

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

FROM: Planning Staff (EDPC)

DATE: September 18, 2014

RE: Application by Donna MacDonald to amend the Town of Port Hawkesbury Land Use By-law by rezoning the Queen Street property (PID #50206952) from Institutional (I) Zone to Residential Two Unit (R-2) Zone.

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**Recommendation:**

That Town Council **approve** the proposed application to rezone the subject property as shown on the Location Map (Page 4), from Institutional (I) zone to the Residential Two Unit (R-2) zone.

**Description of Site:**

<b>Designation:</b> Residential	<b>Area:</b> 2,018 m <sup>2</sup> ; 21,720 ft <sup>2</sup>
<b>Zoning:</b> Institutional (I) Zone	<b>Proposed Zone:</b> Residential Two Unit (R-2) Zone
<b>Site Visit:</b> September 16, 2014	<b>Zoning Map:</b> See page 4

**Information:**

The property being proposed for rezoning is at #804 Queen Street with PID# 50206952. There is an unused Church on the property at present. Most of the surrounding properties are zoned Residential Two Unit and contain single family dwellings, with the exception of the Church. The applicants wish to rezone to the R-2 base zone to allow for renovation and. While they have no plans to do this in the near future, the use presently is only permitted in the Institutional Zone as an accessory use so the zoning effectively would prevent subdivision.

**Analysis:**

The Municipal Planning Strategy (MPS) does not set out criteria for amending the By-law to permit a rezoning from institutional to residential. Nevertheless, there is a Policy which allows for rezoning from the Residential Rural (R-5) Zone.

*L-1.3.1 It shall be the intention of Council to permit the Residential Two-Unit (R2) Zone by amendment to the Land Use By-law on previously undeveloped lands in the Residential Designation in accordance with the criteria to amend the Land Use By-law, Policy I-1.5.*

Also, 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. In the Town's MPS Policy I-1.5 is the General Implementation Policy

Also, 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. In the Town's MPS Policy I-1.5 is the General Implementation Policy 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 R-2.

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" summarizes the evaluation criteria for the rezoning.

The one variable from Policy I-1.5 however is in Sub-section (c), clause (ii) "...height, bulk, and lot coverage of the proposed building...". The building already exists and the owners plan to renovate the interior in order to have residential units in the building.

Furthermore, there is a general policy to encourage infilling of residential development within the Town, in fact Policy L-1.8 states: *"While generally it shall be the intention of Council to encourage future residential development on an infilling basis, expansion of the residential areas of Town for serviced development shall be encouraged to occur [... on the lands located between Hemlock Drive in the Tamarac Heights Subdivision...]."*

The Chief Administrative Officer on behalf of the Public Works and Parks & Recreation Departments for the Town has stated that water and sewer services are adequate for the proposed development. In addition, he also states that road networks are adequate and that recreation and community facilities are in close proximity to the property. He also affirms that this type of development will be beneficial to the resident growth of the Town.

**Conclusion:**

Staff are of the opinion that the rezoning of the Queen Street property (PID #50206952) from Institutional (I) Zone to Residential Two Unit (R-2) Zone, is in keeping with the general intent of MPS policy and that it meets the criteria established in Policy I-1.5. Accordingly, staff recommend that the application to rezone the portion of the subject property as shown on the Location Map (Page 4), from Institutional (I) zone to the base zone in the Residential Designation Residential Two Unit (R-2) zone be approved.

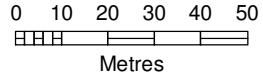
**Appendix “A” Summary of Evaluation Criteria  
Policy I-1.5**

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

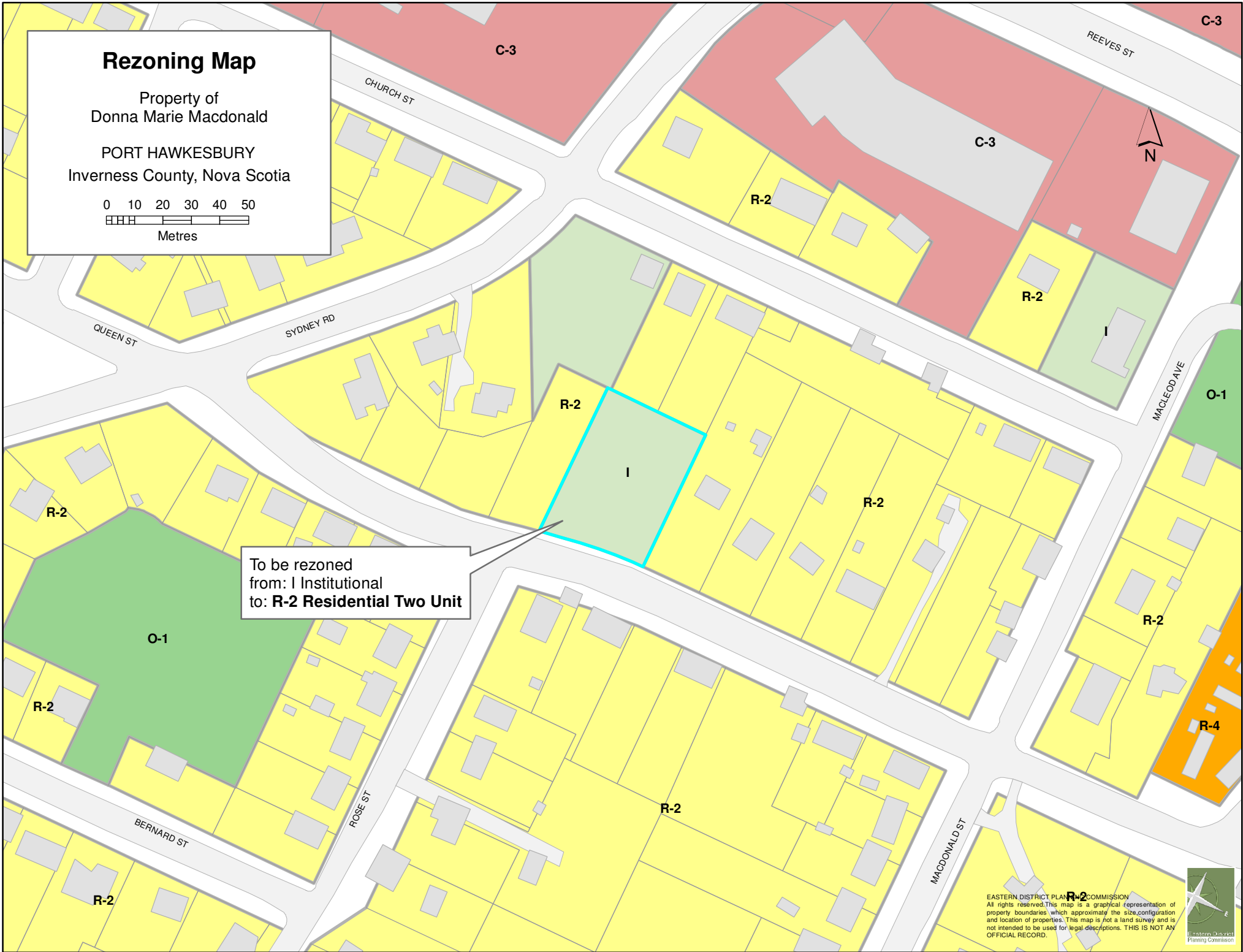
# Rezoning Map

Property of  
Donna Marie Macdonald

PORT HAWKESBURY  
Inverness County, Nova Scotia



To be rezoned  
from: I Institutional  
to: **R-2 Residential Two Unit**



EASTERN DISTRICT PLANNING COMMISSION  
All rights reserved. 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.



Appendix 'B': Site Photographs.



Figure A: Former church at 804 Queen Street.



Figure B: Neighbouring two-unit residence.