

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

From: **Planning Staff (EDPC)**

Date: **January 20, 2025**

Reference: **Amending the West River Antigonish Harbour Municipal Planning Strategy and Land Use By-law by Redesignating and Rezoning property (PID 01212117) to the Commercial Designation and General Commercial (C-2) zone respectively and by adding small-scale automobile sales as a permitted use in the General Commercial (C-2) zone.**

Staff Recommendation:

It is the recommendation of Staff that Council amend the West River Antigonish Harbour Municipal Planning Strategy and Land Use By-Law to 1) redesignate the property identified as PID 01212117 from Rural Development to Commercial Designation on the Generalized Future Land Use Map; 2) rezone the same property from the Local Commercial (C-1) Zone to the General Commercial (C-2) zone on the Zoning map; and 3) add small-scale automobile sales as a permitted use in the General Commercial (C-2) Zone.

Background Information:

The automobile service station located at PID 01212117, now known as Foston's Gas Station, has been in operation on the property since at least 1985 when the property was first leased to Gulf Canada. Staff are of the opinion that the General Commercial (C-2) zone is a more appropriate zone for this business, however during the last plan review process, it was zoned as Local Commercial (C-1). Staff would like to amend the by-law now to more appropriately zone the property to better reflect the current use. The current owners would also like to operate a restaurant and a small-scale auto sales business on the lot. Presently, the restaurant is a permitted use on the property, but the auto sales business is not.

Analysis:

The Local Commercial (C-1) Zone in the West River Antigonish Harbour (WRAH) Land Use By-Law allows a variety of commercial uses, however it does not permit automobile sales. The General Commercial (C-2) zone permits automobile sales but only by development agreement. Given the specific circumstances of this situation for a property that has an existing gas station in operation, Planning Staff see an alternative solution to negotiating a development agreement.

There is currently a provision in the WRAH Land Use By-law that allows small-scale automobile

sales as a home occupation in the Rural General (RG-1) zone. Staff are of the opinion that a similar provision should extend to the C-2 Zone provided that there is adequate landscaping to buffer the side and rear lot lines if the property abuts a residential use.

The policy in the RG-1 zone is as follows:

6.A.41 Automobile sales shall be permitted as a home occupation in the Rural General (RG-1) Zone subject to the provisions of Section 6.A.39. There shall be a maximum of twelve (12) vehicles for sale at any one time and buffering of at least 1.5 metres (5 feet) must be present and maintained along all lots lines that abut an existing residential use. No storage or parking of cars that are for sale will be permitted in the front yard.

The West River Antigonish Harbour Land Use By-law already allows small-scale automobile sales as a home occupation in the RG-1 zone, therefore Staff recommend adding this same provision to the General Commercial zone with a similar maximum of twelve cars for sale at any one time on the property. The gas station typically has a number of vehicles on the lot waiting to be serviced, so having a small number of vehicles for sale would be a similar use and in keeping with the use that is already permitted on the property. This is the main reason why Planning Staff recommend adding this use to the General Commercial zone. A small-scale automobile sales business aligns well with the existing commercial land use. The scale would be comparable to that of Albie's Auto Sales in Lakevale.

The West River Antigonish Harbour Municipal Planning Strategy will also need to have the designation of the property changed from Rural Development to Commercial Designation on the Generalized Future Land Use Map to reflect the fact that this property was a commercial operation under the previous Antigonish Fringe Municipal Planning Strategy. The property continues to operate as a commercial property, therefore the designation and the zoning should reflect more accurately what has been an automobile service station for many years.



Photo 1: Foston Gas Station on Highway 7

The property located at 5229 Highway 7 has been an automobile service station for many years.

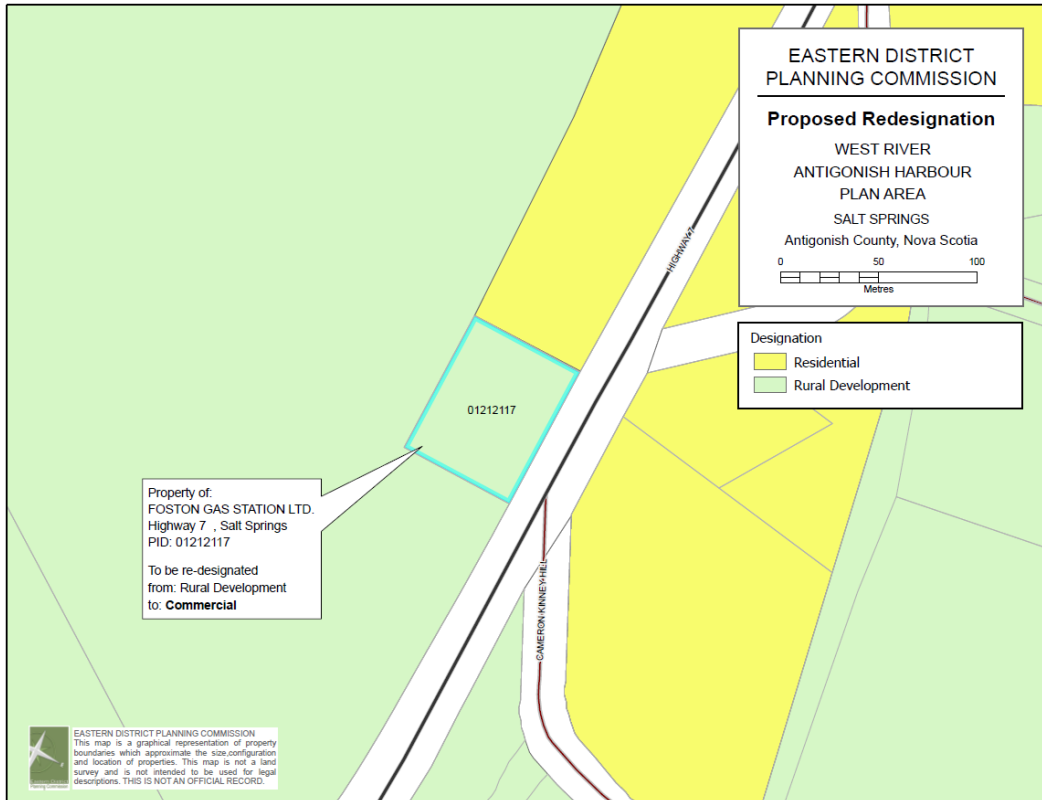
Staff are of the opinion that a small-scale automobile sales business will be a similar land use to what is already permitted and occurring on the property. In addition, the property should have been given the C-2 zone when the plan was adopted, it was inaccurate for this business to be zoned C-1.

In conclusion, Staff recommend that Planning Advisory Committee recommend to Council amendments the West River Antigonish Harbour Municipal Planning Strategy and Land Use By-Law to:

- 1) redesignate the property identified as PID 01212117 from Rural Development to Commercial Designation on the Generalized Future Land Use Map;
- 2) rezone the same property from the Local Commercial (C-1) Zone to the General Commercial (C-2) zone on the Zoning map; and
- 3) add small-scale automobile sales as a permitted use in the General Commercial (C-2) Zone.

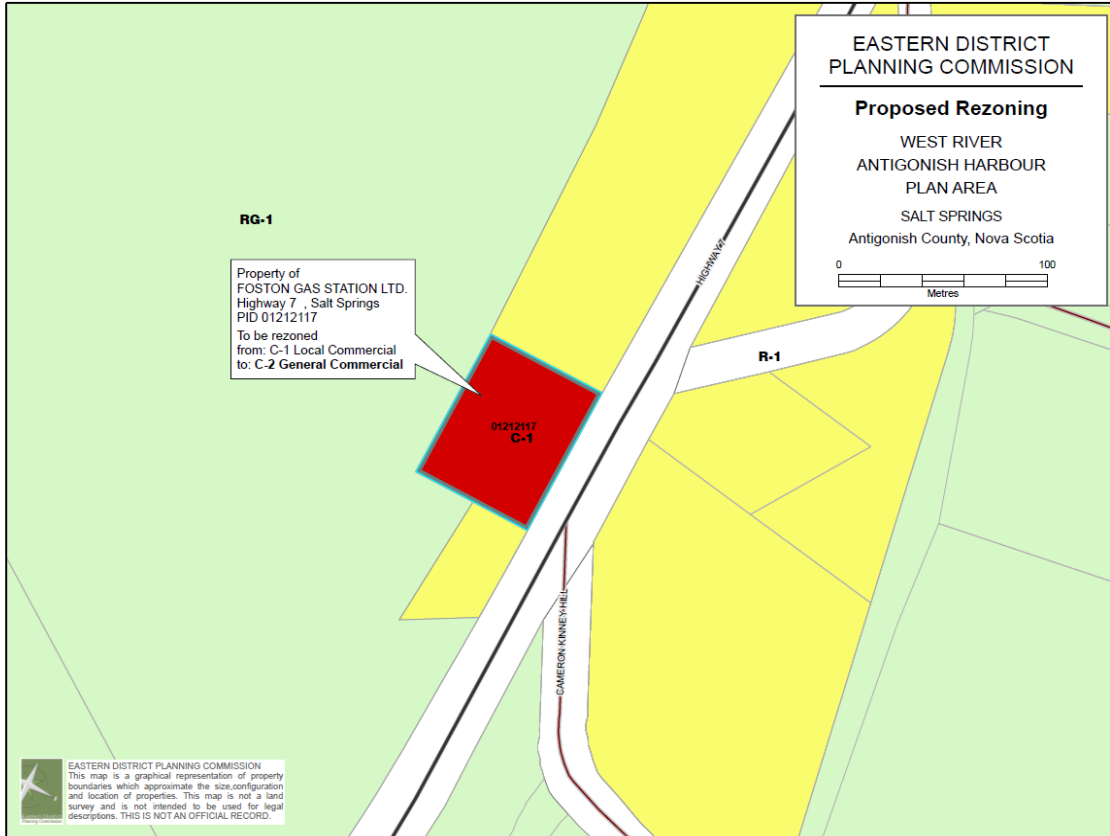
Proposed Amendment:
A BY-LAW TO AMEND THE SECONDARY PLANNING STRATEGY
FOR THE MUNICIPALITY OF THE COUNTY OF ANTIGONISH

The *West River Antigonish Harbour Municipal Planning Strategy* is hereby amended as shown on the Generalized Future Land Use Map:



Proposed Amendment:
A BY-LAW TO AMEND THE LAND USE BY-LAW
FOR THE MUNICIPALITY OF THE COUNTY OF ANTIGONISH

The *West River Antigonish Harbour Land Use By-law* is hereby amended as shown on the Rezoning Map:



Proposed Amendment:
A BY-LAW TO AMEND THE LAND USE BY-LAW
FOR THE MUNICIPALITY OF THE COUNTY OF ANTIGONISH

The *West River Antigonish Harbour Land Use By-law* is hereby amended as follows:

1) In Part 16 adding the following text in bold:

Small-scale Automobile Sales

16.19 Small scale automobile sales shall be permitted in the General Commercial zone subject to requirements of the C-2 zone and shall total a maximum of twelve (12) vehicles for sale on the lot at any one time. Landscaping of a minimum height of 1.5 metres (5 ft.) will be required if the property abuts an existing residential property.

This is to certify that the resolution of which this is a true copy, was duly passed at a duly called meeting of the Council for the Municipality of the County of Antigonish held on the ____ day of _____ 2025

Given under the hand of the Municipal Clerk and under the corporate seal of the said Municipality this ____ day of _____ 2025

Shirlyn Donovan, CAO