

To: **Port Hawkesbury Planning Advisory Committee**  
**Port Hawkesbury Council**

From: **Planning Staff (EDPC)**

Date: **March 2, 2022**

Reference: **Proposed Land Use By-law amendment to rezone lots in the Grants Ponds Subdivision, on MacLaughlin Drive and the undeveloped lands off Spruce Street from the Residential Single-Unit (R-1) Zone to the Residential Two-Unit (R-2) Zone**

**Recommendation:**

That Port Hawkesbury Council **approve** the proposed Land Use By-law amendment to rezone lots in the Grants Ponds Subdivision, on MacLaughlin Drive and the undeveloped lands off Spruce Street from the Residential Single-Unit (R-1) Zone to the Residential Two-Unit (R-2) Zone to allow for higher density residential development within the Town.

Description
<b>Designation:</b> Residential
<b>Current Zoning:</b> Residential Single-Unit (R-1)
<b>Proposed Rezoning:</b> Residential Two-Unit (R-2)
<b>Total Number of Lots:</b> 94

**Background:**

At the direction of the Planning Advisory Committee, planning staff were directed to initiate a process to examine possible increases in density for residential zones within Port Hawkesbury, including in both the R-1 and R-2 Zones.

A report was prepared at the direction of the Planning Advisory Committee following the regular Committee meeting held September 16, 2021. During this meeting the Committee discussed the provisions in the Port Hawkesbury Municipal Planning Strategy and Land Use By-law which allow for accessory dwelling units within the residential zones, and the potential for increased density in the form of secondary suites, garden suites or tiny homes. From this meeting, the Committee was requesting to have all lots in the Grants Ponds Subdivision, MacLaughlin Drive and the undeveloped lands off Spruce Street that are presently zoned R-1, to be rezoned to the R-2 zone. The R-2 Zone permits higher density residential development which includes accessory dwelling units.

A previous staff report presented to the Planning Advisory Committee on November 18, 2021 recommended that Council approve the proposed amendments to the Municipal Planning Strategy and Land Use By-law to permit accessory dwelling units, both fully contained in the

primary unit, or detached units, within the Residential Two-Unit (R-2) Zone. These amendments would allow for increased density in residential areas by allowing property owners to have a second unit on their property, accessory to the main dwelling.

The permitted uses in the Residential Single Unit (R-1) Zone are restricted to single unit detached dwellings and parks and open space uses. The uses within the R-1 Zone do not allow for duplex, semi-detached dwellings or multi-unit dwellings. This zone also does not allow residents to have accessory dwelling units either in the form of secondary suites (basement apartments) or garden suites. Council has stated it is a priority to continue to permit a variety of different types of housing, and the R-1 Zone does not align with that policy as only one type of housing is permitted. The rezoning of lots from the R-1 to the R-2 Zone allows for higher density residential development throughout the Town, which aligns with Council priorities.

**Analysis:**

Policy I-1.5 includes a list of criteria that must be met for an amendment to the Land Use By-law (rezoning). This policy 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 uses are established independently of whether the property is zoned Residential Single Unit (R-1) or Residential Two Unit (R-2). Nevertheless Appendix “A” summarizes the evaluation criteria for the rezoning.

The Planning Advisory Committee was recommending to have all lots rezoned in the Grants Ponds Subdivision, the lots on MacLaughlin Street, and the undeveloped lots off Spruce Street rezoned from the Residential Single Unit (R-1) Zone, to the Residential Two-Unit (R-2) Zone. This would be a total of 94 lots being rezoned in the Town.

The Port Hawkesbury Municipal Planning Strategy has a number of policies dedicated to prioritizing a diversity of housing options within the community. In particular, Policy L-1.14.0 and L-1.14.1 describe that it is a priority for Council to permit the development of a variety of housing options, including accessory dwelling units, and that the Town should strive to meet the present housing needs. Specifically, Council shall have regard for the housing needs of senior citizens, temporary residents, students, and families or individuals with low or fixed incomes.

*L-1.14.0 It shall be the policy of Council through the Land Use By-law to continue to permit accessory dwelling units, mobile homes, small homes on smaller lot sizes and other residential uses, where appropriate, to create a diversity of housing options within the community.*

The Residential Two-Unit (R-2) zone permits a variety of residential uses including single unit detached dwellings, duplex and semi-detached dwellings, and multiple-unit dwellings.

The undeveloped lands off of Spruce Street which are presently zoned Residential Single Unit (R-1) are subject to be rezoned to the Residential Two-Unit (R-2) zone as this area is slated for future residential development. Retaining the R-1 zoning will restrict all new residential development to single unit detached dwellings. Rezoning these lands will allow for all future development of this area to contain a variety of housing types including duplex, semi-detached dwellings and multi-unit dwellings, which aligns with Policy L-1.14.0 stating that Council will continue to permit and create a diversity of housing options throughout the Town.

With respect to these lands, the Nova Scotia Department of Public Works commented on this proposal and stated that the road network immediately adjacent to the noted properties (Spruce Street, Pine Ridge Drive, Aspen Court, Chiavari Close) are Municipal owned roadways. Access from the area onto Reeves Street from the Municipal roads is signalized at Reynolds Street, however the MacSween Street access is not signalized. Access onto Highway 4 from Tamarac Drive is also signalized. Depending on the type and size of development on the noted properties, a traffic impact study may be required to be completed by the Town to determine the effects on access in and out of the neighbourhood from the Provincially owned roads.

### **Conclusion**

Given the above issues regarding housing availability and affordable housing in the Town of Port Hawkesbury, planning staff are recommending that Council approve the proposed rezoning request for all properties located in the Grants Ponds subdivision, on MacLaughlin Drive and the undeveloped land off Spruce Street from the Residential Single Unit (R-1) Zone to the Residential Two-Unit (R-2) Zone. This will allow for higher density residential development within the Town.

### **Proposed Motion for Planning Advisory Committee**

Based upon the staff recommendation, the proposed motion for PAC is:

*That the Planning Advisory Committee recommends that Town Council approve the proposed Land Use By-law amendment to rezone lots in the Grants Ponds Subdivision, on MacLaughlin Drive and the undeveloped lands off Spruce Street from the Residential Single-Unit (R-1) Zone to the Residential Two-Unit (R-2) Zone to allow for higher density residential development within the Town, and;*

*That Town Council give First Reading and set a Public Hearing date.*

### **Motion for Council (First Reading)**

Based upon positive recommendation from PAC, the proposed motion for Council is:

*That Port Hawkesbury Council give First Reading and set a Public Hearing date to amend the Land Use By-law to rezone lots in the Grants Ponds Subdivision, on MacLaughlin Drive and the undeveloped lands off Spruce Street from the Residential Single-Unit (R-1) Zone to the Residential Two-Unit (R-2) Zone to allow for higher density residential development within the Town.*

Appendices

Appendix A: Evaluation Criteria

Appendix B: Rezoning Maps

**Appendix “A”**

**Policy 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.	Meets criteria
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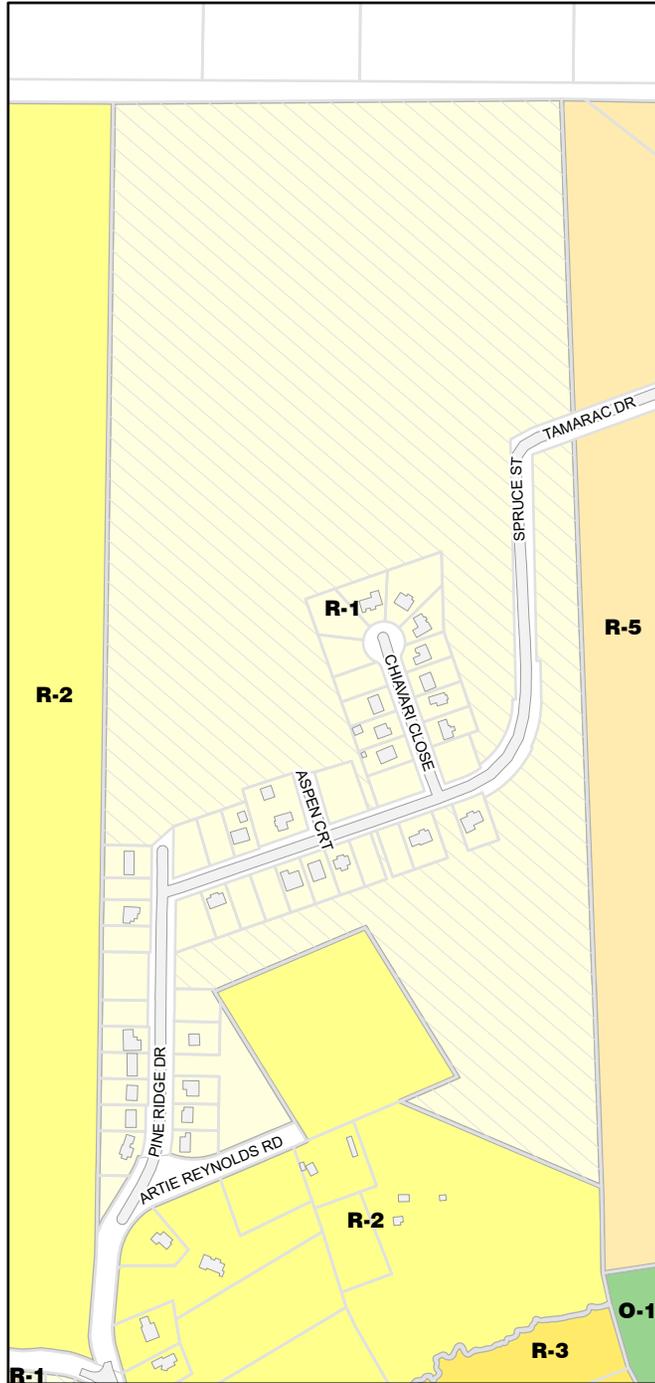
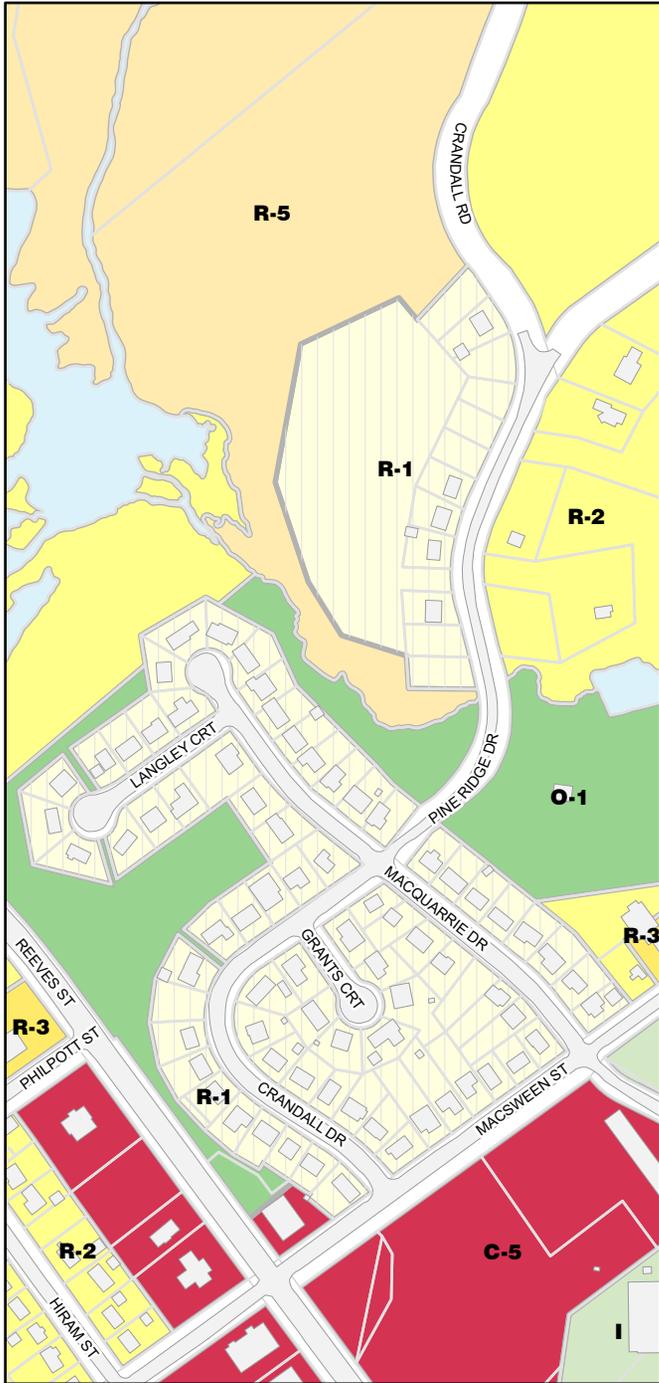
**Summary of Evaluation Criteria**

**Policy I-1.5 In considering amendments to the Land Use By-law, in addition to all other criteria as set out in various policies of this planning strategy, Council shall have regard for the following matters:**

a) The proposal is in conformance with the intents of this Strategy and with the requirements of all other Town by-laws and regulations;	Meets criteria
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;	Meets Criteria
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;	N.A.
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;	N.A.
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	N.A.
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

# Appendix B: Rezoning Map



**EASTERN DISTRICT  
PLANNING COMMISSION**

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**Proposed Rezoning**

TOWN OF PORT HAWKESBURY  
PLAN AREA

Inverness County, Nova Scotia

Hatched parts of current R-1 zones to be rezoned  
from: R-1 Residential Single Unit  
to: **R-2 Residential Two Unit**

0                      100                      200

Metres

