



## STAFF REPORT

### Planning and Development

**Subject:** *Application for a Land Use By-law Amendment to rezone the property at 1838 and 1842 Comeaus Hill Road from CC to CCI.*

**To:** Municipality of Argyle CAO and Planning Advisory Committee for January 14, 2025

**Date Prepared:** December 20, 2024

**Related Motions:** None

**Prepared by:** Erin Sauve, MCIP, LPP, Project Planner, WSP

**Reviewed by:** Matt Alexander, MCIP, RPP, Practice Lead, WSP

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### Summary

The Municipality of the District of Argyle has received an application for a map amendment to the Land Use By-law to rezone the property at 1838 and 1842 Comeaus Hill Road (PID 90222068), Little River Harbour from the Coastal Community (CC) zone to the Coastal Community Industrial (CCI) zone to allow for the development of a new storage and heavy equipment repair shop.

The purpose of this report is to consider the rezoning from a CC zone to a CCI zone to allow for the development of a new storage and heavy equipment repair shop.

### Financial Impact Statement

There is no immediate financial impact aside from the standard public engagement process and staffing requirements resulting from the application.

### Recommendation

That the Planning Advisory Committee recommend to Council to give first reading to the Land Use By-law Amendment Application for the subject property, 1838 and 1842 Comeaus Hill Road (PID 90222068) to permit a rezoning from the Coastal Community (CC) zone to the Coastal Community Industrial (CCI) zone to allow for the development of a new storage and heavy equipment repair shop.

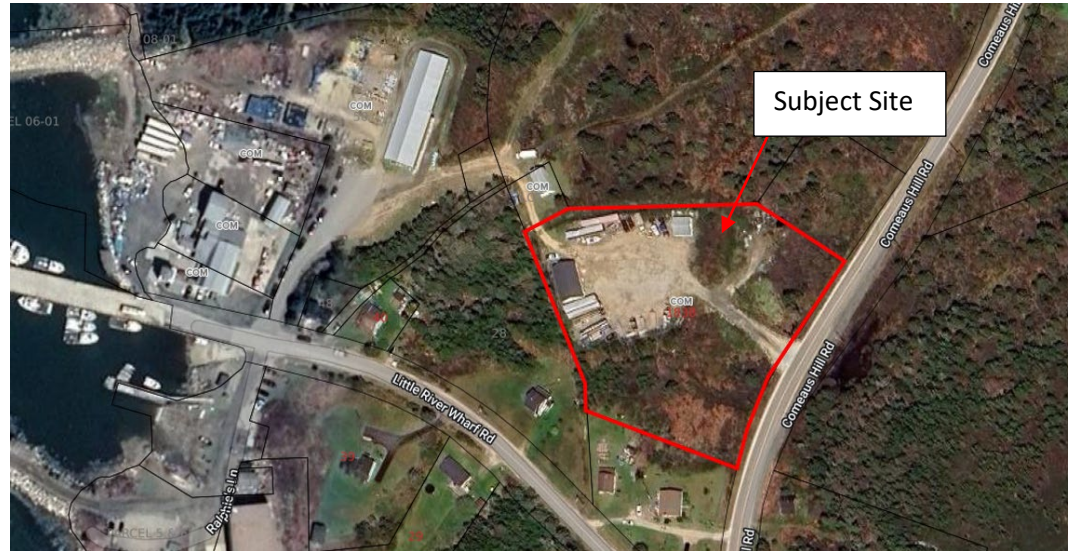
### Recommended Motion

Municipality of Argyle Protection Service Department recommends that the Planning Advisory Committee recommend that Council:

- Give first reading to consider approval of a Land Use By-law map amendment for the property located at 1838 and 1842 Comeaus Hill Road (PID 90222068), Little River Harbour, to rezone from the Coastal Community (CC) zone to the Coastal Community Industrial (CCI) zone as indicated in the planner's report.
- Proceed to a public hearing without a second meeting of Planning Advisory Committee unless substantial comments are received from the public; and
- Authorize Staff to schedule a public hearing for the application.

## Subject Property & Background

The subject property is located at 1838 and 1842 Comeaus Hill Road (PID 90222068), Little River Harbour, Nova Scotia. The site is currently being used as a fishing gear storage and an outside repair area. The property has a lot size of 2.54 acres (1.03 ha). The lot frontage of the subject property is approximately 332 ft (101.2 m) and is accessed from Comeaus Hill Road via a private driveway.



**Figure 1: Subject Property, 1838 and 1842 Comeaus Hill Road (PID# 90222068)**

Located further north-west of the subject property is Little River Harbour and a wharf, which is used for fishery and marine related uses, owned by William R. Murphy Fisheries Ltd. and Triple M Seafoods, both seafood wholesalers. Immediately to the east across Comeaus Hill Road and north of the site are vacant wooded lands. The lands to the immediate west and south of the site are each occupied by single-unit residential dwellings.

The current property owner is seeking to have the subject property rezoned to permit the development of a new storage and heavy equipment repair shop.

## Policy Analysis

WSP and Staff are currently reviewing the application based on the applicable policies contained in the Municipal Planning Strategy (MPS).

Existing policies in the MPS allow Council to consider a rezoning in this case, without requiring amendments to the *Municipal Planning Strategy*. Appendix A contains a preliminary table of the evaluative criteria from the enabling policies within the MPS which relate to this proposal.

## Discussion

The majority of nearby properties along Comeaus Hill Road are currently zoned Coastal Community (CC), with predominantly existing residential dwellings. The adjacent property and the properties located along Little River Wharf Road are currently zoned Mixed Industrial (MI), with predominantly fishery and marine oriented uses. The remainder of the surrounding land is vacant, wooded areas. The site is currently occupied by two existing buildings being used as a fishing gear storage and an outside repair area.

When reviewing and evaluating the suitability of potential Land Use By-law Amendments, one of the most important considerations is the potential impact that a proposed use could have on the existing, predominant uses and if there is a potential for conflict in land uses. Many of the uses permitted within the Coastal

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Community (CC) zone are predominantly residential with some commercial and industrial uses, while the Marine Industrial (MI) zone is oriented towards the fishery and other marine related industrial uses. Certain types of industrial uses, as a result of their operations, can cause odours, noises, traffic and other negative effects on nearby residential uses, making them incompatible for certain sites. The Land Use By-law includes two types of industrial uses- light and heavy- which generally includes uses that are less impactful within the light category and those which are more impactful in the heavy category. In this case, the proposed zone changes relate to a light industrial use within an Industrial zone that is adjacent to a Mixed Industrial zone. In addition, the uses (fishing gear storage and outdoor repair area) are all existing and no immediate changes or new uses are being proposed. The proposed rezoning would not directly cause any incompatibilities between uses as a result.

The proposed rezoning would change the existing zoning from the Coastal Community (CC) Zone to the Coastal Community Industrial (CCI) Zone. This change would permit the use of a new storage and heavy equipment repair shop. The applicant has suggested that the storage and heavy equipment repair shop would be 20 feet in height with a gross floor area of 3,200 square feet but they have not determined the exact location. Staff understands that the overall intent of the application is to permit the development of a new storage and heavy equipment repair shop which is currently not permitted under the current zoning of the subject property.

Based on the above information, Staff feels the proposal is sufficiently consistent with the intent of the Municipal Planning Strategy (MPS) to proceed to a public hearing. A review of policies contained in the MPS, is indicated in more detail in Appendix A, and may be subject to modification prior to the final staff report.

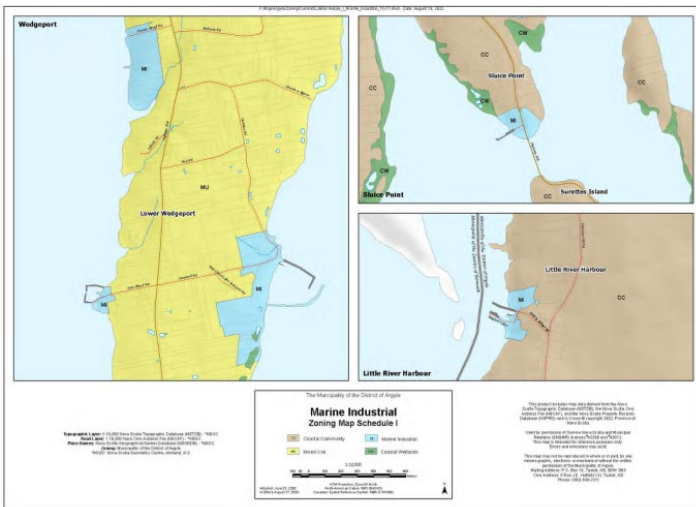


Figure 2: Current Zoning Map for the Marine Industrial, Schedule I

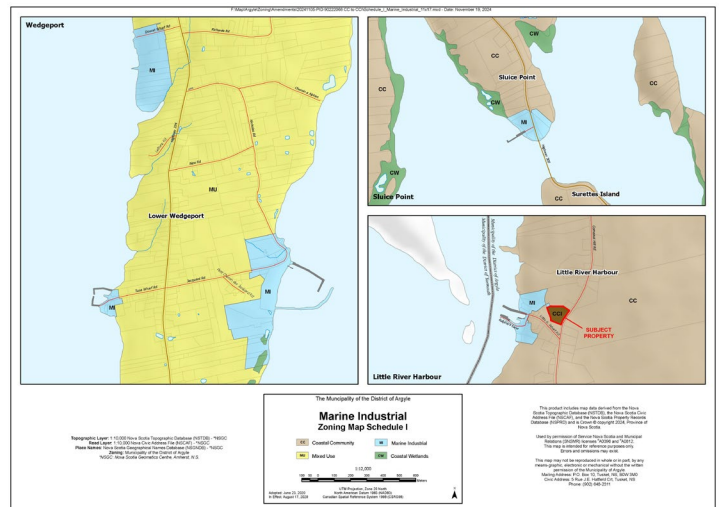


Figure 3: Proposed Zoning Map for the Marine Industrial, Schedule I, Note the subject property (in red).



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### Public Participation

Staff will comply with Public Participation Policies of the Municipal Planning Strategy when processing this application. As per Section 206 of the *Municipal Government Act*, a public hearing is required when a Land Use By-law Amendment is sought to provide an opportunity for the community to comment on the application at hand.

Figure 4 illustrates the general process followed by the Municipality for a Land Use By-law Amendment application. A newspaper advertisement will be placed in the local newspaper, *Yarmouth Vanguard*, notifying the public of the application and the public hearing two weeks in advance of said hearing. A sign will also be placed on the subject property notifying residents that an application has been received by the Municipality. A notice of the application will also be placed on the municipal website.

Staff will mailout a notice of application to all property owners within 152 meters of the subject property and a public hearing will be held prior to the decision of Council.

The public is encouraged to request additional information and clarification from Staff leading up to the public hearing if they have any questions.

Note that there is a right of appeal option for approval or refusal by Council for the adoption of a Land Use By-Law Amendment, as per the *Municipal Government Act*.

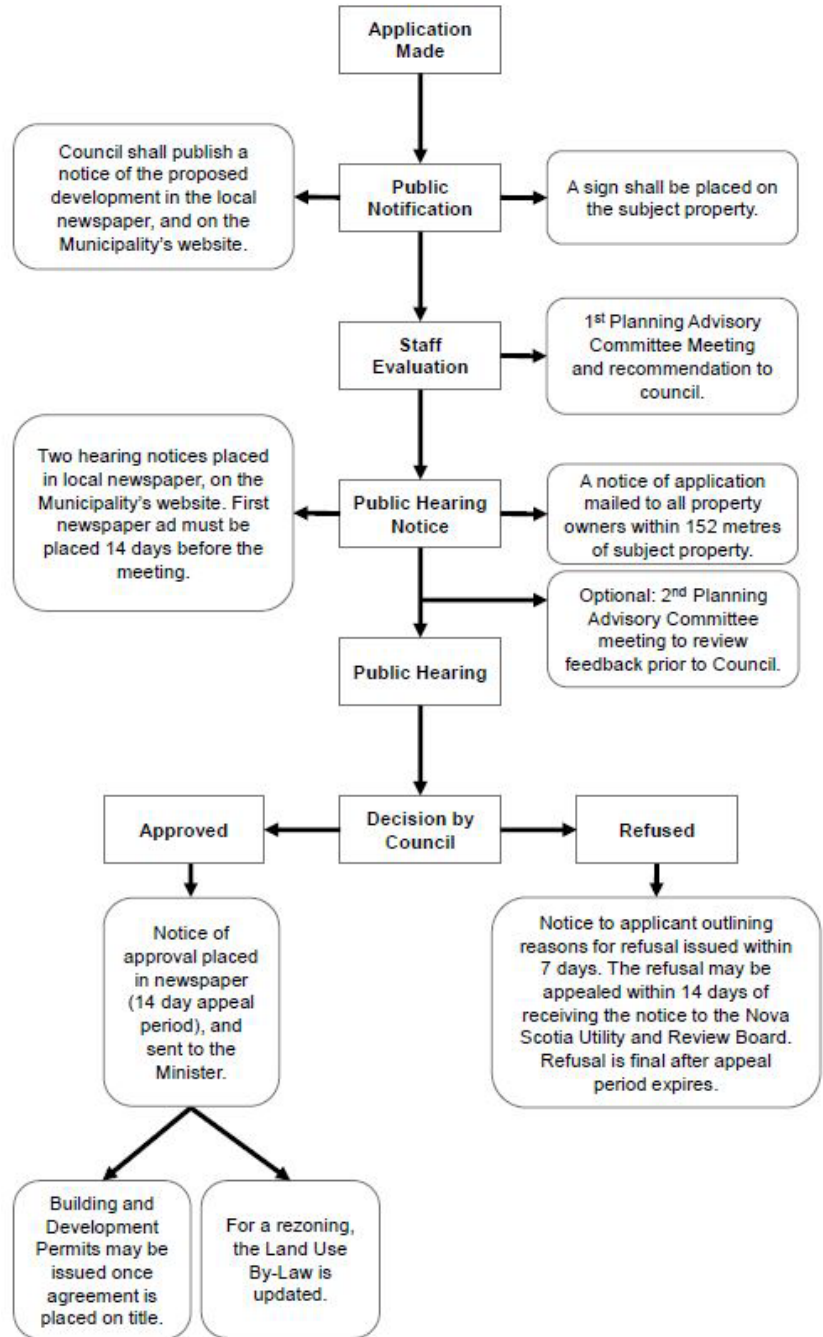


Figure 4: Process Diagram for a Rezoning or Development Agreement Application



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#### Conclusion

Staff will continue to review the application by William R. Murphy Fisheries Limited to apply for a Land Use By-law Amendment application to rezone the subject property from the Coastal Community (CC) zone to the Coastal Community Industrial (CCI) zone to allow for the development of a new storage and heavy equipment repair shop. The applicant's proposal will be evaluated using all applicable policies in the Municipal Planning Strategy. Staff will make a recommendation to Council in its final staff report.

#### Recommendation

That the Planning Advisory Committee recommend to Council to give initial consideration to the Land Use By-law Amendment Application for the subject property to enable a rezoning from the Coastal Community (CC) zone to the Coastal Community Industrial (CCI) zone to allow for the development of a new storage and heavy equipment repair shop.

#### Alternatives

1. The Planning Advisory Committee may recommend that Council refuse the proposed Land Use By-law Amendment, and **in doing so, must provide reasons why the proposed development does not reasonably carry out the intent of the Municipal Planning Strategy.** A decision of Council to refuse the proposed Land Use By-law Amendment is appealable to the Nova Scotia Utility & Review Board by an aggrieved party.



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#### Appendix A: Policy Evaluation

The proposal may be considered by Council through the following applicable policies of the Municipal Planning Strategy for Argyle (MPS):

Applicable Policies	Staff Comments
<b>Policy 3.3.1:</b> It shall be the policy of Council to designate sections of the mainland and all islands as Coastal Communities (CC) on the Generalized Future Land Use Maps to accommodate growth and development in a manner similar to the Rural Centres.	The subject site is within the Coastal Communities (CC) designation.
<b>Policy 3.3.3:</b> It shall be the policy of Council that the intent of the Coastal Communities (CC) designation and zone is to accommodate a wide range of residential, institutional, commercial, industrial, agricultural, recreational and utility uses.	The subject site is within the Coastal Communities (CC) designation, and the proposed use of the site is a light industrial use. The existing use on the subject property is a fishing gear storage and outside repair area.
<b>Policy 3.3.5:</b> Council may consider rezoning from Coastal Community (CC) Zone to Coastal Community Industrial (CCI) Zone when the implementation policies of the MPS (Section 13) are satisfied, and Council believes it is in the best interest of the community.	The subject site is proposed to be rezoned to the Coastal Community Industrial (CCI) zone from the Coastal Communities (CC) zone. The property is adjacent to the Mixed Industrial (MI) zone and the fishing gear storage and outside repair area is a compatible Light Industrial use, and is already existing.  The proposed amendment will allow the landowner to make better use of the property and support the existing land use. Additionally, it will support the local economy and provide additional employment opportunities.
<b>Policy 8.6.2:</b> It shall be policy of Council to establish a Coastal Community Industrial (CCI) in the Coastal Communities designation.	The subject site is within the Coastal Communities (CC) designation.
<b>Policy 13.11.1:</b> It shall be the policy of Council to amend the Land Use By-law provided the amendment reflects the intent of the Municipal Planning Strategy.	Staff believe the proposed Land Use By-law Amendment reflects the intent of the Municipal Planning Strategy.
<b>Policy 13.11.2:</b> It shall be the policy of Council to consider an application for amendment to the Land Use By-law only if the application has identified a proposed use for the property. Council shall give consideration to both the proposed use and to the impact of other uses permitted in the requested zone.	The proposed use of the site is a storage and heavy equipment repair shop which is not currently permitted in the CC zone. The proposed rezoning to the CCI zone is being sought in order to conform with the requirements of the in-effect planning documents of the Municipality. The proposed CCI zone for both the existing uses and storage and heavy equipment repair use are in keeping with the intended approach behind the zone and with the surrounding community.
<b>Policy 13.11.3:</b> It shall be the policy of Council to consider an application for amendment to the Land Use By-law only if the site meets all of the lot size and zone standards for the zone sought, with the following exceptions: 13.11.4 A rezoning may be granted for a lot or lots which meet all zone standards but has less	The subject property, and existing buildings, meet all the lot size and zone standards with the exception of the rear yard setback, which is an existing situation and would not change under the proposal.  At the time of the application, the applicant has not determined the details of the proposed building but



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<p>than the required frontage or area specified for the zone sought; or</p> <p>13.11.5 A rezoning may be granted for a lot or lots with a building or buildings on it, which meets all other zone requirements except minimum lot area, frontage, setback or yard standards specified for the zone sought. Any proposed addition to such a building or replacement of such a building shall not further reduce the setback or yard standard.</p>	<p>any new structure will be required to meet the requirements of the CCI zone.</p> <p>Under policy 13.11.5 a rezoning may be granted for a lot with a building on it which does not meet the minimum lot area requirements. Any future additions to the existing building shall not further the setback or yard standard.</p>
<p><b>Policy 13.11.6</b> It shall be the policy of Council to notify by direct mail, land owners located within 500 feet (152 metres) of a property requesting rezoning. The costs associated with this notification shall be the responsibility of the applicant.</p>	<p>Following the 1<sup>st</sup> reading, mailouts will be sent out by staff to land owners within 500 feet (152 metres) advertising the public hearing. All statutory requirements of the <i>Municipal Government Act</i> will be met.</p>
<p><b>Policy 13.14.4:</b> (Criteria for Land Use By-law Amendments): That the proposal is not in conflict with Municipal or Provincial programs in effect in the Municipality; and that the proposal is not premature or inappropriate by reason of the:</p> <ul style="list-style-type: none"> <li>a) Financial ability of the Municipality to absorb costs related to the development; or</li> <li>b) Adequacy of sewer and water services, including fire flows and water pressure or the adequacy of the site for on-site services; or</li> <li>c) Creation or worsening of a pollution problem in the area such as but not limited to soil erosion and siltation of watercourses; or</li> <li>d) Adequacy of storm drainage and effects of alteration to drainage patterns, including the potential for creation of a flooding problem; or</li> <li>e) Suitability of the site regarding grades, soils and geological conditions, location of watercourses, marshes, bogs and swamps, and proximity to utility rights-of-way; or</li> <li>f) Adequacy and proximity of school, recreation and other community facilities; or</li> <li>g) Adequacy of road networks in, nearby, and leading to the development, regarding congestion and traffic hazards; and</li> <li>h) That the proposal provides adequate off-street parking to prevent congestion, nuisance and inconvenience in the area; and</li> <li>i) The hours of operation are appropriate for the neighbourhood; and</li> <li>j) That the primary architectural features of the proposal, including but not limited to bulk, scale, roof shape, building materials, exterior cladding and shape, and size and relationship of doors and windows, shall be visually compatible with nearby buildings in the case of a new building, or with the original building in the case of an addition; and</li> <li>k) That the proposal will not significantly alter the character or stability of the surrounding neighbourhood.</li> </ul>	<ul style="list-style-type: none"> <li>a) No financial impacts are expected to the Municipality from the proposed use.</li> <li>b) Servicing to the site is adequate.</li> <li>c) No concerns are expected from the proposed use.</li> <li>d) No drainage concerns are expected from the proposed use.</li> <li>e) Much of the area has already been developed, though portions of the lot appear to be suitable for future development closer to the road.</li> <li>f) Subject site is in proximity to other community facilities, but not in immediate vicinity.</li> <li>g) No significant impacts are expected to the transportation network from the proposed use.</li> <li>h) No parking concerns are anticipated, the proposed use will meet the parking requirements in addition to the existing suitable parking.</li> <li>i) The hours of operation for the storage and heavy equipment repair operation are not known or expected to change as a result of the application.</li> <li>j) No further development is proposed on the properties at this time.</li> <li>k) The proposed use will not significantly alter the character or stability of the surrounding neighbourhood.</li> </ul>



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