

October 22, 2020

Subject: Rezoning properties during a Bylaw Review

Dear Ms. Moase and the North Shore Planning Board,

The current Official Plan and Bylaw project is required as a result of the recent amalgamation of the municipalities of North Shore, Pleasant Grove and Grand Tracadie. The process to develop the new Official Plan and Bylaw provides an opportunity for the municipality to conduct broad public engagement – with the previous North Shore residents, as well as the new residents in Pleasant Grove and Grand Tracadie – and to develop policies and regulations that apply to the whole municipality.

Broad changes that impact all properties (or more specifically, all properties of a certain type) are done so, for the benefit of the greater good, to guide future land use and development decisions across the municipality based on the policies and objectives of the new Official Plan. This process will result in changes to the existing Future Land Use and Zoning Maps for a number of reasons: the municipal boundary is significantly different; properties previously outside the boundary will now be included; some of the old zone names have been changed; and, new zones have been created to better reflect certain categories of land uses (i.e. Federal jurisdiction).

These types of map changes are a distinctly different process than that of a rezoning application, in which a property owner requests that their property be changed from one zone to another zone for the purpose of a proposed development. A rezoning – otherwise known as a bylaw amendment - requires public notification and a public meeting under the Planning Act, and under the current Bylaw if the property is located within the old boundary of the municipality. Letters are sent to surrounding property owners when such a zone change is being considered. The rezoning process provides the applicant an opportunity to present their development proposal and to demonstrate how the proposal is supported by the Official Plan. The process provides equal opportunity for the public, and more specifically surrounding property owners, to ask questions and to provide feedback on the specific nature of the rezoning.

Unfortunately, some property owners try to use the Official Plan/Bylaw Review process as an opportunity to rezone their property and to avoid going through the public notification and engagement process. However, to maintain transparency, it is my policy not to include individual property owners' requests for a rezoning as part of the Official Plan and Bylaw review process, whether the change is warranted or not. Please note, as a consultant working for the municipality, it would be a conflict of interest for me to present a rezoning application as part of the Official Plan and Bylaw process on behalf of the municipality. A requested rezoning application needs to be presented by the property owner (or a representative of the property owner) who has proposed the change. Changes to the zone of an individual parcel for the purpose of a development should go through the public process and should not be swept up in the larger review process. If the proposed rezoning is supported by the new Official Plan policies, the rezoning application should/will be considered by the public and Council and approved accordingly.

While the current Official Plan/Bylaw Review process has excluded individual requests for rezonings, some changes to the Future Land Use and Zoning Maps have been proposed, including the following:

1. Pleasant Grove and Grand Tracadie

All properties in the former Pleasant Grove and Grand Tracadie municipalities are currently under provincial planning jurisdiction. The province does not have land use zone designations. As such, these properties have no zone associated with them now. The inclusion of these properties in the proposed Future Land Use and Zoning Map is not considered a rezoning, but rather it is the process of applying land use planning to properties that previously did not have it, as was promised at the time of amalgamation.

2. Agricultural Residential Properties

When the current Zoning Map was developed for the properties located within the previous North Shore Municipality's boundary, the zones were assigned based on existing land use. Residential properties that contained an existing single detached dwelling were zoned Residential. In contrast, the proposed Zoning Map recognizes the difference between residential properties in a subdivision (cluster development) and those developed in the rural agricultural landscape of the municipality. The proposed Zoning Map indicates a change in the zone of those residential properties that are not located within a residential subdivision (i.e. cluster); where agricultural properties exist adjacent to, and in many case between these properties throughout the municipality. These residential properties have been changed from the Residential Zone to the Agricultural Zone.

Please note that residential land uses (i.e. single detached dwellings) are a permitted use in both the Residential and Agricultural Zone. And, regardless of the zone of a property, the taxation rate as set by the province, will remain as residential as long as the primary use of the property remains as residential.

3. Duplex Zone → Multi-Unit Residential Zone

The Duplex Zone which is currently in the North Shore Bylaw has no properties associated with it. The Zone was added to the Bylaw in 2015, but was never used. The new Bylaw proposes to replace the Duplex Zone with a Multi-Unit Residential Zone. Any property owner interested in developing a multi-unit residential development should review the Official Plan policies with regards to residential development and if they can satisfy the provisions of the Official Plan they are welcome to make application to rezone their property to Multi-unit Residential.

4. Resort Commercial Zone

The current North Shore Bylaw and Zoning Map include provisions for a mixed use zone called Resort Commercial (RC). This zone permits multi-unit residential, various types of tourist establishments (hotels, cottages, etc.) and commercial uses as permitted uses. This zone is found mixed throughout residential areas, and in many cases a change of use to one of the other permitted uses, could have significant impacts on adjacent properties.

As such, the proposed Bylaw retires the RC mixed-use zone. All properties that are currently zoned RC that are multi-unit residential, will be rezoned to the new Multi-unit Residential Zone (i.e. Jack's Way). All properties currently zoned RC, operating (or previously operating) as tourist establishments, will be rezoned to the new Tourist Establishment Zone (i.e. note these properties are located throughout the municipality, but primarily in the Stanhope Peninsula). All properties currently zoned RC, operating commercial land uses, will be rezoned to the Commercial Zone.

5. Parks and Conservation Zone

The current North Shore Bylaw and Zoning Map include a mixed use zone called Parks and Conservation Zone (PC). This zone currently applies to both public and private parks and active recreation land uses, as well as environmentally sensitive areas that were intended to be protected through conservation land use practices (i.e., wetlands, watercourses and their adjacent environmental buffer zones). Active recreation sites (i.e. ball fields) are a conflicting land use with conservation practices. As such, the proposed Bylaw intends to separate these two conflicting uses by retiring the PC Zone and creating two new zones in its place: Parks and Recreation Zone and Environmental Conservation Zone. (Note that Federal Government owned properties will be dealt with separately, see Federal Jurisdiction below)

All properties currently in the Parks and Conservation Zone will remain in the Parks and Recreation Zone, unless the property or a portion of the property has been identified as a wetland, a watercourse, or the environmental buffer zone as delineated by the Department of Environment, Water and Climate Change. In which case, the property or the portion of the property will be zoned Environmental Conservation Zone. Please note that Section 2.3.2 of the proposed Bylaw has been updated to address questions related to the delineation of the boundary of the Environmental Conservation Zone.

6. Federal Jurisdiction Zone

The properties within the National Park are also currently zone Parks and Conservation Zone. As the Federal Government is not subject to municipal regulations for development and/or provincial environmental protection legislation, all federally owned properties will be assigned a new zone, the Federal Jurisdiction Zone. Development within this zone does not require a development permit. If/when ownership of a property within this zone changes, a rezoning application will be required prior to any future development permit being issued.

7. Public Right of Way

The current Zoning Map labels all parcels within the old North Shore boundary with a zone, including parcels used as public and private right of ways (provincially owned roads and accesses). Private roads, and other properties subdivided for the purpose of provided access across a property, were not excluded from being zoned within residential areas. As such, many private roads are currently zoned residential. Furthermore, many private roads are found to be just as large, if not larger than the lots in which they service and theoretically could be subject to development applications.

To protect access to and across private roads, these parcels have been rezoned to the Right of Way Zone. This zone prohibits any development other than the maintenance and repair of the private right of way.

The proposed Official Plan and Zoning Map has been updated to more accurately reflect the policies and objectives of the proposed Official Plan and Bylaw. Any requests to rezone a property through this process, have been directed to the municipality's Development Officer.

I will be happy to further discuss the above issues relating to changes to the zoning map at our next meeting.

Thank you,

A handwritten signature in black ink, appearing to read 'H. Parnham', with a long horizontal line extending to the right.

Hope Parnham