

To: **Richmond Planning Advisory Committee  
Richmond County Council**

From: **Planning Staff (EDPC)**

Date: **December 13, 2022**

Reference: **Amendment request to the St. Peters Land Use By-law to rezone portions of properties on Grenville Street (Highway #4) for lands identified by PID# 75086868, 75136218, 75052530, 75219568, 75086397 from the Residential Rural (R-2) Zone to the Residential Village (R-1) Zone**

**Recommendation:**

Planning Staff recommend that Municipal Council **approves** an amendment to the St. Peter’s Land Use By-law to rezone portions of the properties identified by PIDs 75086868, 75136218, 75052530, 75219568, 75086397 from the Residential Rural (R-2) to the Residential Village (R-1) zone to allow for smaller lot subdivision.

Description	
<b>Designation:</b>	Residential
<b>Current Zoning:</b>	Residential Rural (R-2)
<b>Zoning Request:</b>	Residential Village (R-1)
<b>PIDs:</b>	75086868, 75136218, 75052530, 75219568, 75086397
<b>Site Visit:</b>	February 24, 2022

**Background Information:**

The Eastern District Planning Commission received an application on March 5<sup>th</sup>, 2021, from Clair Charles Rankin requesting an amendment to the St. Peter’s Land Use By-law for the rezoning of portions of his properties on Grenville Street (Highway 4) in St. Peter’s from the Residential Rural (R-2) Zone to Residential Village (R-1) Zone.

The request for an amendment of the Land Use By-law for the rezoning was submitted to allow for smaller lot residential subdivision on serviced lots. The lot subdivision will accommodate semi-detached dwellings and single detached dwellings to a maximum of 65 dwelling units.

A site visit was conducted on February 24, 2022 at which time the full extent of the property was walked and photos were taken. The properties are located in a residential area off Grenville Street. The location is within close proximity to the commercial/downtown of St. Peters.

The applicant is looking to rezone portions of the lands to the Residential Village (R-1) Zone while retaining the Residential Rural (R-2) zoning on the rest of the properties. The applicant is seeking the rezoning to allow for future residential development on smaller lot sizes. Presently, the Residential Rural (R-2) Zone requires a minimum lot area of 29,063 square feet, whereas the Residential Village (R-1) Zone has a minimum lot area of 5,000 square feet. The applicant has

stated a maximum of 65 dwelling units could be constructed on-site in the future in the form of single detached dwellings and semi-detached dwellings.



Figure 1: Site Visit Photo



Figure 2: Site Visit Photo

**Analysis:**

According to Chapter 4 of the *St. Peter's Municipal Planning Strategy*, Policy A-6 (b) (ii), the following uses shall be considered by amendment to the Land Use By-Law:

*(b) Within the Residential designation:*

*(ii) Rezoning from Residential Rural (R-2) to Residential Village (R-1) upon provision of municipal services, according to Policy R-4*

Where Policy R-4 states:

*"It shall be the policy of Council to consider the rezoning of lands which are presently zoned "Residential Rural" (R-2) to that of "Residential Village" (R-1) upon the installation of municipal water and sewer services."*

Such policies support the consideration of an amendment to the *Land Use By-law* to rezone from Residential Rural (R-2) to Residential Village (R-1).

Given these policies and the fact that this proposal does not meet the criteria for a Municipal Planning Strategy amendment (Policy A-3, see Appendix A), amendments to the *St. Peters Municipal Planning Strategy* are not required.

The amendment is consistent with and enabled by the *Municipal Planning Strategy* provided that it does not contradict any other policies within the *Municipal Planning Strategy* or the *Land Use By-law*. There are no known conflicts with other By-laws or policies.

Policy A-7 (b) i and ii examine if the proposal could be considered premature or inappropriate by reason of the financial capability of the Municipality or Village to absorb any costs relating to the development and the adequacy of sewer services and utilities. The Village of St. Peter's provided

a letter on May 11, 2022 that stated:

*“... the Village of St. Peter's does not anticipate any issues with the proposed change to the rezoning of the above referenced PID numbers. It is difficult to determine the ability of the sewer system at this point, it will depend on the proposed number of lots and at what rate they are developed. Providing the Village is notified each time lots are being developed, we will better be able to determine if the sewer services are adequate to support the proposed development, at the time of development. The Village does not anticipate any financial impact to the Village resulting from the changes in zoning...”*

Also on May 11, 2022, Staff received a letter from St. Peter's, Samsonville and Area Water Utility that stated:

*“... the St. Peter's, Samsonville and Area Water Utility's does not anticipate any issues with the proposed change to the rezoning of the above referenced PID numbers. It is difficult to determine the ability of the water system at this point, it will depend on the proposed number of lots and at what rate they are developed. Providing the Water Utility is notified each time lots are being developed, we will better be able to determine if the water services are adequate to support each proposed development, at the time of development. The Water Utility can absorb any financial impact to the Water Utility resulting from the changes in zoning...”*

These statements suggest that the proposal meets Policies A-7 (b) i and ii. Therefore, the proposal is not premature or inappropriate by reason of the financial capability of the Municipality or Village to absorb any costs relating to the development or the adequacy of sewer services and utilities.

In accordance with Policy A-7 (b) iii “the adequacy and proximity of school, recreation, and any other community facilities”, the Department of Recreation from the Municipality of the County of Richmond provided comment via an email dated March 28<sup>th</sup>, 2022 stating they do not foresee any concerns regarding the proposed rezoning and future residential development with respect to the adequacy and proximity to recreational and community facilities within the St. Peter’s area.

Regarding Policy A-7 (b) iv on “the adequacy of road networks in, adjacent to, and leading to the development”, Nova Scotia Department of Public Works (formerly Nova Scotia Department of Transportation) was contacted for comment. Nova Scotia Department of Public Works provided a letter stating that based on the size of this development, a traffic impact analysis will be required and shall be completed by the applicant. Traffic Impact Analyses are an important component of access management, serving to identify trips generated by proposed land use changes, the impact of additional traffic on the adjacent road network (i.e., Trunk 4/Grenville

Street), and to determine adequacy of the adjacent transportation infrastructure and identify upgrading requirements.

On November 29<sup>th</sup>, 2022, Staff received comment from Nova Scotia Public Works on the Traffic Impact Analysis submitted by the applicant. Nova Scotia Public Works stated:

*“Please note it has been concluded through this study that new vehicle trips generated by this low-density residential development would have negligible impact on traffic operations of the study area streets and intersections. There should not be a concern with this proposed development.”*

Based on this comment, the proposal is not premature or inappropriate by reason of road networks in, adjacent to, and leading to the development. Thus complying with Policy A-7 (b) iv.

Policy A-7 v checks if the proposal is premature or inappropriate by reason of *“the potential for the contamination of watercourses or the creation of erosion or sedimentation”*. Nova Scotia Department of Environment does not comment on rezonings. Staff have identified a 0.7 hectare marsh via Nova Scotia’s Landscape Viewer located on the properties proposed to be rezoned. Additionally, the property does appear to be notably sloped. While not the jurisdiction of the Eastern District Planning Commission, there are several provincial regulations and guidelines that deal with Environmental Protection.

The Provincial Subdivision Regulations (under the Municipal Government Act), require that the location of any wetland be shown on final subdivision plans. The applicant does not plan to develop over the wetland but may still need Wetland Alteration Approval from Nova Scotia Department of Environment and Climate Change. Regarding Wetland Alteration Approval, Staff will provide the applicant with the Wetland Alteration Approval Guide and encourage the applicant to contact the local Nova Scotia Department of Environment and Climate Change Inspector to see if they require Wetland Alteration Approval. Staff will also be providing the applicant with a copy of the Nova Scotia Department of Environment’s *Erosion and Sedimentation Control Handbook for Construction Sites* via email. The applicant may ask for a hard copy as well. Based on these measures and regulations, Staff believe that the proposal is not premature or inappropriate by reason of the potential for the contamination of watercourses or the creation of erosion or sedimentation.

Policy A-7 (C) means Council shall have regard to see that adequate requirements are contained in the Land Use By-law to reduce conflict between the development and any other adjacent or nearby land use. All properties in the area are zoned as Residential in the Generalized Future Land Use map. Additionally, the zones of adjacent properties are Residential Rural (R-2) and Residential Village (R-1). The proposed rezoning is to allow for smaller lot residential subdivision on serviced

lots. The proposed future use of residential subdivision is in line with the surrounding area and zoning. Development will be subject to the provisions of the St. Peter's Land Use By-Law.

**Conclusion:**

Analysis of the site completed through a review of the St. Peter's *Municipal Planning Strategy* and *Land Use By-law* show that the rezoning of the properties identified as PID 75086868, 75136218, 75052530, 75219568, 75086397 is in line with the policy of both documents. After thorough consideration, Staff are advising that the Municipality approve an amendment to the St. Peters *Land Use By-law* permitting the rezoning of portions of the properties identified as PID 75086868, 75136218, 75052530, 75219568, 75086397 from the Residential Rural (R-2) Zone to the Residential Village (R-1) Zone.

### **Motion for PAC**

Based upon the staff recommendation, the proposed motion for PAC is as followed:

1. *That the Planning Advisory Committee recommends to Municipal Council to approve the proposed Land Use By-law amendment to rezone the portions of the properties identified as PID 75086868, 75136218, 75052530, 75219568, and 75086397 from the Residential Rural (R-2) Zone to the Residential Village (R-1) Zone to allow for smaller lot subdivision, and;*
2. *That Municipal Council give First Reading and set a Public Hearing date.*

### **Motion for Council**

Based upon a positive recommendation from the PAC, the proposed motions for Council are:

FIRST READING AND SETTING A PUBLIC HEARING DATE:

*That Municipal Council give First Reading and set a Public Hearing date to approve the proposed Land Use By-law amendment to rezone the portions of the properties identified as PID 75086868, 75136218, 75052530, 75219568, and 75086397 from the Residential Rural (R-2) Zone to the Residential Village (R-1) Zone to allow for smaller lot subdivision.*

SECOND READING AND APPROVAL:

*That Municipal Council give Second Reading and approve the proposed Land Use By-law amendment to rezone the portions of the properties identified as PID 75086868, 75136218, 75052530, 75219568, and 75086397 from the Residential Rural (R-2) Zone to the Residential Village (R-1) Zone to allow for smaller lot subdivision.*

### **Appendices**

Appendix A: Evaluation Criteria and Policy

Appendix B: Location Map

**Appendix A: Evaluation Criteria and Policy**

<b>Policy A-3</b>	
... An amendment to this strategy shall be required;	
(a) where any policy intent is to be changes;	N/A
(b) where a desired zoning map amendment does not conform to the Generalized Future Land Use Map; and can be shown through studies to be desirable;	N/A
(c) where detailed area or functional strategies are desired to be incorporated into this strategy.	N/A

<b>Policy A-7</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.	Complies
(b) That the proposal is not premature or inappropriate by reason of:	
i) the financial capability of the Municipality or Village to absorb any costs relating to the development;	Complies See Staff Report
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;	Complies See Staff Report
iii) the adequacy and proximity of school, recreation, and any other community facilities;	Complies See Staff Report
iv) the adequacy of road networks in, adjacent to, and leading to the development; and	Complies See Staff Report
v) the potential for the contamination of watercourses or the creation of erosion or sedimentation.	Complies See Staff Report

(c) That adequate requirements are contained in the Land Use By-law to reduce conflict between the development and any other adjacent or nearby land use by reason of:	
i) the type of use;	Complies Part 7.1 (LUB) [p.16]
ii) emissions including air and water pollutants and noises;	Other By-Laws
iii) height, setback and lot coverage of the proposed building;	Complies Part 7.2 (LUB) [p.16]
iv) access to and egress from the site and parking;	Complies Department of Public Works (Provincial) Part 5.25 (LUB) [p.11]
v) open storage;	Complies N/A to R-1 and R-2 Zones (LUB)
vi) signs; and	Complies Part 6 (LUB) [p.15]
vii) similar matters of planning concern.	Complies
(d) Suitability of the proposed site in terms of steepness of grades, and/or location of watercourses.	Complies



Appendix B: Location Map

