

TO: Town of Port Hawkesbury Planning Advisory Committee and Town Council

FROM: Planning Staff (EDPC)

DATE: May 3, 2011

RE: Application by Andy Palmer on behalf of the Trustees of St. Marks United Church to amend the Town of Port Hawkesbury Land Use By-law by rezoning a portion of their Bernard Street property (PID #50175488) from Institutional (I) Zone to Residential Two Unit (R-2) Zone.

Recommendation:

That Town Council approve the proposed application to rezone a portion of the subject property as shown on the Location Map (Page 4), from Institutional (I) zone to the base zone in the Residential Designation Residential Two Unit (R-2) zone.

Description of Site:

Designation: Residential	Area: 601 m ² ; 6,474 ft ²
Zoning: Institutional (I) Zone	Proposed Zone: Residential Two Unit (R-2) Zone
Site Visit: Thursday, 21 April 2011	Location Map: See page 4

Information:

The subject property is located on the northeast side of Bernard Street across from the Justice Centre (see Location Map below). The portion of the property being proposed for rezoning is on the East edge of the property and is the location of a single unit dwelling (514 Bernard Street) presently used as an accessory use to the Church. The house is used as a residence for the Church Minister. Most of the surrounding properties are zoned Residential Two Unit and contain single family dwellings, with the exception of the Church itself and the Justice Centre across the Street. The applicants wish to rezone to the R-2 base zone to allow for subdivision and sale of the property. While they have no plans to do this in the near future, the use presently is only permitted in the Institutional Zone as an accessory use so the zoning effectively would prevent subdivision.

Analysis:

The Municipal Planning Strategy (MPS) does not set out criteria for amending the By-law to permit a rezoning from institutional to residential. Nevertheless, there is a Policy which allows for rezoning from the Residential Rural (R-5) Zone.

L-1.3.1 It shall be the intention of Council to permit the Residential Two-Unit (R2) Zone by amendment to the Land Use By-law on previously undeveloped lands in the Residential Designation in accordance with the criteria to amend the Land Use By-law, Policy I-1.5.

Also, it is the opinion of staff is that a rezoning back to the base zone in a designation is something that any Municipal Planning Strategy would permit by default, subject to a general implementation policy. In the Town's MPS Policy I-1.5 is the General Implementation Policy which lists criteria to be considered for any rezoning. The Residential Two Unit (R-2) Zone is the base zone in the Residential Designation. In fact prior to the last plan review churches and similar institutions were permitted as of right within the Residential Two Unit Zone so the property was once already zoned R-2.

Policy I-1.5 addresses a number of general issues related to the establishment of a new use in an area. In this case the use already has been established and therefore the impacts of the existing residential single family use are established independently of whether the property is zoned Institutional or Residential Two Unit. Nevertheless Appendix "A" summarizes the evaluation criteria for the rezoning.

The one variable from Policy I-1.5 however is in Sub-section (c), clause (ii) "...height, bulk, and lot coverage of the proposed building...". While the building already exists the applicants have been careful to identify an area for rezoning which will meet the R-2 zone yard and area requirements in the event of a subdivision application.

Conclusion:

Staff are of the opinion that the rezoning of a portion of their Bernard Street property (PID #50175488) from Institutional (I) Zone to Residential Two Unit (R-2) Zone, is in keeping with the general intent of MPS policy and that it meets the criteria established in Policy I-1.5. Accordingly, staff recommend that the application to rezone the portion of the subject property as shown on the Location Map (Page 4), from Institutional (I) zone to the base zone in the Residential Designation Residential Two Unit (R-2) zone be approved.

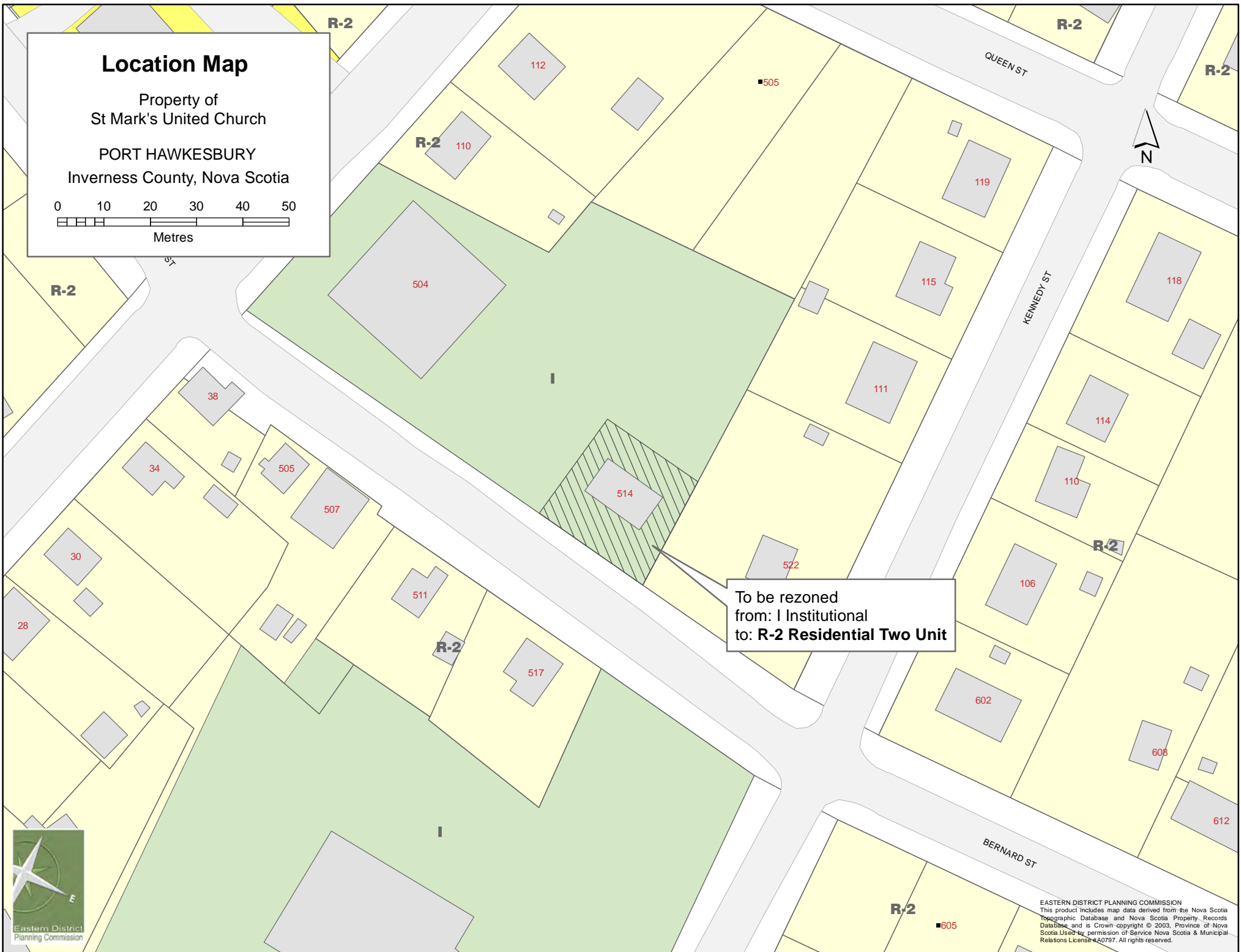
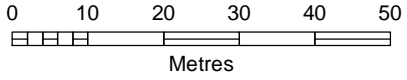
**Appendix “A” Summary of Evaluation Criteria
Policy I-1.5**

a) The proposal is in conformance with the intents of this Strategy and with the requirements of all other Town by-laws and regulations;	
b) The proposal is not premature or inappropriate by reason of:	
i) financial capability of the Town to absorb any costs relating to the development;	None Identified
ii) adequacy of sewer and water services to support the development;	Meets criteria
iii) adequacy, proximity of school, recreation & community facilities;	Meets criteria
iv) adequacy of road network;	Meets criteria
v) potential for the contamination of watercourses or the creation of erosion or sedimentation; or	Meets criteria
vi) potential for damage or destruction of historical buildings/sites.	N.A.
c) The proposal conforms to the requirements contained in the Land Use By-law relating to the following:	
i) type of use;	Meets criteria
ii) height, bulk, and lot coverage of the proposed building;	Meets criteria
iii) traffic generation, access & egress, & parking;	Meets criteria
iv) open storage;	N.A.
v) signs;	N.A.
vi) provision for buffering, landscaping, screening & access control to reduce potential incompatibility with adjacent uses and traffic;	N.A.
vii) development is located so as not to obstruct any natural drainage channels or watercourses;	Meets criteria
viii) building separations are provided sufficient to permit access to firefighting equipment and to prevent the spread of fire;	Meets criteria
ix) no building is approved whose height exceeds the limit imposed by the effective capacity of Town firefighting equipment; and	Meets criteria
x) similar matters of planning concern.	None Identified
d) Suitability and development costs of the proposed site in terms of steepness of grades, soil and geological conditions, marshes, swamps, or bogs and proximity of highway ramps, railway rights-of-way and other nuisance factors.	Meets criteria

Location Map

Property of
St Mark's United Church

PORT HAWKESBURY
Inverness County, Nova Scotia



EASTERN DISTRICT PLANNING COMMISSION
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