

To: **Inverness County Planning Advisory Committee  
Inverness County Council**

From: **Planning Staff (EDPC)**

Date: **February 16, 2023**

Reference: **Application to rezone PIDs 50089127 and 50168004 located on the Cabot Trail, Chéticamp from Commercial General (C-3) to Residential General (R-1) to allow the existing building to be converted into three dwelling units.**

**Recommendation:**

That Municipal Council approve a Land Use By-law amendment to rezone PID 50089127 and 50168004 on the Cabot Trail, Chéticamp from Commercial General (C-3) to Residential General (R-1) to allow the existing building to be converted into three dwelling units.

**Background:**

District Planning received an application from Arthur Richardson of Richardson Printing Limited to rezone PIDs 50089127 and 50168004 (located on the Cabot Trail, Chéticamp) from Commercial General (C-3) to Residential General (R-1) in order to facilitate the sale of the two properties to an interested party wanting to convert the existing commercial building into three dwelling units.

<b>Description</b>	
<b>Designation:</b>	Urban Residential
<b>Zoning:</b>	Commercial General (C-3)
<b>Zoning Request:</b>	Residential General (R-1)
<b>Identification:</b>	50089127 and 50168004
<b>Total Lot Area:</b>	9,200 sq. ft; (855 sq. m.)
<b>Site Visit:</b>	January 5, 2023

Until recently, the front lot (PID 50089127) was zoned R-1. In March of 2022 Inverness County Council approved a rezoning to the C-3 zone in order to allow for extra parking for the existing business.

A site visit was conducted on January 5, 2023. The property is bordered by single detached dwellings on two sides, commercial zoning to the south, and the Cabot Trail to the front.



*Figure 1 Subject site viewed from the Cabot Trail looking north-east.*

**Analysis:**

Policy 1-2 of the Chéticamp Municipal Planning Strategy establishes that the Residential General (R-1) zone applies to the majority of the lands designated Urban Residential (i.e., it is the “base zone”).

Policy A-3 is a general policy that applies to any application to amend the Land Use By-law. The policy lays out several criteria which Council shall have regard for when considering a zone amendment. Staff have referred the application to the appropriate departments and assessed the application for compliance with the policy. A summary of the Policy A-3 criteria is provided in Appendix B.

PID 50089127 is currently vacant. The lot does not meet the minimum lot area for development, but meets the test of an existing undersized lot. Therefore, if the property is rezoned, a single detached dwelling or a small range of non-residential uses could be constructed on the property subject to the issuance of a Building and Development Permit. The possible range of permitted uses were considered by staff and other agencies during the evaluation of this application (see Appendix C, Section 1).

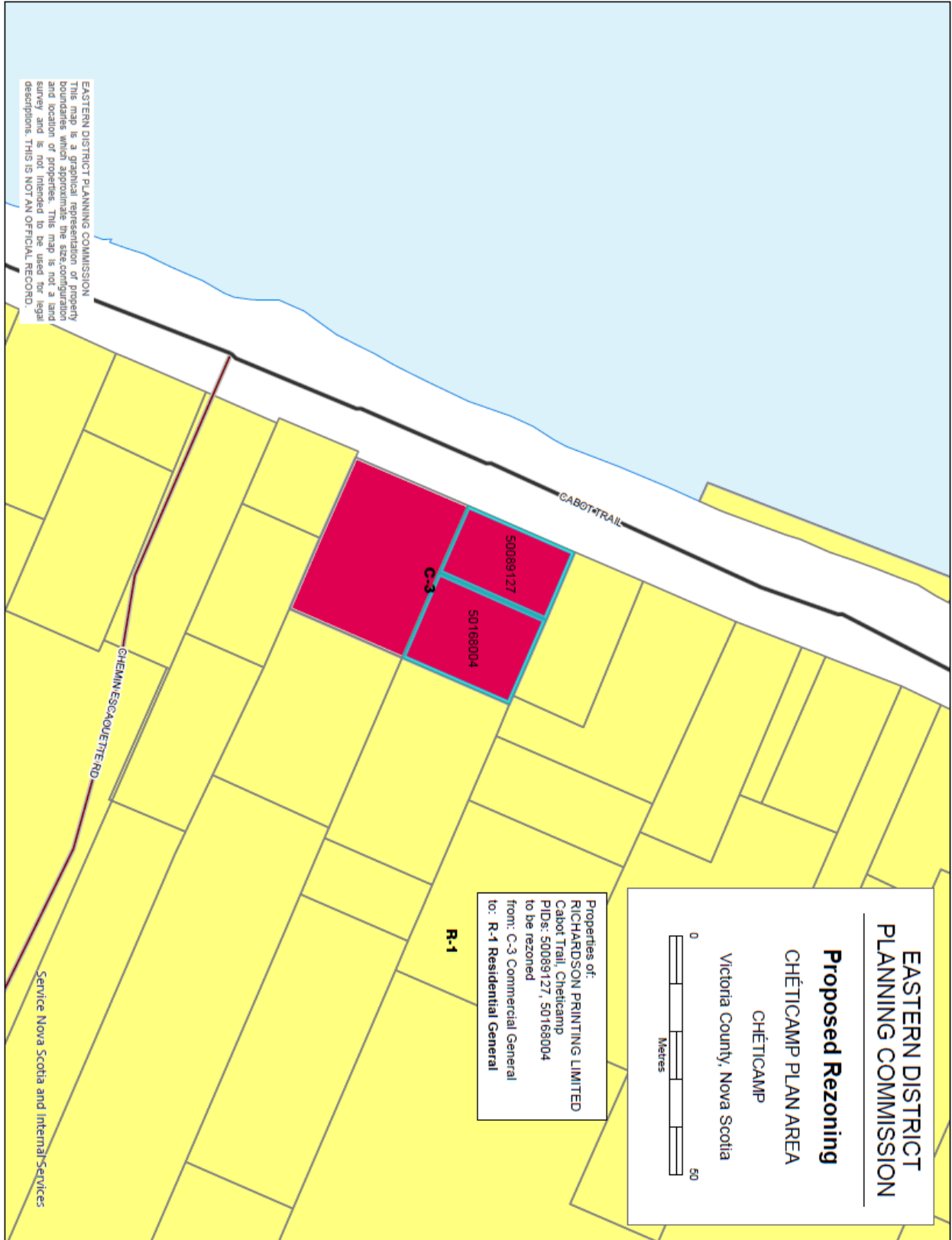
**Conclusion:**

The proposed rezoning is in keeping with the general intent and applicable policies of the Municipal Planning Strategy. Therefore, Staff recommend that Council approve the rezoning of PIDs of PID 50089127 and 50168004 located on the Cabot Trail, Chéticamp, from Commercial General (C-3) to Residential General (R-1).

**Summary of Appendices**

- Appendix A: Site location and zoning map
- Appendix B: Summary of applicable policies
- Appendix C: Copy of R-1 zone provisions

# Appendix A: Site Location and Zoning Map



## Appendix B: Summary of Applicable Policies

<b>Policy A-3</b>	
In considering amendments to the Land Use By-law, in addition to all other criteria as set out in various policies of this Strategy, Council shall have 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;	Complies.
(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;	Complies.
ii. the adequacy of sewer services and utilities or if services are not provided, the adequacy of physical site conditions for private on-site sewer and water systems;	Complies. The Municipality does not review private service sizes and recommends that the owner confirm the existing service is appropriately sized to service the proposed change of use.
iii. the adequacy and proximity of school, recreation, and any other community facilities;	Complies.
iv. the adequacy of road networks in, adjacent to, or leading to the development; and	Complies.
v. the potential for the contamination of watercourses or the creation of erosion or sedimentation;	Complies.
(c) The controls in the Land Use By-law reduce conflict with any other adjacent or nearby land use by reason of:	
vi. type of use;	Complies.
vii. emissions including air and water pollutants and noises;	Complies.
viii. height, bulk, and lot coverage of the proposed building;	Complies. Any future redevelopment is subject to minimum yard and maximum height provisions of the R-1 zone.
ix. traffic generation, access to and egress from the site and parking;	Complies.
x. open storage;	Not applicable.
xi. signs; and	Not applicable.
xii. similar matters of planning concern.	None identified.
(d) Suitability of the proposed site in terms of steepness of grades, and/or location of watercourses	Complies.

## Appendix C: Copy of R-1 Zone Provisions.

### PART 7 - RESIDENTIAL GENERAL (R-1) ZONE

1. No development permit shall be issued in a Residential General (R-1) zone except for one or more of the following uses:

- Single detached dwelling
- Semi-detached and duplex dwellings
- Converted dwelling up to two units
- Multiple family dwellings (both new and conversion) to a maximum of four (4) dwelling units
- Existing Apartment Buildings
- Boarding homes
- Tourist and guest homes
- Day nursery
- Community and Cultural Centres
- Hospital
- Senior Citizen homes
- Nursing home providing special care
- Church and cemetery
- Schools
- Parks, recreational facilities including golf courses, arena and associated uses
- Existing Mobile Homes
- Museums

### GENERAL LOT REQUIREMENTS

2. In any Residential General zone, no development permit shall be issued except in conformity with the following:

	Municipal Sewer Services	Municipal Sewer - Multiple Family and Semi-detached Dwellings	On-Site Services	On-Site Services For Semi-Detached Dwellings
Minimum Lot Area	5,000 ft <sup>2</sup>	4,000 ft <sup>2</sup> /unit	29,000 ft <sup>2</sup> *	15,000 ft <sup>2</sup> /unit *
Minimum Lot Frontage	50 ft	50 ft	50 ft	100 ft
Minimum Front Yard	25 ft	25 ft	25 ft	25 ft
Minimum Side Yard	10 ft	10 ft	10 ft	10 ft
Minimum Rear Yard	20 ft	25 ft	25 ft	25 ft
Maximum Height of Main Building	35 ft	35 ft	35 ft	35 ft

\* subject to Dept. of Environment Requirements

### SPECIAL LOT REQUIREMENT

3. Notwithstanding anything else in this part, no development permit shall be issued for a multiple family dwelling, unless the use is located adjacent to a street serviced by the municipal sewer system.