

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

From: **Planning Staff (EDPC)**

Date: **June 3, 2024**

Reference: **Application by Kelly Field and Sylvain Gauthier to amend the Eastern Antigonish Land Use By-law by rezoning the property on Myette Road with PIDs 10138329, 10136901, 10138337 and 10138345 from R-1 to R-2.**

**Staff Recommendation:**

Planning Staff’s recommendation is to approve the proposed rezoning from R-1 to R-2. This would allow more housing units to be constructed on the four properties.

**Background Information:**

Staff received a request to rezone the four properties on Myette Road with PIDs: 10138329, 10136901, 10138337 and 10138345. Three of the properties are currently vacant and one has agricultural buildings on it. The properties are all zoned Rural (R-1). The owners would like to get the properties rezoned to Multi-unit Residential (R-2) in order to construct

	Description
<b>Designation:</b>	Rural
<b>Current Zoning:</b>	Rural (R-1)
<b>Request:</b>	Rezone to R-2, Residential Multi-Unit
<b>Identification #:</b>	PID(s) 10138329, 10136901, 10138337 and 10138345
<b>Total Lot Area:</b>	7.3 ha (18 acres)
<b>Site Visit:</b>	November 30, 2023

nine semi-detached dwellings on the three properties for a total of eighteen new units.

**Analysis:**

The property is currently designated Rural and zoned Rural (R-1). The current policy in the Eastern Antigonish Secondary Planning Strategy describes that a rezoning to R-2 may occur in the Rural Designation. Policy 2(c) of the Eastern Antigonish Municipal Planning Strategy allows for a rezoning to the Residential Multi-Unit (R-2) Zone. The policy reads as follows:

*The Residential Multi-Unit (R-2) Zone shall permit residential buildings of more than two (2) units including grouped dwellings and all non-agricultural, non-forestry and non-fishing uses permitted in the RS-1 Zone subject to the requirements of the RS-1 Zone. Existing multi-unit buildings shall be zoned R-2. New multi-unit buildings shall be considered by a rezoning in any part of the Planning Area designated “Rural”, “Rural Settlement” and “Commercial”.*

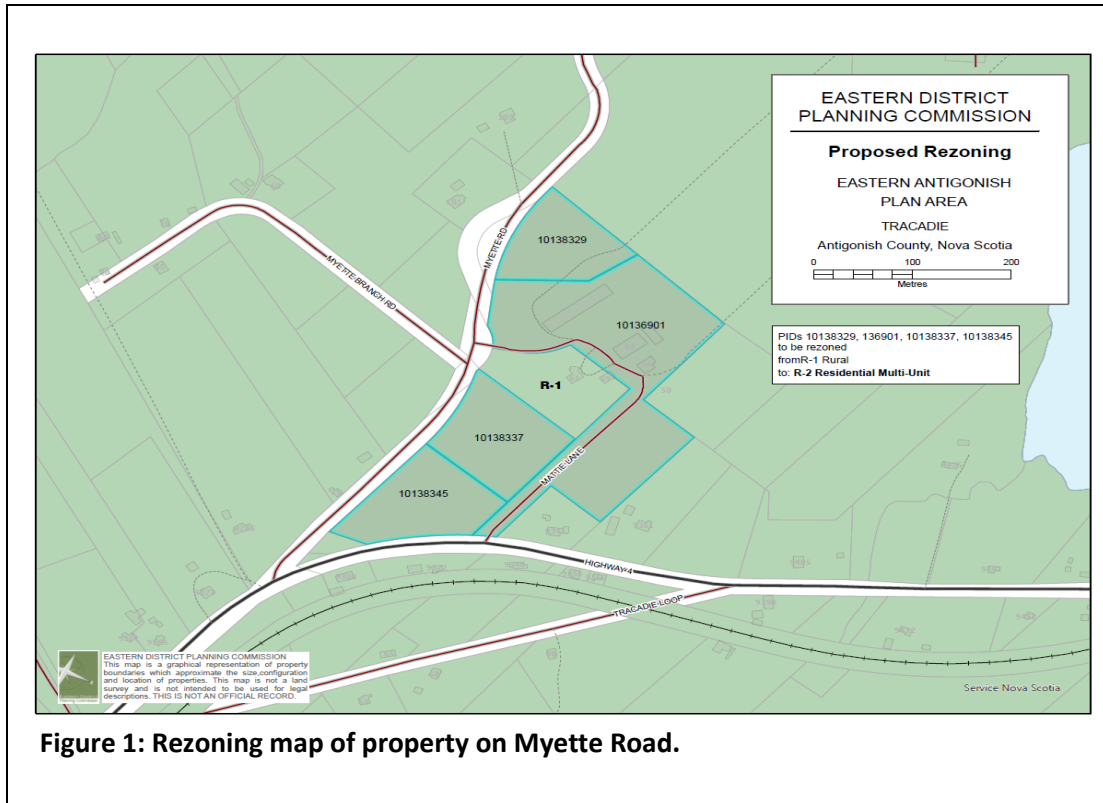


Figure 1: Rezoning map of property on Myette Road.

Regarding section (b) of Policy 39, the list of rezoning criteria is laid out in full in Appendix “B” of this report. Policy 39 considers such factors as traffic, sewer and water services, contamination of watercourses and parking requirements.

The Eastern Plan also has a policy for rezoning to the Multi-unit Residential (R-2) Zone within the Rural Designation which is similar to Policy 2(c) and also directly applies to this situation. Policy 6 is as follows:

*It is the intention of Council to permit new residential multi-unit buildings in areas designated "Rural", "Rural Settlement" or "Commercial" as shown on the Generalized Future Land Use Map by a rezoning to the R-2 Zone subject to the following criteria to direct these uses to suitable locations and those criteria listed in Policy 39:*

- (a) the proposed development is compatible with adjacent residential uses with respect to scale, mass and use;*
- (b) the location of the proposed development does not create any major traffic problems;*
- (c) the lot on which the proposed development is sited is adequately served by a centralized sewer system and/or central water system or if on-site services are to be used, these services are adequate for R-2 Zone uses.*

**Financial:**

According to Policy 39 in the Eastern Antigonish Secondary Planning Strategy, the proposed development cannot be premature or inappropriate by reason of the financial capacity of the Municipality to absorb the costs relating to the proposal. Staff circulated letters and received responses from several Municipal departments and one provincial department. According to the Finance Department there is no issue with the ability to absorb any of the costs associated with the proposed development. The developer will be absorbing all the costs of the proposed development.

**Recreation Facilities and Schools:**

Staff also received a letter from the Recreation Director outlining that there are sufficient recreation facilities in the Tracadie area. The comments from the Strait Area School Board Director, said that the Eastern Antigonish Education Centre has the capacity to accommodate a number of new students should the need arise from more residential development in the area.



**Figure 2: Existing barn from Myette Road.**

**Scale and Mass:**

The majority of buildings in the vicinity are either single detached dwellings or agricultural buildings, as this was predominantly a farming area historically. The proposal is to construct three semi-detached dwellings on each of three separate lots, which totals eighteen (18) new units. Semi-detached dwellings are not very different in building mass from a single-detached dwelling unit, so this is not an unreasonable proposal. What Council needs to consider is whether having that many new units is a reasonable scale of new units in comparison to what is in the surrounding area. From a staff point of view this would be considered a low-density development.

**Transportation network:**

Staff received correspondence indicating that the Nova Scotia Department of Public Works is satisfied with the road leading to the properties and they currently have no concerns with the surrounding road networks nor public street access. The Department also added that a completed ‘Work Within a Highway Right-of-Way Permit’ will be required prior to any construction activities; at which time they may ask to review detailed engineering drawings for access as well as on-site drainage.

## Staff Report

### Soil erosion and sedimentation:

During construction the developer will need to comply with the Provincial regulations for erosion of soils and water drainage systems on the properties. Staff received a letter from Nova Scotia Environment and Climate Change which stated that NSECC has no objections to the proposed rezoning if the on-site systems are designed and installed in accordance with the On-site Sewage Disposal Systems Regulations. NSECC made it clear in the correspondence that they are aware that the intent is to construct up to three duplexes per PID. The response stated that on-site septic systems must be designed and installed in accordance with the On-site Sewage Disposal Standard (2022) and On-site Sewage Disposal Systems Regulations (2018).

### Statements of Provincial Interest:

The purpose of the Statements of Provincial Interest (SPI) is to protect the common public interest and encourage sustainable development in municipalities. The SPI are policy statements adopted by the provincial



**Figure 3: Existing vacant lots on Myette Road.**

government under the powers of the Municipal Government Act (MGA s.193). They are set out in Schedule “B” of the MGA and legislation requires that municipal planning documents are “reasonably consistent” with the SPI. As such, the following comments are offered with respect to consistency of the proposal with the SPI:

1. Drinking Water: The proposed development does not impact the provision of drinking water. The property is not located within a well field or an area covered by a Source Water Protection Plan.
2. Flood Risk Areas: Not in an identified flood risk area.
3. Agricultural Land: This proposed housing will be impacting agricultural lands. The land was originally a farm, but no active farm has operated on the land in recent years.
4. Infrastructure: Will not be using municipal water or sewer.
5. Housing: The proposed development will provide eighteen (18) new housing units, which will increase the availability of new housing stock in the area.

The proposed development is reasonably consistent with the Statements of Provincial Interest.

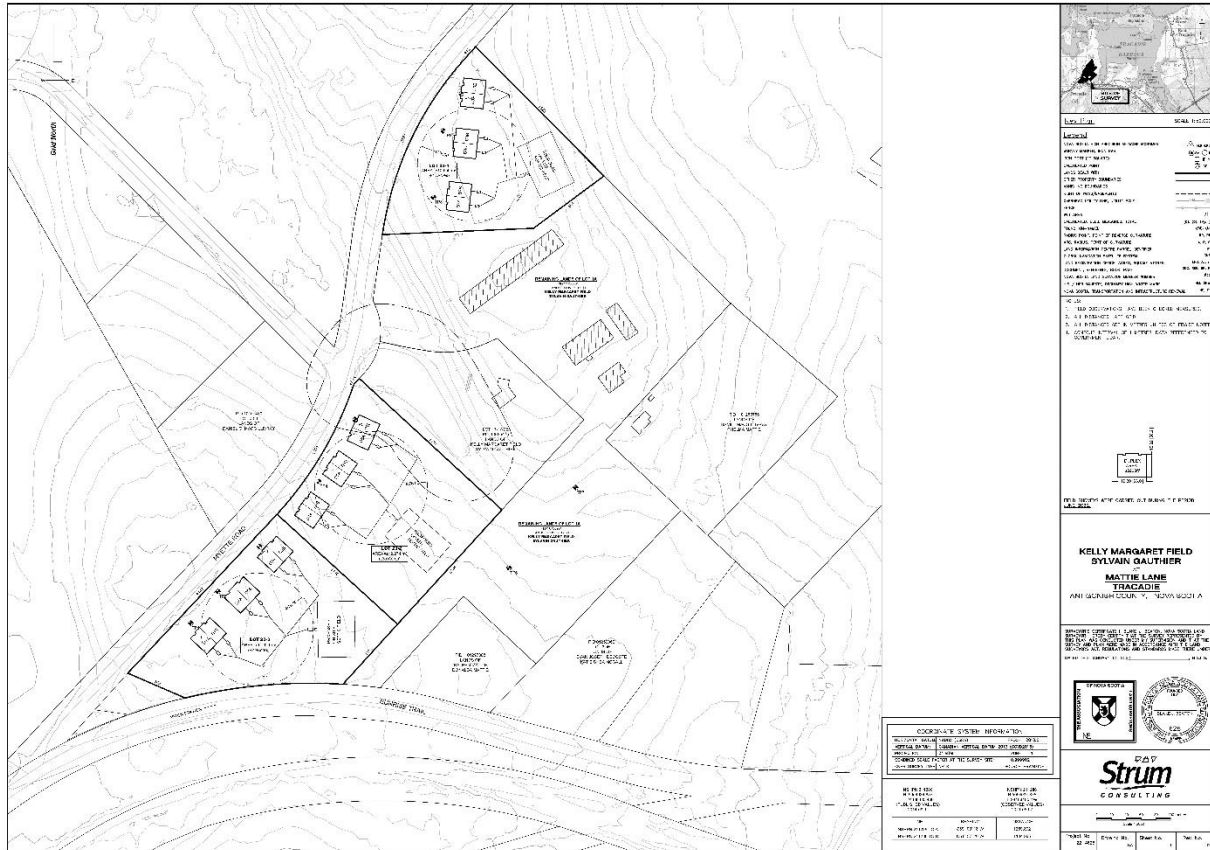


Figure 4: Site Plan of proposed location of nine dwellings.

**Conclusion:**

The rezoning application for the four properties on Myette Road with PIDs 10138329, 10136901, 10138337 and 10138345 meets the intent of the relevant policies of the Eastern Antigonish Municipal Planning Strategy. Staff recommend approving the rezoning from Rural to Multi-unit Residential Zone, to allow nine semi-detached dwellings to be constructed on four properties.

## Staff Report

### Proposed Motions:

If supported by the Planning Advisory Committee, the motion could be as follows:

*Planning Advisory Committee recommends that Municipal Council approve the amendment to the Eastern Antigonish Land Use By-law to rezone the properties with PIDs 10138329, 10136901, 10138337 and 10138345 on Myette Road in Tracadie from Rural (R-1) to Residential Multi Unit (R-2) zone as per the Rezoning Map.*

The motion for Council could be the following:

*Council approves the amendment to the Eastern Antigonish Land Use By-law to rezone the properties with PIDs 10138329, 10136901, 10138337 and 10138345 on Myette Road in Tracadie from Rural (R-1) to Residential Multi Unit (R-2) zone as per the Rezoning Map.*

**Appendix ‘A’: Summary of Applicable Policies**

<b>Policy 6</b>	
It is the intention of Council to permit new residential multi-unit buildings in areas designated “Rural”, “Rural Settlement” or “Commercial” as shown on the Generalized Future Land Use Map by a rezoning to the R-2 Zone subject to the following criteria to direct these uses to suitable locations and those criteria listed in Policy 39:	
<b>a.</b> the proposed development is compatible with adjacent residential uses with respect to scale, mass and use;	Complies
<b>b.</b> the location of the proposed development does not create any major traffic problems;	Complies
<b>c.</b> the lot on which the proposed development is sited is adequately served by a centralized sewer system and/or central water system or if on-site services are to be used, these services are adequate for R-2 Zone uses.	Complies

<b>Policy 39</b> 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:	Complies
<b>a.</b> Whether the proposal conforms with the intent of this Strategy and with the requirements of all other Municipal by- laws and regulations;	
<b>b.</b> Whether the proposal is premature or inappropriate by reason of:	
<b>(i)</b> the financial capability of the Municipality to absorb any costs relating to the proposal;	Complies
<b>(ii)</b> the adequacy of sewer and/or water services to support the proposal;	On-site water and sewer
<b>(iii)</b> the adequacy and proximity of school, recreation and other community facilities;	Complies
<b>(iv)</b> the adequacy of road networks, in, adjacent to, or leading to the development and the adequacy of proposed accesses and parking facilities;	Complies
<b>(v)</b> the potential for the contamination of abutting watercourses or the creation of erosion or sedimentation as a result of the development as determined by a qualified person from the appropriate government department;	Complies
<b>(vi)</b> the potential for damage to or destruction of historical buildings and sites.	N.A.
<b>c.</b> Whether the proposal conforms to the requirements contained in the Land Use By-law relating to the following:	Complies

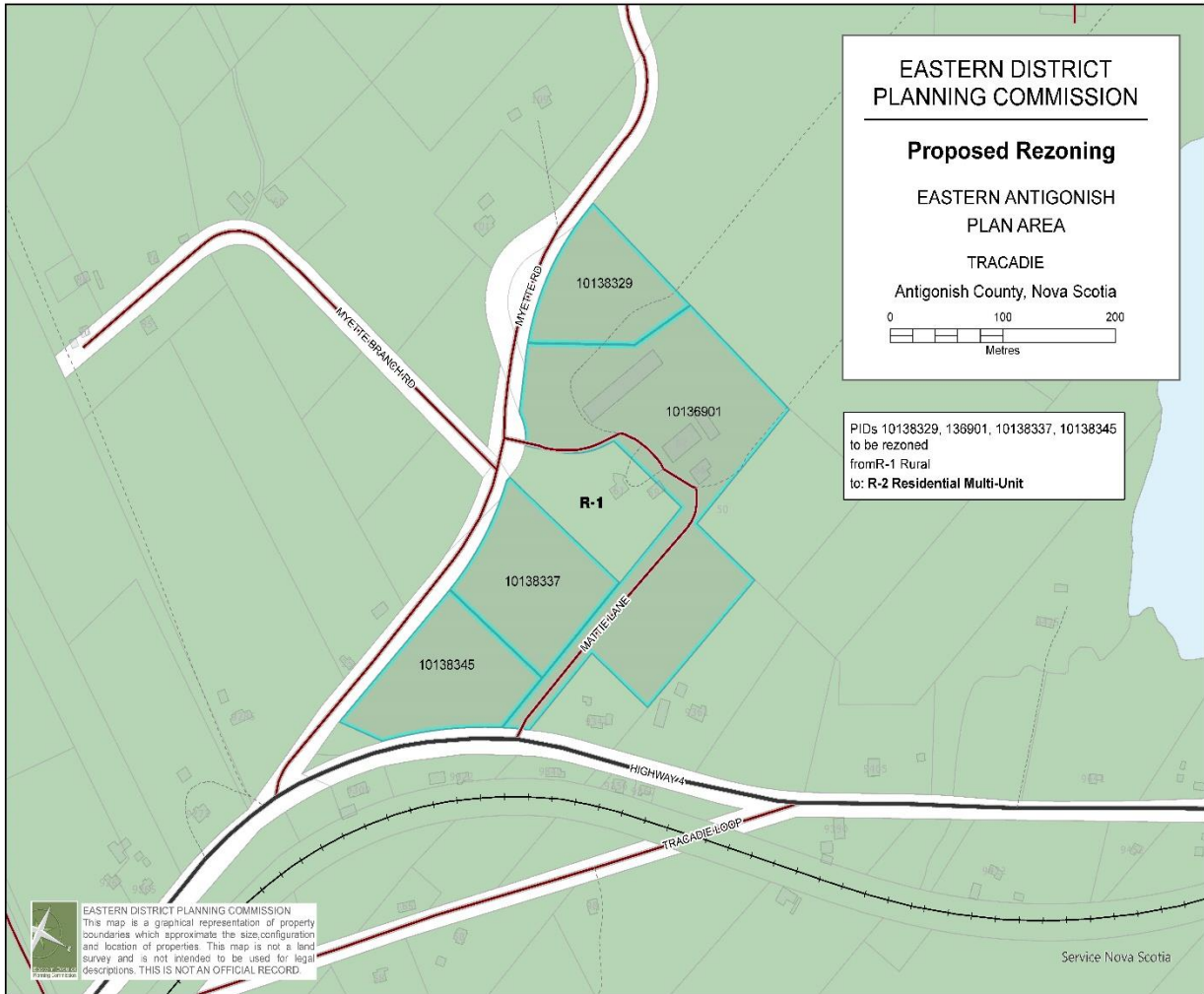
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i.) the type of use;	
ii.) setbacks, height, bulk, and lot coverage of a proposed building or expansion to an existing structure;	Complies
iii.) traffic generation, access to and egress from the site, and parking;	Complies
iv.) open storage;	N.A.
v.) signs;	N.A.
vi.) provisions for buffering, landscaping, screening and access control to reduce potential incompatibility with adjacent land uses and traffic;	Complies
vii.) the location of the development so as not to obstruct any natural drainage channels or watercourses;	Complies
viii.) sufficient building separations to permit access to firefighting equipment and to prevent the spread of fire.	Complies.
d. Suitability and costs of the proposed development 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.	Complies



### Appendix 'B': Rezoning Map

The Eastern Antigonish Land Use By-law shall be amended by changing the Zoning Map for the properties shown in the map below.



This is to certify that the By-law, of which this is a true copy, was passed at a duly called meeting of the Council for the Municipality of the County of Antigonish on \_\_\_\_\_, 2024. Given under the hand of the Chief Administrative Officer and under the corporate seal of the said Municipality this \_\_\_\_ day of \_\_\_\_\_, 2024.

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Glenn Horne  
CAO