



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information <input type="checkbox"/>	Recommendation X	Decision Request <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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To: Members of Planning and Heritage Advisory Committee (PAC/HAC)

Submitted by: _____
Mark Fredericks, Senior Planner

Date: April 23, 2024

Subject: WHLUB Map Amendment: 4236 Highway 14 (PID 45329851), Windsor Forks; File #23-41B

LEGISLATIVE AUTHORITY

Section 210 of the Municipal Government Act.

RECOMMENDATION

Should Council wish to approve the amendments following the Public Hearing, the following motion would be in order:

...that Council gives Second Reading and approves amending Schedule A of the West Hants Land Use By-law to rezone PID 45329851 at 4236 Highway 14 in Windsor Forks from the Rural Commercial (RC) zone to the General Resource (GR) zone as shown in the report #23-41 to the Planning and Heritage Advisory Committee dated March 14, 2024.

BACKGROUND

Property X	Public Opinion <input type="checkbox"/>	Environment <input type="checkbox"/>	Social <input type="checkbox"/>	Economic <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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A completed application was received on January 8, 2024, from the owner of the property, Sheldon Musseau. The application requests Council consider rezoning the subject lot from the current Rural Commercial (RC) zone to the General Resource (GR) zone. Previous owners of the property operated an antiques shop under the Highway Commercial (HC) zoning. However, the

current owners no longer operate any commercial use on the property and have requested a zone change to the General Resource (GR) zone which is consistent with the surrounding area.

DISCUSSION

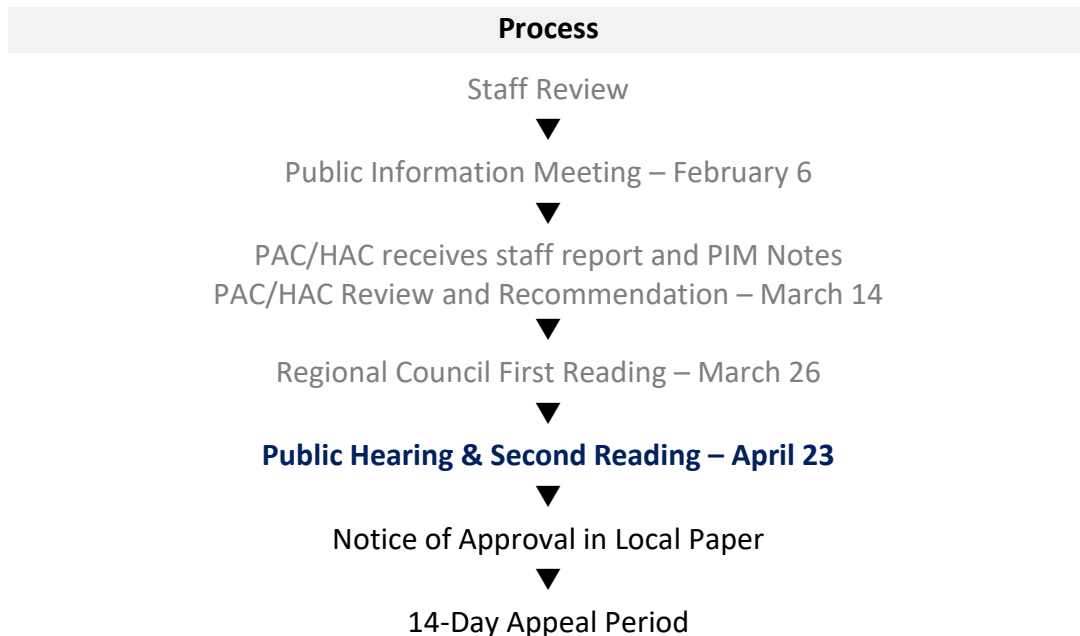
A Public Information Meeting was held on February 6, 2024. No public comments were received at the meeting or during the public comment period that followed.

On March 14, 2024, staff presented a recommendation report to the Planning and Heritage Advisory Committee (PAC/HAC) (Appendix A). The PAC/HAC recommended in favour of the application at this meeting.

On March 26, 2024, staff presented the PAC/HAC recommendation to Council for First Reading. Council recommended in favour of moving the application onto Public Hearing.

NEXT STEPS

The process for this application is as follows:



*anticipated dates; final dates set by Council

FINANCIAL IMPLICATIONS

There are no financial implications to the Municipality or residents with regard to the filing of this report.

ALTERNATIVES

In response to this application, Council may decide to:

- approve the amendments as drafted or as specifically revised by direction of Council;
- provide alternative direction, such as requesting further information on a specific topic.

APPENDIX

Appendix A 2024-03-26 First Reading Report - WHLUB Map Amendment: 4236
Highway 14 (PID 45329851), Windsor Forks; File #23-41A

CHIEF ADMINISTRATIVE OFFICER REVIEW

Pending the review of Council and comments made at the Public Hearing, I support the recommendation.

Report Prepared by: _____
Mark Fredericks, Senior Planner

Report Approved by: _____
Sara Poirier, Director of Planning and Development

Report Approved by:  _____
Mark Phillips, Chief Administrative Officer

**Attachment A –
2024-03-26 First Reading Report - WHLUB Map Amendment: 4236 Highway 14 (PID 45329851),
Windsor Forks; File #23-41A**



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information <input type="checkbox"/>	Recommendation <input checked="" type="checkbox"/>	Decision Request <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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To: Mayor Zebian and Members of West Hants Regional Municipality Council

Submitted by: _____
Mark Fredericks, Senior Planner

Date: March 26, 2024

Subject: WHLUB Map Amendment: 4236 Highway 14 (PID 45329851), Windsor Forks; File #23-41A

LEGISLATIVE AUTHORITY

Section 210 of the Municipal Government Act.

RECOMMENDATION

Should Council wish to proceed to Public Hearing and Second Reading, the following motion would be in order:

...that Council gives First Reading and will hold a Public Hearing to consider amending Schedule A of the West Hants Land Use By-law to rezone PID 45329851 at 4236 Highway 14 in Windsor Forks from the Rural Commercial (RC) zone to the General Resource (GR) zone as shown in the report #23-41 to the Planning and Heritage Advisory Committee dated March 14, 2024.

BACKGROUND

Property <input checked="" type="checkbox"/>	Public Opinion <input type="checkbox"/>	Environment <input type="checkbox"/>	Social <input type="checkbox"/>	Economic <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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A completed application was received on January 8, 2024, from the owner of the property, Sheldon Musseau. The application requests Council consider rezoning the subject lot from the current Rural Commercial (RC) zone to the General Resource (GR) zone to support the potential sale of the property for residential uses. The property currently includes a single unit dwelling and a large barn. The zoning change reduces the possible permitted uses as the proposed

General Resource (GR) zone permits fewer land uses than the current Rural Commercial (RC) zone.

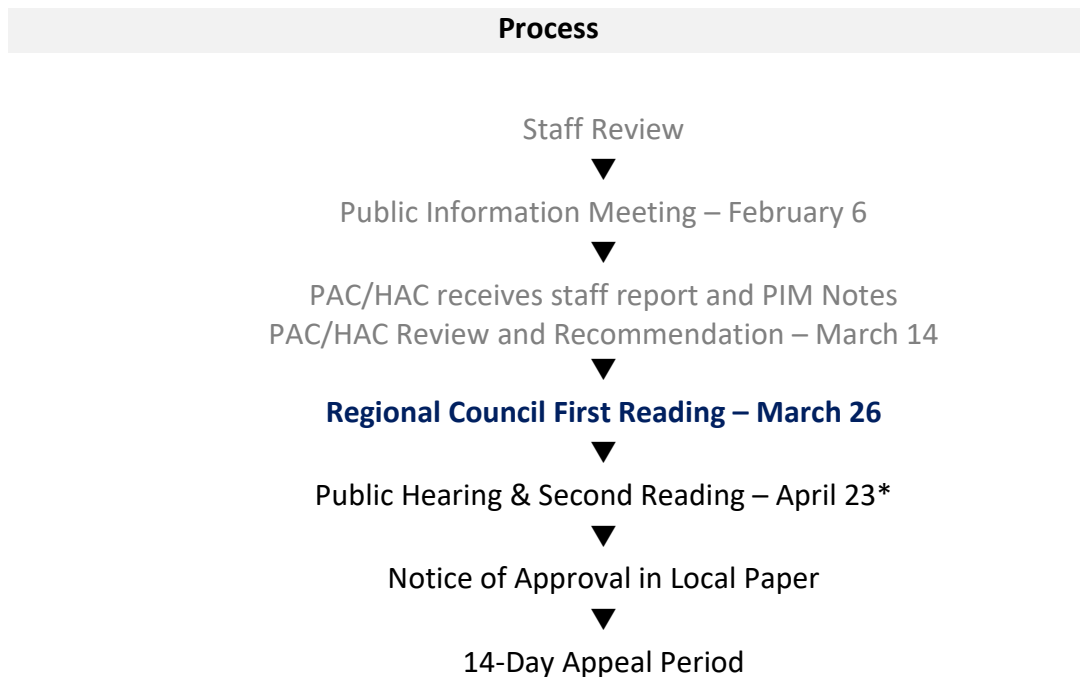
In the early 2000's, the previous owners used the barn as an antiques shop and the Highway Commercial (HC) zoning was applied prior to the 2008 planning documents, to reflect the commercial nature of this business. The current owners no longer operate any commercial use on the property and have requested a zone change to the General Resource (GR) zone which is consistent with the surrounding area.

A Public Information Meeting was held on February 6, 2024. No public comments were received at the meeting or during the public comment period that followed.

On February 14, 2024, staff presented a recommendation report to the Planning and Heritage Advisory Committee (PAC/HAC) (Appendix A). The PAC/HAC recommended in favour of the application at this meeting.

NEXT STEPS

The process for this application is as follows.



*anticipated dates; final dates set by Council

FINANCIAL IMPLICATIONS

There are no financial implications to the Municipality or residents with regard to the filing of this report.

ALTERNATIVES

In response to this application, Council may decide to:

- hold First Reading and authorize a Public Hearing to approve the map amendment; or
- provide alternative direction such as requesting further information on a specific topic.

APPENDICIES


Appendix A 2024-03-14 Staff Report – WHLUB Map Amendment: 4236 Highway 14 (PID 45329851), Windsor Forks; File #23-41

CHIEF ADMINISTRATIVE OFFICER REVIEW

I support the recommendation and the application proceeding through to the Public Hearing stage. This will allow for an up-to-date presentation of all information pertaining to the application for both Council and residents. Further, it will allow for a thorough review of that information at second reading when Council is asked to make a final decision on this matter.

Report Prepared by: _____
Mark Fredericks, Senior Planner

Report Approved by: _____
Sara Poirier, Director of Planning and Development

Report Approved by:  _____
Mark Phillips, Chief Administrative Officer

Appendix A – 2024-03-14 Staff Report - WHLUB Map Amendment: 4236 Highway 14 (PID 45329851), Windsor Forks; File #23-41



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information <input type="checkbox"/>	Recommendation <input checked="" type="checkbox"/>	Decision Request <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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To: Members of Planning and Heritage Advisory Committee (PAC/HAC)

Submitted by: _____
Mark Fredericks, Senior Planner

Date: March 14, 2024

Subject: WHLUB Map Amendment: 4236 Highway 14 (PID 45329851), Windsor Forks;
File #23-41

LEGISLATIVE AUTHORITY

Section 210 of the Municipal Government Act.

RECOMMENDATION

To enable the rezoning of the subject lot to the General Resource (GR) zone, staff recommends that the PAC/HAC forward a positive recommendation by passing the following motion:

"...that PAC/HAC recommends that Council give First Reading and hold a Public Hearing to consider amending Schedule A of the West Hants Land Use By-law to rezone PID 45329851 at 4236 Highway 14 in Windsor Forks from the Rural Commercial (RC) zone to the General Resource (GR) zone as shown in the report #23-41 to the Planning and Heritage Advisory Committee dated March 14, 2024."

BACKGROUND

A completed application was received on January 8, 2024, from the owner of the property, Sheldon Musseau. The application requests Council to consider rezoning the subject lot from the current Rural Commercial (RC) zone to the General Resource (GR) zone to support the potential sale of the property for residential uses. The property currently includes a single unit dwelling and a large barn. The zoning change reduces the possible permitted uses as the proposed

General Resource (GR) zone permits fewer land uses than the current Rural Commercial (RC) zone.

In the early 2000's, the previous owners used the barn as an antiques shop and the Highway Commercial (HC) zoning was applied prior to the 2008 planning documents, to reflect the commercial nature of this business. The current owners no longer operate any commercial use on the property and have requested a zone change to the General Resource (GR) zone which is consistent with the surrounding area.

DISCUSSION

The subject lot is approximately 1.88 acres in size with approximately 337 feet (103m) of road frontage on Highway 14. The lot is currently designated Resource on the Generalized Future Land Use Map (GFLUM) of the West Hants Municipal Planning Strategy (WHMPS) (*Figure 1*). The subject lot is zoned Highway Commercial (HC) on Schedule A of the West Hants Land Use By-law (WHLUB) (*Figure 2*).

Surrounding Context

The subject lot is within the community of Windsor Forks along Highway 14, at the intersection of Sangster Bridge Road, near Ski Martock Road. The properties immediately surrounding the subject lot are also designated Resource and mostly zoned General Resource (GR). There are other properties nearby that have Rural Commercial (RC) zoning and on the other side of Highway 14 is a large area of Agricultural Priority 2 (AR-2) zoning. The immediately surrounding properties host a mixture of rural residential and agricultural uses.

Document Review

The intention of the Resource designation is outlined in Section 9 of the WHMPS. The purpose of the Resource designation and the General Resource (GR) zone is to prioritize resource based land uses and accommodate rural residential development.

Policy 9.1.1 *It shall be the policy of Council to establish a General Resource (GR) zone which will apply to areas of West Hants in the Resource designation which are outside the Growth Centres, Village and Hamlets and are not zoned for agricultural, mineral or water supply uses. This includes large parcels of Crown land, land owned by forestry companies, areas of seasonal residential development which are accessed by private roads, and rural areas which are not considered to be under intense development pressure.*

The subject lot is part of the existing fabric of the Windsor Forks community, which is located outside of the Growth Centres, Villages/Hamlets and is well suited to accommodate rural residential dwellings or certain resource type uses if rezoned to the General Resource (GR) zone.

General Criteria

WHMPS Policy 16.3.1 establishes the general criteria that must be considered for all amendments to the WHLUB (Attachment A). In summary, the proposed rezoning meets the criteria as:

- the proposal is not considered premature or inappropriate for the area;
- no municipal costs related to the proposal are anticipated; and
- the Development Officer, Manager of Building and Fire Inspection Services, and Nova Scotia Public Works have no concerns with the proposed rezoning which have not been addressed in this report.

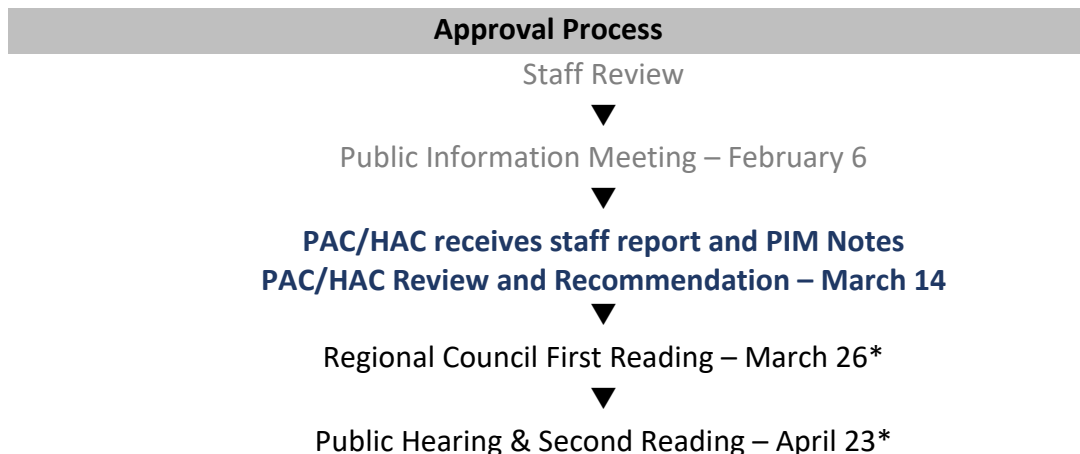
MUNICIPAL CLIMATE CHANGE ACTION PLAN

The West Hants Municipal Climate Change Action Plan (MCCAP) does not recognize the Windsor Forks area to be at risk from coastal flooding or sea water intrusion, as this community is located inland and far from the coast. The subject lot is near a watercourse that is located on an adjacent property. The subject lot's buildings are upland from this watercourse, which appears to drain storm water effectively towards the northeast. The MCCAP report does not show any climate change related flood risk on the subject lot.

Property owners are responsible for ensuring that the lot is suitable for the proposed use.

NEXT STEPS

As noted above, the proposed amendment has been considered within the context of both the intent of the Resource designation and the general amendment criteria of the WHMPS and is consistent with the intent, objectives, and policies of the WHMPS. As a result, it is reasonable to amend the zoning of PID 45329851 from the Rural Commercial (RC) zone to the General Resource (GR) zone.



▼
Notice of Approval in Local Paper

▼
14-Day Appeal Period

*anticipated dates; final dates set by Council

FINANCIAL IMPLICATIONS

There are no financial implications to the Municipality or residents with regard to the filing of this report.

ALTERNATIVES

In response to the application, PAC/HAC may recommend that Council:

- hold First Reading and authorize a Public Hearing to approve the WHLUB map amendment as drafted or as specifically revised by direction of PAC/HAC; or
- provide alternative direction such as requesting further information on a specific topic.

ATTACHMENTS

Figure 1	West Hants GFLUM Extract
Figure 2	West Hants Zoning Map Extract - Current
Figure 3	West Hants Zoning Map Extract – Proposed
Attachment A	Policy Summary for WHLUB Amendments
Attachment B	Public Information Meeting Notes

Report Prepared by: _____
Mark Fredericks, Senior Planner

Report Reviewed by: _____
Sara Poirier, Director of Planning and Development

Figure 1 - West Hants GFLUM Extract

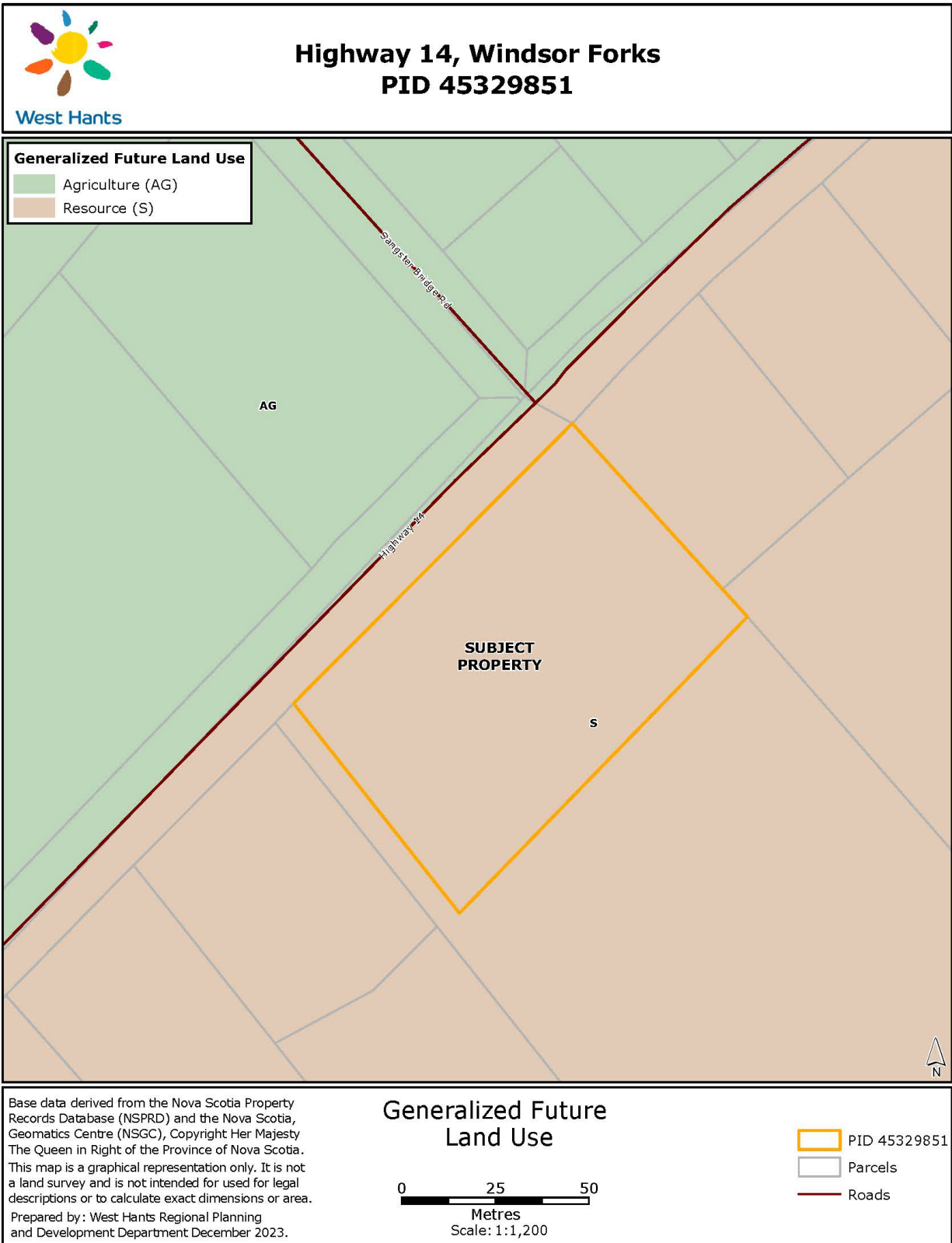


Figure 2 - West Hants Zoning Map Extract - Current

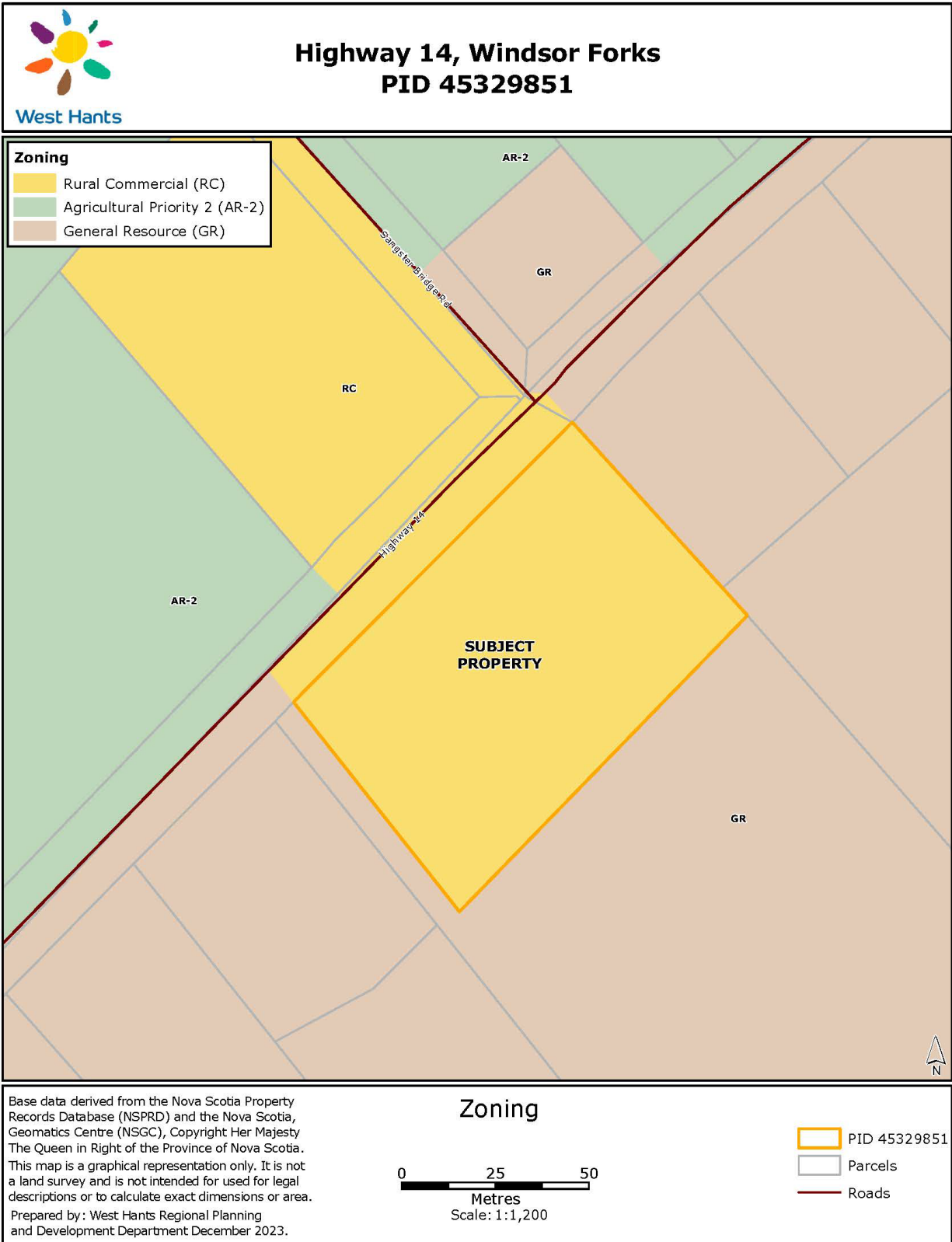
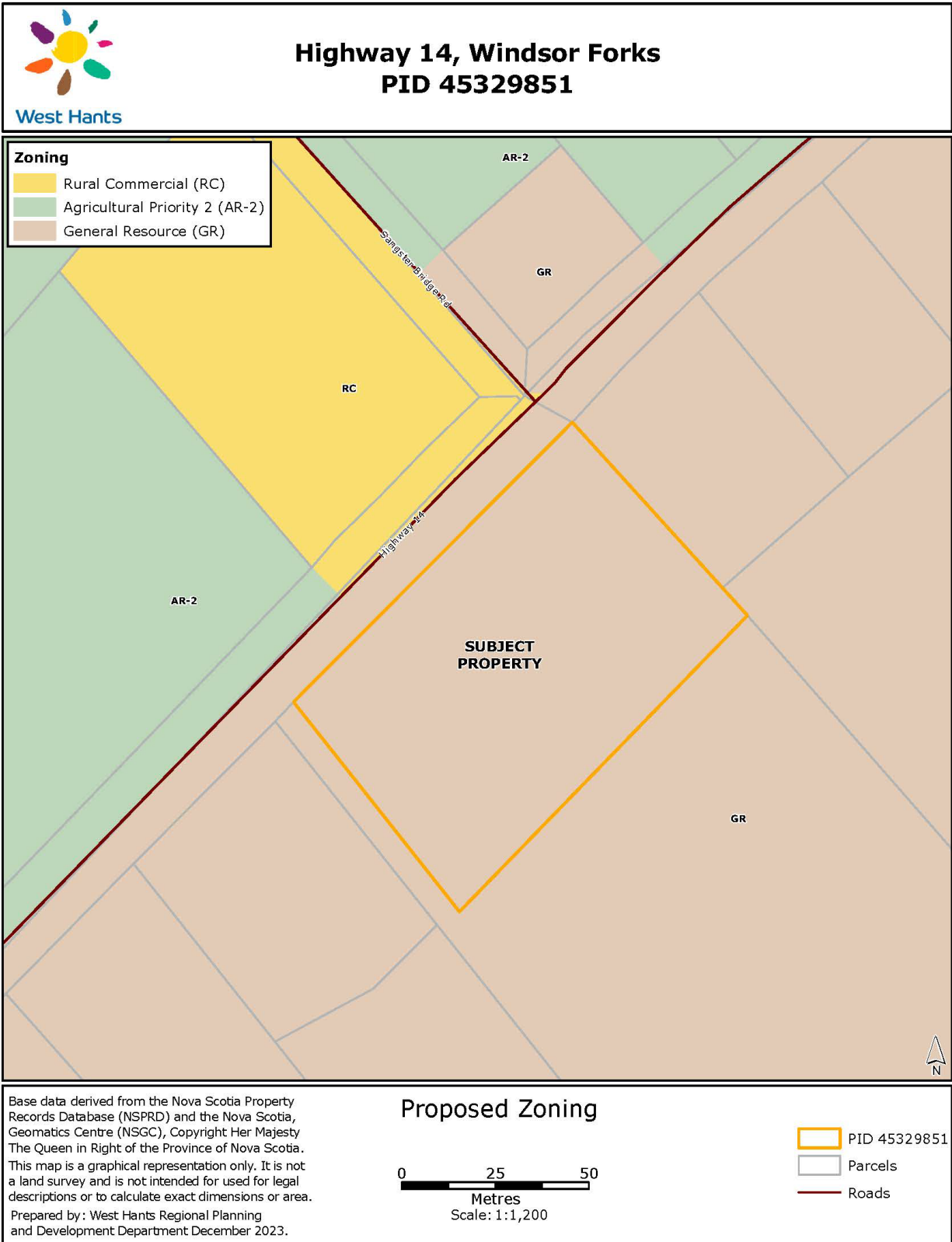


Figure 3 - West Hants Zoning Map Extract - Proposed



Attachment A - Policy Summary for WHLUB Amendments

Policy 16.3.1 In considering development agreements and amendments to the West Hants Land Use By-law, in addition to the criteria set out in various policies of this Strategy, Council shall consider:

<i>(a) whether the proposal is considered premature or inappropriate in terms of:</i>	
<i>(i) the adequacy of sewer and water services;</i>	No Municipal sewer or water services are available in Windsor Forks. The property has an existing septic and well. The approval for these on-site services is within the jurisdiction of Nova Scotia Department of Environment and Climate Change.
<i>(ii) the adequacy of school facilities;</i>	The proposed rezoning does not represent a change in school population.
<i>(iii) The adequacy of fire protection and other emergency services;</i>	The subject lot is located within the Brooklyn Fire District. Staff reached out to the Fire Chief but have not yet received any feedback. It is unlikely that the proposed zoning change would create any new issues with adequacy of emergency equipment or response time due to the existing conditions of the site.
<i>(iv) the adequacy of road networks adjacent to, or leading to the development; and</i>	The subject lot has an existing driveway access to Highway 14. Nova Scotia Public Works has indicated the have no concerns with the current driveway or the surrounding road network.
<i>(v) the financial capacity of the Town to absorb any costs relating to the development.</i>	There are no anticipated costs to the Municipality regarding this development.
<i>(b) whether the development is serviced, or capable of being serviced, by a potable water supply and either central sewer or an approved on site sewage disposal system;</i>	See (a)(i) above.
<i>(c) the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;</i>	Nova Scotia Public Works has indicated they have no concerns with the surrounding road network and the movement of automobiles. There is no active rail transportation in the vicinity.

	There is no sidewalk or other pedestrian infrastructure in the vicinity.
<i>(d) the adequacy of the dimensions and shape of the lot for the intended use;</i>	The Development Officer had no concern with the lot or the proposed rezoning. The lot has adequate lot area and more than double the required minimum lot frontage for the General Resource zone.
<i>(e) the pattern of development which the proposal might create;</i>	The rezoning would not create any unusual development patterns.
<i>(f) the suitability of the area in terms of steepness of grade, soil and geological conditions, location of water courses or wetlands, and susceptibility of flooding;</i>	The subject lot appears suitable. No changes are being proposed to the existing buildings, or uses on the property.
<i>(g) whether the proposal meets the requirements of the appropriate provincial or federal agencies as well as whether it conforms to all other relevant municipal by laws and regulations; and</i>	All Municipal, Provincial, and Federal regulations will have to be met.
<i>(h) any other matter required by relevant policies of this Strategy.</i>	All relevant matters have been addressed in this report.

Attachment B - Public Information Meeting Notes

February 6 – 20, 2024

WHLUB Map amendment:4236 Highway 14 (PID 45329851), Windsor Forks; File 23-41

Meeting date and time	A Public Information Meeting was held on February 6, 2024 beginning at 6:26 p.m. in Council Chambers at 76 Morison Drive in Windsor.
Attending	In attendance: <ul style="list-style-type: none">• Mayor Zebian• Senior Planner, Mark Fredericks• Planner, Alex Dunphy• Director of Planning and Development, Sara Poirier• Planning Administrative Assistant Vanessa Lake• Chief Administrative Officer, Mark Phillips• Sheldon Musseau, Applicant No members of the public were present for the Public Information Meeting.
WHLUB map amendment: Rezone 4236 Highway 14 (PID 45329851) in Windsor Forks from Rural Commercial (RC) to General Resource (GR)	Planner Fredericks outlined the request and described the proposed rezoning process to change from the Rural Commercial (RC) zone to the General Resource (GR) zone. The applicant did not make a formal presentation.
Comments	No comments were made during the Public Information Meeting.
Adjournment	There being no further business, the meeting was adjourned at 6:36 p.m.