

STAFF REPORT

To: Port Hood Area Advisory Committee
Inverness Planning Advisory Committee
Inverness County Council

From: Planning Staff (EDPC)

Date:

Re: Proposed amendments to the Port Hood Municipal Planning Strategy and Land Use By-law to include automobile service stations as a permitted use in the Highway Commercial (C-2) Zone.

Recommendation:

That Council *approve* the proposed amendments to the *Port Hood Municipal Planning Strategy and Land Use By-law* concerning automobile service stations in the Commercial Highway (C-2) Zone.

Information:

In November 2010, Planning Staff received a request from J.R. MacDonald of North End Building Supplies (Home Hardware) to amend the *Port Hood Municipal Planning Strategy and Land Use By-law* to include automobile service stations as a permitted use within the Commercial Highway (C-2) Zone. Mr. MacDonald intends to begin construction in the spring of 2011 on a new Home Hardware building and warehouse (relocating from the central business district) as well as a gas bar and car wash facility on a large lot near the intersection of Route 19 (Port Hood By-pass) and Main Street. The property is zoned C-2. The new Home Hardware would comprise about 50,000 square feet and the warehouse about 5,000 square feet. The car wash and gas bar would be separate buildings. The development would have two driveway entrances, from Route 19 and Main Street.

Description

Designation: Highway Commercial
Zone: Commercial Highway (C-2)
Location: Highway 19, Port Hood.
PID# 50187939
Lot size: 3.53 acres
Site Visit: November 26, 2010



Figure 1: Lands of North End Building Supplies Ltd., from Route 19

While building supply depots are permitted as-of-right in the Commercial Highway Zone, automobile service stations, which include gasoline retail and car washes are not. As such, a text amendment to the Land Use By-law (LUB) is necessary to allow these components of the development on this site. As automobile service stations are identified as permitted in other zones within the Plan Area, including the Commercial (C-1) Zone in the central business district, a concurrent text amendment to the Municipal Planning Strategy (MPS) would be required. This proposed amendment is similar in nature to the one recently considered addressing licensed lounges in the C-2 Zone and likewise, if Council approves it, this would apply to all properties within the C-2 Zone, in addition to the subject site. Also, as Policy C-8 of the MPS allows the rezoning of residential lands within the Highway Commercial Designation (see attached zoning map) to C-2, commercial uses can occur there as well, though they would be subject to public hearing and Council approval.

Analysis:

Upon review of the Port Hood Municipal Planning Strategy, it is the opinion of Planning Staff that the inclusion of automobile service stations in the C-2 Zone fits the intent of the Strategy. In Chapter 3 (Commercial Development) the Commercial (C-1) Zone and the Commercial Highway (C-2) Zone are established and the MPS identifies two purposes for the C-2 Zone to differentiate it from the C-1 Zone: to protect neighbouring residential neighbourhoods from potential conflicting land uses and to accommodate commercial development geared towards the regional and tourist market in addition to Port Hood residents. It is felt that automobile service stations meet both criteria. Given the low number of automobile service stations in this part of Inverness County, it stands to reason that new ones established on the outskirts of a village would serve a market extending beyond Port Hood and due to location, impact a minimal number of residents.

It is Council's preference that through designating strategic land Highway Commercial on the Generalized Future Land Use Map highway commercial development would be directed to suitable areas and avoid land use conflicts with residential and other uses. Within this designation (see attached map), existing commercial uses would be zoned Commercial Highway and other uses would retain their existing zoning but could rezone to C-2. Rezoning to Commercial Highway outside the Highway Commercial Designation is not permitted. Nonetheless, as Council did not want to completely limit the

development options of landowners outside the designation, Policy C-16 permits new commercial uses, including automobile service stations, along other parts of Highway 19 by development agreement. As C-2 zoned land is intended for new commercial development, and given that automobile service stations can be considered through a development agreement outside the designation, Staff feel that it is reasonable that automobile service shops be included as permitted as-of-right in the C-2 zone.

As an alternative amendment, Staff also considered amending the MPS to allow automobile service shops in the Highway Commercial Designation only through development agreements as is the case presently along Route 19 outside of the Commercial Designation. Doing this however would establish stricter requirements for automobile service shops in the C-2 Zone compared to other uses which have a similar impact on surrounding areas and are permitted as-of-right, such as entertainment centres, building supply depots and fabrication centres. Staff therefore would not recommend this option apart from a more comprehensive review of the Port Hood commercial policies which would evaluate the desirability of a range of uses and how they could be regulated.

Conclusion:

Any By-law amendment cannot be inconsistent with the expressed policies or written intent of the Municipal Planning Strategy. In the opinion of Staff, the policies and intent of Port Hood's MPS supports the inclusion of automobile service centres in the C-2 Zone and it is thus recommended that Inverness County Council approve Mr. MacDonald's request and adopt the amendments as outlined in the attached amending pages.

**A BY-LAW TO AMEND THE PORT HOOD MUNICIPAL PLANNING
STRATEGY**

The Port Hood Municipal Planning Strategy is hereby amended by:

Adding text (**bold**) to Policy C-7:

- ...permit within the Commercial Highway (C-2) Zone the following and similar types of uses: retail uses including gift shops, hotels, motels and tourist establishments, restaurants, **automobile service stations**,...

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 Inverness on _____, 2011.

Given under the hand of the Chief Administrative Officer and under the corporate seal of the said Municipality this ____ day of _____, 2011.

Joe O'Connor
Chief Administrative Officer

A BY-LAW TO AMEND THE PORT HOOD LAND USE BY-LAW

The Port Hood Land Use By-law is hereby amended by:

Adding the following text to Part 13, Sec 1, 'C-2 Zone Permitted Uses':

- **Automobile service stations**

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 Inverness on _____, 2011.

Given under the hand of the Chief Administrative Officer and under the corporate seal of the said Municipality this ____ day of _____, 2011.

Joe O'Connor
Chief Administrative Officer