

TO: Town of Port Hawkesbury Planning Advisory Committee and Town Council

FROM: Planning Staff (EDPC)

DATE: March 7, 2017

RE: **Request for Rezoning of Lands of the Roman Catholic Episcopal Corporation of Antigonish located at Property Identifiers (PID) 50110709 and 50028968 MacLaughlin Drive, Port Hawkesbury from Institutional (I) Zone to Residential Single Unit (R-1) Zone.**

Recommendation:

That Town Council approve the proposed application to rezone the subject properties as shown on the Location Map (Page 4), from Institutional (I) zone to the Residential Single Unit (R-1) zone.

Information:

The two subject properties are located on the west side of MacLaughlin Drive. The properties are zoned Institutional (I) and the Roman Catholic Episcopal Corporation of Antigonish wishes to rezone them to Residential Single Unit (R-1) so that the lots may be sold for the purpose of constructing single detached dwellings.

| <u>Description</u> | |
|---------------------|--|
| Designation: | Residential |
| Zone: | Institutional (I) |
| Site: | MacLaughlin Drive; PID# 50110709 & 50028968. |
| Site Visit: | February 28, 2017. |

Analysis:

The Municipal Planning Strategy (MPS) does not set out criteria for amending the By-law to permit a rezoning from Institutional to Residential. The Generalized Future Land Use Map on Page 5 shows that the two properties are in the Residential Designation. The base zone in this designation is the Residential Two Unit (R-2) zone, therefore R-1 would be a typical Residential zone within the Residential Designation. It is the opinion of staff is that a rezoning back to the base zone in a designation is something that any Municipal Planning Strategy would permit by default, subject to a general implementation policy. This general implementation policy is found in Policy I-1.5, which lists criteria to be considered for any rezoning.

The Residential Two Unit (R-2) Zone is the base zone in the Residential Designation. In fact, prior to the last plan review churches and similar institutions were permitted as of right within the Residential Two Unit Zone, so the property was once already zoned Residential. Policy L-

1.2.0 establishes the R-1 zone within the Residential Designation, therefore, it is reasonable to rezone the two lots back to the R-1 zone. The R-1 and R-2 zones are very similar, the difference the R-1 zone only permits single detached dwellings, parks and community centres; whereas the R-2 zone permits semi-detached, duplexes, boarding houses and existing funeral parlours.

Policy I-1.5 addresses a number of general issues related to the establishment of a new use in an area. In this case the use already has been established and therefore the impacts of the existing residential single family use are established independently of whether the property is zoned Institutional or Residential Two Unit. Nevertheless Appendix "A" found on Page 3 summarizes the evaluation criteria for the rezoning.

Policy I-1.5 includes a list of rezoning criteria that must be met for a rezoning. Currently the two lots are vacant, however the municipal water and sewer services must be adequate for the policy's criteria to be successfully met. The letter from the Town of Port Hawkesbury confirms that it is within the capability of the Town to absorb any costs relating to this development and that the Town will provide sewer and water service laterals to the property line when required. The Town correspondence did also note that the depth of service is approximately four (4) feet is deep enough to service the first floor or a residence but not deep enough to service a standard eight (8) foot basement.

It is also worthy to note that the two lots located directly between the two lots in question were successfully rezoned in July 2000.

Conclusion:

Staff are of the opinion that the rezoning of PIDs #50110709 and 50028968 on MacLaughlin Drive from Institutional (I) Zone to Residential Single Unit (R-1) Zone, is in keeping with the general intent of the Municipal Planning Strategy and that the rezoning meets the criteria established in Policy I-1.5. Therefore, staff recommend **to approve** the application to rezone the two properties shown on the Location Map (Page 4), from Institutional (I) zone to the Residential Single Unit (R-1) zone.

**Appendix “A” Summary of Evaluation Criteria
Policy I-1.5**

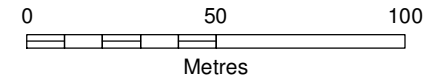
| | |
|---|-----------------|
| a) The proposal is in conformance with the intents of this Strategy and with the requirements of all other Town by-laws and regulations; | |
| b) The proposal is not premature or inappropriate by reason of: | |
| i) financial capability of the Town to absorb any costs relating to the development; | None Identified |
| ii) adequacy of sewer and water services to support the development; | Meets criteria |
| iii) adequacy, proximity of school, recreation & community facilities; | Meets criteria |
| iv) adequacy of road network; | Meets criteria |
| v) potential for the contamination of watercourses or the creation of erosion or sedimentation; or | Meets criteria |
| vi) potential for damage or destruction of historical buildings/sites. | N.A. |
| c) The proposal conforms to the requirements contained in the Land Use By-law relating to the following: | |
| i) type of use; | Meets criteria |
| ii) height, bulk, and lot coverage of the proposed building; | Meets criteria |
| iii) traffic generation, access & egress, & parking; | Meets criteria |
| iv) open storage; | N.A. |
| v) signs; | N.A. |
| vi) provision for buffering, landscaping, screening & access control to reduce potential incompatibility with adjacent uses and traffic; | N.A. |
| vii) development is located so as not to obstruct any natural drainage channels or watercourses; | Meets criteria |
| viii) building separations are provided sufficient to permit access to firefighting equipment and to prevent the spread of fire; | Meets criteria |
| ix) no building is approved whose height exceeds the limit imposed by the effective capacity of Town firefighting equipment; and | Meets criteria |
| x) similar matters of planning concern. | None Identified |
| d) Suitability and development costs of the proposed site in terms of steepness of grades, soil and geological conditions, marshes, swamps, or bogs and proximity of highway ramps, railway rights-of-way and other nuisance factors. | Meets criteria |



EASTERN DISTRICT PLANNING COMMISSION

Proposed Rezoning

PORT HAWKESBURY PLAN AREA
Inverness County, Nova Scotia



Properties of:
EPISCOPAL CORP OF ANTIGONISH
Maclaughlin Dr, Port Hawkesbury
PID: 50110709, 50028968
To be rezoned
from: I Institutional
to: **R-1 Residential Single Unit**



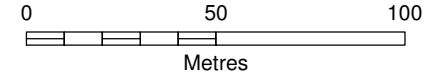
EASTERN DISTRICT PLANNING COMMISSION
This map is a graphical representation of property boundaries which approximate the size, configuration and location of properties. This map is not a land survey and is not intended to be used for legal descriptions. THIS IS NOT AN OFFICIAL RECORD.



EASTERN DISTRICT PLANNING COMMISSION





Generalized Future Land Use

PORT HAWKESBURY PLAN AREA
Inverness County, Nova Scotia



Properties of:
ROMAN CATHOLIC EPISCOPAL CORP
Maclaughlin Dr, Port Hawkesbury
PID: 50110709, 50028968

Designation

-  Commercial
-  Industrial
-  Open Space
-  Residential



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