

**MUNICIPALITY OF THE COUNTY OF ANNAPOLIS
PUBLIC HEARING AGENDA**

Bridgetown Land Use Bylaw Rezoning Application

**Municipal Administration Building
752 St. George Street, Annapolis Royal
11:00 a.m. November 22, 2022**

Welcoming Remarks – Warden Alex Morrison

Upon the adjournment of this second Public Hearing, council will resume its regular session

The purpose of a Public Hearing is to permit members of the public to make their views known to Council, via oral or written submissions, concerning, solely, the application before Council.

This Public Hearing concerns an application submitted by Riku Raisenan on behalf of the Municipality of the County of Annapolis to make a text and map amendment to the Bridgetown Land Use Bylaw by rezoning the land identified as parcel PID No. 05149976, in the community of Bridgetown from the Institutional (I1) Zones to the Downtown Commercial (C1) Zone. The text and map amendments will permit the revitalization of the property from a Town Hall to a mixed use development with a commercial business on the main floor and a residence on the upper floor.

All questions and comments throughout the public hearing are to be addressed to the Chair. In accordance with *AM-1.3.2 Public Participation Policy* any individual has to register to speak with the Clerk either prior to the day of the public hearing or at the public hearing itself. The Chair will call upon the individuals registered to speak to provide an opportunity for public input. All individuals who are providing public input will be asked to identify themselves *each time* for their comments to be recorded in the minutes of these proceedings. We ask that the person speaking identify if they are speaking in favour or against the application. Written presentations are acknowledged first, followed by public oral presentations in accordance with *AM-1.3.2 Public Participation Policy*. After the Chair has heard from all registered speakers, the chair will call three times to ask the public members in attendance if there are any additional speakers. Questions and comments from Council members are to be held until all public comment is heard.

New Business

Re: Text and Map Amendment Application by Riku Raisenan for PID No. 05149976

- ***Presentation by Planner*** – Application Specifics & Planning Process
- ***Presentation of the Request*** – applicant – Riku Raisenan
- ***Acknowledgement of Written Submissions*** (Municipal Clerk)



COUNTY of ANNAPOLIS
NATURALLY ROOTED

STAFF REPORT

To: Municipal Council
Submitted by: Victoria Hamilton, Planner/Development Officer
Date: November, 22, 2022
Subject: Planning Process Update - Bridgetown LUB Zoning Text & Map Amendment

BACKGROUND

File No. 66520-35 2022 LUB-002 is an application staff received on June 22, 2022 requesting an amendment to the Bridgetown Land Use Bylaw at the site of the former Town Hall in Bridgetown. The application was referred to the Bridgetown Area Advisory Committee on September 6th, 2022 and the Planning Area Advisory Committee on September 21st, 2022 for comment. The land use by law map amendment on the parcels identified as No. 05149976 at 271 Granville Street in the Community of Bridgetown are requesting the rezoning from Institutional (I1) zone to the Downtown Commercial (C1) zone. This rezoning will allow for the revitalization of the former town all to permit a mixed use development with commercial on the main floor and residence above.

PLANNING PROCESS TO DATE

1. June 22, 2022 – LUB Zoning Map amendment application received
2. July 12, 2022 – Committee of the Whole Meeting
Action – recommendation Council accept application for processing.
3. July 19, 2022 – Municipal Council Session
Action – motion paces to commence the amendment process and adopt a public participation process with BAAC and PAC Public Meetings.
4. September 6, 2022 – Bridgetown Area Advisory Committee (BAAC) Meeting
Action – motion that PAC recommend to Council to approve CMH application to amend Bridgetown LUB Text and Map amendment.
5. September 13, 2022– PAC ad appears in Annapolis Valley Register

6. September 8, 2022 – Hand Delivery of PAC Meeting Notices
7. September 21, 2022 – The Planning Advisory Committee (PAC) Meeting Action – Public Meeting held. Planner’s report reviewed. Motion made that PAC recommend to Council to amend Bridgetown LUB.
8. October 2022 – Municipal Council Meeting Action – motion passed giving 1st Reading and to hold Public Hearing on July 19, 2022.
9. October and November– Public Hearing ads appear in the AV Register.
10. November, 2022 – Public Hearing. Staff prepared a Public Hearing agenda and planning process update report.

STAFF RECOMENDATION

The amendment requests the rezoning of 271 Granville Street, Bridgetown, identified as parcel PID 05149976 from the Institutional (I1) zone to the Downtown Commercial (C1) zone. The proposed new use for the building will include a textile studio with a showroom on the main floor and an apartment on the upper level.

Municipal Council viewed the request at its regular scheduled meeting on July 12, 2022 and referred the application to the Bridgetown Area Advisory Committee by way of Council Motion 220719.10

The Bridgetown Area Advisory Committee met on September 6, 2022 and passed a motion that Municipal Council amend the Bridgetown Land Use Bylaw zoning map to include the land identified as parcel 05149976 in the community of Bridgetown from the Institutional (I1) zone to Downtown Commercial (C1) zone. The map amendment will permit the reuse of the property from the former Town Hall to a mixed use development.

POLICY IMPLICATIONS

Amendments of this nature are considered a Land Use Bylaw amendment, and under the Municipal Government Act s. 210 it does not require an amendment to the Municipal Planning Strategy and instead, an amendment of the Land Use Bylaw must be done in accordance with the Municipal Planning strategy.

The Bridgetown Municipal Planning Strategy has three parts that must be considered when amending the Land Use Bylaw for a residential, mixed use development.

Part 6.5

In considering an amendment to the Land Use Bylaw to allow residential development of land, the Council shall take into account the feasibility of extending central sewer and water systems, roads and other services to the proposed development; the compatibility of the proposed development with adjacent land uses; the direction and pattern of services which the proposed use will establish within the Town; and environmental constraints on services, utilities and development.

Part 6.8

In considering the zoning of designated residential areas and in particular amendments to the Land Use Bylaw or development agreements that would permit increased residential density or permit non-residential uses in residential areas, Council shall ensure that the proposed use does not alter the predominant character of the area or the amenities of the area; does not have a deleterious effect on Town services; does not result in excessive noise or traffic; and does not have extended hours of activity.

It is the opinion of staff that due to the former use as a Government Office, the existing infrastructure including central sewer, water systems and road network are still adequate to handle the proposed change in use from Institutional (I1) to Downtown Commercial (C1). Additionally, the future land use map identifies this area as a Downtown Commercial zone. Even with the proposed increased in the residential density of the area, it will have less impact on the community in the form of noise and traffic than the previous use as only one residential unit will be created as opposed to the number of employees and community members who used to frequent the building.

Therefore, the proposed application meets the requirements set out in the Municipal Planning Strategy.

LEGISLATIVE AUTHORITY FOR THE AMENDMENT PROCESS

MGA Section 210: Amendment of a Land Use Bylaw,
MGA Section 204: Public Participation Program,
MGA Section 206: Public hearing,
MGA Section 221: Notification and costs,
MGA Section 219: Adoption of a land-use by-law or amendment

Report Prepared by: *Victoria Hamilton*
Planner

Report Reviewed by: *Linda Bent*
Manager of Inspection Services

PART 12 - DOWNTOWN COMMERCIAL (C1) ZONE

12.1 Uses Permitted

No development permit shall be issued in a Downtown Commercial (C1) zone except for one or more of the following uses:

- amusement arcade
- art galleries
- bank and financial offices
- barbershops
- beauty parlours
- bottle exchanges
- building supply outlets
- business and professional offices and buildings
- commercial schools
- dressmaking and tailoring uses
- dry cleaning or laundry depots
- dwelling units provided that if they are located on a parcel fronting on Queen Street or Granville Street that they are located above or at the rear of the first storey of another permitted use
- existing highway commercial uses subject to the requirements below
- fitness centres
- government administrative offices and services
- laundromats
- libraries
- liquor outlets
- manufacturing uses under 1,208 m²(13,003.2 sq.ft.)in connection with a retail outlet
- manufacturing, warehousing and assembly uses on present or former railway properties
- medical clinics
- music studios
- parking lots and parking structures
- parks & playgrounds
- photography studios
- private reception, banquet and meeting facility
- repair shops (excluding automotive repairs)
- retail stores and shops
- restaurants and eating establishments
- shoe repair shops
- tanning salons
- taverns
- taxis and bus stations
- tearooms

12.2 Zone Requirements

In a Downtown Commercial (C1) zone, no development permit shall be issued except in conformity with the following requirements:

| | |
|---------------------------------|--------------|
| Minimum rear yard | 3 m (9.8') |
| Maximum height of main building | 11 m (36.0') |

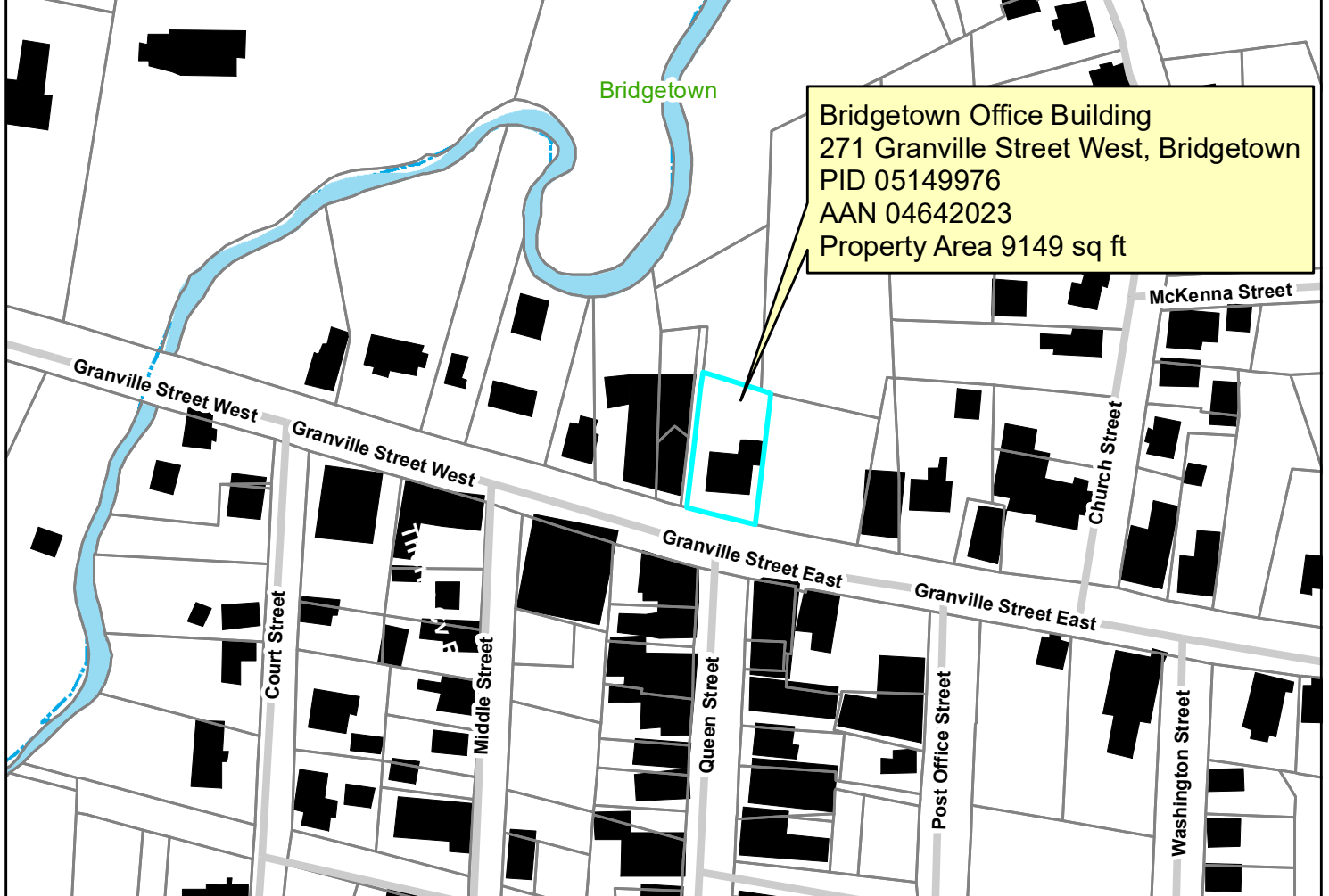
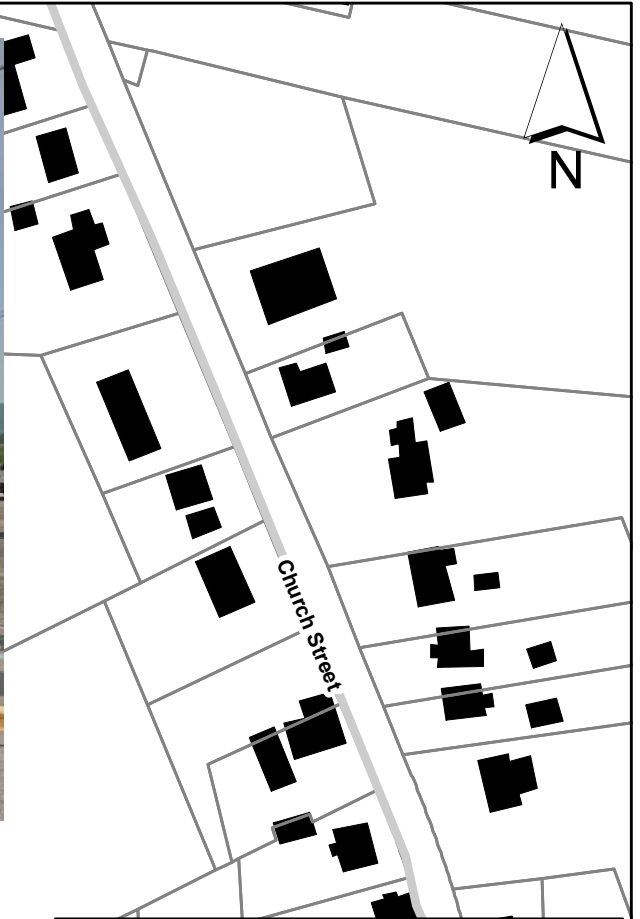
- **Call for Oral Presentations**
 - Individuals Registered to Speak (prior)
 - Individuals Registered to Speak (today)
 - 1st call for comments against the application
 - 2nd call for comments against the application
 - 3rd call for comments against the application
 - 1st call for comments in support of the application
 - 2nd call for comments in support of the application
 - 3rd call for comments in support of the application

- **Call for questions or comments from Council Members**

- **Planning Process Next Steps** (Planner)
 - a. The simple LUB amendment procedure (supported by MPS policy) is the same as a planning document procedure except that:
 - b. MGA 210 (1): the amendment is *not* subject to review of the Provincial Director of Planning or the approval of the Minister.
 - c. MGA 210 (2): Voting is by the majority of Council present at the Public Hearing.
 - d. MGA 210 (3): After adoption of the amendment a newspaper ad is placed setting out the right of NSURB Appeal (14 Days)
 - e. MGA 210 (4) a certified copy of the amending by-law is sent to Minister.
 - f. MGA 210 (6): there is a 120 day deemed refused clause.
 - g. When appeal period lapses or an appeal disposed of – then the amendment comes into effect and a development permit can be issued

- 7. Closing Comments and Adjournment (Warden)

- 8. Return to Regular Session of Council



Bridgetown Office Building
271 Granville Street West, Bridgetown
PID 05149976
AAN 04642023
Property Area 9149 sq ft

1:2,000

0 25 50 100 Meters

PART 6 - RESIDENTIAL POLICY

The majority of the built environment in Bridgetown is used for residential purposes. The housing stock consists of sometimes grand historic homes, older homes and a number of newer dwellings. It is a characteristic of the Town that virtually all residential uses are well maintained. Single detached dwelling units predominate, but there are a number of semi-detached dwellings, duplexes, apartments, boarding houses, bed and breakfasts and an inn. A number of these are converted older homes. Rowhouse developments are limited to the housing provided for senior citizens through efforts of the Town and the Provincial Government. There are no mobile homes in Bridgetown. All areas of the Town are safe, enjoyable and within relatively easy walking distance of the downtown, schools and recreational facilities.

At present, there are only a few incompatible land uses within the existing residential areas.

Council's Residential Goal

Council's goal is: to assist in the provision of a variety of living environments for the people of the Town which are compatible with the existing pattern of development.

Council's Residential Objectives

Council's objectives are: the protection and maintenance of existing residential areas, long range planning and management of future residential areas, planning and servicing new residential areas, co-operation with senior levels of Government to improve housing and residential development with the establishment of residential land use standards.

- 6.1 It shall be the policy of Council to designate those areas shown on Map A, the Future Land Use Map, for residential development.
- 6.2 Designated residential areas shall be developed and maintained primarily for residential purposes and may include uses compatible with residential uses, including parks and playgrounds, secondary business uses, bed and breakfasts, inns, boarding houses, rooming houses, funeral parlours and existing highway commercial uses.
- 6.3 Recreational uses, institutional uses and service/utility uses may be permitted in designated residential areas by amendment to the Land Use By-law.
- 6.4 The undeveloped areas designated as residential on Map A, the Future Land Use Map shall be zoned Residential Light Density (R1) or Residential Rural (R3). Existing agriculture and low density residential uses shall be conforming.
- 6.5 In considering an amendment to the Land Use By-law to allow residential development of land, the Council shall take into account the feasibility of extending central sewer and water systems, roads and other services to the proposed development; the compatibility of the proposed development with adjacent land uses; the direction and pattern of services which the proposed use will establish within the Town; and environmental constraints on services, utilities and development.

Ideally, new development should occur only when central water and sewer services and roads are available or their extension is reasonable. Financial and other constraints may therefore preclude certain developments. It is appropriate to occasionally permit low density development where services are not available and Department of Environment Standards can be met.

6.6 Single family detached farm dwellings may be constructed on two hectare lots even though they cannot immediately be provided with central water and sewer services. In areas that are presently built up, Council may permit single detached and duplex dwellings without both central water and sewer services subject to larger lot size requirements and may permit single detached and duplex dwellings without central water services. Unserviced and partially serviced lots must meet Department of Environment development standards and must be infill lots that are not easily serviced or rural single detached farm dwellings. All other developments shall be permitted only where central sewer and water services are available.

6.7 Designated residential areas shall be zoned as:

| | |
|------------------------------|---------|
| Residential Light Density | (R1) |
| Residential Multiple Density | (R2) or |
| Residential Rural | (R3) |

6.8 In considering the zoning of designated residential areas and in particular amendments to the Land Use By-law or development agreements that would permit increased residential density or permit non-residential uses in residential areas, Council shall ensure that the proposed use does not alter the predominant character of the area or the amenities of the area; does not have a deleterious effect on Town services; does not result in excessive noise or traffic; and does not have extended hours of activity.

It is known that the Town has a strong residential tradition and that residential uses are typically compatible with a wide range of other land uses. It has further become evident that good quality residential redevelopment cannot always meet the standards of residential zoning, particularly when lot sizes, shapes and access are established and developed centuries ago. Given this fact and the non-conformities it produces in redevelopment planning efforts, the Town will establish comprehensive development districts known as "Residential Rehabilitation Areas". The Residential Rehabilitation Area CDD is to be applied specifically for the redevelopment of non-residential properties to multiple residential or the development of commercial/residential mixed uses. Any development in these areas can only be undertaken after a development agreement with the owner of the property proposed to be developed has been entered into with the Town.

On Church Street, the Future Land Use Map shows as CDD, a significant existing non-residential development that cannot easily be re-located and should not be made non-conforming. Where such uses are not greatly incompatible with future residential development, provision should be made for them to continue adjacent to or even as part of residential development provided they can be made to minimize any undesirable impacts. As the necessary steps to minimize conflict will almost certainly differ in each case, development agreements are an appropriate planning tool. Typical non-residential uses of low impact on adjacent residential areas can include warehousing and storage, small assembly operations, some light manufacturing applications such as electronics, and business or governmental offices.

Highway commercial uses are not normally permitted in a residential area because of the land use conflict and excessive vehicular traffic generated. However, in Bridgetown, an existing highway commercial use, the Bridgetown Motor Hotel, is located in a designated residential area. Council has considered whether this use could be zoned residential, making it non-conforming; whether the use could be highway commercial; or whether the use could be specifically permitted as an additional use allowable within the residential zone. Making the use non-conforming restricts more than Council considers essential, while zoning the use as highway commercial could permit more incompatible uses to be developed on the property. Council therefore chooses the third alternative, allowing the use to continue and to be rebuilt, but allowing it only to be changed to uses permitted in a designated residential area. This compromise solution is an attempt to avoid undue hardship without permitting serious land use conflict to develop.

- 6.18 Council shall permit the existing highway commercial use (Bridgetown Motor Hotel) in a designated residential area, provided that:
- (a) the use shall not be expanded to cover an area of land greater than the lot so used at the time of the adoption of this Plan;
 - (b) the use shall not be converted to any use other than that existing when this Plan is adopted, except for a use permitted under the accompanying By-law in an R2 zone and if the use is converted to another permitted use, the property may not again be used for a highway commercial use;
 - (c) the erection, expansion or reconstruction of any building or structure used or intended to be used for an existing highway commercial use shall meet the least restrictive of:
 - (i) the requirements of the C2 zone; and
 - (ii) the existing yard depths;
 - (d) once the use is converted to another use permitted in the R2 zone, Council shall consider amending the Land Use By-law to delete the existing use as a permitted use in the R2 zone.
- 6.19 It shall be the policy of Council to permit existing residential uses in the downtown commercial area to continue, but Council shall limit new residential development. Existing residential uses within the designated downtown shall be zoned residential R1 or R2 according to the present use.
- 6.20 Land zoned residential within the downtown commercial area may be rezoned to commercial, but land zoned commercial may not be rezoned to residential unless the property was formerly zoned residential, continues to have a structure readily usable for residential purposes, and has experienced extended vacancy. Land zoned residential may not be rezoned to any other residential zone.
- 6.21 Dwelling units are permitted in the areas zoned commercial in the downtown commercial zone, provided that if a dwelling unit is located on a parcel fronting Queen Street or Granville Street that it is located above or to the rear of the first storey of another permitted use.
- 6.22 It is the intention of Council to consider applications to develop grouped dwellings in the Residential Multiple (R2) Zone by development agreement in accordance with the evaluative criteria set out in Policy 23.7.1. In considering such agreements Council shall have regard to Policy 23.6.3 and have particular regard to the impact the proposed development will have on surrounding neighborhood uses, particularly the adjacent residential uses, and the existing development pattern of the area in terms of architectural compatibility, parking, traffic circulation, road capacity, site access, landscaping, setbacks and the provision of municipal services.