

**To: Port Hastings Area Advisory Committee and Town Council**

**From: Planning Staff (District Planning Commission)**

**Date: 16 November, 2004**

**Re: Rezoning request for lands at Charles MacLean Rd., Port Hastings,  
Inverness County, Nova Scotia. PID#50005172 – Breton Park  
Estates Ltd.**

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**Recommendation:**

That Municipal Council approve the rezoning of the above property from Residential Future (R-2) to Residential (R-1) for the Breton Park Estates Ltd. proposed residential subdivision. Such rezoning would permit the development of Phase 1 of this subdivision consisting of five residential lots.

**Information:**

Mr. Frank MacNeil of Breton Park Estates Ltd. has applied to the Commission to rezone a portion of the above 73-acre property off Charles MacLean Road in order that he may proceed with the development of five residential lots. These five residential lots will have direct driveway access from Hilltop Drive.

**Analysis:**

Policy 1.4 of the Port Hastings Municipal Planning Strategy permits a zoning amendment to the Land Use By-law from Future Residential (R-2) to Residential (R-1) upon the installation of municipal water or sewer services and in accordance with the criteria to amend the Land Use By-law, Policy A-8.

Presently the Breton Park Estates lands are connected to a sewer facility and municipal water service is pending.

Residential Single Unit (R-1) Zone Requirements  
(where municipal water or sewer services are available)

Minimum lot area	7,500 sq. ft.
Minimum lot frontage	75 ft.
Minimum front yard	25 ft.
Minimum side yard	10 ft.
Minimum rear yard	25 ft.
Maximum height of main building	35 ft.

The lots proposed by Breton Park Estates meet the minimum lot area and frontage requirements.

The proposed rezoning to Residential Single Unit (R-1) must be consistent with Policy A-8, which outlines criteria for amendment to the Land Use By-law. This policy deals with issues related to general impacts generated both on and off the site. The following is a brief synopsis of criteria, evaluation, agreements and conditions:

The Municipality of the County of Inverness was contacted for input on the application. With respect to costs relating to development on the sites, it is within the financial capability of the Municipality to absorb the cost of servicing.

The May 2002 draft report of the Strategic Plan for Port Hastings prepared by EDM Consulting indicates that once the new sewage treatment plant and water are operational, the lands owned by Mr. MacNeil will be able to support residential development on serviced lots. It should be noted that the lot extends into the area that EDM has identified for residential development with on-site services.

Planning staff are advised by Mr. Joe O'Connor, Director of Public Works, that water mains and sewer lines have been installed on the Charles MacLean Road; however, the system is not yet commissioned and will not be commissioned until construction is complete in fall of 2005. Nevertheless, there is sewer service presently in the Davis Drive area which is now in use.

Mr. John Cotton, Director of Recreation/Tourism advises that the proposed development will not strain the capacities of the parks or other recreation facilities.

The Strait Regional School Board does not foresee any significant difficulty in accommodating future students resulting from the proposed subdivision.

The Nova Scotia Department of Environment and Labour advises that the development should proceed in accordance with the guidelines outlined in the Nova Scotia Department of the Environment publication *Erosion and Sedimentation Control Handbook* and that the developer should be required to develop a sediment and erosion control plan. Further, the developer is advised to create a plan to deal with any emergency spills which may occur on the site. While these recommendations were made at a time when Breton Park Estates was proposing a much larger subdivision development, they are not as critical for the initial five lot development. Nevertheless, the Department of Environment inspector, Mr. Michael Routledge, warns that “any land development has the potential to adversely impact on watercourses in the area”. Therefore, regardless of the size of development, Mr. MacNeil should proceed with caution and with the utmost regard for the land.

Mr. Gerard Jessome at the Transportation and Public Works department advises that the road network is adequate for the 24-lot development that Mr. MacNeil originally proposed in 2002; however, he further states that if the development exceeds 24 lots at any time in the future, a traffic impact study may be required. At that time more detail with respect to road design and drainage mitigation would be required before expanded access could be approved. The issue is not as critical for the five-lot development Mr. MacNeil now proposes.

### **Conclusion:**

The opinion of planning staff is that the proposed rezoning amendment meets the intent of the Municipal Planning Strategy according to the requirements of Policy A-8 and the applicable Land Use By-law. Therefore, planning staff recommend that Council **approve** the rezoning of the portion of lands **PID #50005172** fronting on Hilltop Drive from Residential Future (R-2) to Residential (R-1).



## APPENDIX A - Summary of Evaluation Criteria

<b>Policy A-7</b> The following uses or zones shall be considered by amendment to the Land Use By-law:	
(a) Future Residential (R-2) zone to Residential (R-1) upon the Provision of servicing as indicated in Policy 1.4 and according to Policy A-8.	
<i>Criteria for Amendment to the Land Use By-law</i>	
<b>Policy A-8</b> In considering amendments to the Land Use By-law in addition to all other criteria as set out in various policies of this Strategy, Council shall have regard to the following matters:	
(a) That the proposal is in conformity with the intent of this Strategy and with the requirements of all other municipal by-laws and regulations;	
(b) That the proposal is not premature or inappropriate by reason of:	
(i) the financial capability of the Municipality to absorb any costs relating to the development;	<b>MEETS CRITERIA</b>
(ii) the adequacy of sewer services and utilities or if services are not provided, the adequacy of physical site conditions for private on-site sewer and water systems;	<b>MEETS CRITERIA</b>
(iii) the adequacy and proximity of school, recreation and any other community facilities;	<b>MEETS CRITERIA</b>
(iv) the adequacy of road networks in, adjacent to, or leading to the development;	<b>MEETS CRITERIA</b>
(v) the potential for the contamination of watercourses or the creation of erosion or sedimentation.	<b>MEETS CRITERIA</b>
(c) That the proposal conforms to the requirements contained in the Land Use By-law relating to the following:	
(I) type of use; (II) height, bulk and lot coverage of the proposed building; (III) traffic generation, access to and egress from the site and parking; (IV) open storage.	<b>Zone Requirements MEET CRITERIA</b>