

To: **Inverness Area Advisory Committee
Inverness County Council**

From: **Planning Staff (EDPC)**

Date: **April 28, 2020**

Reference: **Request for Rezoning from C-2 to O-1 by The Municipality of the County of Inverness for lands identified by PID# 50205632, 50329853, 50319656 on Mine Road and between Mine & Mill Road in Inverness (Beside Mill Road Social Enterprises)**

Recommendation:

That Municipal Council **approves** an amendment to the Land Use By-law to rezone three properties identified by PID #50205632, #50329853, #50319656 to the Public Park (O-1) zone as to permit a proposed Inverness Heritage Memorial Park. The rezoning will facilitate development of a public park, including walking track, picnic tables and a basketball court.

	Description
Designation:	Commercial
Current Zoning:	Commercial Mixed (C-2)
Zoning Request:	Public Park (O-1)
Identification:	PID#: 50505632 50329853 50319656
Total Lot Area:	0.81 hectares; (2.00 acres)
Site Visit:	March 6, 2020

Background Information:

District Planning received an application on March 4th 2020 from Councillor Mustard on behalf of the Municipality of the County of Inverness requesting an amendment to the Land Use By-law for the rezoning of three connected lots from Commercial Mixed (C-2) to Public Park (O-1). The request for an amendment of the Land Use By-law for the rezoning was submitted to permit development of a community garden with a proposed park including a walking track, benches and a public multi-purpose court.

Meetings regarding the development and need for a new park began in 2016 with the forming of a committee and their connecting with the community to collect input on the wants and needs of a new park space and to ensure community accessibility needs are met. This committee has connected with groups both internal and external to the community and has solicited for donations regarding equipment, materials



Figure 1.0 Showcasing the state of the property and surrounding properties.

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and labour for the project's development to ensure the financial feasibility of the project.

The proposed park development is split into two phases, with the first including the development of a walking track, benches and multi-purpose courts. The second phase was created due to community input and feedback and consists of the addition of accessible playground equipment for all ages with a rendering presented in *Figure 2.0*.



Figure 2.0 Rendering of the proposed equipment addition within Phase 2.

During a site visit conducted March 6, 2020 the site was reviewed and assessed for accessibility, parking, rainwater run-off, walkability, and the feasibility rezoning, in terms of the lot and the proposed zoning relative to the surrounding uses. The properties #50205632, #50329853, #50319656 are located beside the Mill Road Social Enterprises which located on 20 Mill Road, and are accessible by travelling onto Mill Road directly from Central Ave within the core of the Inverness Plan Area. The Mill Road Social Enterprises is a community-based non-profit, which offers supported employment opportunities to community members whilst offering the community a local bakery, thrift store and village market. The properties being applied for rezoning are located beside the central avenue in town. A parking lot and the Mill Road Social Enterprise is located at the apparent front entrance of the property, with many single-dwelling residential properties across from it, on the opposite side of Mill Road. One side of the properties is currently empty although designated as Commercial, while the other side is designated as Commercial Mixed (C-2) and currently has numerous businesses and single-dwelling homes located there.



Figure 3.0 Showcasing the site (left) relative to the Mill Road Social Enterprises.

The lot, while undeveloped, presents opportunity for access to accessibility users, even in its current state. Where the parking area is a hard surface, it would allow for wheelchair access, and the nearby uses would not appear to create a blockage of natural lighting to the area, and it appears to have appropriate runoff systems in the case of large quantities of rain and snow. The parking lot beside the properties offers parking for an estimated fifty (50) to sixty (60) vehicles. This would present patrons of the local businesses the chance to utilize public space and local

businesses within one trip, promoting walkability.

Analysis:

Section 4 of the Inverness *Municipal Planning Strategy* supports consideration of an amendment to the *Land Use By-law* to rezone to Public Parks, stating that “*Public open spaces play an important role in the health and well-being of a community.*” The proposed sites for rezoning would service more than 325+ unique single dwelling residential lots within the best practice distance of a five minute walking radius as stated within the *Municipal Planning Strategy*. This is supported and enactable through *Policy 4.6* which is stated as the criteria to be reviewed by council when considering rezoning to the Public Park (O-1) zone:

“It shall be the intention of Council to permit an amendment to the Land Use By-law to re-zone a parcel to the Public Park (O-1) zone in accordance with the following criteria:

- a) The parcel is located in an area requiring demonstrated parkland need, or directly adjacent to an existing Public Park (O-1) zoned parcel, so as to permit consolidated lot development; and,*
- b) The proposal is consistent with the criteria to amend the Land Use By-law (Policy 15.0).”*

In the case of this amendment to the *Land Use By-law* for the rezoning of the land for these three lots, the demonstrated parkland need has been identified in the formation of a committee solely to the development of this park and the request by Mr. Jim Mustard submitted by the Municipality of the County of Inverness to have the lots rezoned to Public Park (O-1). This amendment is considered consistent with the general intent of the plan, as the proposed usage of the lot to be harmonious with the Public Park (O-1) Zoning. Eastern District Planning staff have reviewed the Inverness *Municipal Planning Strategy* and *Land Use By-law* to examine permitted uses within the Public Park (O-1) Zone, finding that in accordance with the *Inverness Land Use By-law, Part 11, Section 1*, the proposed development of public amenities conforms to the uses outlined within the *Land Use By-law*. The amendment to the *Land Use By-law* for the rezoning of these lots to Public Parks (O-1) would also be in agreement with the *General Future Land Use Map* of the area as all designations are permitted to be rezoned to the Public Parks (O-1) Zone.

Part 11, Section 3 of the *Inverness Land Use By-law* identifies Special requirements when Public Park (O-1) zones abuts residential or institutional uses, as would be the case with these lots. As the submission for the amendment currently stands these lots and the rezoning would not be in violation of the restrictions of the Special Requirements identified above. The policy however, reads as follows:

“Where a lot located within the Public Park (O-1) zone abuts a residential or institutional use, the following restrictions shall apply:

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- a) *No open storage or display shall be permitted within 6.10 metres (20 feet) of the abutting side or rear lot line;*
- b) *No parking space shall be permitted within 3.05 metres (10 feet) of the abutting side or rear lot line.”*

The amendment can be considered consistent with and encouraged by the *Municipal Planning Strategy* provided that they do not contradict any other policies within the *Municipal Planning Strategy* or the *Secondary Plan & Land Use By-law*.

Conclusion:

Analysis of the site, completed through a review of the *Municipal Planning Strategy, Land Use By-laws*, and a site visit has shown that the rezoning of property #5020632, #50329853, #50319656 is in-line with goals and policy as set by the Municipality of the County of Inverness. These goals include the improvement of the health and well-being of their community through the introduction of further open space that would seek to fill the recreational needs of varied park users. The properties themselves are well situated amongst businesses and local residential properties to promote its usage with ease. After consideration, the Eastern District Planning Commission staff are advising that the Municipality approve an amendment to the *Land Use By-law* permitting the rezoning of the properties from Commercial (C-2) to Public Park (O-1).

Appendix A:

Policy 4.6	
It shall be the intention of Council to permit an amendment to the Land Use By-law to re-zone a parcel to the Public Park (O-1) zone in accordance with the following criteria:	
(a) The parcel is located in an area requiring demonstrated parkland need, or directly adjacent to an existing Public Park (O-1) zoned parcel, so as to permit consolidate lot development; and	Complies: See Staff Report
(b) The proposal is consistent with the criteria to amend the <i>Land Use By-law</i> (Policy 15.0)	Complies

Policy 15.0 (As referenced in Policy 4.6)	
In considering 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 regard to the following matters:	
(a) Conformity with the intent of this <i>Secondary Plan</i> ;	Complies
(b) That the proposal is not premature or inappropriate by reason of: <ul style="list-style-type: none"> i. The financial capability of the community to absorb any costs relating to the development; ii. The adequacy of sewer services and utilities or if services are not provided, the adequacy of physical site conditions for private on-site sewer and water services; iii. The adequacy and proximity of school, recreation, and any other community facilities; iv. The adequacy of road networks in, adjacent to, or leading to the development; and, v. The potential for the contamination of water courses or the creation of erosion or sedimentation. 	Complies
(c) That adequate requirements are contained in the Land Use By-law to reduce conflict between the development and any other adjacent or nearby land use by reason of: <ul style="list-style-type: none"> i. Type of use; ii. Emissions including air and water pollutants and noises; iii. Heights, setback and lot coverage of the proposed building; iv. Access to and egress from the site and parking; v. Open storage; vi. Signs; vii. Similar matters of planning concern. 	Not Applicable
(d) Suitability in terms of steepness of grades, and/or location of watercourses is based on appropriate technical advice.	Not Applicable

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Appendix B:

Properties to be re-zoned:

