

MUNICIPALITY OF THE COUNTY OF
ANTIGONISH

COUNCIL MEETING AGENDA

Tuesday, June 11, 2024, 7:30pm

Council Chambers
Municipal Administration Building
285 Beech Hill Road
Beech Hill, NS B2G 0B4

-
1. Call to Order – Chair Owen McCarron
 2. Approval of Agenda
 3. Approval of May 29, 2024 Municipal Council Minutes
 4. Business Arising from the Minutes
 5. Public Hearings
 - a. Plan Antigonish Municipal Planning Strategy and Land Use By-Law
 6. Delegations
 - a. There are no scheduled delegations.
 7. Correspondence
 - a. May 9, 2024 Correspondence to Minister of Natural Resources re: West River Bank
 - b. June 4, 2024 Correspondence from Minister of Public Works re: Cape Jack Road Concerns
 8. Committee Reports
 - a. June 3, 2024 Planning Advisory Committee Report
 - b. June 11, 2024 Committee of the Whole Report
 9. Reports from Individual Council Members on Outside Boards, Conferences, and Community Activities
 10. Motions
 11. Miscellaneous Business
 12. Adjournment

MUNICIPALITY OF THE COUNTY OF
ANTIGONISH

Municipal Council Meeting- Minutes

Wednesday, May 29 2024

7:30pm

Council Chambers

Municipal Administration Building

285 Beech Hill Road

Beech Hill, NS B2G 0B4

Councillors Present:

Warden Owen McCarron

Deputy Warden Bill MacFarlane

Councillor Mary MacLellan

Councillor Donnie MacDonald

Councillor Shawn Brophy

Councillor Remi Deveau

Councillor John Dunbar

Councillor Gary Mattie

Councillor Harris McNamara

Regrets:

Councillor Hugh Stewart

Staff Present:

Glenn Horne, CAO

Allison Duggan, Director of Finance

Beth Schumacher, Deputy Clerk

Tammy Feltmate, Director of Sustainable
Communities

Also Present:

Gallery (by Zoom)

Matt Draper, XFM

Corey LeBlanc (by Zoom)

Call to Order- Chairman, Warden Owen McCarron

Warden McCarron called the meeting to order at 7:30pm.

Approval of Agenda

Warden McCarron called for any additions or deletions to the agenda.

Min # 2024-058

Moved and Seconded

That the agenda be approved as presented.

Motion Carried

Approval of May 14, 2024 Municipal Council Minutes

Warden McCarron called for any errors or omissions in the minutes included in the agenda package.

Min # 2024-059

Moved and Seconded

That the Municipal Council Minutes of May 14, 2024 be approved.

Motion Carried

Business Arising from the Minutes

Councillor MacLellan shared an update from the Eigg Mountain Wind Farm Open House that took place in her district earlier in the month.

Statutory Public Hearings

There were no scheduled public hearings.

Delegations

There were no scheduled delegations.

Correspondence

There was no correspondence.

Committee Reports

May 27, 2024 Committee of the Whole e-Poll Report

Min # 2024-060

Moved and Seconded

That Municipal Council appoint Allan Armsworthy as Returning Officer for the 2024 Municipal Election.

Motion Carried

May 27, 2024 Asset Management Committee e-Poll Report

Min # 2024-061

Moved and Seconded

That Municipal Council approve the purchase of a 2023 RAM 1500 Classic Tradesman Crew Cab 4x4 from MacDonald Chrysler at the bid price of \$55,171.46 + HST.

Motion Carried

May 29, 2024 Committee of the Whole Report

Min # 2024-062

Moved and Seconded

That Municipal Council approve the 2024/25 Operating Budget as presented.

Motion Carried

Min # 2024-063

Moved and Seconded

That Municipal Council adopt the budget and strike the tax rate as per the resolution presented and attached.

Motion Carried

Min # 2024-064

Moved and Seconded

That Municipal Council approve the borrowing resolution as presented and attached.

Motion Carried

Min # 2024-065

Moved and Seconded

That Municipal Council approve inactive account write-offs in the amount of \$1,057.30.

Motion Carried

Min # 2024-066

Moved and Seconded

That Municipal Council award the contract for Signage and Landscaping of the Antigonish Trunk 4 AT Corridor to WSP for the bid amount of \$32,320.00 + HST.

Motion Carried

Min # 2024-067

Moved and Seconded

That Municipal Council provide a leave of absence to Councillor Stewart for the May 29, 2024 Special Council Meeting for medical reasons.

Motion Carried

Miscellaneous Business

There was no miscellaneous business.

Motions

There were no motions.

Additions to the Agenda

There were no further additions to the agenda.

Adjournment

Prior to adjourning, a moment of silence was held in memory of Councillor MacLellan's husband, who recently passed away.

Min # 2024-068

Moved

That the Council meeting adjourns at 7:36 pm.

Motion Carried

Warden Owen McCarron

Glenn Horne, CAO

May 9, 2024

Honourable Tory Rushton
Minister of Natural Resources and Renewables
3rd Floor, Founders Square
1701 Hollis Street
Halifax, NS, B3J 2T9
Via email: mindnr@novascotia.ca

Dear Minister Rushton,

RE: Dangerous Undermined Bank on West River, Antigonish County

Concerns have been raised with Municipal Council about an undermined bank along the West River. Over the past few years we have heard accounts of recreational users of the river in kayaks and canoes who have encountered dangerous conditions.

Specifically, there is an undermined bank where the river bends in Addington Forks that, if not known and precautions taken, can result in boaters being pulled under the bank and submerged. We have received accounts of this occurring with near disastrous results.

In the summer of 2023, at the County's request local DNRR officials placed a warning sign for the undermined bank and swift current in this area, of which we are appreciative. However, as currents undermine this bank further and recreational usage of the river increases, there is increasing risk to the public who use the river.

Municipal Council requests that your department assess this part of the West River, and this riverbank in particular, and take action to see it reinforced and/or the risk to users of the river mitigated. While Council has directed this correspondence to your attention, I understand that this may fall more appropriately with the Department of Environment and Climate Change. As such, the Honourable Minister Halman has been cced as well.

Sincerely,



Glenn Horne, CAO

Cc: Municipal Council
Honourable Timothy Halman, Minister of Environment and Climate Change
Honourable Michelle Thompson, Antigonish MLA
Derek Geldart, Area Manager, Eastern Mainland Nova Scotia



NOVA SCOTIA

**Public Works
Office of the Minister**

PO Box 186, Halifax, Nova Scotia, Canada B3J 2N2

JUN 4 2024

Glenn Horne, CAO
Municipality of the County of Antigonish
285 Beech Hill Road
Beech Hill, NS B2G 0B4
glenn.horne@antigonishcounty.ca

Dear CAO Horne:

Thank you for your letter dated May 10, 2024, concerning the flood conditions and road closures on Cape Jack Road, in Antigonish County.

I have been advised that the remediation work involves dredging on private property which is also part of the protected beach in the area. Local staff have been working through all the requirements to obtain a permit to complete this work.

The Department of Public Works (DPW) is currently working with the landowner to obtain their permission to gain the appropriate access. In addition, the requirement for an Environmental Impact Study required additional time.

I can advise that permits are close to being in place. As a temporary short-term solution, DPW will dredge a channel near the location of the historical channel on the beach barrier when required. DPW will work with the Department of Natural Resources and Renewables, and local stakeholders to provide a more permanent solution.

Thank you for bringing area concerns to my attention. If you have any additional questions or would like to discuss options going forward, you can reach out to Paul Colton, P.Eng., District Director, by phone at 902-863-8900 or by email at paul.colton@novascotia.ca or Basil Pitts, Area Manager, by email at basil.pitts@novascotia.ca or by phone at 902-870-4746.

Yours sincerely,

Kim D. Masland
Minister of Public Works

- c: Honourable Greg Morrow, MLA Guysborough-Tracadie
- Paul Colton, District Director, Eastern
- Basil Pitts, Area Manager, Antigonish/Guysborough

MUNICIPALITY OF THE COUNTY OF
ANTIGONISH

TO: MUNICIPAL COUNCIL
FROM: COUNCILLOR MARY MACLELLAN, CHAIR
SUBJECT: PLANNING ADVISORY COMMITTEE
REPORT DATE: June 3, 2024

The Planning Advisory Committee was convened at 6:30 pm on Monday, June 3, 2024, at the Municipal Office. The following committee members were in attendance:

Councillor Mary MacLellan, Chair
Councillor Bill MacFarlane
Colleen Briand
Councillor John Dunbar

The Following Recommendations Were Made:

That the Planning Advisory Committee recommends that Municipal Council give First Reading and set a Public Hearing date to rezone PIDs 10138329, 10136901, 10138337 and 10138345 from the Rural (R-1) Zone to Residential Multi-Unit (R-2) Zone under the Easter Antigonish Plan Area.

That the Planning Advisory Committee recommends that Municipal Council give First Reading and set a Public Hearing date to rezone PID 01208933, Sylvan Valley from the Residential (R-1) Zone to Multi-Unit Residential (R-2) Zone under the West River Antigonish Harbour Plan Area.

That the Planning Advisory Committee recommends that Municipal Council give First Reading and set a Public Hearing date for amending the Multiple Unit Residential (R-1) Zone townhouse lot requirements under the West River Antigonish Harbour Land Use By-law to have smaller lot size requirements subject to a maximum hard surface coverage of 50% with accompanying definition of “hard surface”.

That the Planning Advisory Committee recommends that Municipal Council give First Reading and set a Public Hearing date that Municipal Council give First Reading and set a Public Hearing date for amending the General Commercial (C-2) Zone under the West River Antigonish Harbour Land Use By-law to allow non-residential buildings to be converted to entirely residential buildings subject to special requirements with accompanying definition of “amenity space”.

That the Planning Advisory Committee recommends that Municipal Council give First Reading and set a Public Hearing date for the proposed amendment to the Eastern Antigonish Land Use By-law to allow “Brewpubs, taproom breweries and micro-distilleries” and “licensed establishments” to Restaurants as permitted uses within the Rural (R-1) Zone.

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

From: **Planning Staff (EDPC)**

Date: **June 3, 2024**

Reference: **Application by Kelly Field and Sylvain Gauthier to amend the Eastern Antigonish Land Use By-law by rezoning the property on Myette Road with PIDs 10138329, 10136901, 10138337 and 10138345 from R-1 to R-2.**

Staff Recommendation:

Planning Staff’s recommendation is to approve the proposed rezoning from R-1 to R-2. This would allow more housing units to be constructed on the four properties.

Background Information:

Staff received a request to rezone the four properties on Myette Road with PIDs: 10138329, 10136901, 10138337 and 10138345. Three of the properties are currently vacant and one has agricultural buildings on it. The properties are all zoned Rural (R-1). The owners would like to get the properties rezoned to Multi-unit Residential (R-2) in order to construct

| | Description |
|--------------------------|--|
| Designation: | Rural |
| Current Zoning: | Rural (R-1) |
| Request: | Rezone to R-2, Residential Multi-Unit |
| Identification #: | PID(s) 10138329, 10136901, 10138337 and 10138345 |
| Total Lot Area: | 7.3 ha (18 acres) |
| Site Visit: | November 30, 2023 |

nine semi-detached dwellings on the three properties for a total of eighteen new units.

Analysis:

The property is currently designated Rural and zoned Rural (R-1). The current policy in the Eastern Antigonish Secondary Planning Strategy describes that a rezoning to R-2 may occur in the Rural Designation. Policy 2(c) of the Eastern Antigonish Municipal Planning Strategy allows for a rezoning to the Residential Multi-Unit (R-2) Zone. The policy reads as follows:

The Residential Multi-Unit (R-2) Zone shall permit residential buildings of more than two (2) units including grouped dwellings and all non-agricultural, non-forestry and non-fishing uses permitted in the RS-1 Zone subject to the requirements of the RS-1 Zone. Existing multi-unit buildings shall be zoned R-2. New multi-unit buildings shall be considered by a rezoning in any part of the Planning Area designated “Rural”, “Rural Settlement” and “Commercial”.

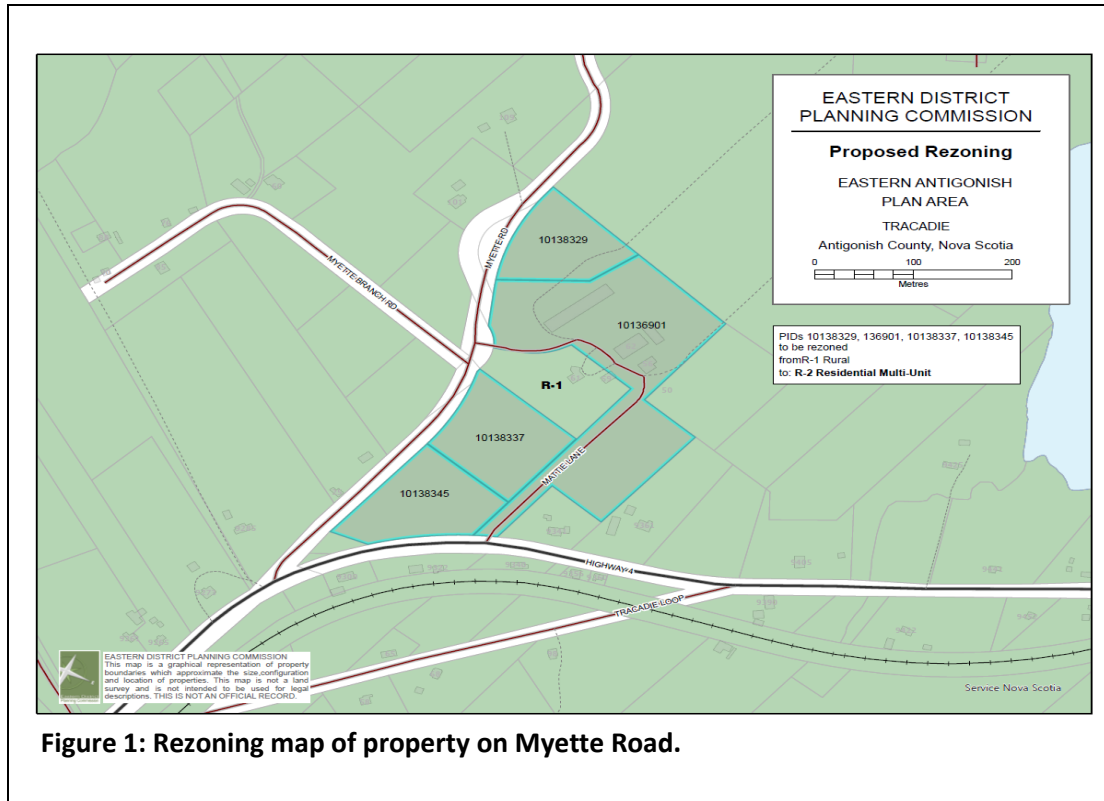


Figure 1: Rezoning map of property on Myette Road.

Regarding section (b) of Policy 39, the list of rezoning criteria is laid out in full in Appendix “B” of this report. Policy 39 considers such factors as traffic, sewer and water services, contamination of watercourses and parking requirements.

The Eastern Plan also has a policy for rezoning to the Multi-unit Residential (R-2) Zone within the Rural Designation which is similar to Policy 2(c) and also directly applies to this situation. Policy 6 is as follows:

It is the intention of Council to permit new residential multi-unit buildings in areas designated "Rural", "Rural Settlement" or "Commercial" as shown on the Generalized Future Land Use Map by a rezoning to the R-2 Zone subject to the following criteria to direct these uses to suitable locations and those criteria listed in Policy 39:

- (a) the proposed development is compatible with adjacent residential uses with respect to scale, mass and use;*
- (b) the location of the proposed development does not create any major traffic problems;*
- (c) the lot on which the proposed development is sited is adequately served by a centralized sewer system and/or central water system or if on-site services are to be used, these services are adequate for R-2 Zone uses.*

Financial:

According to Policy 39 in the Eastern Antigonish Secondary Planning Strategy, the proposed development cannot be premature or inappropriate by reason of the financial capacity of the Municipality to absorb the costs relating to the proposal. Staff circulated letters and received responses from several Municipal departments and one provincial department. According to the Finance Department there is no issue with the ability to absorb any of the costs associated with the proposed development. The developer will be absorbing all the costs of the proposed development.

Recreation Facilities and Schools:

Staff also received a letter from the Recreation Director outlining that there are sufficient recreation facilities in the Tracadie area. The comments from the Strait Area School Board Director, said that the Eastern Antigonish Education Centre has the capacity to accommodate a number of new students should the need arise from more residential development in the area.



Figure 2: Existing barn from Myette Road.

Scale and Mass:

The majority of buildings in the vicinity are either single detached dwellings or agricultural buildings, as this was predominantly a farming area historically. The proposal is to construct three semi-detached dwellings on each of three separate lots, which totals eighteen (18) new units. Semi-detached dwellings are not very different in building mass from a single-detached dwelling unit, so this is not an unreasonable proposal. What Council needs to consider is whether having that many new units is a reasonable scale of new units in comparison to what is in the surrounding area. From a staff point of view this would be considered a low-density development.

Transportation network:

Staff received correspondence indicating that the Nova Scotia Department of Public Works is satisfied with the road leading to the properties and they currently have no concerns with the surrounding road networks nor public street access. The Department also added that a completed ‘Work Within a Highway Right-of-Way Permit’ will be required prior to any construction activities; at which time they may ask to review detailed engineering drawings for access as well as on-site drainage.

Staff Report

Soil erosion and sedimentation:

During construction the developer will need to comply with the Provincial regulations for erosion of soils and water drainage systems on the properties. Staff received a letter from Nova Scotia Environment and Climate Change which stated that NSECC has no objections to the proposed rezoning if the on-site systems are designed and installed in accordance with the On-site Sewage Disposal Systems Regulations. NSECC made it clear in the correspondence that they are aware that the intent is to construct up to three duplexes per PID. The response stated that on-site septic systems must be designed and installed in accordance with the On-site Sewage Disposal Standard (2022) and On-site Sewage Disposal Systems Regulations (2018).

Statements of Provincial Interest:

The purpose of the Statements of Provincial Interest (SPI) is to protect the common public interest and encourage sustainable development in municipalities. The SPI are policy statements adopted by the provincial



Figure 3: Existing vacant lots on Myette Road.

government under the powers of the Municipal Government Act (MGA s.193). They are set out in Schedule “B” of the MGA and legislation requires that municipal planning documents are “reasonably consistent” with the SPI. As such, the following comments are offered with respect to consistency of the proposal with the SPI:

1. Drinking Water: The proposed development does not impact the provision of drinking water. The property is not located within a well field or an area covered by a Source Water Protection Plan.
2. Flood Risk Areas: Not in an identified flood risk area.
3. Agricultural Land: This proposed housing will be impacting agricultural lands. The land was originally a farm, but no active farm has operated on the land in recent years.
4. Infrastructure: Will not be using municipal water or sewer.
5. Housing: The proposed development will provide eighteen (18) new housing units, which will increase the availability of new housing stock in the area.

The proposed development is reasonably consistent with the Statements of Provincial Interest.

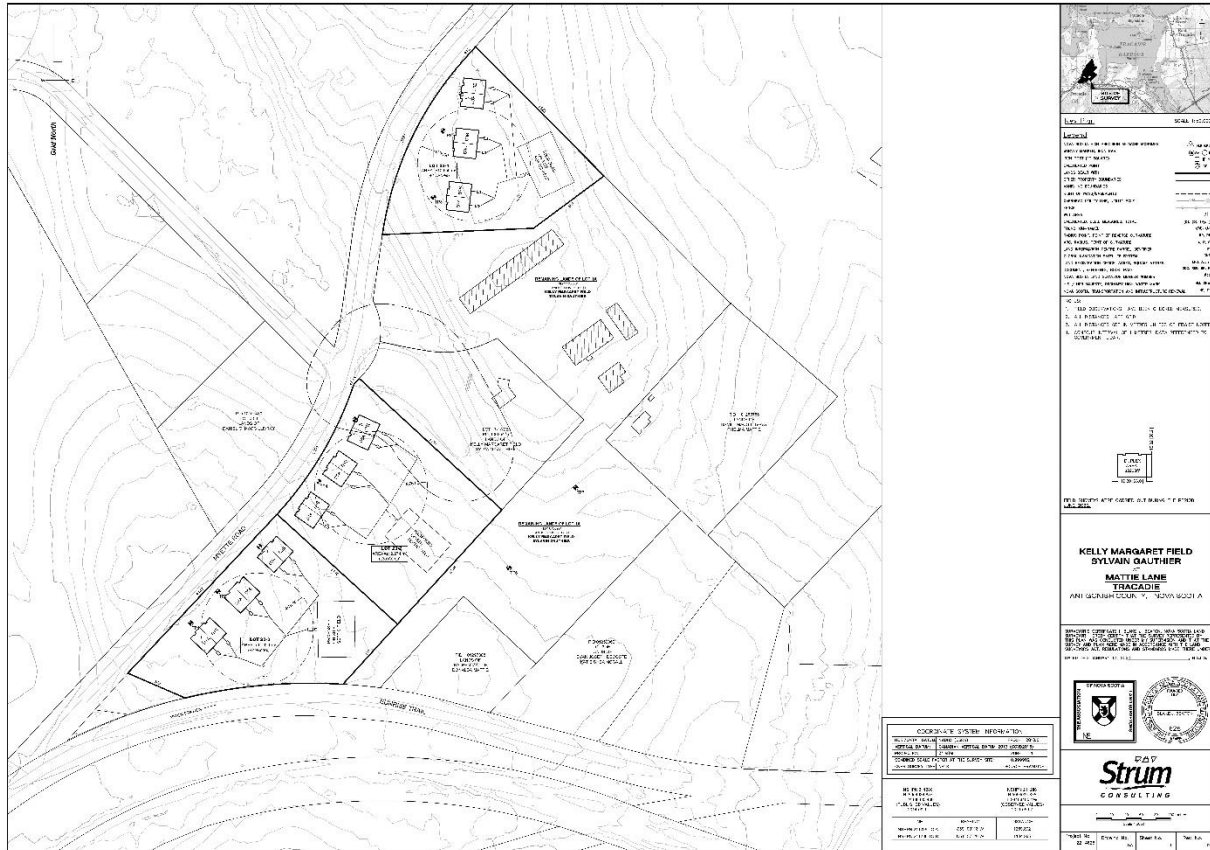


Figure 4: Site Plan of proposed location of nine dwellings.

Conclusion:

The rezoning application for the four properties on Myette Road with PIDs 10138329, 10136901, 10138337 and 10138345 meets the intent of the relevant policies of the Eastern Antigonish Municipal Planning Strategy. Staff recommend approving the rezoning from Rural to Multi-unit Residential Zone, to allow nine semi-detached dwellings to be constructed on four properties.

Staff Report

Proposed Motions:

If supported by the Planning Advisory Committee, the motion could be as follows:

Planning Advisory Committee recommends that Municipal Council approve the amendment to the Eastern Antigonish Land Use By-law to rezone the properties with PIDs 10138329, 10136901, 10138337 and 10138345 on Myette Road in Tracadie from Rural (R-1) to Residential Multi Unit (R-2) zone as per the Rezoning Map.

The motion for Council could be the following:

Council approves the amendment to the Eastern Antigonish Land Use By-law to rezone the properties with PIDs 10138329, 10136901, 10138337 and 10138345 on Myette Road in Tracadie from Rural (R-1) to Residential Multi Unit (R-2) zone as per the Rezoning Map.

Appendix ‘A’: Summary of Applicable Policies

| | |
|--|----------|
| Policy 6 | |
| It is the intention of Council to permit new residential multi-unit buildings in areas designated “Rural”, “Rural Settlement” or “Commercial” as shown on the Generalized Future Land Use Map by a rezoning to the R-2 Zone subject to the following criteria to direct these uses to suitable locations and those criteria listed in Policy 39: | |
| a. the proposed development is compatible with adjacent residential uses with respect to scale, mass and use; | Complies |
| b. the location of the proposed development does not create any major traffic problems; | Complies |
| c. the lot on which the proposed development is sited is adequately served by a centralized sewer system and/or central water system or if on-site services are to be used, these services are adequate for R-2 Zone uses. | Complies |

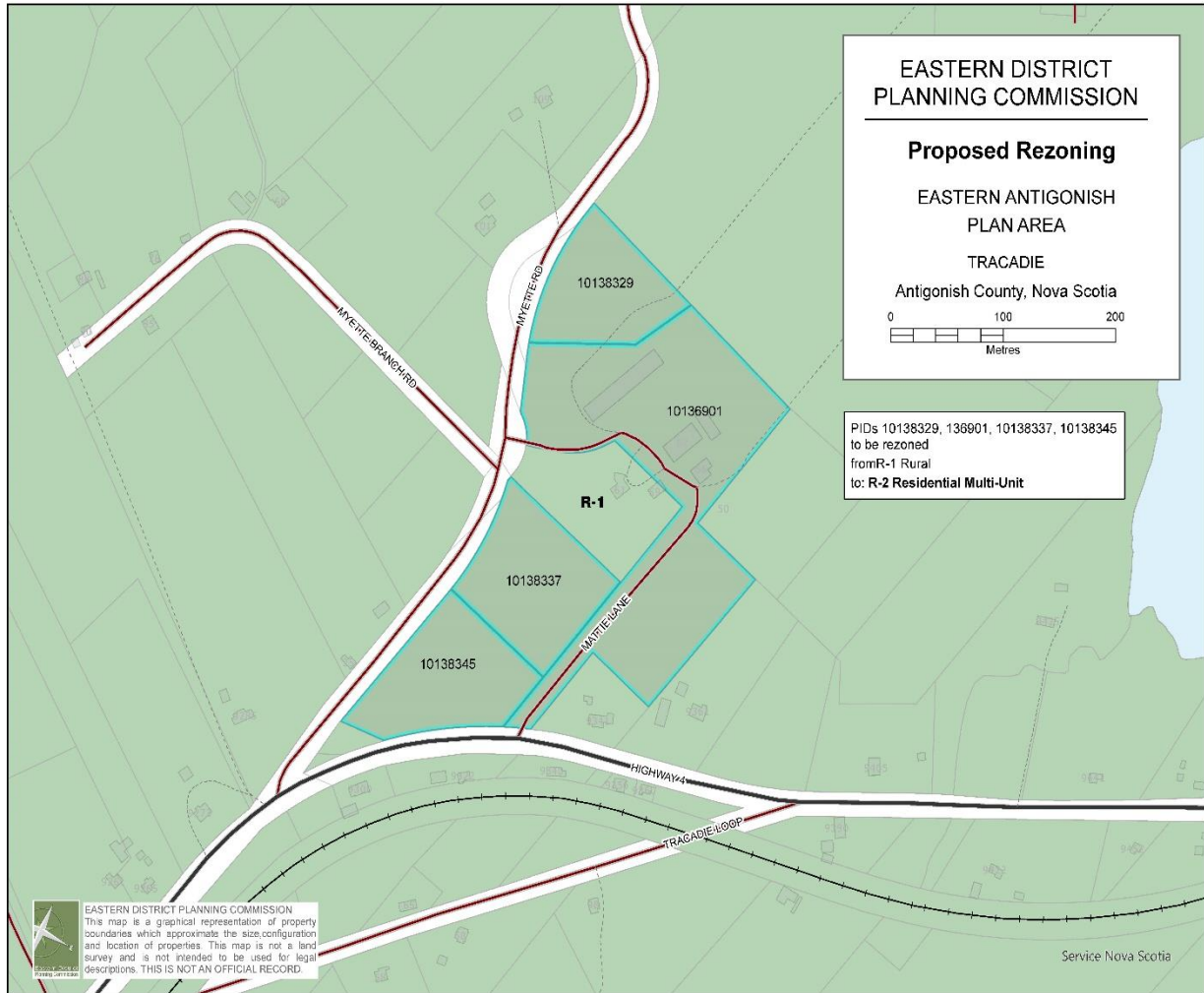
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| Policy 39 In considering amendments to the Land Use By-law, in addition to all other criteria as set out in various policies of this planning strategy, Council shall have regard for the following matters: | Complies |
| a. Whether the proposal conforms with the intent of this Strategy and with the requirements of all other Municipal by- laws and regulations; | |
| b. Whether the proposal is premature or inappropriate by reason of: | |
| (i) the financial capability of the Municipality to absorb any costs relating to the proposal; | Complies |
| (ii) the adequacy of sewer and/or water services to support the proposal; | On-site water and sewer |
| (iii) the adequacy and proximity of school, recreation and other community facilities; | Complies |
| (iv) the adequacy of road networks, in, adjacent to, or leading to the development and the adequacy of proposed accesses and parking facilities; | Complies |
| (v) the potential for the contamination of abutting watercourses or the creation of erosion or sedimentation as a result of the development as determined by a qualified person from the appropriate government department; | Complies |
| (vi) the potential for damage to or destruction of historical buildings and sites. | N.A. |
| c. Whether the proposal conforms to the requirements contained in the Land Use By-law relating to the following: | Complies |

Staff Report

| | |
|--|-----------|
| i.) the type of use; | |
| ii.) setbacks, height, bulk, and lot coverage of a proposed building or expansion to an existing structure; | Complies |
| iii.) traffic generation, access to and egress from the site, and parking; | Complies |
| iv.) open storage; | N.A. |
| v.) signs; | N.A. |
| vi.) provisions for buffering, landscaping, screening and access control to reduce potential incompatibility with adjacent land uses and traffic; | Complies |
| vii.) the location of the development so as not to obstruct any natural drainage channels or watercourses; | Complies |
| viii.) sufficient building separations to permit access to firefighting equipment and to prevent the spread of fire. | Complies. |
| d. Suitability and costs of the proposed development 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. | Complies |

Appendix 'B': Rezoning Map

The Eastern Antigonish Land Use By-law shall be amended by changing the Zoning Map for the properties shown in the map below.



Staff Report

This is to certify that the By-law, of which this is a true copy, was passed at a duly called meeting of the Council for the Municipality of the County of Antigonish on _____, 2024. Given under the hand of the Chief Administrative Officer and under the corporate seal of the said Municipality this ____ day of _____, 2024.

Glenn Horne
CAO

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

From: **Planning Staff (EDPC)**

Date: **June 3, 2024**

Reference: **Application to rezone the property on Vincent’s Way, PID 01208933, Sylvan Valley, Antigonish County**
AT-RZ2023-006

Staff Recommendation:

Staff recommend that the Antigonish County Planning Advisory Committee forward the following recommendations:

1. That the Municipality rezone the property with PID 01208933 located on Vincent’s Way.
2. That Municipal Council give First Reading and schedule a Public Hearing.

| Description | |
|--------------------------|-------------------------------------|
| Designation: | Residential |
| Current Zoning: | Residential (R-1) |
| Request: | Rezone to R-2 |
| Identification #: | PID: 01208933 |
| Total Lot Area: | 60,368 m ² (14.92 acres) |
| Site Visits: | February 22, 2024 March 21, 2024 |

Background Information:

In November 2023, the Eastern District Planning Commission received an application from STRUM Consultants on behalf of the owners, 4471588 Nova Scotia Limited, asking to rezone the property located on Vincent’s Way with PID 01208933. The property is currently zoned Residential (R-1) and they would like it rezoned to Multi-unit Residential (R-2) zone because the developer intends to subdivide the lot into many smaller lots to construct a number of townhouses, semi-detached and single detached dwellings.

Analysis:

The property is currently owned by 4471588 NS Limited and is zoned Residential (R-1) in the West River Antigonish Harbour Plan Area. The applicant has asked to rezone the property to Multi-unit Residential (R-2) in order that they have the option of building both semi-detached and multi-unit dwellings on the lot, once the lot is subdivided into smaller lots.

Site Visit:

The subject property is very large and will eventually be subdivided into smaller lots for residential units. Planning Staff visited the site on March 21, 2024, to determine if there are any outstanding issues with such characteristics as: slope, drainage, and the proximity to the neighbouring houses.

There are several existing single detached residential dwellings which abut the property. To address this the site plan shows a vacant lot directly behind civic #17 Vincent’s Way which helps with the buffering and the required amenity space.



Figure 1: Photo showing entrance and wooded area behind PID 10091494 (#15 Vincent’s Way).

Financial Costs:

Staff solicited input on the proposal from the Municipal Department of Finance and Public Works because there is policy that sets out criteria for Council to consider, one of which refers to whether the proposal is premature or inappropriate by reason of the financial capability of the Municipality to absorb any costs related to the development.

The response from the Municipality was that it can absorb any costs related to this development. The complete Summary of Evaluation Criteria is listed in ‘Appendix A’ of this report.

Municipal Sewer, Water and Road Network:

The comments from the municipal Department of Public Works stated that the proposed development is capable of being serviced by municipal water and sewer and the proposed development will not strain the capacities of these services. Municipal Public Works also commented that the road network is adequate and that the proposed development will not create any major traffic problems.

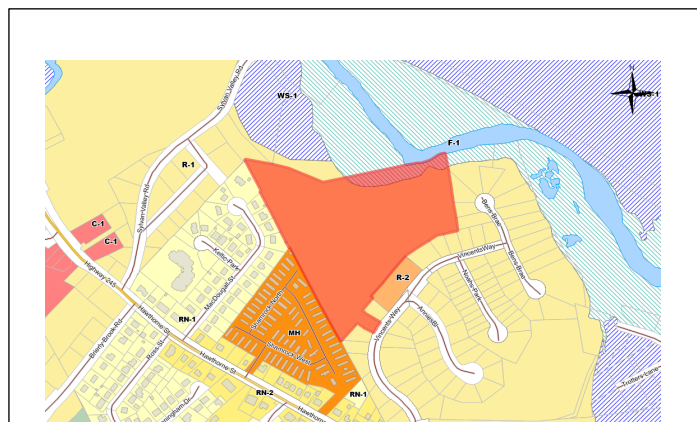


Figure 2: Zoning Map.

Statements of Provincial Interest:

The purpose of the Statements of Provincial Interest (SPI) is to protect the common public interest

and encourage sustainable development in municipalities. The SPI are policy statements adopted by the provincial government under the powers of the Municipal Government Act (MGA s.193). Legislation requires that municipal planning documents are “reasonably consistent” with the SPI. Upon review of the SPI, Staff conclude that the proposed development is reasonably consistent with all the relevant statements. The location is not in an identified floodplain and will be using existing municipal infrastructure and extending it. Furthermore, it will positively impact the housing supply in the area, but not necessarily the affordable housing supply. Therefore, Staff find that the proposed development is reasonably consistent with the Statements of Provincial Interest.

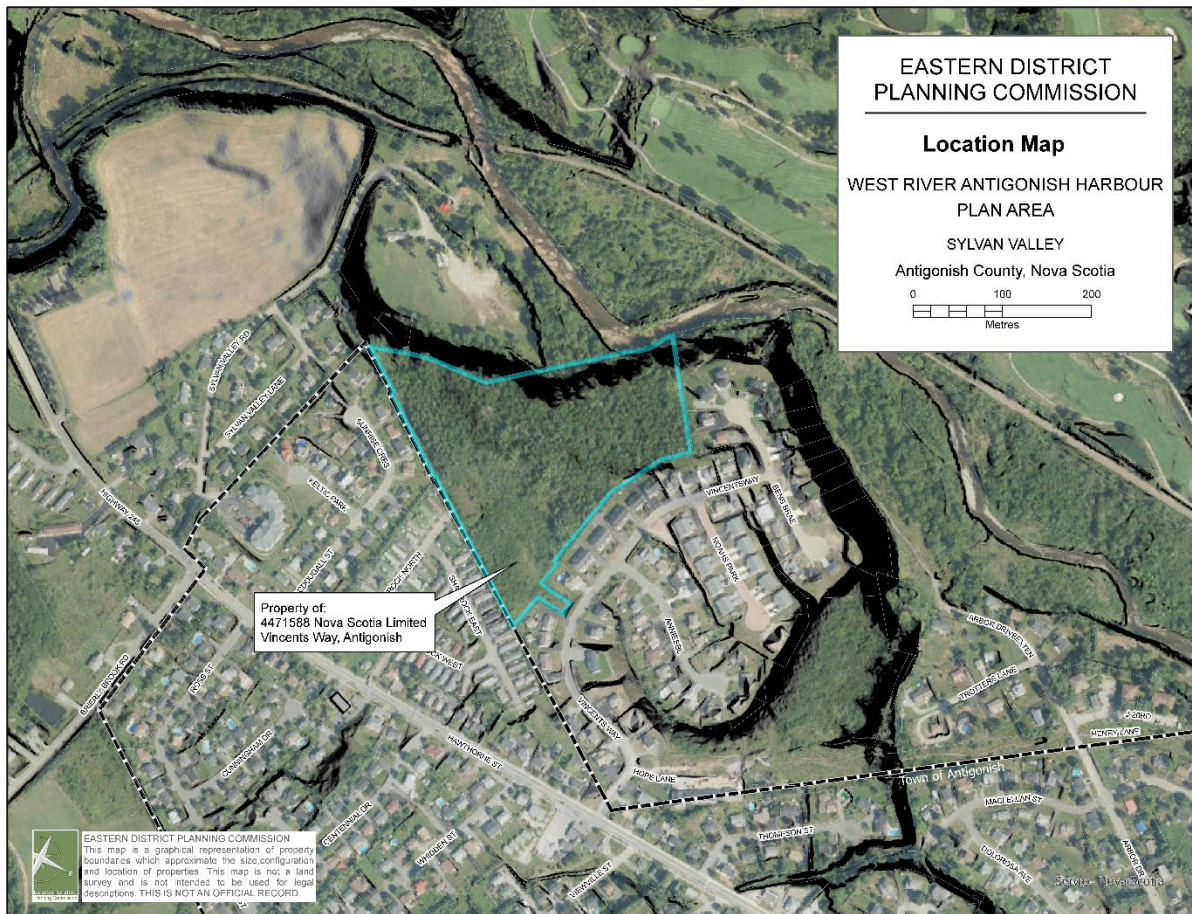


Figure 3: Location Map

Conclusion:

Analysis of the site and proposal, completed through a review of relevant policies the Municipal Planning Strategy indicate that this proposed development is reasonably consistent with the relevant policies of the *West River Antigonish Harbour Municipal Planning Strategy*. Staff recommend rezoning the subject property to R-2 as requested.

Proposed Motions for the Planning Advisory Committee:

Based upon the staff recommendation, the proposed motions for PAC are:

- 1. That the Planning Advisory Committee recommend that Municipal Council rezone the property with PID 01208933 from R-1 to R-2; and
That Municipal Council give First Reading and schedule a Public Hearing.*

Proposed Motions for Council:

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

FIRST READING AND SETTING A PUBLIC HEARING DATE:

- 1. That Municipal Council give First Reading and schedule a Public Hearing regarding the rezoning of PID 01208933.*

Appendices:

Appendix A: Summary of Policies

Appendix B: Site Plan

Appendix C: Proposed Townhouse Options

Appendix D: Amending Page

Appendix A: Summary of Evaluation Criteria

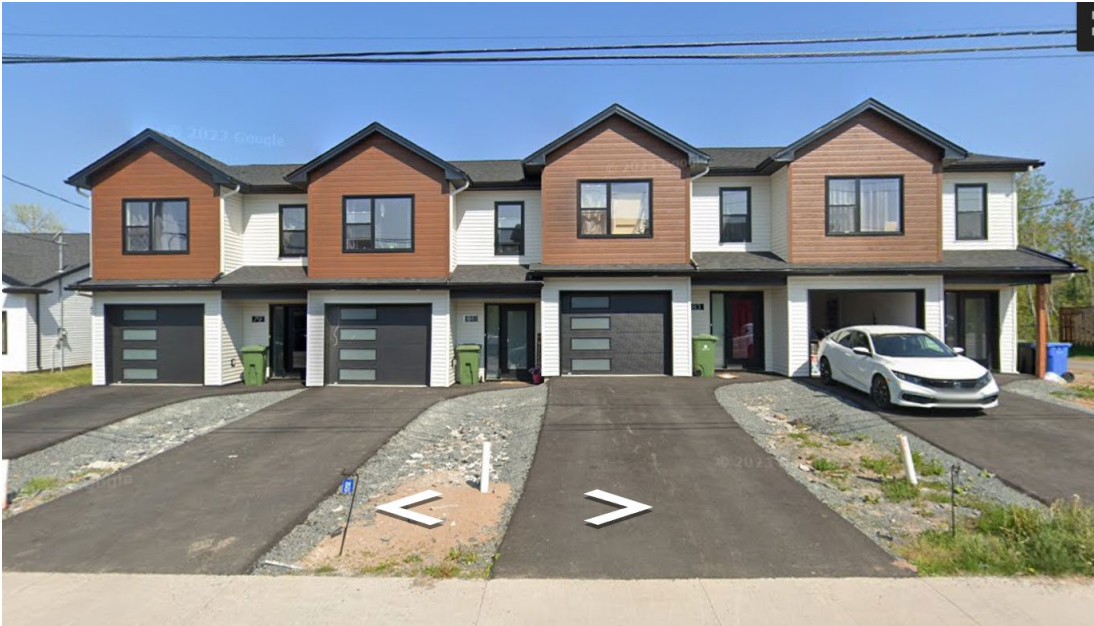
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| <p>Policy L-2.9 It shall be the policy of Council to consider the rezoning of properties to the Residential Multi-Unit (R-2) Zone within the serviced portion of the Residential Designation. In evaluating such proposals, Council shall have regard to the following:</p> | |
| <p>a) R-2 zone requirements for multiple unit dwellings;</p> | <p>Complies (See Staff Report)</p> |
| <p>b) the height, bulk, lot coverage and appearance of any building are compatible with adjacent land uses;</p> | <p>Complies (See Staff Report)</p> |
| <p>c) consideration is given to building design and the provision of barriers, berms, fences, and/or landscaping as part of the residential development to minimize effects on adjacent land uses;</p> | <p>Complies (See site plan)</p> |
| <p>d) the capacities of local schools will not be strained;</p> | <p>Complies</p> |
| <p>e) whether the parking area proposed on the site is of sufficient size to satisfy the needs of the particular development; is well designed and properly related to the building and landscaped areas;</p> | <p>Complies (See site plan)</p> |
| <p>f) the proposal is consistent with the criteria to amend the Land Use By-law, found in Policy I-1.10</p> | <p>Complies</p> |
| <p>Policy L-2.10 It shall be the policy of Council to set out in the LUB requirements for landscaping in the Residential Multi-Unit (R-2) Zone where a multiple unit residential development abuts a residential, recreational or institutional use.</p> | <p>Complies</p> |
| <p>Policy I-1.10 In considering amendments to the LUB, in addition to all other criteria set out in various policies of this planning strategy, Council shall have regard for the following matters:</p> <p>a. The proposal is in conformance with the intents of this Strategy and with the requirements of all other Municipal by-laws and regulations;</p> | <p>Yes, complies with the intents of the MPS</p> |
| <p>b. The proposal is not premature or inappropriate by reason of:</p> | |
| <p>i) the financial capability of the Municipality to absorb any costs relating to the development;</p> | <p>Complies</p> |
| <p>ii) the adequacy of sewer and water services to support the proposed development;</p> | <p>Complies</p> |
| <p>iii) the adequacy and proximity of school, recreation and other community facilities;</p> | <p>Complies</p> |
| <p>iv) the adequacy of road networks adjacent to, or leading to the development;</p> | <p>Complies</p> |
| <p>v) the potential for the contamination of watercourses or the creation of erosion or sedimentation; and</p> | <p>Will be addressed during building permit process.</p> |

| | |
|---|----------|
| vi) the potential for damage to or destruction of historical buildings and sites. | N.A. |
| c. Whether the proposal conforms to the requirements contained in the Land Use By-law relating to the following: | |
| i) the type of use; | Complies |
| ii) setbacks, height, bulk, and lot coverage of a proposed building or expansion to an existing structure; | Complies |
| iii) traffic generation, access to and egress from the site, and parking; | Complies |
| iv) open storage; | N.A. |
| v) signs; | N.A. |
| vi) provisions for buffering, landscaping, screening and access control to reduce potential incompatibility with adjacent land uses and traffic; | Complies |
| vii) the location of the development so as not to obstruct any natural drainage channels or watercourses; | Complies |
| viii) sufficient building separations to permit access to firefighting equipment and to prevent the spread of fire. | Complies |
| d. Suitability and costs of the proposed development 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. | Complies |

Appendix B: Site Plan



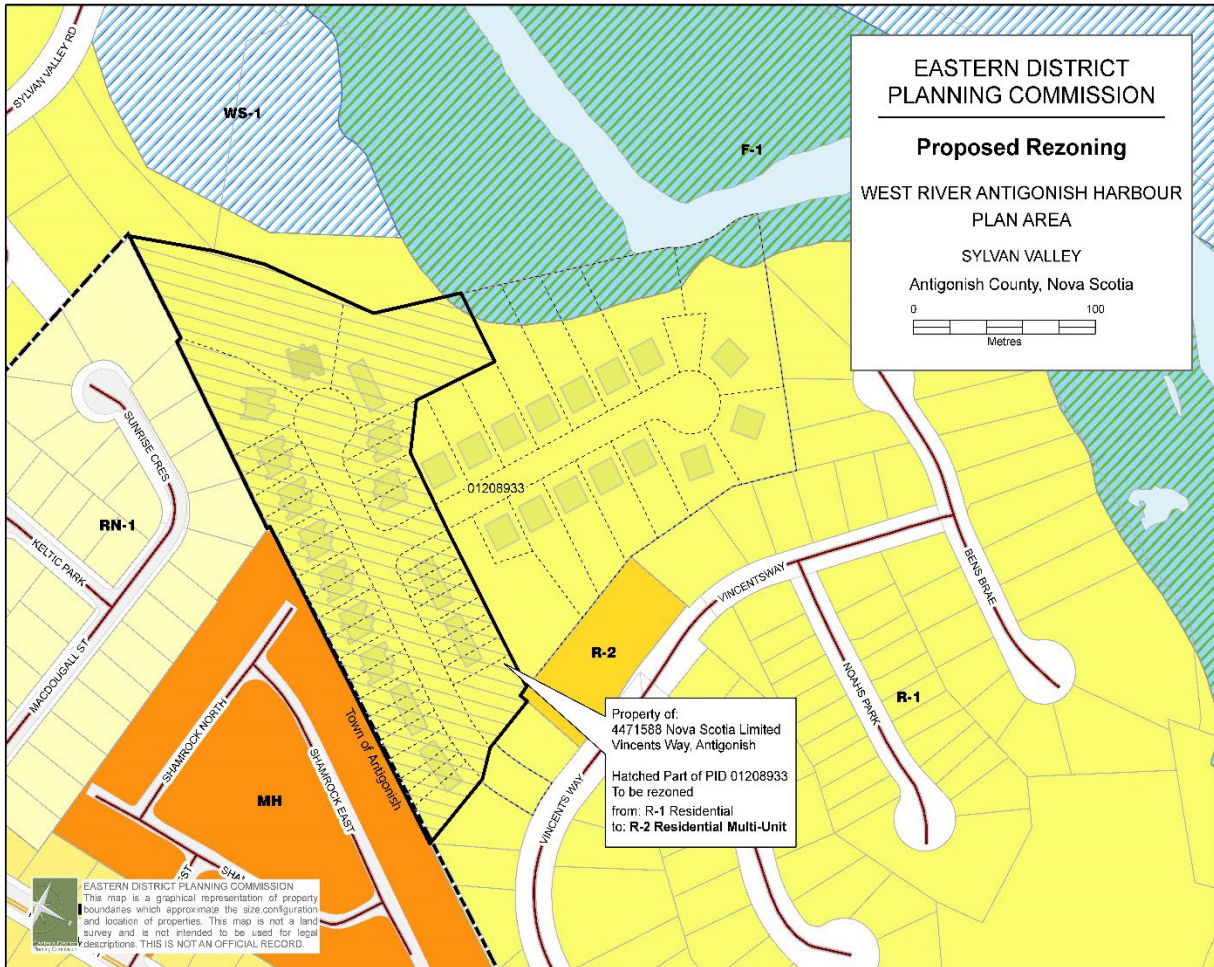
Appendix C: Proposed Townhouse Options



Photos courtesy of STRUM Consulting.

Amending Page:

The *West River Antigonish Harbour Land Use By-law* shall be amended as shown on the Rezoning Map below.



This is to certify that the By-law, of which this is a true copy, was passed at a duly called meeting of the Council for the Municipality of the County of Antigonish on _____, 2024. Given under the hand of the Chief Administrative Officer and under the corporate seal of the said Municipality this ____ day of _____, 2024.

Glenn Horne
CAO

To: **Antigonish County Planning Advisory Committee**

Antigonish County Council

From: **Planning Staff (EDPC)**

Date: **June 3, 2024**

Reference: **Application to amend R-2 Townhouse lot requirements in the West River Antigonish Harbour Land Use By-law.**

AT-RZ2023-007

Staff Recommendation:

Staff recommend that the Planning Advisory Committee forward the following recommendations:

1. That the Municipality amend the lot requirements for townhouses in the R-2 zone.
2. That Municipal Council give First Reading and schedule a Public Hearing.

Background Information:

In November 2023, the Eastern District Planning Commission received an application from STRUM

Consultants asking to review the lot requirements for townhouses in the Residential (R-2) zone in the *West River Antigonish Harbour Land Use By-law*.

Analysis:

The applicant would like to see smaller lot size requirements in the R-2 zone similar to what the RN-2 zone has for townhouses in the *Town of Antigonish Land Use By-law*. Currently, the R-2 zone requires 307m² (3,304 ft²) per dwelling unit and 6.1 metres of road frontage per unit, plus 6.1 metres. Therefore, a four-unit dwelling requires 30.5 metres of road frontage and 1,228 m² (13,218 ft²) of lot area.

There is a growing need for more residential units in Antigonish County, with this in mind the proposed changes are to decrease the required minimum lot size for townhouse developments. This would allow more townhouse developments on a smaller parcel of land. STRUM Consulting have asked that Staff review the Town of Antigonish lot sizes for the Higher Order Residential Neighbourhood (RN-2) Zone and make the R-2 Townhouse lot requirements in the WRAH Land Use By-law the same.

| Description | |
|-------------------|---|
| Designation: | Residential |
| Current Zoning: | Multiple Unit Residential (R-2) |
| Request: | Amend Part 14 lot requirements for Townhouses |
| Identification #: | All of the R-2 zone |

Staff have reviewed the illustration sent by STRUM which demonstrates how a minimum lot area requirement of 150 m² (1,615 ft²) per dwelling unit combined with a minimum lot frontage of 6 metres per unit allows each unit of a townhouse to be built on a land area of 332 m² (3573.6 ft²) and a four unit building to require 1,228 m² (13, 218 ft²).

There is still enough amenity (green) space, but it should be noted that the required amenity space is quite minimal as it stands in the by-law presently. Therefore, the amenity space requirement is not a crucial factor in the proposed amendment to reduce the overall required lot sizes for townhouses.

In addition, the recommendation is to have a maximum hard surface coverage of 50% on the lot. With the potentially smaller lots allowed Staff recommend at least 50% of the lot surface be capable of retaining rainwater and therefore not considered a hard or impermeable surface, such as asphalt or hard packed gravel. Having too much hard surface area can lead to higher probability of overwhelming the storm/sewer lines.

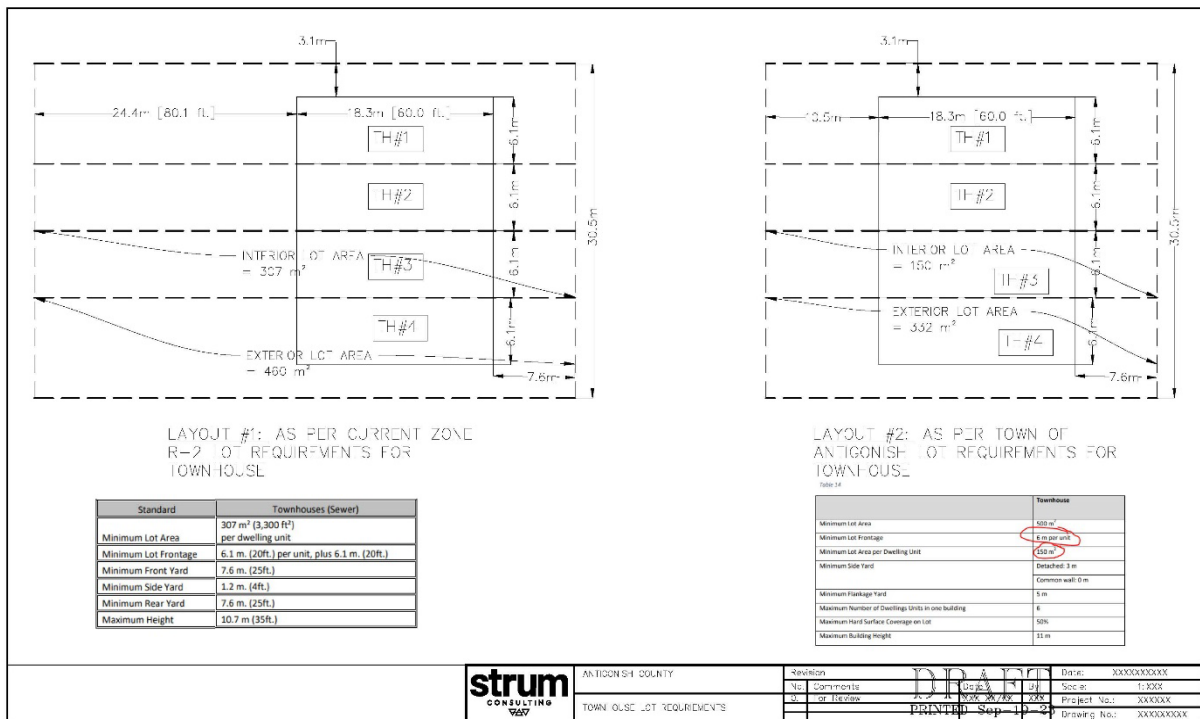


Figure 1: Townhouse lot size comparison.

The following two tables are a comparison of Townhouse requirements for R-2 zone and RN-2 zone.

A. R-2 Zone

14.1. In any Multiple Unit Residential (R-2) zone, no development permit shall be issued except in conformity with the following requirements:

| Standard | Multiple Unit (Sewer) | Townhouses (Sewer) |
|----------------------|---|--|
| Minimum Lot Area | 929 m ² (10,000 ft ²) for the first 3 units – 93 m ² (1000 ft ²) per additional unit | 307 m ² (3,300 ft ²) per dwelling unit |
| Minimum Lot Frontage | 30.5 m. (100ft.) | 6.1 m. (20ft.) per unit, plus 6.1 m. (20ft.) |
| Minimum Front Yard | 7.6 m. (25ft.) | 7.6 m. (25ft.) |
| Minimum Side Yard | 1.2 m. (4ft.) | 1.2 m. (4ft.) |
| Minimum Rear Yard | 7.6 m. (25ft.) | 7.6 m. (25ft.) |
| Maximum Height | 10.7 m. (35ft.) | 10.7 m (35ft.) |

B. RN-2 Zone in the Town of Antigonish Land Use By-law

7.5.17 Townhouse Development through Site Plan Approval

A site plan approval application for the development of townhouses may be considered provided the following requirements and all other requirements of this Bylaw are met:

- a) The following requirements are satisfied:

Table 1

| | Townhouse |
|---|--------------------|
| Minimum Lot Area | 500 m ² |
| Minimum Lot Frontage | 6 m per unit |
| Minimum Lot Area per Dwelling Unit | 150 m ² |
| Minimum Side Yard | Detached: 3 m |
| | Common wall: 0 m |
| Minimum Flankage Yard | 5 m |
| Maximum Number of Dwellings Units in one building | 6 |
| Maximum Hard Surface Coverage on Lot | 50% |
| Maximum Building Height | 11 m |

Amending Pages

A BY-LAW TO AMEND THE LAND USE BY-LAW FOR THE MUNICIPALITY OF THE COUNTY OF ANTIGONISH

The West River Antigonish Harbour Land Use By-law for the Municipality of the County of Antigonish is hereby amended as follows:

- 1) In Part 14 removing the following text in strikethrough and adding the following text in bold:

14.2. In any Multiple Unit Residential (R-2) zone, no development permit shall be issued except in conformity with the following requirements:

| Standard | Multiple Unit (Sewer) | Townhouses (Sewer) |
|---|---|---|
| Minimum Lot Area | 929 m ² (10,000 ft ²) for the first 3 units – 93 m ² (1000 ft ²) per additional unit | 307 m² (3,300 ft²) 150 m² (1,615 ft²) per dwelling unit |
| Minimum Lot Frontage | 30.5 m. (100ft.) | 6.1 m. (20ft.) per unit, plus 6.1 m. (20ft.) |
| Minimum Front Yard | 7.6 m. (25ft.) | 7.6 m. (25ft.) |
| Minimum Side Yard | 1.2 m. (4ft.) | 1.2 m. (4ft.) 3 m (10 ft.) |
| Minimum Flankage Yard | 5 m (16.4 ft.) | 5 m (16.4 ft.) |
| Minimum Rear Yard | 7.6 m. (25ft.) | 7.6 m. (25ft.) |
| Maximum Hard Surface Coverage on Lot | 50% | 50% |
| Maximum Height | 10.7 m (35 ft.) | 10.7 m (35 ft.) |

- 2) In Part 25 adding the following text in bold:

Hard surface: means any surface on a lot that is impervious to water and shall include buildings, asphalt, monolithic concrete surfaces, and parking areas.

This is to certify that the By-law, of which this is a true copy, was passed at a duly called meeting of the Council for the Municipality of the County of Antigonish on _____, 2024. Given under the hand of the Chief Administrative Officer and under the corporate seal of the said Municipality this ____ day of _____, 2024.

Glenn Horne
CAO

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

From: **Planning Staff (EDPC)**

Date: **June 03, 2024**

Reference: **Amendments to the West River Antigonish Harbour Land Use By-law permitting the conversion of existing non-residential building to entirely residential buildings in the General Commercial (C-2) Zone subject to special requirements.**

Recommendation:

That Antigonish County Council **approve** the proposed amendments to the *West River Antigonish Harbour Land Use By-law* to allow the conversion of existing non-residential building to entirely residential buildings General Commercial (C-2) Zone subject to special requirements.

Background Information:

The Eastern District Planning Commission received an application from Stewart Hargreaves, Vice President of S. F. Smith Retirement Living Inc. seeking a text amendment to the *West River Antigonish Harbour Land Use By-law* to permit the conversion of existing non-residential building to entirely residential buildings General Commercial (C-2) Zone. This would allow S. F. Smith Retirement Living Inc. to convert a vacant office building located at 31 Central Avenue (PID 01248301), Lower South River, Antigonish County, into a 16-unit apartment building.

On May 16, 2024, an e-transfer for the advertising deposit was received by Staff.

Currently 31 Central Avenue (PID 01248301), Lower South River is zoned as General Commercial (C-2) under the *West River Antigonish Harbour Plan Area* in the Municipality of Antigonish County. Under this zoning, the *West River Antigonish Harbour Land Use By-law* does not permit entirely residential buildings in the zone. In accordance with Section 16.12 of the *West River Antigonish Harbour Land Use By-law*, residential units are only permitted in **commercial** buildings, but residential uses are not permitted on the ground level at the front of said building.

Analysis:

The *West River Antigonish Harbour Municipal Planning Strategy* notes that there are several commercial developments and clusters of commercial development found throughout the plan area, including commercial developments located within residential nodes. For example, 31 Central Avenue (PID 01248301), Lower South River is adjacent to other properties/businesses zoned as General Commercial (C-2) such as the Oasis Motel and Leaves & Limbs Sports store but is also near two different mobile home parks and a large pocket of Residential (R-1) zoned properties located between Highway 4 and along South River Road. Furthermore, the *West River*

Antigonish Harbour Land Use By-law already permits dwelling units with no limit in commercial buildings.

Staff believe permitting the conversion of existing non-residential buildings to entirely residential buildings will not cause conflicts in land use since the *West River Antigonish Harbour Municipal Planning Strategy* acknowledges that the location of some General Commercial (C-2) zoned properties are sited within residential areas and that the General Commercial (C-2) Zone permits high densities of dwelling units at present though they must be within a commercial building.

From a best practice planning perspective, a mix of commercial and residential promotes robust communities and nodes where individual can live near their workplace. There is also a substantial need for housing throughout the Province and the proposed policy amendment may assist with the issue by incentivizing the development of more housing.

In addition to the text amendment that would permit the conversion of existing non-residential building to entirely residential buildings, Staff would like to include special requirements for such conversions. The proposed special requirements will ensure that the converted building will meet the intent of the *West River Antigonish Harbour Municipal Planning Strategy* and *Land Use By-law*. Part of the preamble for Section 3.3.2 of *West River Antigonish Harbour Municipal Planning Strategy* states:

*“Council would like new developments to reflect the character and architectural styles of the Antigonish area. **More attractive and higher quality developments are desirable, and all buildings should be designed to an architectural style that is compatible with the forms found in Antigonish.** New commercial developments will be strongly encouraged to follow the architectural design guidelines found in the Land Use By-law. Better quality signage and lighting is also encouraged for new developments in the Plan area. New development will be required to adhere to the architectural design guidelines found in the Land Use By-law wherever possible. These guidelines are meant to ensure that new commercial developments have a distinctive and recognizable architectural style that is based on a style found in the Antigonish area.*

Council would also like to see better site design that includes safer access to sites and commercial buildings for pedestrians, cyclists and motorists.”

The intent of the Municipal Planning Strategy is that the Municipality is seeking more thoughtfully designed developments that include safer sites for pedestrians, cyclists and motorists. To further this goal, Staff are proposing implementing special requirements for existing non-residential building that shall be converted into entirely residential buildings. Requirements for off street parking and amenity space ensure thoughtful consideration of site design for residents. A parking plan showing clearly delineated parking spaces and markings will help make the development safer for cyclists, pedestrians and motorists.

Staff believe there is no reason to amend the *West River Antigonish Harbour Municipal Planning Strategy* because the proposed amendments are in keeping with the intent and spirit of the

document.

Conclusion:

Staff believe the proposed amendments will assist with the housing shortage by allowing old commercial building to be repurposed and reused as they are converted into much needed residential units throughout the County. Special requirements will help ensure that buildings converted entirely residential are more thoughtfully designed and contribute to the community in line with the intention of the *West River Antigonish Harbour Municipal Planning Strategy*.

Staff recommend that Antigonish County Council approve the proposed amendments to the *West River Antigonish Harbour Land Use By-law* to allow the conversion of existing non-residential building to entirely residential buildings General Commercial (C-2) Zone subject to special requirements.

Proposed Motions for the Planning Advisory Committee:

Based upon the staff recommendation, the proposed motions for PAC are:

1. *That the Planning Advisory Committee recommend that Municipal Council approve the proposed amendments to the West River Antigonish Harbour Land Use By-law to allow the conversion of existing non-residential building to entirely residential buildings General Commercial (C-2) Zone subject to special requirements.*

Proposed Motions for Council:

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

FIRST READING AND SETTING A PUBLIC HEARING DATE:

LAND USE BY-LAW TEXT AMENDMENTS:

1. *That Municipal Council give First Reading and schedule a Public Hearing regarding approving the proposed amendments to the West River Antigonish Harbour Land Use By-law to allow the conversion of existing non-residential building to entirely residential buildings General Commercial (C-2) Zone subject to special requirements.*

SECOND READING AND APPROVAL:

1. *That Municipal Council give Second Reading and approve the proposed amendments to the West River Antigonish Harbour Land Use By-law to allow the conversion of existing non-residential building to entirely residential buildings General Commercial (C-2) Zone subject to special requirements.*

Appendices:

Appendix A: Amending Pages

Appendix A: Amending Pages

A BY-LAW TO AMEND THE WEST RIVER ANTIGONISH HARBOUR PLAN AREA

LAND USE BY-LAW

1. Part 16: “General Commercial (C-2) Zone” is hereby amended by adding the following Section after Section 16.12 titled “Residential Uses in a Commercial Building”:

Converted Dwellings

16.13 Non residential buildings may be converted to an entirely residential building in the General Commercial (C-2) Zone provided that:

- a. All garbage and recycling bins are handled in accordance to Section 19.9 regardless of association with a residential use.
- b. Off-street parking is provided in conformity with the parking requirement schedule found in Section 6.A.23;
- c. Parking spaces, walkways pathway are clearly delineated and marked as shown in plan submitted to the Development Officer prior to approval of the Development Permit;
- d. Amenity space of no less than 7.4 m² (80 ft²) per unit must be provided for a multiple unit residential building; and
- e. If applicable, the type and location of outdoor lighting is designed as full cut-off in order to provide light for the structure, driveways and any pedestrian access required to maintain safe access, with no light directed at or spilled onto neighbouring properties or into the night sky; and

2. Part 25: “Definitions” is hereby amended by adding the following Section after the Definition of “Alter” and before the Definition of “Autobody Shop”:

...

ALTER means to change a structural component of a building, or to increase or decrease the volume of a building or structure.

AMENITY SPACE means an area capable of being used for active or passive recreation and enjoyment of the occupants of a residential development. An amenity area may include landscaped areas, patios, verandahs, balconies, communal lounges, swimming pools, sport courts, play areas, and other similar features, and does not include the building’s service areas, parking lots, aisles, or access driveways.

AUTOBODY SHOP means a building or structure used for the painting or repairing of the exterior and/or undercarriage of motor vehicle bodies and which may include towing service and motor vehicle rentals for customers while the motor vehicle is under repair.

...

This is to certify that the By-law, of which this is a true copy, was passed at a duly called meeting of the Council for the Municipality of the County of Antigonish on _____, 2024.

Given under the hand of the Chief Administrative Officer and under the corporate seal of the said Municipality this ____ day of _____, 2024.

Glenn Horne
CAO

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

From: **Planning Staff (EDPC)**

Date: **June 3, 2024**

Reference: **Proposed Amendment to the Eastern Antigonish Land Use By-law Rural (R-1) Zone to allow “Brewpubs, taproom breweries and micro-distilleries” and “licensed establishments” to Restaurants as permitted uses within the zone.**

Recommendation:

That the Municipality of Antigonish County Council **approve** the proposed amendments to the *Eastern Antigonish Land Use By-law* to allow “Brewpubs, taproom breweries and micro-distilleries” and “licensed establishments” to restaurants as permitted uses within the Rural (R-1) Zone.

Background

Staff received an application from Mr. Gregg Colp owner of “Below the Salt Distillery” 13605 Highway 4 in Aulds Cove on May 16, 2024, to amend the zoning by-law to allow them to receive a special occasion permit from the provincial liquor licensing authority. Specifically, they would like to sell local beers and wines as alternatives to their spirits distilled in Waverley. They are also proposing to operate a micro-distillery from the site. Presently the existing use is permitted under the Rural (R-1) Zone as a retail use only. The zone permits retail stores which are defined as: “...a building or part thereof in which goods, wares, merchandise, or products are sold to the general public for monetary gain.” The expansion, however, to sell other products and to distill on site required a revised license from the province and therefore a change in the zoning. Originally this was not a concern to the owner since the new zoning by-law would eventually address this proposed use. Recently, however, the applicant has had to move from his Waverly site and would like to re-establish the micro-distillery in Aulds Cove which has meant that he requires a zone amendment sooner than when the new document will be approved.

Under the revised zoning bylaw this property will be zoned with the new Rural General (RG-1) Zone which is proposed to allow “Brewpubs, taproom breweries and micro-distilleries” as well as “Restaurants and licensed establishments”. This proposed list of permitted uses in the new Rural General (RG-1) zone has been reviewed at length by the Area Advisory Committee and presented at a number of Open Houses held as part of the larger plan review process.

Conclusion

Staff are therefore recommending that “Brewpubs, taproom breweries and micro-distilleries” as well as “licensed establishments” to Restaurants, be added as permitted uses within the existing Rural (R-1) Zone to reflect what is proposed in the new Rural General (RG-1) Zone, as per the amending pages attached to this report.

Appendix A: Amending Pages

**A BY-LAW TO AMEND THE EASTERN ANTIGONISH PLAN AREA
LAND USE BY-LAW**

1. Part 8: "Rural (R-1) Zone" is hereby amended by adding in Section 1 "Commercial Uses" immediately following "Bed and Breakfast Establishments" the following text:

Brewpubs, taproom breweries and micro-distilleries

2. Part 8: "Rural (R-1) Zone" is hereby amended by adding in Section 1 "Commercial Uses" immediately following "Restaurants" the following text:

and licensed establishments

This is to certify that the By-law, of which this is a true copy, was passed at a duly called meeting of the Council for the Municipality of the County of Antigonish on _____, 2024.

Given under the hand of the Chief Administrative Officer and under the corporate seal of the said Municipality this ____ day of _____, 2024.

Glenn Horne
CAO