

STAFF REPORT

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

From: Planning Staff (EDPC)

Date: October 29, 2010

Re: Proposed amendments to the Port Hood Municipal Planning Strategy and Land Use By-law to include lounges and beverage rooms as permitted uses 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 to include lounge and beverage rooms as permitted uses in the Highway Commercial (C-2) Zone.

Information:

In October 2010 Planning Staff received a request from Patricia van Zutphen of 3248457 Nova Scotia Limited to amend the Port Hood Land Use By-law (LUB) to include lounges as a permitted use within the Commercial Highway (C-2) Zone. 3248457 Nova Scotia Ltd is in the process of purchasing the Sara's Crafts property on Route 19 in Port Hood (see location map for indication of C-2 zoned properties). While the existing retail store will remain in operation, Ms. van Zutphen intends to use the other building on the site as a licensed lounge. The Nova Scotia Liquor Corporation defines a "lounge" as an "all products" liquor service with or without food service and Ms. Van Zutphen intends this site to serve as an entertainment venue, including hosting music events. While the proposed lounge would be open during the summer months and serve the tourist trade in addition to local

Description

Designation: Highway Commercial
Zone: Commercial Highway (C-2)
Identification: 8790 Highway 19, Port Hood. PID# 50161413
Lot size (total): 33,000 sq.ft.
Site Visit: October 21, 2010



Figure 1: Site of proposed lounge

residents, Ms. Van Zutphen will consider opening the site part time in the off-season, depending on business viability.

As licensed lounges are currently not a permitted use in the Commercial Highway (C-2) Zone, a text amendment to the LUB is necessary to allow this proposed development on the site. Beverage rooms and licensed lounges are however identified as permitted in other zones within the Plan Area, including the Commercial (C-1) Zone in the central business district, and as such a concurrent text amendment to the Port Hood Municipal Planning Strategy (MPS) would be required. If Council approves these amendments, they would apply to all properties within the C-2 Zone, in addition to the subject site. It should be noted that Policy C-8 of the MPS does allow the rezoning of residentially zoned lands near the intersection of the old Highway 19 and the Port Hood By-pass to C-2, thus potentially allowing these additional uses in those areas, though any new commercial development there would be subject to public hearing and Council approval. While Ms. Van Zutphen's application addresses lounges only, Staff are recommending that Council also consider beverage rooms in the proposed amendments given their similarity to lounges in definition as well as for consistency with the C-1 Zone and other planning documents.

Analysis:

When considering a request to include a new use as permitted within a zone, Staff must review the Municipal Planning Strategy to determine why the proposed use was not included in the first place, as the Plan occasionally indicates reasons certain uses or regulations are in place or excluded for a given zone. The Port Hood MPS (Chapter 3) identifies two purposes for the Commercial Highway Zone which differentiate it from the Commercial (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.

Given that there are currently several less obtrusive uses permitted in the C-2 Zone which are also allowed in the C-1 Zone, it stands to reason that the C-2 Zone is not intended *exclusively* for large scale or obtrusive developments that are incompatible with residential uses. On that level, the Strategy would support the inclusion of lounges. The issue of neighbourhood commercial uses compared to regional or tourist commercial uses

also warrants consideration given that the Commercial (C-1) Zone is intended to encourage local businesses to locate in the community core to support a viable commercial sector and lounges are currently included in this classification. It is the opinion of Staff that a lounge would *also* be appropriate in the Highway Commercial Zone as it can serve a broader market and given that the definition of a lounge includes a place that sells liquor without a kitchen, such a use would often be used for musical performances and other events which likely draw business from a wider area than the local neighbourhood. While Ms. Van Zutphen's proposal, in marketing towards tourists, is consistent with the intent of the Port Hood Municipal Planning Strategy, Staff believe that Council's goals in establishing the Commercial Highway Zone support the addition of lounges as a permitted use within the entirety of the zone as well.

Conclusion:

Any Plan or By-law amendment cannot be inconsistent with the expressed policies or written intent of the Municipal Planning Strategy. In the opinion of Staff, Port Hood's MPS supports the inclusion of licensed lounges in the C-2 Zone and it is thus recommended that Inverness County Council approve Ms. Van Zutphen's request and amend the Port Hood Municipal Planning Strategy and Land Use By-law as outlined in the proceeding 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, **beverage rooms and lounges**, (...).

This is to certify that the By-law, 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 Inverness on _____, 2010.

Given under the hand of the Chief Administrative Officer and under the corporate seal of the said Municipality this ____ day of _____, 2010.

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':

- ▶ **Beverage rooms and lounges**

Adding the following sub-sections to Part 19, "Definitions":

- ▶ **6A. Beverage room means premises licensed as a beverage room by the Liquor License Board of Nova Scotia.**

- ▶ **33A. Lounge means premises licensed as a lounge by the Liquor License Board of Nova Scotia.**

This is to certify that the By-law, 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 Inverness on _____, 2010.

Given under the hand of the Chief Administrative Officer and under the corporate seal of the said Municipality this ____ day of _____, 2010.

Joe O'Connor
Chief Administrative Officer