

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

From: **Planning Staff (EDPC)**

Date: **March 9, 2023**

Reference: **Application by Cabot Executive Suites Ltd. to amend the *Chéticamp Land Use Bylaw* to rezone a portion of PID 50097617 (Ch. de Susanne and Ch. Venette, Chéticamp) from R-1 to R-3.**

Recommendation:

That Municipal Council approve a Land Use By-law amendment to rezone the portion of PID 50097617 (identified in Appendix A) from the Residential General (R-1) zone to the Residential Multiple Family (R-3) zone.

Background Information:

Gerard LeFort of Cabot Executive Suites Ltd. has submitted a request to amend the Chéticamp Land Use Bylaw to rezone a portion of PID 50097617 from Residential General (R-1) to Residential Multiple Family (R-3) in order to allow for the construction of a 16-unit apartment building.

The site plan is provided in Appendix B. The proposed development is a 16-unit building, containing one- and two-bedroom apartments. The applicant has also indicated interest in

developing the property with additional residential units in the future. A subsequent rezoning application and detailed proposal would be required for the development of any apartments which contain five or more dwelling units on the remainder of PID 50097617.

Description	
Designation:	Urban Residential and Central Business District
Zoning:	Residential General (R-1) and Commercial Business District (C-1)
Zoning Request:	Residential Multiple Family (R-3)
Identification #:	PID 50097617
Total Lot Area:	15.4 acres
Rezoning Area:	2 acres
Site Visit:	July 27, 2022

Site Visit

The rezoning area is approximately two acres. The site is cleared of vegetation and has been graded. The foundation for the building is currently in place (see Figure 1). However, because the land use is not permitted under the current zoning and a building and development permit has not been issued, a stop work order was issued June 2, 2022 to halt construction.

Land uses in the surrounding area include a mix of residential and commercial development. The surrounding uses are predominantly single detached dwellings, but there are also higher density

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apartment units along the Cabot Trail, as well as an inn and restaurant, a car wash, and a laundromat. A four-unit dwelling is also being constructed on the adjacent property, also owned by the applicant.

Analysis

The subject site is currently split into two designations. The portion of the property containing Ch. De Susanne is designated Central Business District while the rest is Urban Residential.



Figure 1: Existing foundation of the 16-unit building.

The *Chéticamp Municipal Planning Strategy* allows Council to consider rezoning properties within the Urban Residential designation to the R-3 zone “...by development agreement...” However, rezoning and adoption of a development agreement are unique processes. There are no references to the R-3 zone in the Development Agreement section of the Planning Strategy. Therefore, it appears there is a typo in the wording of this policy which should be corrected. Staff have interpreted this policy to allow multiple unit dwellings with five or more units through the rezoning process.

The applicable Planning Strategy policies in this case are Policies 1-9 and A-3. The criteria are summarized in Appendix D and comments are provided below.

Municipal Engineering Staff have indicated that the sanitary sewer system has adequate remaining capacity to accommodate the proposed building. The nearest municipal sewer is the last manhole on Chemin de Susanne, approximately 100m from the intersection with the Cabot Trail. Due to the applicant’s future development plans, there is a need for a sanitary sewer extension rather than an individual service. The applicant has submitted a preliminary sanitary sewer design for review and comment by the Municipality. While this criterion is met, there are a number of municipal requirements regarding the servicing of the development that will need to be fulfilled prior to the issuance of a building and development permit.

There are two accesses to the subject site. Ch. De Susanne is a private access located on PID 50097617 which connects with the Cabot Trail. The development will be accessed by a driveway from Ch. Venette which will cross the abutting parcel (PID 50222140) via an easement. Ch. Venette is owned and maintained by the Nova Scotia Department of Public Works (NSPW). NSPW staff have stated that the road networks in, adjacent to, and leading to the development are adequate for the proposed 16-unit building.

In regards to parking, the Land Use By-law requires one and one-quarter parking spaces per unit to be provided. For a 16-unit building, 20 spaces would be required. The site has adequate space to provide the minimum number of spaces, and the parking design will be reviewed for compliance with the By-law upon submission of an application for a building and development permit.

The bulk, height, and lot coverage are not a source for land use conflict with nearby land uses. The lot itself is 15.4 acres, and therefore the building covers a very small percentage of the total lot area. The coverage in relation to the rezoning area is less than 20%. The floor area of the proposed building is significant in comparison to single detached dwellings in the surrounding area. However, to adjacent dwellings, the visual impact of the bulk of the building is reduced by a combination of the building setbacks, limited height, and t-shaped configuration. The proposed building is a single story with a peak height of approximately 6.85m (22.5 feet; see Appendix C). The maximum permitted height in the R-3 zone is 10.7m (35 feet), which is consistent with the current R-1 zoning.

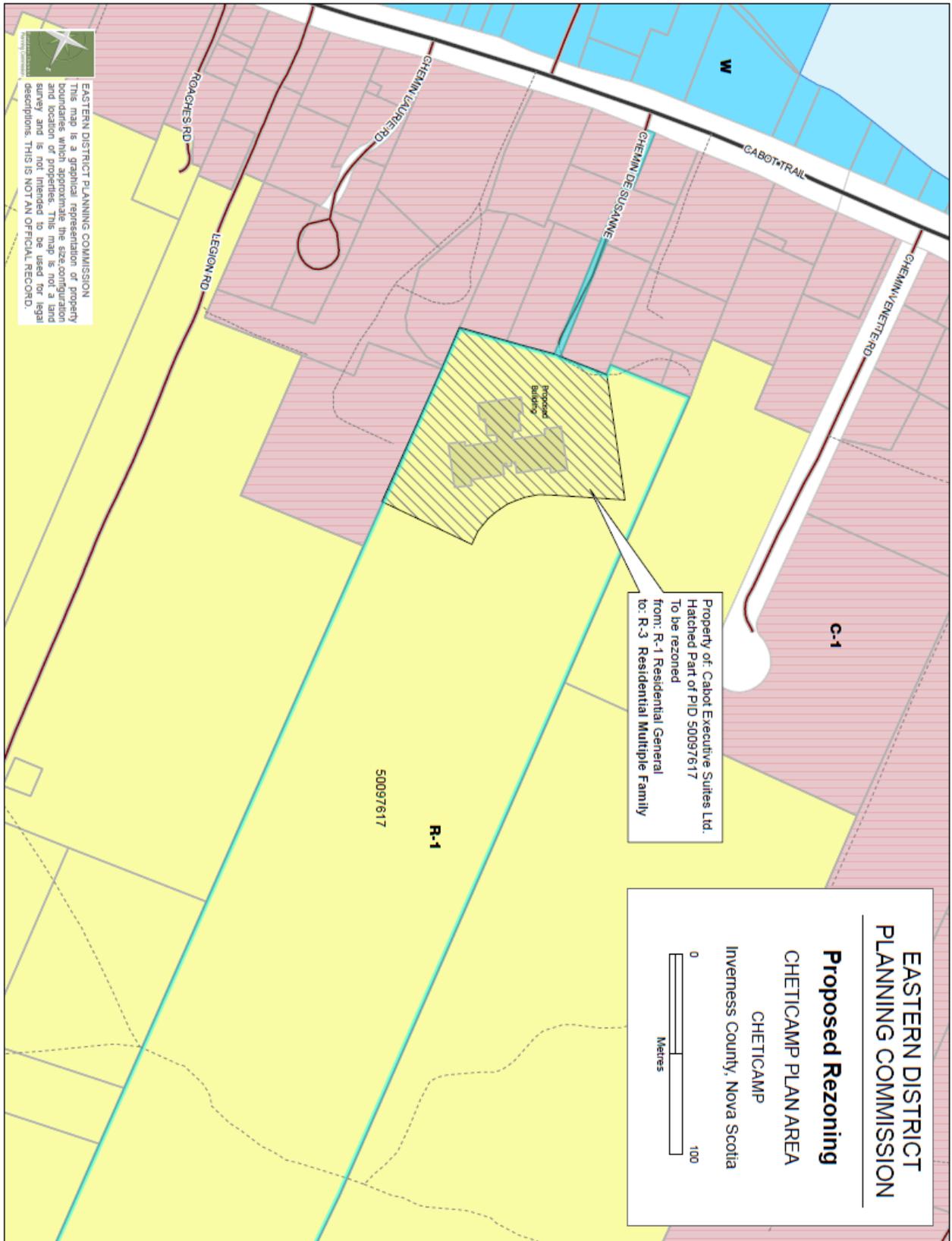


Figure 2: Rendering of proposed 16-unit building.

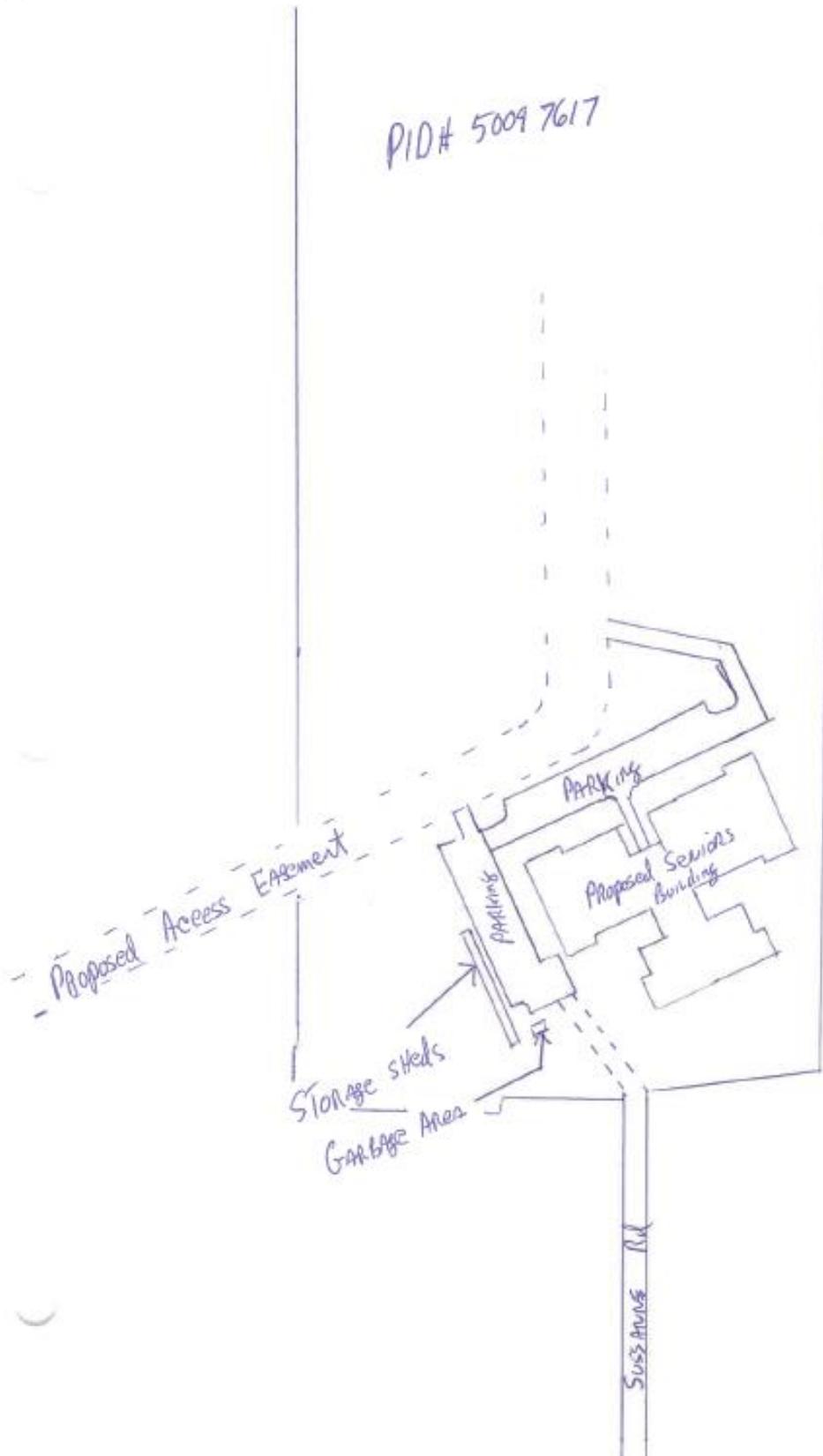
Conclusion:

Eastern District Planning Commission staff are of the opinion that rezoning the identified portion of PID 50097617 to the Residential Multiple Family (R-3) zone is in keeping with the general intent and the criteria of policies 1-9 and A-3 of the *Chéticamp Municipal Planning Strategy*. Therefore, staff recommend that Municipal Council approve the application to rezone the portion of PID 50097617 identified in Attachment A from Residential General (R-1) to Residential Multiple Family (R-3).

Appendix A: Rezoning Map

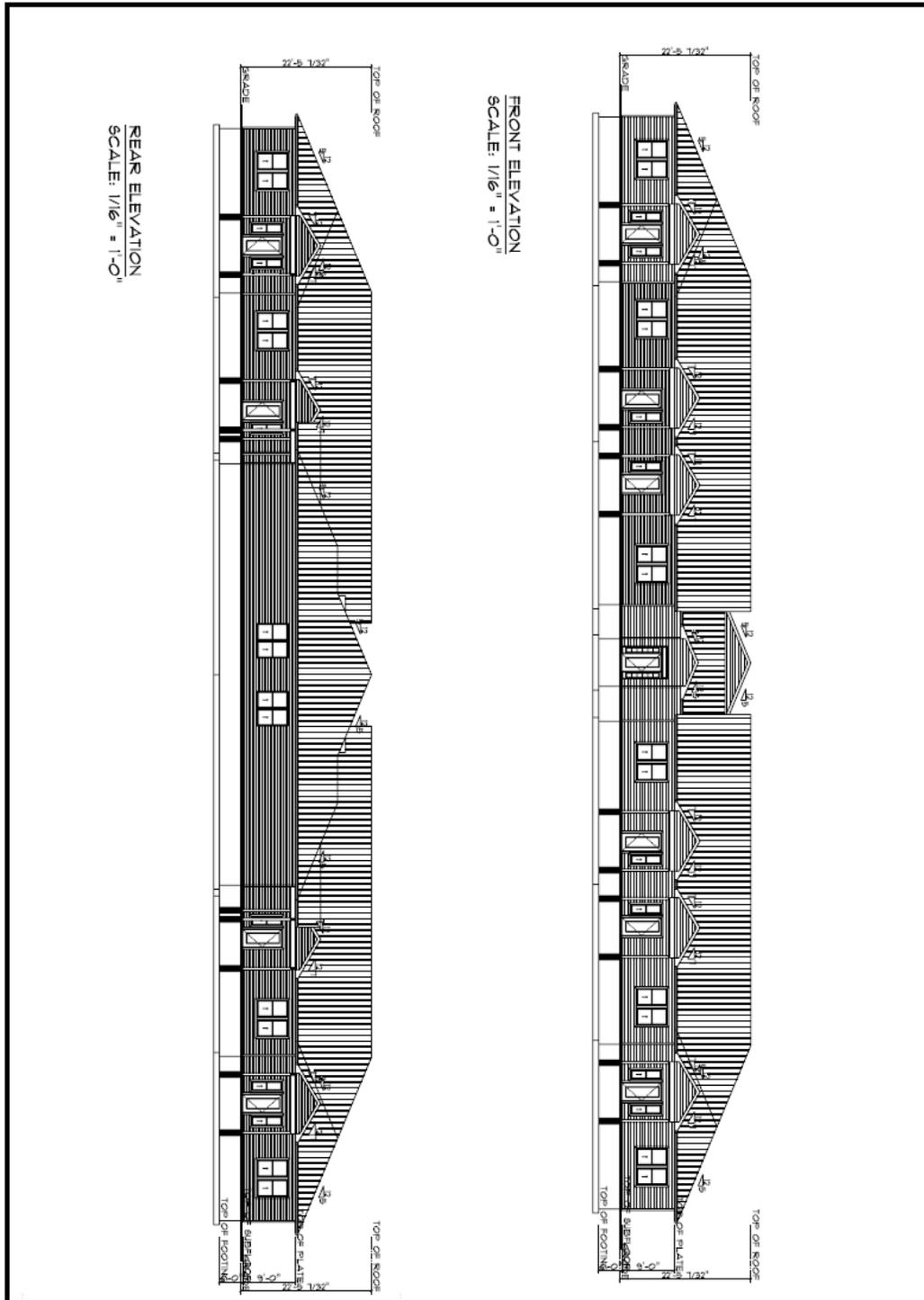


Appendix B: Site Plan

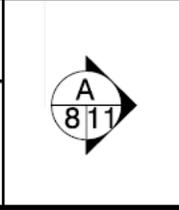


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Appendix C: Building Elevations




PIKE'S HOME DESIGNS
 25 Florence street PHONE: 902-497-6646
 Lower Sackville
 NS pikeshomedesign@gmail.com



Gerard Lefort 902-441-1717 hammondsplainslifestyle@gmail.com	
Project: LOT 1 ACADIA DR	PAGE:
DRAWN BY: Paul Pike	8/11
DATE: 8/7/2022	

Appendix D: Cheticamp Municipal Planning Strategy Policies

Policy 1-9	
It shall be the policy of Council to consider rezoning to the Residential Multiple Family (R3) zone within the Urban Residential designation by development agreement as provided for by the Municipal Government Act. In considering a proposal for a development agreement as stated in Policy 1-8, it shall be a policy of Council to have regard to the following:	
a) that the proposed development is capable of being serviced by the municipal sewer system and that the proposal will not cause the system to exceed capacity;	Complies
b) that adequate off-street parking can be provided;	Complies
c) that the proposal does not cause the capacity of the school or road systems to be exceeded;	Complies
d) that the proposal is in an area designated "Urban Residential" or "Mixed Use"; and	Complies
e) that the proposal complies with the criteria found in Policy A-3, Chapter 4.	See below
Policy A-3	
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) 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;	See staff report
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;	Not applicable - no watercourses present or in proximity

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(c) The controls in the Land Use By-law reduce conflict with any other adjacent or nearby land use by reason of:	
i) the type of use;	Complies
ii) emissions including air and water pollutants and noises;	Complies
iii) height, bulk, and lot coverage of the proposed building;	Complies
iv) traffic generation, access to and egress from the site and parking;	Complies
v) open storage;	Not applicable
vi) signs;	Complies
vii) similar matters of planning concern.	None identified