

Pesaquid Comprehensive Development District – Windsor MPS/LUB Text Amendment

Planning and Heritage Advisory Committee (PAC/HAC)

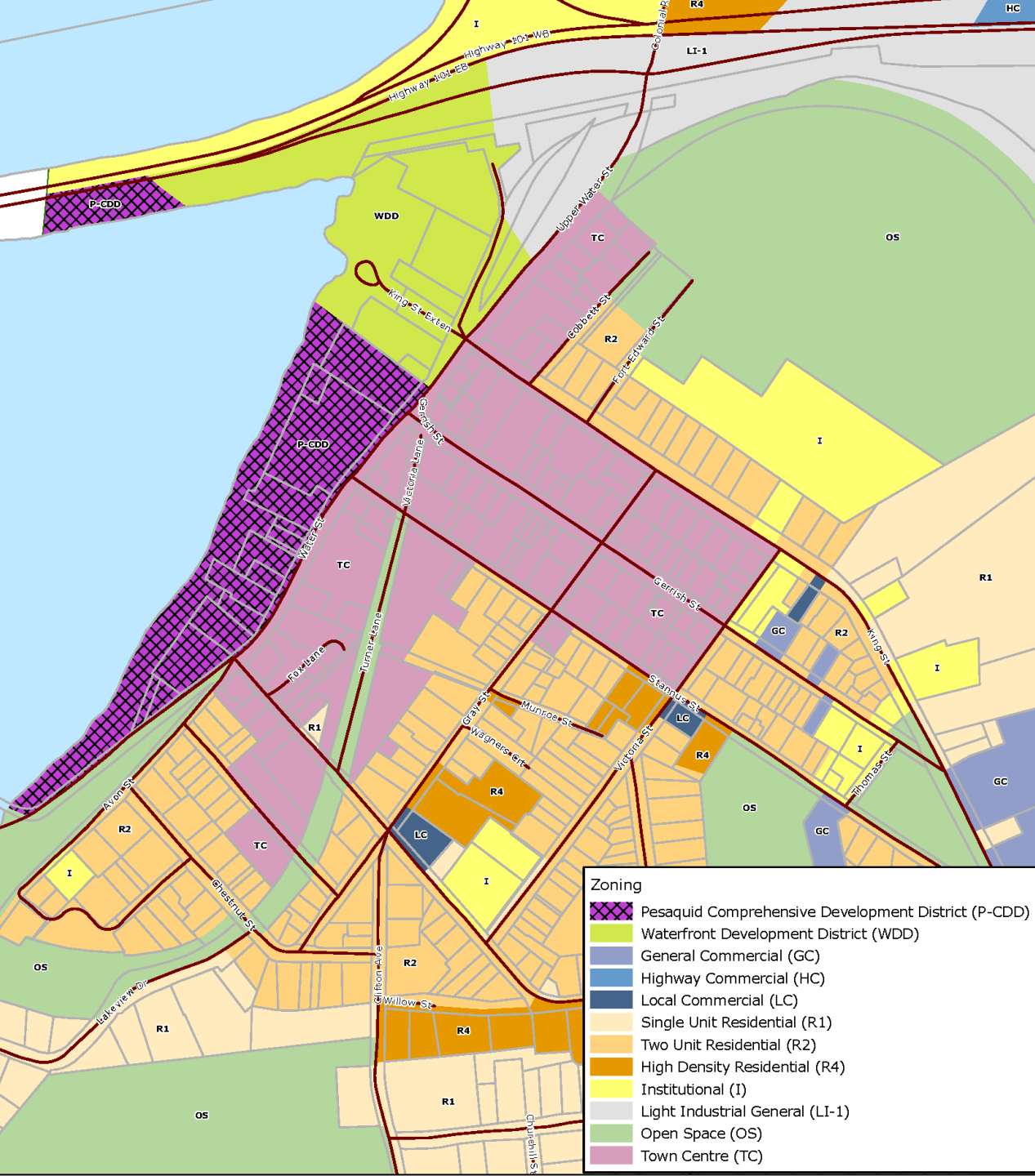
January 11, 2024

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Application

- A completed application was received from Chad and Mandy Singleton on October 19, 2023.
- The application was to amend the Windsor Municipal Planning Strategy and Land Use By-law to permit a rear-facing residential unit apartment unit on the ground floor of an existing business.

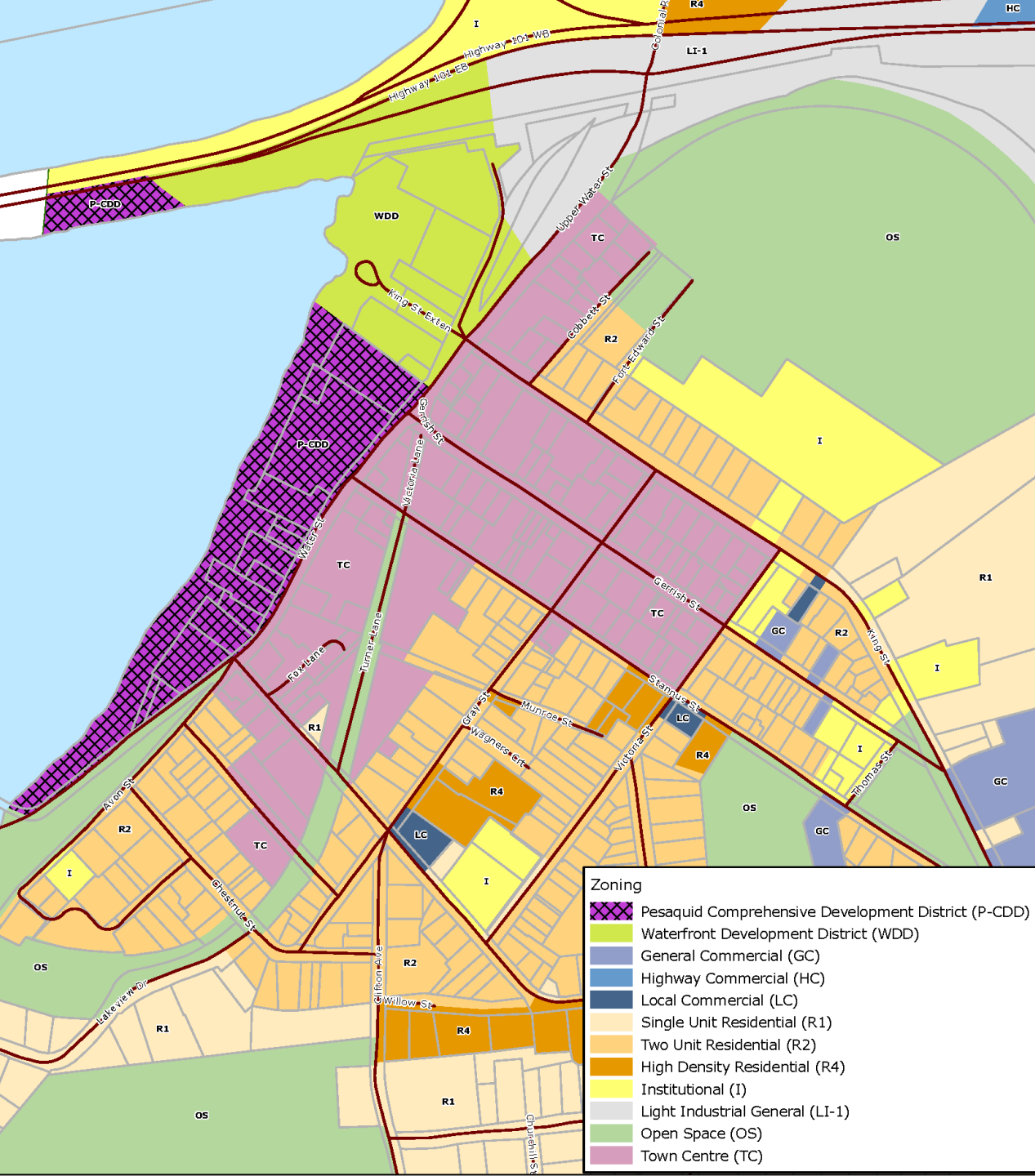


Pesaquid Comprehensive Development District

As-of-right development:

- change in use in an existing building, provided the use is permitted in the Town Centre (TC) zone;
- additions not exceeding 1,000 sq. ft. (92.90 sq. m.) in floor area, alterations, repairs and renovations to existing buildings, subject to Town Centre (TC) zone requirements;
- accessory structures not exceeding 500 sq. ft. (46.45 sq. m.) in floor area, subject to Town Centre (TC) zone requirements; and



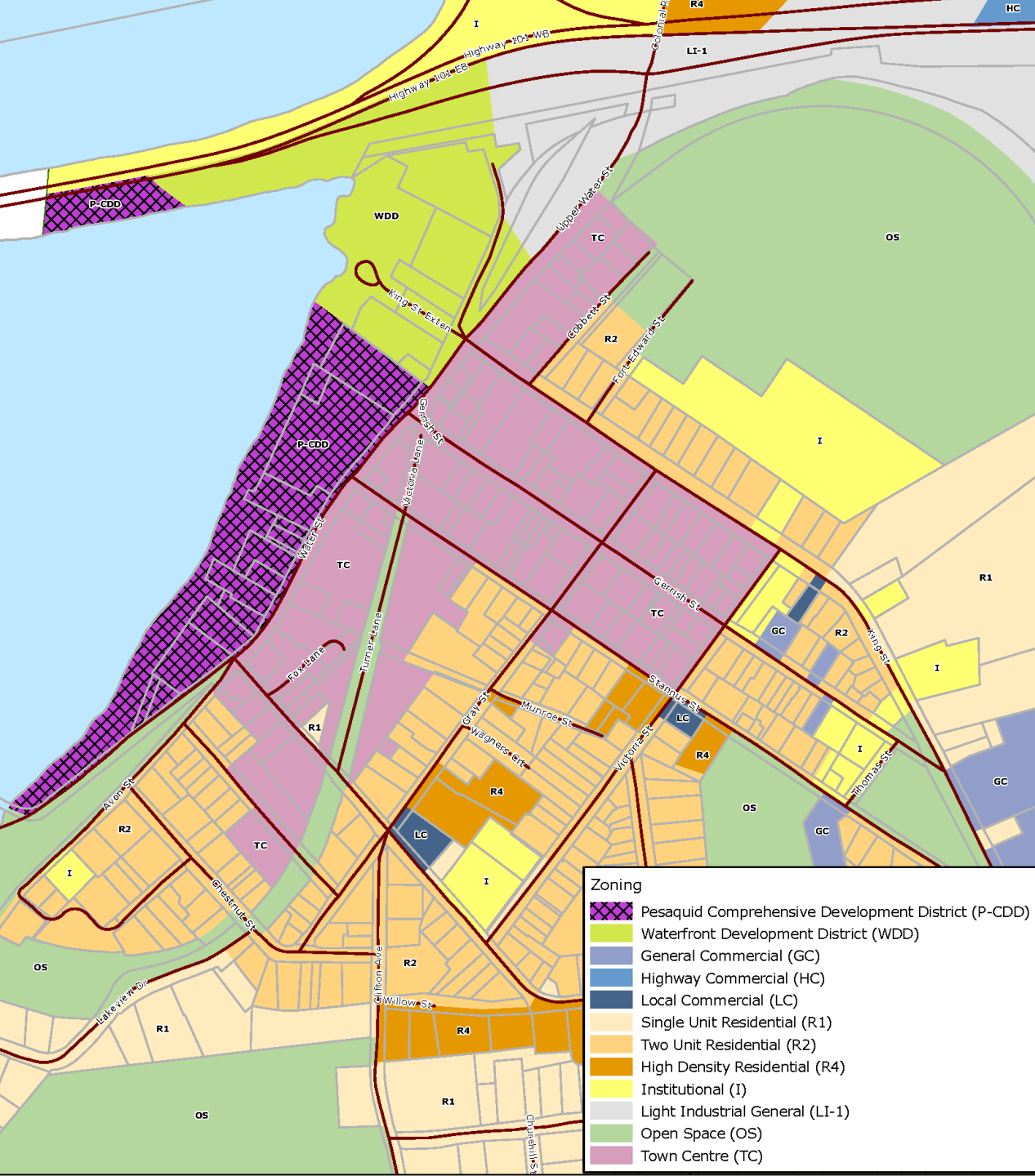


Pesaquid Comprehensive Development District

Permitted by Development Agreement in accordance with Policy 7.5.2:

- new main buildings;
- additions in excess of 1,000 sq. ft. (92.90 sq. m.) in floor area;
- accessory structures in excess of 500 sq. ft. (46.45 sq. m.) in floor area; or
- change in use in an existing building to a use which is not permitted in the Town Centre (TC) zone.





Pesaquid Comprehensive Development District

The following stipulation is included:

- The uses to be considered by development agreement shall be predominantly commercial, recreational, or institutional, with residential uses having a secondary focus, as defined in Policy 7.5.3 of the Municipal Planning Strategy.



Proposal Information

The following amendments to the Windsor Municipal Planning Strategy and Land Use By-law would be required for the proposal:

1. Adding wording to Policy 7.5.3 and Policy 7.5.5 of the MPS to permit residential development at the rear of the ground floor of existing buildings; and
2. The addition of residential development at the rear of the ground floor of existing buildings to the Section 15.1, *As-of-Right Development*, of the LUB.

These amendments would affect all properties zoned Pesaquid Comprehensive Development District (P-CDD) in Windsor.



Windsor MPS – General Criteria Policy

Policy 16.1.1 provides the ability for Council to consider amendments to the Municipal Planning Strategy. In summary, the proposal meets the criteria as:

- The request for a ground level residential use within a commercial district is not permitted within the current planning documents and provides Council with the option to consider the proposal as a change in the development environment. The proposal also aligns with the Statement of Provincial Interest Regarding Housing as the amendment will provide additional opportunities for residential development which would not have otherwise been permitted.



Windsor MPS – General Criteria Policy

Policy 16.3.1 states general criteria for amendments to the Land Use By-law. In summary, the proposal meets the criteria as:

- the proposal is not considered premature or inappropriate for the area;
- no municipal costs related to the proposal are anticipated; and
- the Fire Chief, Development Officer, Manager of Building and Fire Inspection Services, Traffic Authority, and Public Works Engineering Division have no concerns which have not been otherwise addressed in this report.



Draft WMPS Amendments (Policy 7.5.3)

- Policy 7.5.3** *It shall be the policy of Council that within the Pesaquid CDD, Council will consider a mix of uses including:*
- (a) commercial development including retail, service, office and entertainment uses;*
 - (b) recreational facilities to accommodate passive and active recreational activities or special events;*
 - (c) residential development as a secondary focus, located **behind the commercial uses on the ground floor or on the upper floors of existing commercial buildings; other types of residential development, such as apartment buildings or town houses, will be considered, but will not be the dominant feature of the development.***



Draft WMPS Amendments (Policy 7.5.5)

Policy 7.5.5 *It shall be the policy of Council that within the Pesaquid CDD, minor development such as a change in use in an existing building, a small addition or accessory building, and repairs or renovations, in accordance with the provisions of the Town Centre (TC) zone, as well as residential units located behind the commercial uses on the ground floor of existing buildings shall be permitted as-of-right.*



Draft WLUB Amendments (Section 15.1)

As-of-Right Development

- 15.1 The following categories of development shall be permitted in the Pesaquid Comprehensive Development District (P-CDD) zone as-of-right:
- (a) change in use in an existing building, provided the use is permitted in the Town Centre (TC) zone;
 - (b) additions not exceeding 1,000 ft² (92.90 m²) in floor area, alterations, repairs and renovations to existing buildings, subject to Town Centre (TC) zone requirements;
 - (c) accessory structures not exceeding 500 ft² (46.45 m²) in floor area, subject to Town Centre (TC) zone requirements;
 - (d) temporary retail sales and food service kiosks subject to Section 15.2;
 - (e) residential uses on the ground floor of existing buildings in accordance with 15.1.1.



Draft WLUB Amendments (Section 15.1.1)

Requirements for Ground Floor Residential Uses

- 15.1.1 Residential uses on the ground floor of existing buildings shall occupy no more than 50% of the ground floor area of the structure and be located behind or below a commercial use. The commercial use must have frontage on the street.

Public Information Meeting Notes

- The Public Information Meeting was held on December 7, 2023. The meeting was broadcast live on the Municipal Facebook page.
- 3 members of the public, as well as the applicants, attended the meeting.
- The deadline for comments was December 21, 2023.
- Staff received no written correspondence during the comment period.
- During the meeting, two questions were asked about why a development agreement could not be used and how the change to the text would be determined. Staff responded:
 - There are no policies which support the request by development agreement; and
 - Wording of the amendment would be determined based on the request and input from Development Officers.



Public Information Meeting –
December 7, 2023

Staff Review

**PAC/HAC Review and
Recommendation – January 11, 2024**

Council First Reading – January 23*

Public Hearing & Second Reading –
February 27*

Ministerial Review/Approval

Notice of Approval placed in paper

Process

*anticipated date



Recommendation

...that PAC/HAC recommends that Council give First Reading and hold a Public Hearing to consider amending the Windsor Municipal Planning Strategy and Land Use By-law to allow residential units at the rear of commercial uses on the ground floor of existing buildings in the Pesaquid Comprehensive Development District (P-CDD) zone in a manner substantively the same as Attachment B of the staff report to the Planning and Heritage Advisory Committee report dated January 11, 2024.





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