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**Item No. 10.1.1**  
**Halifax and West Community Council**  
**September 21, 2021**  
**October 12, 2021**

**TO:** Chair and Members of Halifax and West Community Council

**SUBMITTED BY:** *Original Signed*  
\_\_\_\_\_  
Kelly Denty, Executive Director of Planning and Development

**DATE:** September 1, 2021

**SUBJECT:** **Case 23528: Land Use By-law amendment (rezoning) for 1601 Ketch Harbour Road, Sambro**

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**ORIGIN**

Application by Stephen Adams Consulting Services Inc.

**LEGISLATIVE AUTHORITY**

*Halifax Regional Municipality Charter (HRM Charter), Part VIII, Planning & Development.*

**RECOMMENDATION**

It is recommended that Halifax and West Community Council:

1. Give First Reading to consider approval of the proposed amendment to Schedule A of the Land Use By-law for Planning District 5, as set out in Attachment A, to rezone 1601 Ketch Harbour Rd. from P-2 (Community Facility) to R-6 (Rural Residential) and schedule a public hearing;
2. Adopt the amendment to the Land Use By-law for Planning District 5, as set out in Attachment A of this report.

## **BACKGROUND**

Stephen Adams Consulting Services Inc., on behalf of Starfish Licences Limited and 3255231 Nova Scotia Limited, is applying to amend Schedule A of the Land Use By-law (LUB) for Planning District 5 to rezone 1601 Ketch Harbour Rd., Sambro from the P-2 (Community Facility) Zone to the R-6 (Rural Residential) Zone in order to enable a Fishery Support Use on the property.

<b>Subject Site</b>	1601 Ketch Harbour Rd., Sambro (PID 00456541)
<b>Location</b>	North side of Ketch Harbour Rd. east of Basinview Rd.
<b>Regional Plan Designation</b>	Rural Commuter (RC)
<b>Community Plan Designation (Map 1)</b>	Residential (RES)
<b>Zoning (Map 2)</b>	Community Facility (P-2)
<b>Size of Site</b>	2,433 m <sup>2</sup> (26,190 ft <sup>2</sup> )
<b>Street Frontage</b>	53.6 metres (176 feet)
<b>Current Land Use(s)</b>	Vacant commercial building
<b>Surrounding Use(s)</b>	Residential, Commercial

### **Proposal Details**

The proposed rezoning would allow the property to be used for any use permitted in the R-6 Zone. The proponent is applying for the rezoning to allow a fishery support use which would permit:

- Using the existing building or constructing a new building for the storage and maintenance of fishing gear;
- Outdoor storage of boats on the property; and
- Retail or wholesale of fish products.

### **History**

The subject property was originally zoned C-2 (General Business). The building was originally constructed as a fire hall, but subsequently housed a convenience store, an arts and crafts store, and an oil tank retail outlet, which was an unauthorized use. In 2008, the property was rezoned from C-2 to P-2 to allow a social club to locate here.

Most recently, the site was being used for the storage of fishing gear, which is not permitted in the P-2 Zone, and a land use compliance case was opened for an unauthorized use of land. The property owner ceased using the property for this purpose, bringing the property into compliance, and the land use case was closed. The current rezoning application is to allow the use of the property for the storage of fishing gear to recommence.

### **Enabling Policy and LUB Context**

The subject site is in the Planning District 5 Plan Area, and is within the RES (Residential) designation (Map 1) of the Municipal Planning Strategy (MPS) and the P-2 Zone (Map 2) of the LUB. Within the Residential Designation, the MPS establishes the R-1 (Single Unit Dwelling), and R-2 (Two Unit Dwelling), and R-2A (Residential Home Occupation) Zones. At the time of adoption of the MPS and LUB, provisions were made to recognize and support existing areas of rural residential development through the application of the R-6 Zone via Policy RES-5. The intent of this zone as stated in planning policy is to allow existing resource uses, and in particular, the associated use of residential properties, for home business and small-scale resource purposes. As such, several properties adjacent to the subject property are zoned R-6.

For the purpose of providing for the development of similar uses on properties which abut one another, Policy IM-6 enables consideration of amendments to the land use by-law within a designation to provide for the development of uses which are permitted by the zone on the abutting property. This is achieved by rezoning a property to the same zone as the abutting lot. In this case, the subject property abuts a property which is zoned R-6, thereby enabling the subject property to be rezoned to R-6.

## **COMMUNITY ENGAGEMENT**

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy. The level of community engagement was consultation, achieved through providing information and seeking comments through the HRM website, signage posted on the subject site, and letters mailed to property owners within the notification area. Attachment C contains a summary of feedback received from the public during the consultation period from May 21 to June 21, 2021. The public comments received include the following topics:

- Scale of the fishery support use;
- Traffic safety and noise concerns about large trucks accessing and parking on the site;
- Noise from refrigeration units impacting nearby residential uses;
- Impact of development on the adjacent wetland; and
- Rats and vermin attracted by fish product stored on site.

A public hearing must be held by Halifax and West Community Council before they can consider approval of the proposed LUB amendment. Should Community Council decide to proceed with a public hearing on this application, in addition to the published newspaper advertisements, property owners within the notification area shown on Map 2 will be notified of the hearing by regular mail. The HRM website will also be updated to indicate notice of the public hearing.

The proposal will potentially impact local residents and property owners.

## **DISCUSSION**

Staff have reviewed the proposal relative to all relevant policies and advise that it is consistent with the intent of the MPS. Attachment A contains the proposed land use by-law amendment that would rezone the property to the R-6 Zone to allow for a fishery support use on the subject property.

### **LUB Amendment Review**

Attachment B provides an evaluation of the proposed rezoning in relation to relevant MPS policies. Of the matters reviewed to satisfy the MPS criteria, the following have been identified for more detailed discussion:

#### **Permitted Uses in the R-6 (Rural Residential) Zone:**

While the proponent has requested the rezoning to enable a fishery support use, it is important to note that rezoning the property will allow the property to be used for any use permitted in the R-6 Zone (Attachment D). Uses permitted in the R-6 Zone include single and two-unit dwellings, private hunting and fishing camps, daycares within dwellings, business uses within dwellings, bed and breakfasts, recreation uses, open space uses, agricultural uses, arts and craft shops, and fishery support uses. These permitted uses are similar to what is permitted on surrounding residential properties.

#### **Scale of Fishery Support Use:**

Within Planning District 5, the MPS recognizes the fishery as an important industry to the community, including in the Residential Designation. Under the LUB, there are two distinct uses – a *fishery use* and a *fishery support use*. A *fishery use* includes any use associated with the fishery, including large scale commercial fishery operations, whereas a *fishery support use* is limited to activities which support the individual fisher.

Multiple members of the public raised concerns that the site will be used as a commercial fishery operation, similar to Ocean View Fisheries or Sambro Fisheries, which are located elsewhere in the community. However, a use of that nature and intensity would be considered a *fishery use* and **not a fishery support use**. A fishery use is not permitted in the R-6 Zone and could not be located on this property should it be rezoned to R-6. The definition of a fishery support use establishes what is and is not be permitted, should the property be rezoned:

*FISHERY SUPPORT USE means any use which is designed to support the individual fishery operations and includes boat and equipment storage and maintains his own gear, and shall include aquaculture support uses and the sale of an individual fisherman's catch, but does not include a retail or wholesale outlet for fish and fish products, or a fish processing plant except a smokehouse, lobster pound, or an operation where a fisherman himself, or his or her crew, processing their own catch. (emphasis added)*

Although the definition of fishery support use specifically disallows a retail or wholesale outlet for fish and fish products, the R-6 Zone overrides this by listing "Fishery support and aquaculture uses including retail and wholesale outlets for fish and fish products" (emphasis added) in the list of permitted uses in the zone. The emphasis on the individual fisher is significant for establishing the intensity of use that would be permitted on the property. Large-scale commercial fishery activities, commercial vehicle maintenance, or parking for off-site businesses is not considered a fishery support use and would not be permitted in the R-6 Zone. It is also worth noting that a fishery support use is permitted on every residential property in the area. The R-1, R-2, and R-2A zones, which are the base zones in the designation, all permit a fishery support use, and there are several existing residential properties in the community which are being used in this manner.

While a fishery support use, which is permitted in all residential zones, allows the sale of an individual fisher's catch, the R-6 Zone also allows the retail and wholesale of fish and fish products, without limiting it to the sale of an individual fisher's catch. Therefore, a commercial operation consisting of buying and selling fish and fish products of other fishers **would** be permitted in the R-6 Zone. This is not a use which is permitted on most surrounding residential properties.

In response to concerns from the public about retail and wholesale of fish and fish products, staff discussed with the applicant whether the R-2 Zone would adequately capture their proposed business activities. The applicant wished to proceed with an application to rezone the property to R-6 to ensure the greatest possible flexibility to accommodate any future needs of their business. The application of the R-6 Zone is reasonably consistent with policy.

#### Site access and parking for large trucks

The site is serviced by an existing driveway and has been used for various commercial uses over the years. As Ketch Harbour Road is a provincial highway, any changes to the driveway access would be approved by Nova Scotia Public Works, however, no access changes are proposed at this time. Furthermore, the intensity of uses that are permitted in the R-6 Zone are significantly less than the intensity of uses that are permitted by the existing P-2 Zone, and so the change of zoning is viewed as resulting in a reduction in the potential traffic generation from the site.

The activities associated with a fishery support use are not anticipated to generate significant truck traffic on a daily basis.

#### Noise from refrigeration units:

If the property is used as a fishery support use, it would have to comply with the requirements of the Land Use By-law and all other applicable municipal by-laws. Although the Land Use By-law does not speak directly to the use of refrigeration equipment, this type of activity is regulated under By-law N-200, the Noise By-law. As the property is located in a residential area, the operation of refrigeration units is prohibited before 7:00 am and after 9:30 pm on weekdays, before 8:00 am and after 7:00 pm on Saturdays, and at all times on Sundays and holidays.

#### Impact on wetland:

Although the site has not been recently surveyed, the property appears to contain a wetland which is contiguous with a watercourse. The creation of the subject property and the construction of the existing building pre-date the watercourse buffer regulations of the Land Use By-law. As a result, the lot and structure can continue to exist and may be used for any use permitted by the zoning. However, the watercourse buffer regulations place restrictions on any further encroachments into the watercourse buffer

or the further removal of vegetation between the back wall of the building and the watercourse in relation to development.

Outside of a development context, wetlands and watercourses are regulated by Nova Scotia Environment and Climate Change (NSECC). Any alterations to the wetland, such as infilling, would require provincial approval, and any contamination or discharge into the wetland or watercourse that violates environmental regulations would be investigated by NSECC.

### **Conclusion**

Staff have reviewed the proposal in terms of all relevant policy criteria and advise that it is reasonably consistent with the intent of the MPS. The fishery was identified as an important industry in the community of Sambro, and as a result, the MPS and LUB enable fishery support uses on all residential properties. Applying the R-6 Zone at this location would allow for the adaptive reuse of an existing structure which has seen a diversity of uses over the years. Accordingly, staff recommend that the Halifax and West Community Council approve the proposed LUB amendment.

### **FINANCIAL IMPLICATIONS**

There are no financial implications. The HRM cost associated with processing this planning application can be accommodated with the approved 2021-2022 operating budget for C310 Urban and Rural Planning Applications.

### **RISK CONSIDERATION**

There are no significant risks associated with the recommendations contained within this report. This application may be considered under existing MPS policies. Community Council has the discretion to make decisions that are consistent with the MPS, and such decisions may be appealed to the N.S. Utility and Review Board. Information concerning risks and other implications of adopting the proposed LUB amendment are contained within the Discussion section of this report.

### **ENVIRONMENTAL IMPLICATIONS**

No additional concerns were identified beyond those raised in this report.

### **ALTERNATIVES**

1. Halifax and West Community Council may choose to approve the proposed LUB amendment subject to modifications. Such modifications may require further discussion with the applicant and may require a supplementary report or another public hearing. A decision of Council to approve this proposed LUB amendment is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.
2. Halifax and West Community Council may choose to refuse the proposed LUB amendment, and in doing so, must provide reasons why the proposed amendment does not reasonably carry out the intent of the MPS. A decision of Council to refuse the proposed LUB amendment is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.

### **ATTACHMENTS**

Map 1: Generalized Future Land Use

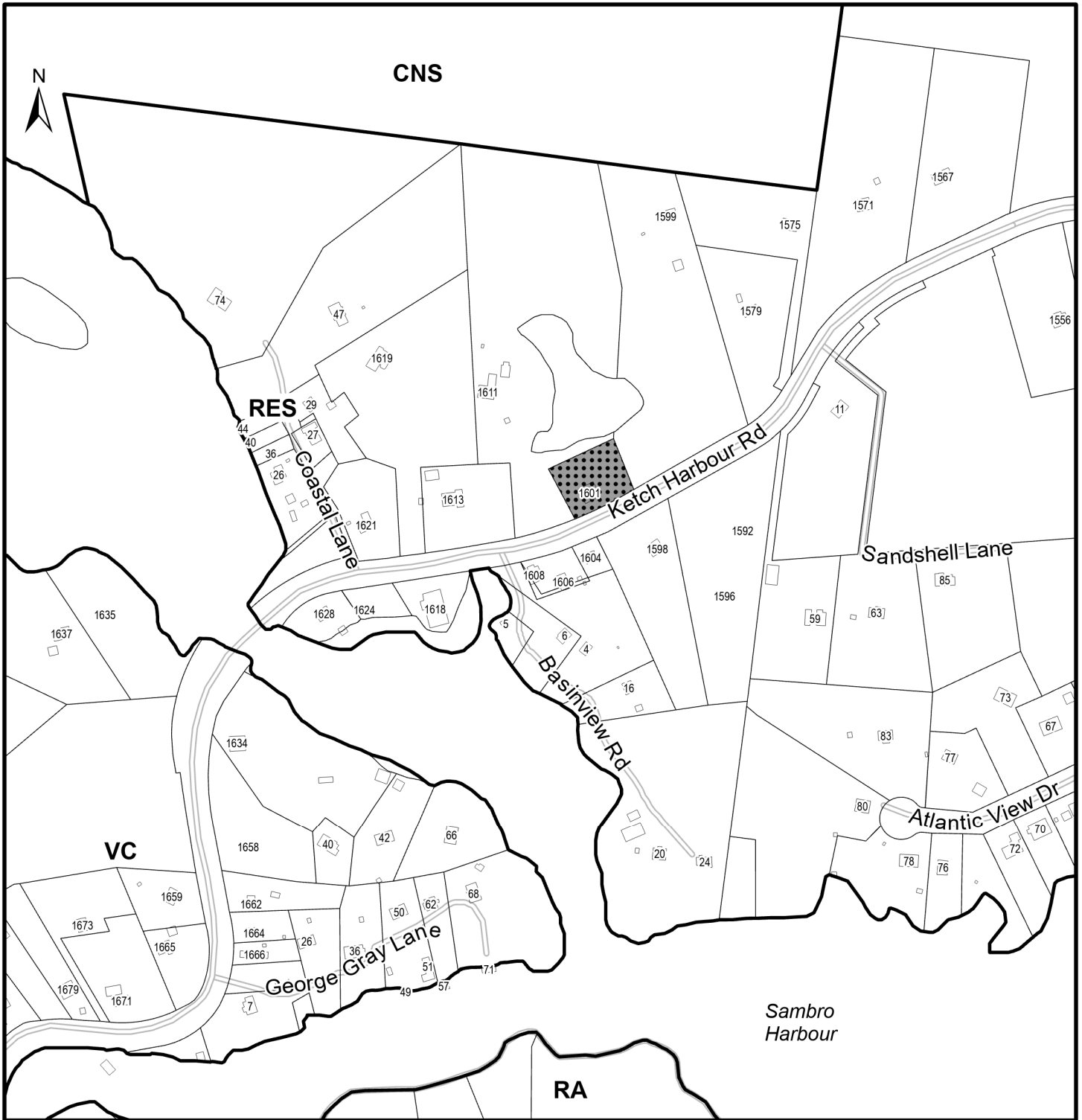
Map 2:	Zoning and Notification Area
Attachment A:	Proposed LUB Amendment
Attachment B:	Review of Relevant MPS Policies
Attachment C:	Summary of Public Engagement Feedback
Attachment D:	R-6 (Rural Residential) Zone

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A copy of this report can be obtained online at [halifax.ca](http://halifax.ca) or by contacting the Office of the Municipal Clerk at 902.490.4210.

Report Prepared by: Peter Nightingale, Planner II, Current Planning, 902.719.9478

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**Map 1 - Generalized Future Land Use**

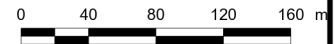
1601 Ketch Harbour Road,  
Sambro

**HALIFAX**

 Subject Property

**Designation**

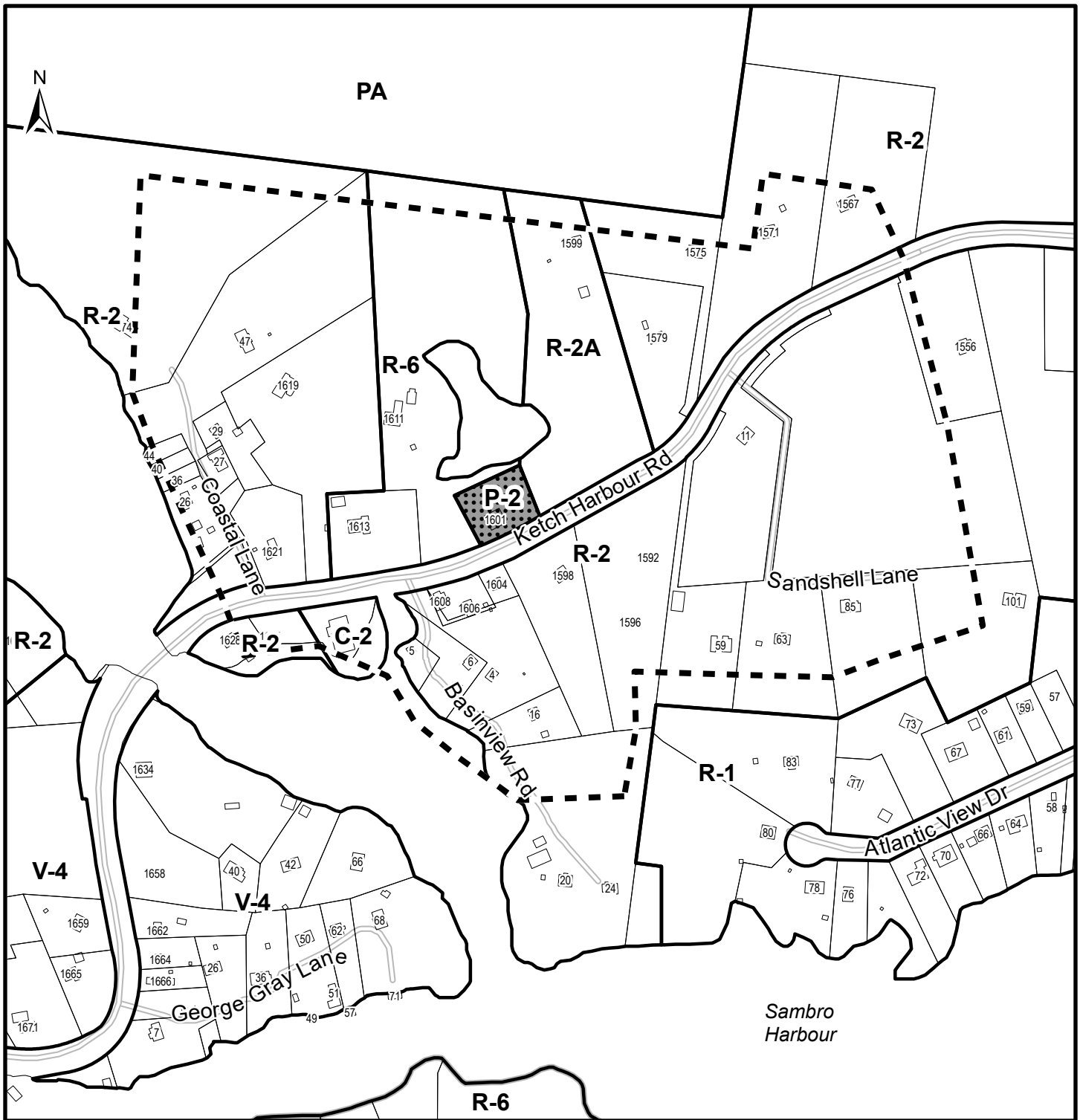
- RES Residential
- VC Village Centre
- RA Rural A
- CNS Conservation



This map is an unofficial reproduction of a portion of the Generalized Future Land Use Map for the plan area indicated.



The accuracy of any representation on this plan is not guaranteed.

Planning District 5 Plan Area



### Map 2 - Zoning and Notification

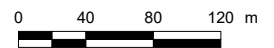
1601 Ketch Harbour Road,  
Sambro

-  Subject Property
-  Area of Notification

#### Zone

- R-1 Single Unit Dwelling
- R-2 Two Unit Dwelling
- R-2A Residential Home Occupation
- R-6 Rural Residential
- V-4 Sambro General Building
- C-2 General Business
- PA Protected Area
- P-2 Community Facility

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This map is an unofficial reproduction of a portion of the Zoning Map for the plan area indicated.

The accuracy of any representation on this plan is not guaranteed.

Planning District 5  
Land Use By-Law Area



## ATTACHMENT A

### Proposed Amendment to the Land Use By-law for the Planning District 5 (Chebucto Peninsula)

BE IT ENACTED by the Halifax and West Community Council of the Halifax Regional Municipality that the Land Use By-law for Planning District 5 (Chebucto Peninsula) is hereby further amended as follows:

1. Amend Schedule A, the Zoning Map, by rezoning the property identified as PID 00456541 from the P-2 (Community Facility) Zone to the R-6 (Rural Residential) Zone, as shown on the attached Schedule A.

I, Iain MacLean, Municipal Clerk for the Halifax Regional Municipality, hereby certify that the above-noted by-law was passed at a meeting of the Halifax and West Community Council held on [DATE], 202[#].


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Iain MacLean  
Municipal Clerk



**Schedule A**

1601 Ketch Harbour Road,  
Sambro

 Area proposed to be rezoned from P-2 (Community Facility) to R-6 (Rural Residential)

**Zone**

- R-1 Single Unit Dwelling
- R-2 Two Unit Dwelling
- R-2A Residential Home Occupation
- R-6 Rural Residential
- V-4 Sambro General Building
- C-2 General Business
- PA Protected Area
- P-2 Community Facility

**HALIFAX**



This map is an unofficial reproduction of a portion of the Zoning Map for the plan area indicated.

The accuracy of any representation on this plan is not guaranteed.

Planning District 5  
Land Use By-Law Area

**Attachment B:**

**Review of Relevant MPS Policies**

**Planning District 5 Municipal Planning Strategy**

<b>Policy</b>	<b>Staff Comments</b>
<i>RES-2 Within the Residential Designation, outside of the Herring Cove community shall be the intention of Council to establish a two unit residential zone which permits single and two unit dwellings, existing mobile dwellings, open space uses, fishery support uses, day care facilities and home occupations of a limited size contained within a dwelling and operated by a resident of the dwelling. Home occupations will be subject to controls on signage and the nature and scale of the business, as well as prohibition of outdoor storage and display, in order to ensure that the home occupation is compatible with the residential environment.</i>	The existing P-2 zone was applied to the lands in 2008 to allow for a community facility/social club to relocate to the property. The property was sold in 2018, and the current owner is proposing to use the property as a Fishery Support Use. The property is designated Residential and fishery support uses are a use identified as permitted in the Residential designation.
<i>RES-17 Within the Residential Designation, it shall be the intention of Council to support the activities of individual fishermen, by permitting fishery support uses in all residential zones without requiring a development permit. The existing fish processing plant in Portuguese Cove will be permitted through the use of a fishing industry zone, as established in Policy VCC-4.</i>	If the property is rezoned to R-6 as proposed, the fishery support use will be permitted without a development permit. Other permitted uses within the R-6 zone would require a development permit.

<p><i>IM-6 Providing that the intentions of all other policies are satisfied, Council may, for the purpose of providing for the development of similar uses on properties which abut one another, consider development agreements or amendments to the land use by-law within a designation to provide for the development of uses which are uses permitted by the zone on the abutting property within the abutting designation, as shown on the Generalized Future Land Use Map (Map 1), except where commercial or industrial zones abut residential (R-1, R-2, R-2a) zones.</i></p>	<p>This property is within the Residential designation and is partially surrounded by R-6 zoning. The R-6 zone is compatible with the surrounding area. A fishery support use is permitted in the abutting R-6 zone, and this policy allows Council to consider applying the abutting zone to this property. Uses permitted on the subject property, should it be rezoned to R-6, would be similar to uses permitted by the zoning on abutting properties.</p>
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<p><i>IM-10 In considering development agreements and amendments to the Land Use By-law, in addition to all other criteria as set out in various policies of this Plan, Council shall have appropriate regard to the following matters:</i></p>	
<p><i>(a) that the proposal is in conformity with the intent of this Plan and with the requirements of all other municipal by-laws and regulations;</i></p>	<p>Within the residential designation, the policy lists a Fishery Support Use as a use which is to be permitted in the residential designation, and the R-6 zone is broadly applied within this designation.</p>
<p><i>(b) that the proposal is not premature or inappropriate by reason of:</i></p> <ul style="list-style-type: none"> <li><i>(i) the financial capability of the Municipality to absorb any costs relating to the development;</i></li> <li><i>(ii) the adequacy of on-site sewerage and water services;</i></li> <li><i>(iii) the adequacy or proximity of school, recreation or other Community facilities;</i></li> </ul>	<p>All costs associated with the application will be covered by the applicant.</p> <p>The site is served by existing on-site sewer and water services, and any changes or upgrades will have to comply with Nova Scotia Environment and Climate Change regulations.</p> <p>The proposed use is not a residential use and will have no impact on school, recreation, or other community facilities. However, the R-6 zone does permit residential uses and there is adequate school, recreation, and community facilities to support residential uses if the property was developed as such.</p>

<p>(iv) <i>the adequacy of road networks leading or adjacent to or within the development;</i></p> <p>(v) <i>pedestrian safety; and</i></p> <p>(vi) <i>the potential for damage to or for destruction of designated historic buildings and sites.</i></p>	<p>Ketch Harbour Road is a provincially owned collector highway (Route 349). The permitted uses in the R-6 zone are less intensive and are anticipated to generate less traffic than the uses permitted in the existing P-2 zone. The application has been circulated to HRM Development Engineering, and the department has not raised any concerns with traffic or network capacity. A Traffic Impact Study was not requested from the applicant due to the low anticipated traffic generation from the proposed use.</p> <p>No impact to pedestrian safety is anticipated.</p> <p>The site does not contain and is not adjacent to any designated historic buildings or sites.</p>
<p>(c) <i>that controls are placed on the proposed development so as to reduce conflict with any adjacent or nearby land uses by reason of:</i></p> <p>(i) <i>type of use;</i></p> <p>(ii) <i>height, bulk and lot coverage of any proposed building;</i></p> <p>(iii) <i>traffic generation, access to and egress from the site, and parking;</i></p> <p>(iv) <i>open storage;</i></p> <p>(v) <i>signs; and</i></p> <p>(vi) <i>any other relevant matter of planning concern.</i></p>	<p>The proposal to rezone the property to R-6 would be consistent with the zoning surrounding the property and the general area. It is also anticipated the proposed rezoning to R-6 would reduce the possibility of land use conflict currently permitted by the P-2 zone.</p> <p>The proposal is to reuse the existing building. However, if a new building or addition to the existing building were to be constructed, it would have to comply with the land use bylaw requirements for the R-6 Zone. Both the height and lot coverage requirements of the R-6 Zone are more restrictive than the existing P-2 Zone.</p> <p>Traffic generation is expected to be minimal. The existing access and parking are to be retained.</p> <p>Open storage is permitted for a Fishery support use in the R-6 Zone; however, this is consistent with what is permitted on all residential properties in the area.</p> <p>Signs will be regulated by the Land Use By-law.</p>

<p><i>(d) that the proposed site is suitable in terms of the steepness of grades, soil and geological conditions, locations of watercourses, marshes or bogs and susceptibility of flooding.</i></p>	<p>The site is located on the edge of a watercourse, and is significantly built up, resulting in a steep artificial bank on the edge of the watercourse. It appears this property was infilled and developed prior to the watercourse buffer requirements being adopted in 2006. The proposal includes the re-use of the existing building, which is permitted under the Existing Building clause of the Land Use By-law. Any reconstruction or addition to the building on the site would have to meet the watercourse buffer requirements of the Land Use By-law.</p>
<p><i>(e) Within any designation, where a holding zone has been established pursuant to "Infrastructure Charges - Policy IC-6", Subdivision Approval shall be subject to the provisions of the Subdivision By-law respecting the maximum number of lots created per year, except in accordance with the development agreement provisions of the MGA and the "Infrastructure Charges" Policies of this MPS.</i></p>	<p>The property is currently zoned P-2 and is not in a Holding Zone.</p>

# ATTACHMENT C

## Summary of Public Engagement



HRM Planning Application Website



Signage Posted on the Site



Mailout to residents and property owners



Future Public Hearing Prior to a Decision

### Information Sharing

Information on Case 23528 was shared through the HRM planning applications webpage, signage posted on the subject site, and notices mailed to property owners within approximately 150 metres (500 feet) surrounding the proposed development (Map 2 of Staff Report).

As the proposal involves the adaptive reuse of an existing building on the lot, and no new structures are proposed, the only information submitted as part of this application was a written request for the rezoning to R-6, along with a planning rationale and survey plan of the property showing the location of the existing building. As a land use by-law amendment to rezone a property will allow the property to be used for any use permitted in the zone, staff also included information about other uses permitted in the R-6 zone.

#### Public Engagement Statistics:

<b>Halifax.ca Planning Applications Website</b>	
Number of unique website views up to June 26, 2021	76
Average time spent on the website (minutes: seconds)	3:31
<b>Notices Mailed to Area Residents</b>	
Number of notices mailed within notification area	37
<b>Direct Communication with the HRM Planner</b>	
Number of calls received (unique callers)	3
Number of emails received from the public (unique email addresses)	3

## Responses to Public Questions and Concerns

Of the five residents who contacted us, four people expressed that they do not support the proposal, or had reservations about the proposal, and one person had questions but did not share their thoughts on the proposal.

HRM planning staff compiled all the public comments and questions provided to date. Broadly, these concerns fell into five categories:

### Compatibility with surrounding area

- Concerned about the fish processing aspect of the zone change. This would also impact neighbours' ability to enjoy property.
- No opposition to boat and equipment storage and boat and equipment maintenance with restrictions on noise and time the noise can occur.
- The proposed rezoning (R6) would allow for the wholesale distribution of fish versus retail of the fisherman's local catch (R2). By its very nature, wholesale is clearly not in keeping with the local residential character of the area of this proposal. While there is an existing R6 zone in this area, it is a very well maintained, low-key use and in keeping with the residential character of the neighbourhood.
- A wholesale outlet is not an acceptable scale of use for this area nor in keeping with the intent of the residential designation.

### Traffic Safety

- The building is on a curve and the potential for cars/trucks rounding the corner as traffic is moving across the street to this building increases the potential for accident. Traffic is currently not following anything near the speed limits, especially going in and out of the oceanside houses across the street from this property and the blind corner will possibly lead to disaster.
- Concern about trucks and refer units being parked on the property, and trucks being brought here for repair.
- Ketch Harbour Road has become an exceptionally busy road, especially along the stretch of road in front of this building. This is one of the only straight stretches of road and to that end traffic speed is ramping up. Traffic screams along this section in speeds well exceeding the limit. On 2 random days, there was over 550 cars and 50 large trucks (mostly dump trucks) on this stretch of road. That was only between 10-5. Given that the building is on the other side of the road, away from where the boats come in, that is a huge amount of having to cross the road against 2-way traffic. Also, it is just beyond a blind curve which further increases the potential for accidents. To let this happen will leave a major accident just in the making. All the bikes that ride the loop would be having to dodge this as well.
- While the NS Department of Transportation is responsible for this road network and may deem it 'adequate' in terms of its capacity, a lot has changed since this lot was created. The 'adequacy' has changed substantially in recent years. The creation of a bike lane in this area has changed the very nature of the road capacity. Both bicycle and pedestrian traffic has increased. With the Municipality's Integrated Mobility Plan in mind, the area has



seen the improvement to bike and pedestrian traffic as a positive move forward. There is also a recreation study underway and I am confident that this bike route will continue to see more traffic. Any potential increase to truck traffic in this area will be a direct conflict.

- Large trucks constantly coming and going as part of a wholesale operation would be a negative impact to the area. There is no defined driveway to control ingress and egress.

## Noise

- Fishing is a 24 hours business. There will be noise potentially being generated at any of the 24 hours in a day. Given that it is smack in the middle of a solely residential area, that will negatively impact the area with increased noise, potentially 24/7.
- Concern about the potential for 24/7 trucks and cars going by will negatively increase the noise and emissions to the residential area.
- The zone change would also have a direct impact on neighbours' ability to enjoy their property due to the noise of refrigeration units.

## Environmental Impacts

- Concerns about the effect on the local ecosystem such a change would represent
- The ecosystem of a saltwater marsh is extremely delicate. The effects of impact would extend well into the interior area of the loop.
- Birders drive by the marsh daily so the effect of this change will impact a wider community. This marsh is not only an important ecological place but also one that will drive investment dollars which are driven by local, national and international tourism.
- There is protected watershed marshland right against this property. Over the last few years the garbage being dumped into this area has increased. Look in back of the building to just see all the dumping.
- Increased noise of the potential 24-hour traffic into the building and land will have a definite negative impact on the wildlife that lives and goes through it.

## Other

- Concern that the property owner will use the site to expand his other business, Sambro Fisheries.
- No problem with a traditional fishery support use for an individual fisherman, like you see on other residential properties in the community, but concerned it will turn into something much more intense than those other properties.
- Concern that property value would be negatively affected by the zone change.
- The owner knew the status of the zone when he purchased the property. He either knew or should have known the permitted uses at the time of purchase. Once the zone change is in effect even if the current owner does not pursue changes which would negatively impact neighbouring properties and personal enjoyment there is nothing to stop a future owner from using the property in such a way.
- Allowing this building to become more commercialized will decrease the housing values in the immediate area.

- Because of the fish that will be there it will increase the rodents to the area, as well as cause a fish smell to the residential area.
- Currently all the commercial aspects of the larger fishing industry has been on the western side of the bridge. This allows for a quieter residential aspect of the town of Sambro to be separated from the noisier more commercialized side.
- It is a dangerous precedent. If you look through Sambro there has not been any extension of the commercialized industry to the non water side of Ketch Harbour Road. That is what has made a great town combination of both industry and residential. Allowing this would set the precedent for others to try and move across the road.
- The proposal does not meet the intent of the Municipal Planning Strategy. The area in question, as per the Generalized Future Land Use Map is designated Residential. As per Section RES-1 of the Municipal Planning Strategy, existing residential uses especially low density are intended to be the focus.
- This parcel of land is a 'man made' parcel. It did not exist until it was developed for a community fire hall. It has had subsequent uses after the fire hall relocated, but based on the plot plan, the septic would appear to be located where vehicles park. Having the septic area also the area of storage of heavy items such as vehicles or boats causes concern. The adjacent lands are wetland as identified in Appendix C of the Land Use Bylaw. Anything that could impact the integrity of the septic and cause unnecessary seepage into the adjacent wetland would be unacceptable to the natural environment. There have been rare bird sightings in this wetland and there is currently a pair of Canada Geese taking up residence nearby. There is also other wildlife associated with this sensitive habitat that would be impacted.
- There is no residential use associated with this proposal. The focus of the proposal is the sole use for indoor and outdoor storage and the potential for retail and wholesale distribution of fish. Therefore, more 'commercial' in nature than residential. This is not compatible nor comparable to the neighbouring R6 which has a clear residential use with an associated diesel engine repair which is listed under Appendix C of the Land Use Bylaw as an existing permitted use within the Zone. Not because it is an R6 zone.
- The building already occupies a substantial portion of the lot. Any addition to the building or infilling of the site (which has already taken place without proper environmental runoff controls/barriers) will not be in keeping with the residential aspect of the area.
- Prior to this application, there was open storage of industrial type items such as refrigeration units, or rooftop type fans and there is currently debris openly visible behind the building. Storage of fish nets and even fish product can also generate a rodent problem which can significantly impact the neighbouring residential uses.

# ATTACHMENT D

## PART 9: R-6 (RURAL RESIDENTIAL) ZONE

### 9.1 R-6 USES PERMITTED

No development permit shall be issued in any R-6 (Rural Residential) Zone except for the following:

Single unit dwellings;  
Two unit dwellings;  
Private hunting and fishing camps;  
Existing mobile dwellings;  
Day Care facilities for not more than fourteen (14) children and in conjunction with permitted dwellings;  
Business uses in conjunction with permitted dwellings;  
Bed and breakfasts;  
Recreation uses;  
Open space uses;  
Restricted agricultural uses;  
Forestry or woodlot uses, no processing;  
Fishery support and aquaculture uses including retail and wholesale outlets for fish and fish products.  
Arts and craft shops

### 9.2 R-6 ZONE REQUIREMENTS

In any R-6 Zone, no development permit shall be issued except in conformity with the following:

#### Minimum Lot Area:

central sewer and water services	6,000 square feet (557.4 m <sup>2</sup> ) per dwelling unit
central sewer services/ on-site water	10,000 square feet (929 m <sup>2</sup> ) per dwelling unit
on-site services	20,000 square feet (1858 m <sup>2</sup> )

#### Minimum Frontage:

central sewer and water services	60 feet (18.3 m) per dwelling unit
central sewer services/ on-site water	75 feet (23 m) per dwelling unit
on-site services	100 feet (32.84 m)

Minimum Front or Flankage Yard 20 feet (6.1 m)

Minimum Rear or Side Yard 8 feet (2.4 m)

Maximum Lot Coverage 35 per cent

Maximum Height of Main Building 35 feet (10.7 m)

### 9.3 OTHER REQUIREMENTS: BUSINESS USES IN CONJUNCTION WITH PERMITTED DWELLINGS

Where business uses in conjunction with dwellings are permitted in any R-6 Zone, the following shall apply:



apply.