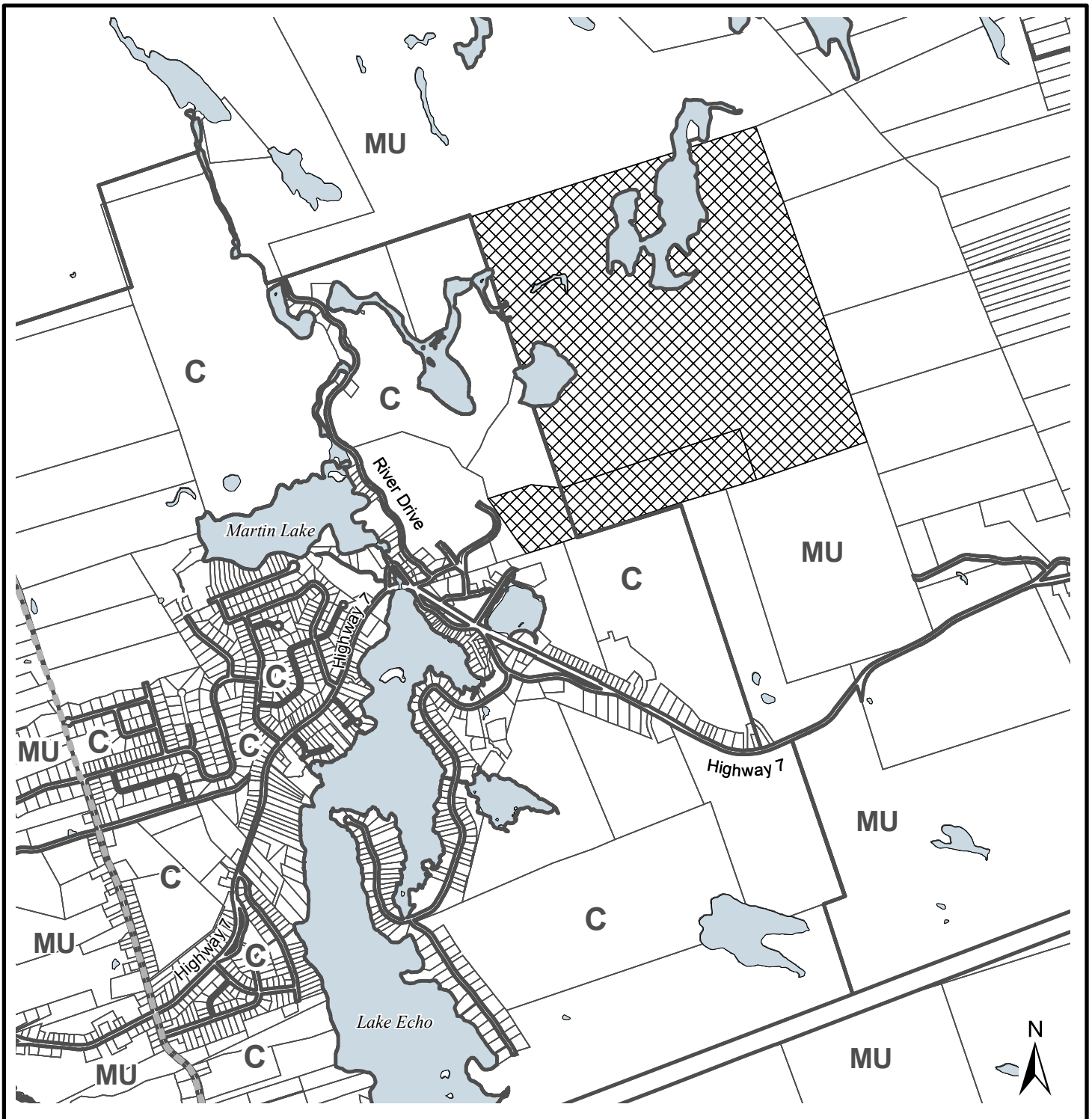
Attachment "A": Relevant Excerpts from the Districts 8 & 9 Municipal Planning Strategy  
Attachment "B": Relevant Zoning Provisions from the Districts 8 & 9 Land Use By-law

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

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### Map 1 Generalized Future Land Use

PIDs 40141236 & 40519555

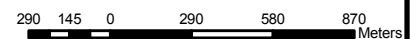
-  Subject Properties
-  Plan Area Boundary

Lake Echo/Porters Lake Plan Area  
LM, NP, LL, CB, and EP Plan Area

#### Designation

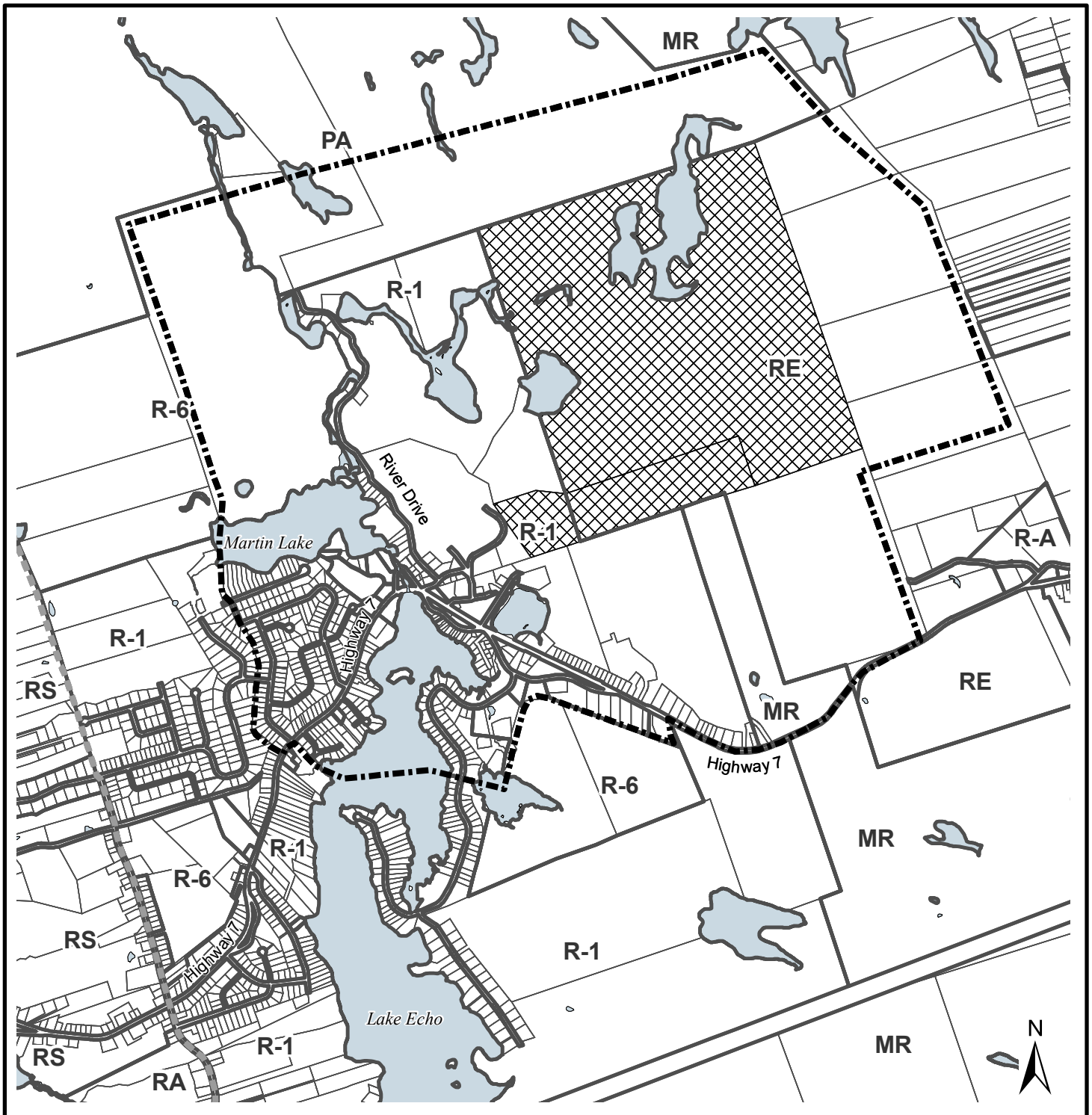
Lake Echo/ Porters Lake	C	Lake Echo Community
	MU	Mixed Use
LM, NP, LL, CB and EP	MU	Mixed Use

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This map is an unofficial reproduction of a portion of the Generalized Future Land Use Map for the Lake Echo/Porters Lake and LM, NP, LL, CB, & EP Plan area.


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



## Map 2 Location and Zoning

PIDs 40141236 & 40519555

 Subject Properties

 Notification Boundary

 Plan Area Boundary

Lake Echo/Porters Lake Plan Area  
LM, NP, LL, CB, and EP Plan Area

### Zone

Lake Echo/ Porters Lake	R-1	Single Unit Dwelling
	R-6	Rural Residential
	R-A	Residential A
	RE	Rural Enterprise
	MR	Mixed Resource
	PA	Plan Amendment

LM, NP, LL, CB and EP	RS	Rural Settlement
	RA	Residential

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PLANNING SERVICES

310 155 0 310 620 930 Meters

This map is an unofficial reproduction of a portion of the Zoning Map for the Lake Echo/Porters Lake & LM, NP, LL, CB, & EP Plan area.

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

**Attachment “A”**  
**Relevant Excerpts from the Planning Districts 8 & 9 Municipal Planning Strategy**

MIXED USE DESIGNATION

- P-47 It shall be the intention of Council to establish the Mixed Use Designation, as shown on the Generalized Future Land Use Map (Map 1). Lands within the Designation shall constitute the priority area for employment creating development but low density residential development and general community services and facilities shall be encouraged.
- P-48 Within the Mixed Use Designation, it shall be the intention of Council to create a Rural Enterprise Zone which permits all residential uses except mobile home parks, all community uses, all industrial uses except salvage yards and any uses which produce waste that cannot be treated by an approved on-site sewage disposal system, all resource uses except the processing of fish waste, and all commercial uses except adult entertainment uses or large beverage rooms and lounges. **In addition, a Rural Enterprise Zone shall not permit any construction and demolition material operations. (RC-Sept 10/02, E-Nov 9/02)**

LAKE ECHO COMMUNITY DESIGNATION

- P-56 It shall be the intention of Council to establish the Lake Echo Community Designation as shown on the Generalized Future Land Use Map (Map 1). Lands within the designation shall constitute the area in which low density residential development and uses which support such a residential environment are pre-eminent. In establishing the Lake Echo Community Designation, it shall be the intention of Council to recognize the transition from a rural to a suburban community and the extent to which rural activities are compatible with such an environment.
- P-57 Within the Lake Echo Community Designation, it shall be the intention of Council to create a Single Unit Dwelling Zone which permits single unit dwellings, senior citizen housing, open space uses and provides for the use of a dwelling for day care and for business uses, except kennels, which are limited in size and which do not involve obnoxious uses. In addition, the zone shall control parking and the number and size of signs and prohibit permanent open storage and outdoor display.

Wonderland Mobile Home Park

- P-64 It shall be the intention of Council to permit the continuation of the Wonderland Mobile Home Park and Mountain View Mobile Home Park to the extent to which they were in existence at the time of adoption of this strategy. Council may consider permitting expansion of the parks in order to further utilize the capacity of the existing sewage treatment plant according to the provisions of Sections 55, 66, and 67 of the Planning Act. When considering such a development agreement, Council shall have regard to the provisions of Policy P-89, and the following:
- (a) **that the total number of mobile dwelling spaces to be serviced does not exceed the design capacity of the existing sewage treatment plant approved by the Departments of Health and Fitness and the Environment on a Joint Certificate of April, 1990; (C-Mar 25/91, M-Apr11/91)**
  - (b) the adequacy of existing park services including sewerage and water distribution systems, recreation space or facilities, streets, garbage collection, street lighting and general park maintenance;

- (c) the effects of the expansion upon the existing level or quality of park services;
- (d) the capacity of highways, education facilities, fire and police protection services, and community recreation facilities to handle the increased demands;
- (e) the planning of stormwater drainage;
- (f) the quality of the park layout and design including the design of the internal road network;
- (g) the proper separation distance of maintenance buildings and sewage treatment facilities from dwellings; and
- (h) the requirements of the Mobile Home Park By-law.

## IMPLEMENTATION

P-82 It shall be the intention of Council to require amendments to the policies of this strategy or to the Generalized Future Land Use Map (Map 1) under the following circumstances:

- (a) where any policy is to be changed; or
- (b) where a request for an amendment to the land use by-law which is not permitted is made and subsequent studies show that the policies of this strategy should be amended.

P-87 The following uses and zones shall only be considered by amendment to the land use by-law:

- (b) Within the Lake Echo Community Designation:
  - (i) New resource uses according to Policy P-59;
  - (ii) Auxiliary dwelling units according to Policy P-60;
  - (iii) Two unit dwellings according to Policy P-61;
  - (iv) Mobile home subdivisions according to Policy P-62;
  - (v) Community commercial and industrial service uses according to Policy P-65;
  - (vi) General commercial uses and light industrial uses according to Policy P-66 and Policy P-67;

P-89 In considering development agreements and amendments to the land use bylaw, in addition to all other criteria as set out in various policies of this Strategy, Council shall have appropriate regard to the following matters:

- (a) that the proposal is in conformity with the intent of this Strategy and with the requirements of all other municipal by-laws and regulations.
- (b) that the proposal is not premature or inappropriate by reason of:
  - (i) the financial capability of the Municipality to absorb any costs relating to the development;
  - (ii) the adequacy of central or on-site sewerage and water services;
  - (iii) the adequacy or proximity of school, recreation or other community facilities;
  - (iv) the adequacy of road networks leading or adjacent to or within the development; and
  - (v) the potential for damage to or for destruction of designated historic buildings and sites.
- (c) That controls are placed on the proposed development so as to reduce conflict with any

adjacent or nearby land uses by reason of:

- (i) type of use;
  - (ii) height, bulk and lot coverage of any proposed building;
  - (iii) traffic generation, access to and egress from the site, and parking;
  - (iv) open storage; and
  - (v) signs.
- (d) that the proposed site is suitable in terms of the steepness of grades, soil and geological conditions, locations of watercourses, marshes or bogs and susceptibility to flooding; and
- (e) any other relevant matter of planning concern.
- (f) **Within any designation, where a holding zone has been established pursuant to “Infrastructure Charges - Policy P-79F”, Subdivision Approval shall be subject to the provisions of the Subdivision By-law respecting the maximum number of lots created per year, except in accordance with the development agreement provisions of the MGA and the “Infrastructure Charges” Policies of this MPS. (Regional Council - July 2, 2002, Effective - August 17, 2002)**

**Attachment “B”**  
**Relevant Zoning Provisions from the Planning Districts 8 & 9 Land Use By-law**

PART 14: RE (RURAL ENTERPRISE) ZONE

14.1 RE USES PERMITTED

A development permit shall be issued for all uses in an RE (Rural Enterprise) Zone except for the following:

Fish waste processing plants;

Salvage Yards;

Adult entertainment uses;

Beverage rooms and lounges over one thousand and five hundred (1,500) sq. ft. (139.4 m<sup>2</sup>); Mobile home parks; and

Any industrial or commercial use which is obnoxious.

**Composting operations (refer to Section 4.26) (MC-Feb26/96, Minister-Mar28/96)**

**C&D Materials Transfer Stations, C&D Materials Processing Facilities and C&D Materials Disposal Sites (RC-Sept 10/02, E-Nov 9/02)**