

## **Region of Queens Municipality**

### **Public Hearing**

**To rezone 1428 East Port L'Hebert Road,  
East Port L'Hebert from Fishing and Marine (M3) to  
Mixed Use Coastal Residential (R6)**

**Tuesday, October 12, 2021**

**9:00 a.m.**

### **Agenda**

#### **PURPOSE:**

The purpose of this Public Hearing is to provide any interested person an opportunity to present an oral or written presentation to Council of Region of Queens Municipality with regard to its intention to rezone 1428 East Port L'Hebert Road, East Port L'Hebert from Fishing and Marine (M3) to Mixed Use Coastal Residential (R6) to construct a new home.

The procedure for this Public Hearing is as follows:

#### **A. OPENING REMARKS:**

- 1) Every person is eligible to speak, but first must be recognized by the Chair and must give his or her name and address before commencing.
- 2) A person may speak more than once, but preference will be given to those who have not previously spoken.
- 3) This meeting will be conducted following parliamentary procedure. This Council uses its own Rules of Order, as well as Bourinot's Rules of Order.

4) The floor is now open for comments.

**B. CLOSING REMARKS**

**C. ADJOURNMENT**

## **Region of Queens Municipality Staff Report**

**6.6**

**To:** Council

**From:** Mike MacLeod, Director of Planning and Development

**Date:** September 14, 2021

**Re:** Rezoning Request – 1428 East Port L'Hebert Road, East Port L'Hebert

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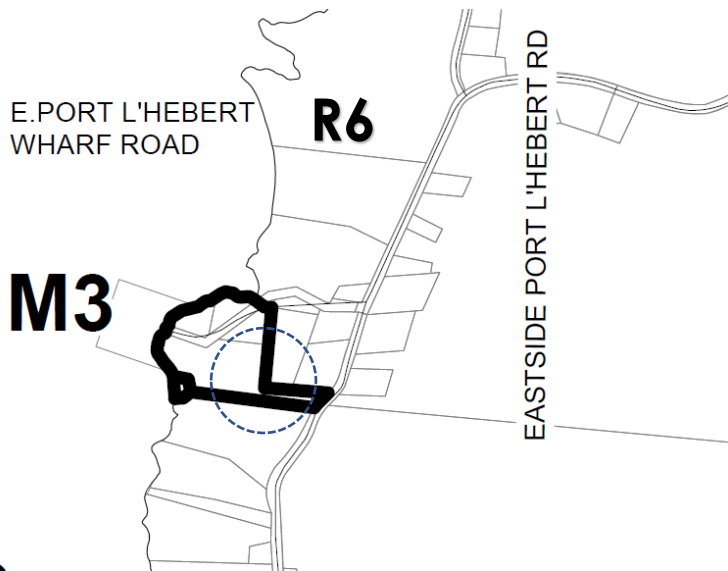
### **Background**

The owner of property located at 1428 East Port L'Hebert Road in the community of East Port L'Hebert and identified as PID# 70275185, has made application to rezone the property from Fishing and Marine (M3) to Mixed Use Coastal Residential (R6). A copy of the application is attached as Appendix A.

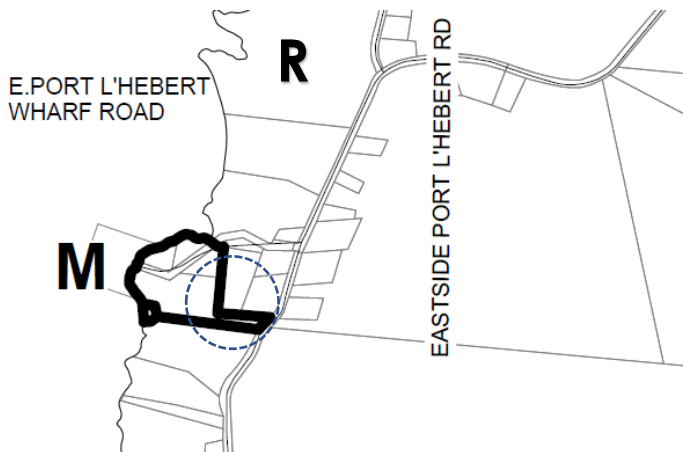
The applicant's property was formerly part of Sandy and Sons Fisheries lands and was subdivided off the main lot in 2019, with the future intent to construct a new home. A copy of the plan of subdivision is attached as Appendix B.

### **Details**

The property is zoned as Fishing and Marine (M3) under the Land Use Bylaw and has a future land use designation of Industrial (M) under the Municipal Planning Strategy.




Zoning Map



Generalized Future Land Use Map

Within the Fishing and Marine (M3) Zone, a development permit shall only be issued for one or more of the following uses:

➤	Commercial marine uses;
➤	Marinas;
➤	Uses relating to the fishing industry, excluding fish-meal processing plants;
➤	Wind turbine generators (small scale), subject to Section 6.39



The use being proposed by the applicant would be one considered under a Mixed Use Coastal Residential (R6) Zone. As such, the only opportunity for consideration of proposed use would be through amendments to the zoning.

While the Generalized Future Land Use Map identifies the property as Industrial (M), the Municipal Planning Strategy (MPS) has established policy to allow flexibility in interpreting zoning boundaries, where they abut another future land use designation. The MPS sets out the following:

### *12.3 Actions Not Requiring Municipal Planning Strategy Amendment*

*The Generalized Future Land Use Map sets out the boundaries of the intended future land use designations within the Region of Queens Municipality. Council is of the opinion that there should be some flexibility in interpreting these boundaries when dealing with development on lands abutting another future land use designation. To accommodate this, Council will adopt 'A General Flexibility Policy'. This will enable Council to consider requests to rezone abutting properties to any zone permitted in the abutting future land use designation.*

#### **Policy 12.3.1**


*Where a parcel of land abuts another future land use designation on the Generalized Future Land Use Map, it shall be the intention of Council to consider requests to rezone the parcel of land to any zone permitted under the abutting future land use designation without requiring a Strategy amendment, provided that all other policies in this MPS are complied with.*


In looking at proposed amendments to the Land Use Bylaw, Council has established, through policy, a number of evaluation criteria and are as follows:

#### **Policy 12.5.2**

*It shall be the intention of Council, when considering amendments to the Land Use Bylaw, to have regard to the following:*

- a. that the proposal conforms with the intentions of this MPS and to the requirements of all other Region Bylaws and regulations.*

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- b. *that the proposal is not inappropriate, or could create potential problems in relation to:*
    - 1. *the financial capability of the Region to absorb any costs relating to the development;*
    - 2. *adequacy of sewer, water, and fire protection services to support the proposed development;*
    - 3. *adequacy and proximity of recreational and other community facilities;*
    - 4. *the adequacy of road networks in, adjacent to, or leading to the proposed development in terms of ability to handle traffic that the proposed development will generate;*
    - 5. *the potential for the contamination of watercourses or the creation of erosion, sedimentation and /or flooding; and*
    - 6. *the potential for damage to or destruction of designated historical buildings and sites.*
  - c. *that adequate requirements are contained in the Land Use Bylaw to reduce conflict between the proposed development and any adjacent or nearby land uses by reason of:*
    - 1. *type of use;*
    - 2. *height generation, access to and egress from the site and parking provisions;*
    - 3. *traffic generation, access to and egress from the site and parking provisions;*
    - 4. *outdoor storage;*
    - 5. *signs;*
    - 6. *provision is made for buffering, landscaping, screening and access control to reduce potential incompatibility with adjacent land uses and traffic;*
    - 7. *development is located so as not to obstruct any natural drainage channels or watercourses;*
    - 8. *the adequacy of the building separations to provide sufficient space to permit access for firefighting equipment and to prevent the spread of fire; and*
  - d. *site suitability in terms of percentage of slope, soil and geological conditions and other environmental and physical constraints; and*

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- e. *potential for buffer areas, landscaping and screening to reduce potential incompatibility with adjacent land uses and transportation networks.*

Tentative timeframe, should recommendation be made to proceed with rezoning of the property, is as follows:

Planning Advisory Committee -	September 7, 2021
Council -	September 14, 2021
First Public Notice -	September 22, 2021
Second Public Notice -	September 29, 2021
Public Hearing -	October 12, 2021
Council -	October 12, 2021
Notice of Passing -	October 20, 2021
Appeal Period ends -	November 4, 2021

Planning Advisory Committee met on September 7, 2021 to discuss the application and are of the opinion that the proposed use is considerably less intensive than uses permitted under the current M3 zoning and are supportive of the rezoning of the subject property to Mixed Use Coastal Residential (R6).

### **Applicable Legislation**


Municipal Government Act and Region of Queens Municipality Municipal Planning Strategy and Land Use Bylaw.

### **Budget Impacts**

No budget implications as applicant is responsible for costs associated with the amendments.

### **Recommendation**

THAT Council of Region of Queens Municipality give notice of its intention to amend the Land Use Bylaw to rezone PID# 70275185 from Fishing and Marine (M3) to Mixed Use Coastal Residential (R6);



AND THAT a Public Hearing be held on October 12, 2021 at 9:00 a.m. in Council Chambers of the Municipal Administration Building, 249 White Point Road in Liverpool.

## **Communications**

The applicant will be advised of Council's recommendation.

# Appendix A



Region of Queens Municipality

## REGION OF QUEENS MUNICIPALITY LAND USE BYLAW AMENDMENT & DEVELOPMENT AGREEMENT APPLICATION

For Internal Use Only

Acceptance Date: Aug 26/21  
Processing Date: \_\_\_\_\_

### 1. Application Type:

- Land Use Bylaw Amendment  
 Development Agreement

### 2. Property Information:

Civic address of subject property - 1428 East Port L'Hebert Rd

Property Identification Number (PID) - 70275185

Present use of subject property - M1 - Sandy and Sons Fisheries

Proposed Use of subject property - Residential Dwelling

Existing Lot Size - 5.35 acres

Existing Lot Frontage - 347 ft.

### 3. Property Owner Information:

Name - Robert Stuart

Applicant is:

- Owner  
 Agent of Owner

Civic Address - \_\_\_\_\_

Mailing Address (if different from Civic Address) - 1231 East Port L'Hebert Rd  
Port Joli, NS B0T 1S0

Telephone Number - 902

Email Address - \_\_\_\_\_ 27

### 4. Zoning Information:

Existing Zoning - Fishing and Marine (M3)

Proposed Zoning - Residential

5. Property Servicing Information:

Water Services --

- Municipal System -  Existing  Proposed  
Drilled Well -  Existing  Proposed  
Dug Well -  Existing  Proposed  
Other - \_\_\_\_\_

Sewer Services --

- Municipal System -  Existing  Proposed  
On-site System -  Existing  Proposed  
Other - \_\_\_\_\_

Access --

- Public Road -  Existing  Proposed  
Private Road -  Existing  Proposed  
Other - \_\_\_\_\_

6. Declaration:

- Registered Owner of Property (Please print)

I / We Robert Stuart do solemnly declare that I / We are the current registered owner(s) of the property described in this application. I / We have examined the contents of this application and certify that the information submitted is accurate.

Registered Owner Robert Stuart  
Signature [Signature]  
Date Aug 26/21

Registered Owner (if more than one) \_\_\_\_\_  
Signature \_\_\_\_\_  
Date \_\_\_\_\_

- Authorization of Registered Owner (Please print)

I / We \_\_\_\_\_ authorize \_\_\_\_\_  
To act as agent and sign this application on my / our behalf for property located at  
(Civic Address) 1428 East Fort L'Hebert Rd and identified as PID# 70275185

Notes:

1. The requirements of a Land Use Bylaw amendment or development agreement application are established by the Planning Department of the Region of Queens Municipality. An application approval process will not commence until a completed application and advertising deposit are received.
2. Please make cheques payable to the Region of Queens Municipality. Following completion of the amendment process, the unused balance will be returned to the applicant. However, should the deposit be insufficient to cover the cost of advertising, the applicant will be responsible for the difference.
3. It is recommended that an applicant have a pre-consultation meeting with staff of the Planning Department prior to submitting this application.

August 26, 2021

Region of Queens Municipality  
PO Box 1264  
Liverpool, NS B0T 1K0

To Whom It May Concern,

I am the owner of property identified as PID# 70275185 located at 1428 East Port L'Hebert Rd in East Port L'Hebert.

I understand the property is currently zoned as Fishing and Marine (M3). The property was formerly part of Sandy and Sons Fisheries, where it was subdivided in 2019. I would like the property rezoned to Residential so that I can proceed with the construction of my home.

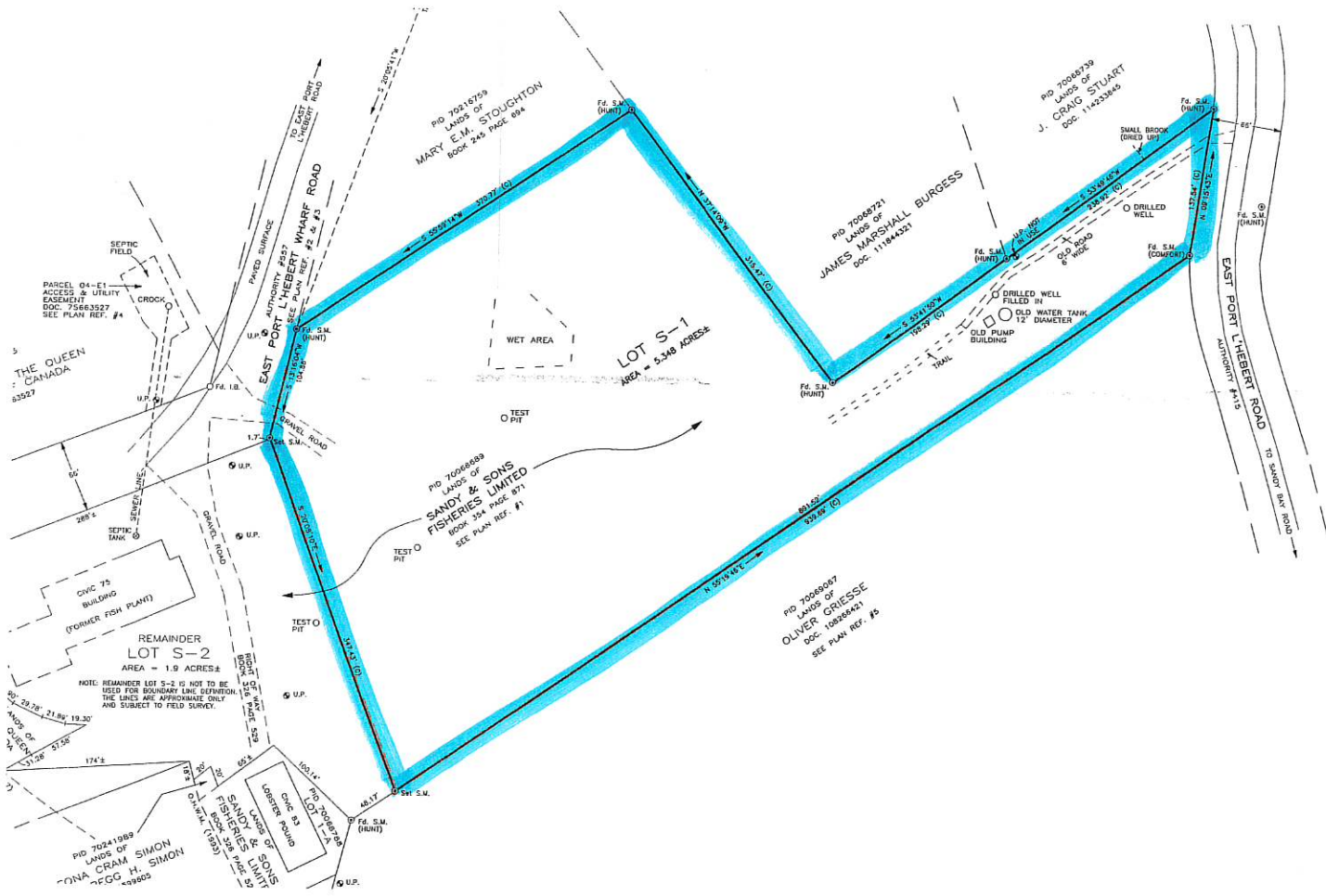
Please see attached the Land Use ByLaw Amendment Application.

I look forward to hearing from you,

Robert Stuart

(902)

# Appendix B



- PLAN R**
1. PLAN MATH RECCP
  2. PLAN COVER OCTO 3761
  3. DEPAR (BRAN AS P)
  4. PLAN OF SP CANAL 2004, 2566:
  5. PLAN DATE RECORD
  6. PLAN H.M. BECKI FEBRI
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1. LOT :
- FINAL**
- SHOWIN SANDY LOCATE) QUEENE
- SCALE: PLOTTE) DATE: PLAN A



EAST PORT L' HEBERT WHARF ROAD

70275185

EAST PORT L' HEBERT ROAD

SCALE - 1" = 200'



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