

To: **Port Hastings Area Advisory Committee  
Inverness Planning Advisory Committee  
Inverness County Council**

From: **Planning Staff (EDPC)**

Date: **January 11, 2017**

Reference: **Rezoning application by Patricia Maclsaac for the property located at PID# 50177302 from Residential (R-1) to Mixed Use Commercial (C-1).**

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**Recommendation:**

1. That Council *approve* the amendment to the Port Hastings Land Use By-law to rezone the property located at PID# 50177302 and the other half of the property located at PID# 50001775 from **R-1 to C-1**.

**Information:**

Staff received a request to rezone the property located at PID# 50177302 and half of PID# 50001775 from Residential (R-1) to Mixed Use (C-1) in August of 2016.

**Analysis:**

Patricia Maclsaac has applied to have two of her three properties rezoned to Commercial (C-1) from Residential (R-1). The property on the corner of Route 19

and Newtown Road, where the Capeway Motel is located, is already zoned C-1. The second property, with PID# 50001775, is zoned half R-1 and half C-1 and she would like the entire property to be zoned C-1. The third property is behind the Capeway Motel and has road frontage on Newtown Road and its PID is 50177302. This property is entirely zoned R-1 and she would like it to have the same zone as the Capeway Motel, which is Mixed Use (C-1).

Ms. Maclsaac has converted the mini home into four units that could potentially be rented commercially, as a possible expansion of the motel. It will be easier to sell the properties if all three have the same Mixed Use (C-1) zone. The Maclsaacs have had serious inquiries with regard to the purchase of the three properties and this rezoning could well facilitate the sale of the properties.

The lot behind the Capeway Motel that is currently zoned R-1 has frontage on Newtown Road, but the access is from the Capeway Motel driveway on the adjacent lot. Nova Scotia Transportation and Infrastructure Renewal commented on the proposed rezoning that the

	<u>Description</u>
<b>Designation:</b>	Residential and General Development
<b>Zone:</b>	Residential (R-1)
<b>Site:</b>	Newtown Road, Port Hastings, PID# 50177302 and PID# 50001775.
<b>Site Visits:</b>	September 9, 2016 and October 13, 2016

access to the lot would need to be from Trunk 19 because only this access meets stopping site distance requirements for a Mixed Use commercial zone. It is unlikely that the lot behind the Capeway Motel, PID# 50177302, would get access from Newtown Road, but there did not seem to be any issues with having the same access as the Capeway Motel. The access from Trunk 19 would appear to be sufficient for four units whether those units would be rented as residential units or as part of the Capeway Motel.

The Municipality of the County of Inverness has indicated that the proposed rezoning would not cause any financial burden for the Municipality.

The mini home has now been divided into four rental units and the four units now meet National Building Code and may be used as commercial rental units.

The Port Hastings Municipal Planning Strategy describes commercial parts of the plan area as being grouped in two general areas and the area near the causeway rotary is identified as one of those important commercial areas.

Currently, the property on Newtown Road (PID# 50177302) is in the Residential designation and PID# 50001775 is half in the Residential designation and half in the General Development designation. The Municipal Planning Strategy has a policy that applies to lands immediately adjacent to the desired land use designation so that the lands may be rezoned with only a land use by-law amendment. It is the following policy:

*Policy A-5 Areas immediately adjacent to a given land use designation on the Generalized Future Land Use Map, Schedule B may be considered for rezoning to a use which is similar in nature to the given designation without requiring an amendment to this strategy, provided the intention of all other policies of the strategy are satisfied.*

Also, Policy 2.1 in the planning strategy establishes a Mixed Use (C-1) Zone within the General Development Designation that permits tourism establishments with less than 35 rental rooms. Given that one property is already zoned C-1 and another is zoned both C-1 and R-1 it makes sense to make all three properties related to the Capeway Motel zoned C-1.

The Rezoning criteria are listed in full in the Summary of Evaluation Criteria in Appendix 'A'. The rezoning does comply with the requirements of the rezoning criteria.

**Conclusion:**

The rezoning application for the properties at PID# 50177302 and #50001775, on Newtown Road in Port Hastings is consistent with the Port Hastings Municipal Planning Strategy. Patricia Maclsaac and her husband own all three properties and would like them all zoned the same. This would facilitate the sale of the properties. This would also allow the mini home on PID# 50177302 to be used commercially as part of the Capeway Motel. The four unit converted mini home has been recently inspected by a building inspector and now meets National Building

Code. The proposed rezoning meets all the requirements of the Port Hastings Municipal Planning Strategy and the Land Use By-law.

**Figure A: View of PID# 50177302 from Newtown Road.**



**Figure B: View of 4 unit dwelling (left) and Capeway Motel on the right.**

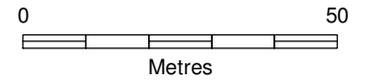


# EASTERN DISTRICT PLANNING COMMISSION

## Generalized Future Land Use

PORT HASTINGS PLAN AREA  
Port Hastings

Inverness County, Nova Scotia



Property of:  
MACISAAC PATIRICIA  
NEWTOWN, PORT HASTINGS  
PID: 50177302  
**Designation: Residential**

Property of:  
SANGSTER PATRICIA CECILIA  
No 19 Hwy, Port Hastings  
PID: 50001775  
**Designation: Residential /  
General Development**



EASTERN DISTRICT PLANNING COMMISSION  
This map is a graphical representation of property boundaries  
which approximate the size, configuration and location of  
properties. This map is not a land survey and is not intended  
to be used for legal descriptions. THIS IS NOT AN OFFICIAL

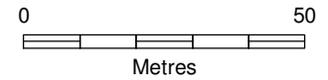
# EASTERN DISTRICT PLANNING COMMISSION

## Zoning Confirmation Map

PORT HASTINGS PLAN AREA

Port Hastings

Inverness County, Nova Scotia



Property of:  
MACISAAC PATIRICIA  
NEWTOWN , PORT HASTINGS  
PID: 50177302  
**Zoning:R-1 Residential**

Property of:  
SANGSTER PATRICIA CECILIA  
No 19 Hwy, Port Hastings  
PID: 50001775  
**Zoning:C-1 Mixed Use / R-1 Residential**

**C-1**

**R-1**

HIGHWAY 19

NEWTOWN RD



EASTERN DISTRICT PLANNING COMMISSION  
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*Appendix 'A': Summary of Evaluation Criteria*

<b>POLICY A-8</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:	
<b>(a)</b> 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 (See Staff Report)
<b>(b)</b> That the proposal is not premature or inappropriate by reason of the following:	
<b>(i)</b> the financial capability of the Municipality to absorb any costs relating to the proposal;	Complies (See Staff Report)
<b>(ii)</b> 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
<b>(iii)</b> the adequacy and proximity of school, recreation, and any other community facilities;	N.A.
<b>(iv)</b> the adequacy of road networks in, adjacent to, or leading to the development; and	Complies (See Staff Report)
<b>(v)</b> the potential for the contamination of watercourses or the creation of erosion or sedimentation;	None identified.
<b>(c)</b> That the proposal conforms to the requirements contained in the Land Use By-law relating to the following:	
<b>(i)</b> type of use;	Complies (see Staff Report)
<b>(ii)</b> height, bulk, and lot coverage of the proposed building;	Complies.
<b>(iii)</b> traffic generation, access to and egress from the site and parking;	Complies.
<b>(iv)</b> open storage;	Complies.
<b>(v)</b> signs;	Complies
<b>(vi)</b> similar matters of planning concern.	Complies
<b>(d)</b> Suitability of the proposed site in terms of steepness of grades, and/or location of watercourses.	Complies
<b>(e)</b> Suitability of buffering, and access control to reduce potential incompatibility with adjacent land uses and traffic arteries.	Complies