



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information <input type="checkbox"/>	Recommendation <input checked="" type="checkbox"/>	Decision Request <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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To: Mayor Zebian and Members of West Hants Regional Municipality Council

Submitted by: _____
Alex Dunphy, Planner

Date: November 22nd, 2022

Subject: File# 22-04B 4245 Highway 14, Windsor Forks PID 45038361 - Rezoning

LEGISLATIVE AUTHORITY

Section 210 of the Municipal Government Act.

RECOMMENDATION

If Council wishes to approve the rezoning following the Public Hearing, the following motion would be in order:

... that Council gives Second Reading and approves amending Schedule A of the West Hants Land Use By-law by rezoning 4245 Highway 14, Windsor Forks (PID 45038361) from the Rural Commercial (RC) zone to the General Resource (GR) zone.

BACKGROUND

Property <input checked="" type="checkbox"/>	Public Opinion <input type="checkbox"/>	Environment <input type="checkbox"/>	Social <input type="checkbox"/>	Economic <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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Application

The completed application was submitted by Julien Payne on July 7th, 2022 to change the zoning of 4245 Highway 14, Windsor Forks (PID 45038361) from the Rural Commercial (RC) zone to the General Resource (GR) zone to permit the conversion of the existing building from a commercial use with a residential unit to a two-unit residential building.

DISCUSSION

A Public Information Meeting was held on September 8th, 2022.

The public comment period ended on September 23rd and no comments from the public were received regarding the application.

On October 13th, 2022, staff presented a recommendation report to the Planning and Heritage Advisory Committee (PAC/HAC) (Appendix A).

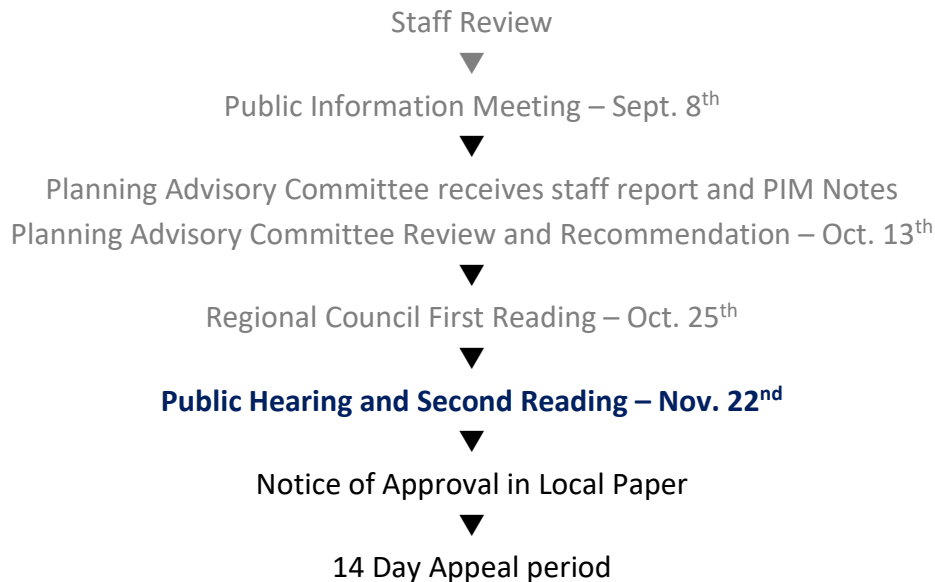
During the October 13th meeting PAC/HAC recommended in favour of the application.

On October 22nd, 2022, staff presented the PAC/HAC recommendation to Council for First Reading (Appendix A).

NEXT STEPS

The proposed amendment has been considered based on the West Hants Municipal Planning Strategy and has proven consistent with the intent, objectives, and policies of the Planning Strategy. As a result, it is reasonable to consider rezoning 4245 Highway 14, Windsor Forks (PID 45038361) from the Rural Commercial (RC) zone to the General Resource (GR) zone.

Process



FINANCIAL IMPLICATIONS

There are no anticipated costs to the Municipality in regard to this development.

ALTERNATIVES

In response to the application, Council may decide to:

- approve the amendment as drafted or as specifically revised by direction of Council; or

- provide alternative direction such as requesting further information on a specific topic.

APPENDICIES

Appendix A 2022-10-13 Staff Report - File# 22-04 4245 Highway 14, Windsor Forks PID
45038361 – Rezoning

CHIEF ADMINISTRATIVE OFFICER REVIEW

I continue to support this amendment as it aligns with the Planning Strategy provisions. The application has been thoroughly reviewed by PAC/HAC and the public has been provided the standard process for community feedback.

Report Prepared by: _____

Alex Dunphy, Planner

Report Reviewed by: _____

Madelyn LeMay, Director of Planning and Development

Report Approved by:  _____

Mark Phillips, Chief Administrative Officer

Appendix A – File# 22-04 4245 Highway 14, Windsor Forks PID 45038361 - Rezoning



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information <input type="checkbox"/>	Recommendation X	Decision Request <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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To: Members of Planning and Heritage Advisory Committee (PAC/HAC)

Submitted by: _____
 Alex Dunphy, Planner

Date: October 13th, 2022

Subject: 4245 Highway 14, Windsor Forks PID 45038361 - Rezoning

LEGISLATIVE AUTHORITY

Section 210 of the Municipal Government Act.

RECOMMENDATION

... that PAC recommends that Council give First Reading and hold a Public Hearing to consider amending Schedule A of the West Hants Land Use By-law by rezoning 4245 Highway 14, Windsor Forks (PID 45038361) from the Rural Commercial (RC) zone to the General Resource (GR) zone.

BACKGROUND

Property X	Public Opinion <input type="checkbox"/>	Environment <input type="checkbox"/>	Social <input type="checkbox"/>	Economic <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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Application

The completed application was submitted by Julien Payne on July 7th, 2022 to change the zoning of 4245 Highway 14, Windsor Forks (PID 45038361) from the Rural Commercial (RC) zone to the General Resource (GR) zone to permit the conversion of the existing building from a commercial use with a residential unit to a two-unit residential building.

Surrounding Context

The subject lot is a corner lot located on the northern corner of the intersection of Sangster Bridge Road and Highway 14 in the community of Windsor Forks. Properties to the north, east, and south are all low-density residential dwellings. West of the subject lot is a commercial building with an attached residential unit.

DISCUSSION

The subject lot is currently designated Agriculture on the Generalized Future Land Use Map (GFLUM) of the West Hants Municipal Planning Strategy (MPS) (Figure 1) and zoned Rural Commercial (RC) on Schedule A of the West Hants Land Use By-law (LUB) (Figure 2).

The applicant had requested to convert a commercial office unit within the mixed-use existing building on the subject lot into a residential short-term rental unit. As short-term rentals are not specifically defined in the West Hants MPS and LUB, the request was processed as a conversion to a two-unit residential dwelling. The application may be considered through a rezoning pursuant to Policy 16.1.3.

Municipal Planning Strategy Document Review

Policy 16.1.3 is the primary enabling policy to be considered for this application. This policy permits Council to consider a Land Use By-law amendment to zone any area immediately adjacent to a given land use designation on the GFLUM to a zone permitted in the adjacent designation without requiring a Strategy amendment. In this circumstance the subject lot is located immediately adjacent to the Resource designation and may be rezoned to the General Resource (GR) zone, which permits two-unit residential dwellings as-of-right.

Policy 16.3.1 provides the general criteria that must be considered for all LUB amendments. The full list of criteria is included with this report in Attachment A. In summary, the proposal meets the criteria:

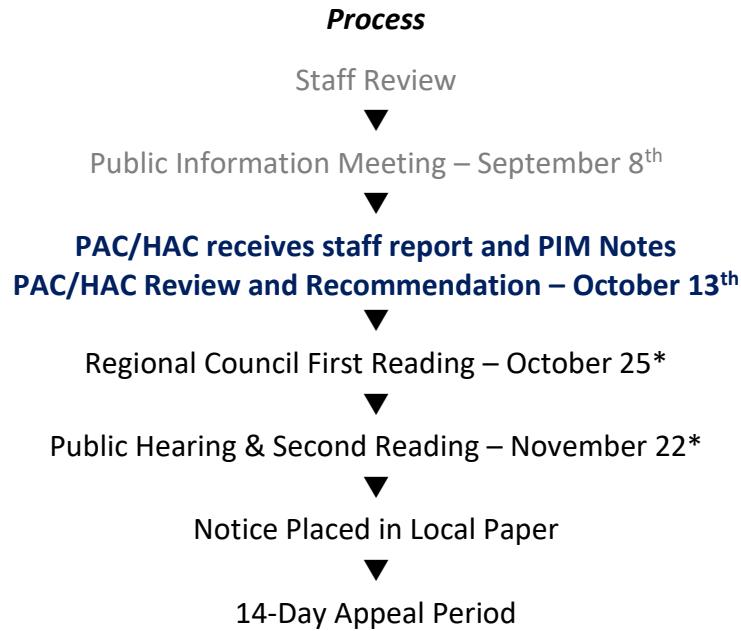
- the proposal is not considered premature or inappropriate for the area;
- no municipal costs related to the proposal are anticipated; and
- the Fire Chief, Development Officer, Manager of Building and Fire Inspection Services, District Manager of the Nova Scotia Department of Public Works, and Inspector Specialist of the Nova Scotia Department of Environment and Climate Change have no concerns which have not been addressed in this report.

Comments from the Nova Scotia Department of Public Works

A District Manager from the Nova Scotia Department of Public Works confirmed that the subject lot would require a defined access point and the current open access would need to be reconstructed to meet the access management guidelines. This work would be required to be carried out prior to any development permits being issued.

NEXT STEPS

Discussion by PAC/HAC will be incorporated into the report and presentation to Council.



*anticipated dates; final dates are set by Council

FINANCIAL IMPLICATIONS

There are no financial implications to the Municipality with regard to the filing of this report.

ALTERNATIVES

The Planning and Heritage Advisory Committee (PAC/HAC) may:

- provide alternative direction, such as requesting further information on a specific topic.

ATTACHMENTS

Figure 1	GFLUM Extract
Figure 2	Current Zoning Map Extract
Figure 3	Proposed Zoning Map Extract
Attachment A	Policy Summary for Amendment to a Land Use By-law
Attachment B	Public Information Meeting Notes

Report Prepared by: _____

Alex Dunphy, Planner

Report Approved by: _____

Madelyn LeMay, Director of Planning and Development

Figure 1 – GFLUM Extract

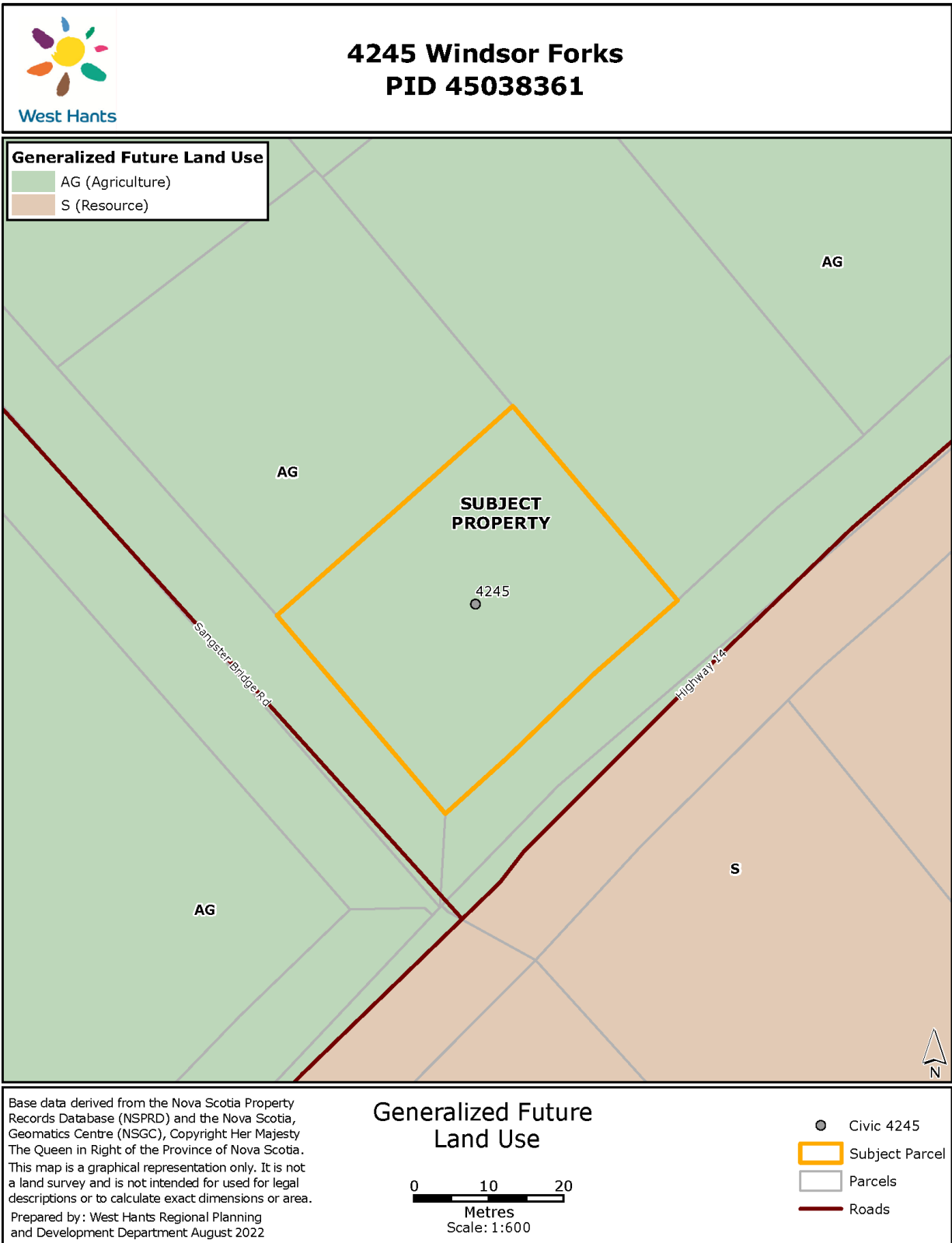


Figure 2 – Current Zoning Map Extract

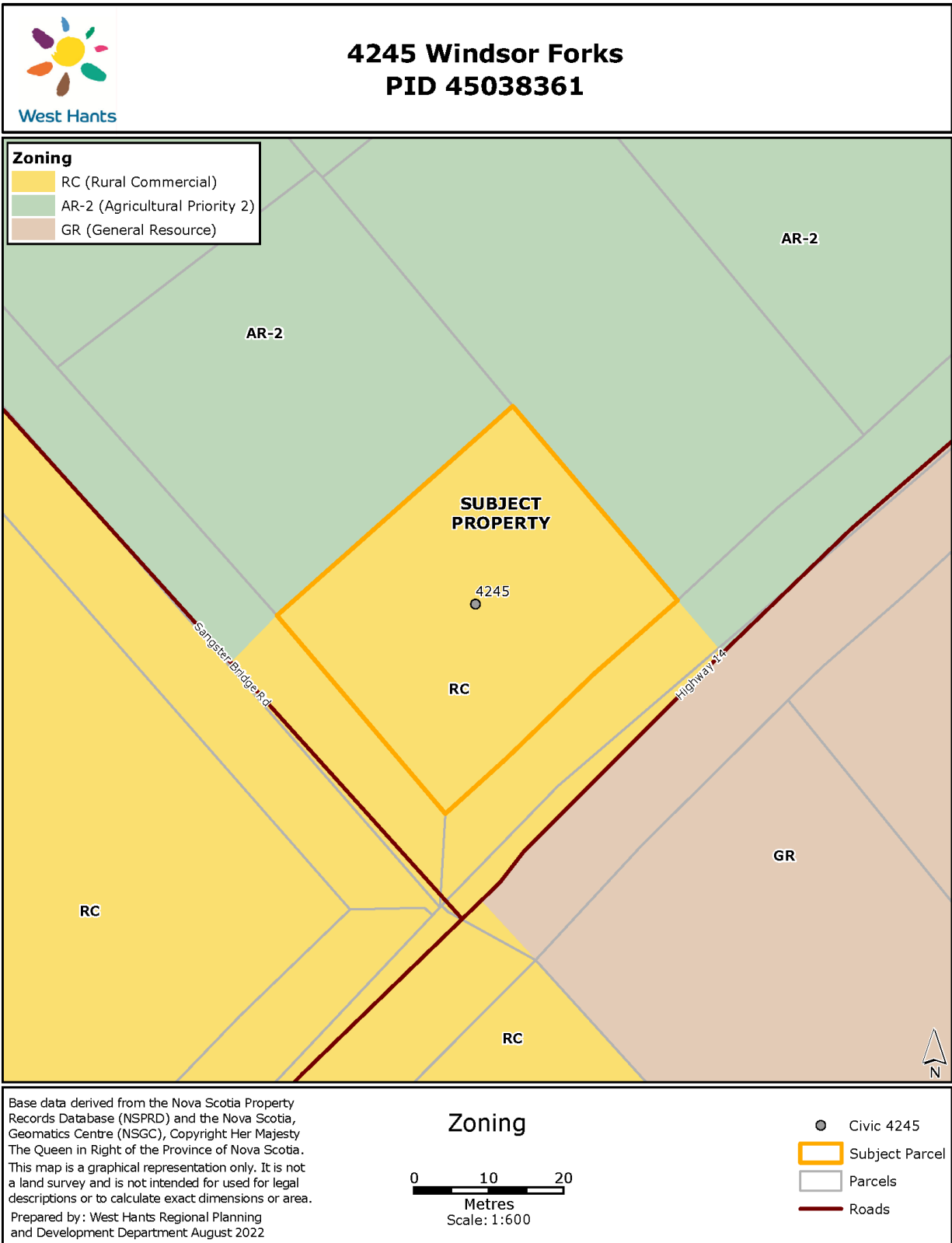
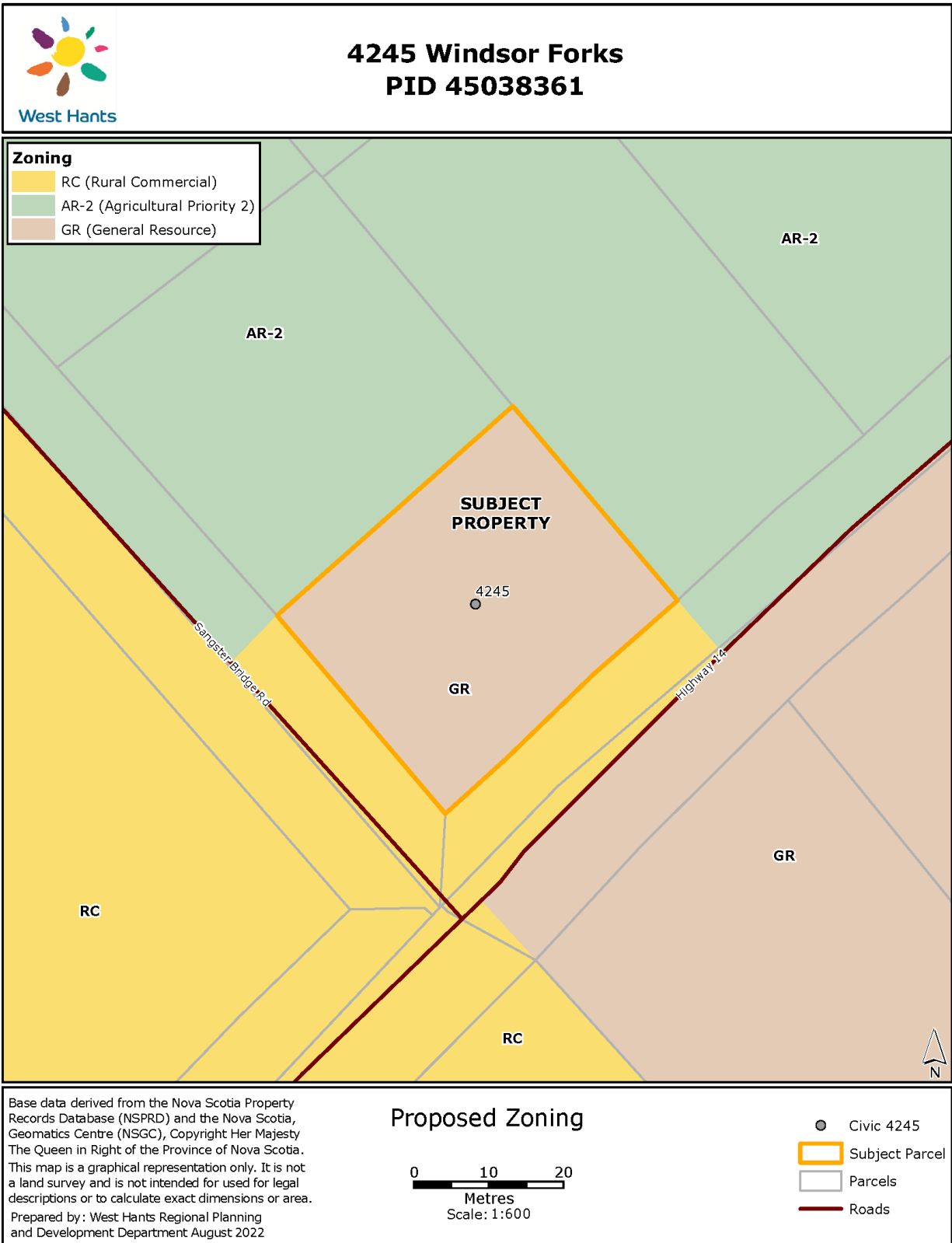


Figure 3 – Proposed Zoning Map Extract



Attachment A – Policy Summary for Amendment to Land Use By-law

<p>Policy 16.1.3 <i>It shall be the intention of Council to consider a Land Use By-law amendment to zone any area immediately adjacent to a given land use designation on the Generalized Future Land Use Map (Map 1) to a zone permitted in the adjacent designation without requiring a Strategy amendment, provided that all policies of the Strategy are satisfied.</i></p>	<p>The subject lot is located immediately adjacent to the Resource designation, which permits the General Resource (GR) zone. Provided that all criteria of Policy 16.3.1 are met, this proposed amendment may be reasonably considered by Council.</p>
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<p>Policy 16.3.1 <i>In considering development agreements and amendments to the West Hants Land Use By-law, in addition to the criteria set out in various policies of this Strategy, Council shall consider:</i></p>	
<p><i>(a) whether the proposal is considered premature or inappropriate in terms of:</i></p>	
<p><i>(i) the adequacy of sewer and water services;</i></p>	<p>The Public Works Department confirmed that there are no municipal services on the subject lot.</p>
<p><i>(ii) the adequacy of school facilities;</i></p>	<p>N/A</p>
<p><i>(iii) the adequacy of fire protection;</i></p>	<p>The local Fire Chief and Manager of Building and Fire Inspection Services have stated that there is adequate fire protection for the building and proposed change of use.</p>
<p><i>(iv) the adequacy of road networks adjacent to, or leading to the development; and</i></p>	<p>A District Manager from the Nova Scotia Department of Public Works commented that there were no concerns regarding the road network.</p>
<p><i>(v) the financial capacity of the Town to absorb any costs relating to the development.</i></p>	<p>There are no anticipated costs to the Municipality regarding this development.</p>
<p><i>(b) whether the development is serviced, or capable of being serviced, by a potable water supply and either central sewer or an approved on-site sewage disposal system;</i></p>	<p>The proposed use would require the applicant to obtain approval for an on-site septic system and potable water system approved by a Qualified Person.</p>
<p><i>(c) the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;</i></p>	<p>A District Manager from the Nova Scotia Department of Public Works commented that access to the property would need to be reconstructed to meet the access management guidelines and would require a defined access point.</p>

<p><i>(d) the adequacy of the dimensions and shape of the lot for the intended use;</i></p>	<p>The Development Officer commented that amending the zoning of the lot would create a non-conforming parcel of land. Non-conforming status will not affect the ability of the proposed use to be permitted. Approval from the Department of Public Works for the access and the Department of Environment and Climate Change for the on-site septic system are independent of the non-conforming status of the lot.</p>
<p><i>(e) the pattern of development which the proposal might create;</i></p>	<p>The proposal is not a substantial change in the pattern of development for this area, as the existing building is already being partially used as a short-term rental. The Development Officer has no concerns regarding the pattern of the development.</p>
<p><i>(f) the suitability of the area in terms of steepness of grade, soil and geological conditions, location of water courses, marshes or bogs and susceptibility of flooding;</i></p>	<p>The lot appears to be flat and dry, there were no concerns recorded during the site visit.</p>
<p><i>(g) whether the proposal meets the requirements of the appropriate provincial or federal agencies as well as whether it conforms to all other relevant municipal by-laws and regulations; and</i></p>	<p>All Municipal, Provincial, and Federal regulations will have to be met.</p>
<p><i>(h) any other matter required by relevant policies of this Strategy.</i></p>	<p>All relevant matters have been addressed in this report.</p>

Attachment B - Public Information Meeting Notes
September 8th – 23rd, 2022
File 22-04
4245 Highway 14, Windsor Forks PID 45038361

Meeting date and time	A virtual Public Information Meeting was held on September 8 th , 2022 beginning at 6:55 p.m. The meeting was live broadcast on the Municipal Facebook page.
Attending	<p>In attendance:</p> <p>Three (1) Councillor:</p> <ul style="list-style-type: none"> • Councillor Ivey (Chair) <p>Four (4) members of staff:</p> <ul style="list-style-type: none"> • Planner Dunphy • Planner Poirier • Director LeMay • Meeting Secretary Lake <p>No members of the public requested an invitation to the PIM via Zoom.</p>
<p>Applicant Julien Payne</p> <p>Property 4245 Highway 14, Windsor Forks PID 45038361</p>	Planner Dunphy outlined the application to rezone the subject lot to permit the conversion of the commercial unit within the mixed-use building to an additional residential unit intended for short-term rental.
Comments	<p>Comments from the public could be submitted to Planner Dunphy by mail, e-mail and telephone between September 8th – 23rd, 2022.</p> <p>No comments were received from the public.</p>
Adjournment	The meeting was adjourned at 6:59 p.m.