

Pesaquid Comprehensive Development District – Windsor MPS/LUB Text Amendment

Council First Reading

March 26, 2024

something inspiring awaits



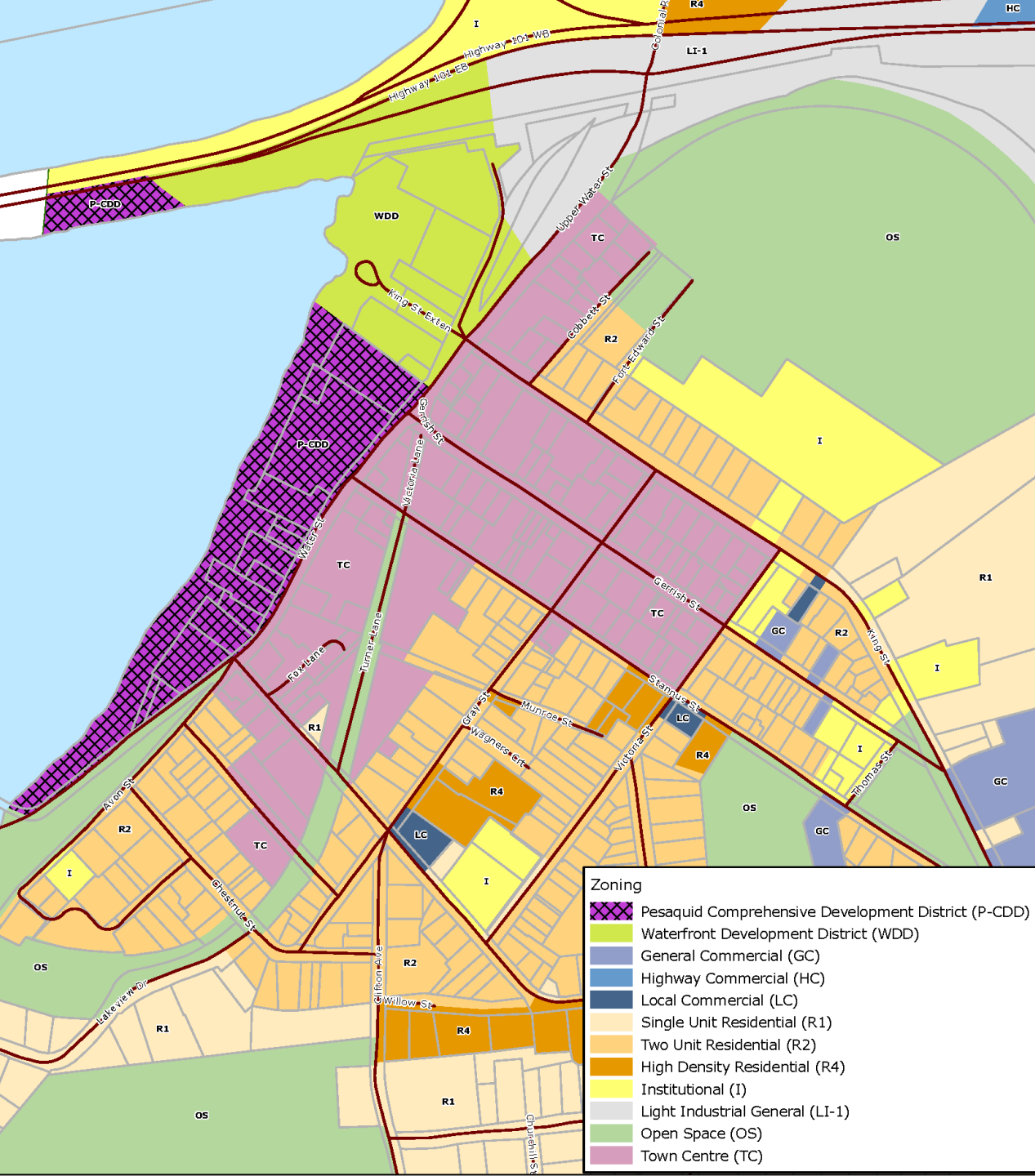
Application

- A completed application was received from Chad and Mandy Singleton on October 19, 2023.
- The application was to permit residential units behind commercial units on the ground floor.

Background

- Staff originally drafted a policy option which would have allowed the request for residential uses on the ground floor of the Pesaquid Comprehensive Development District (P-CDD) zone to be permitted as-of-right.
- During the January 11 PAC/HAC meeting, the committee recommended in favour of the amendments as drafted by staff.
- During the January 23 Council meeting, direction was given to staff to draft policy to permit the request through consideration by development agreement.

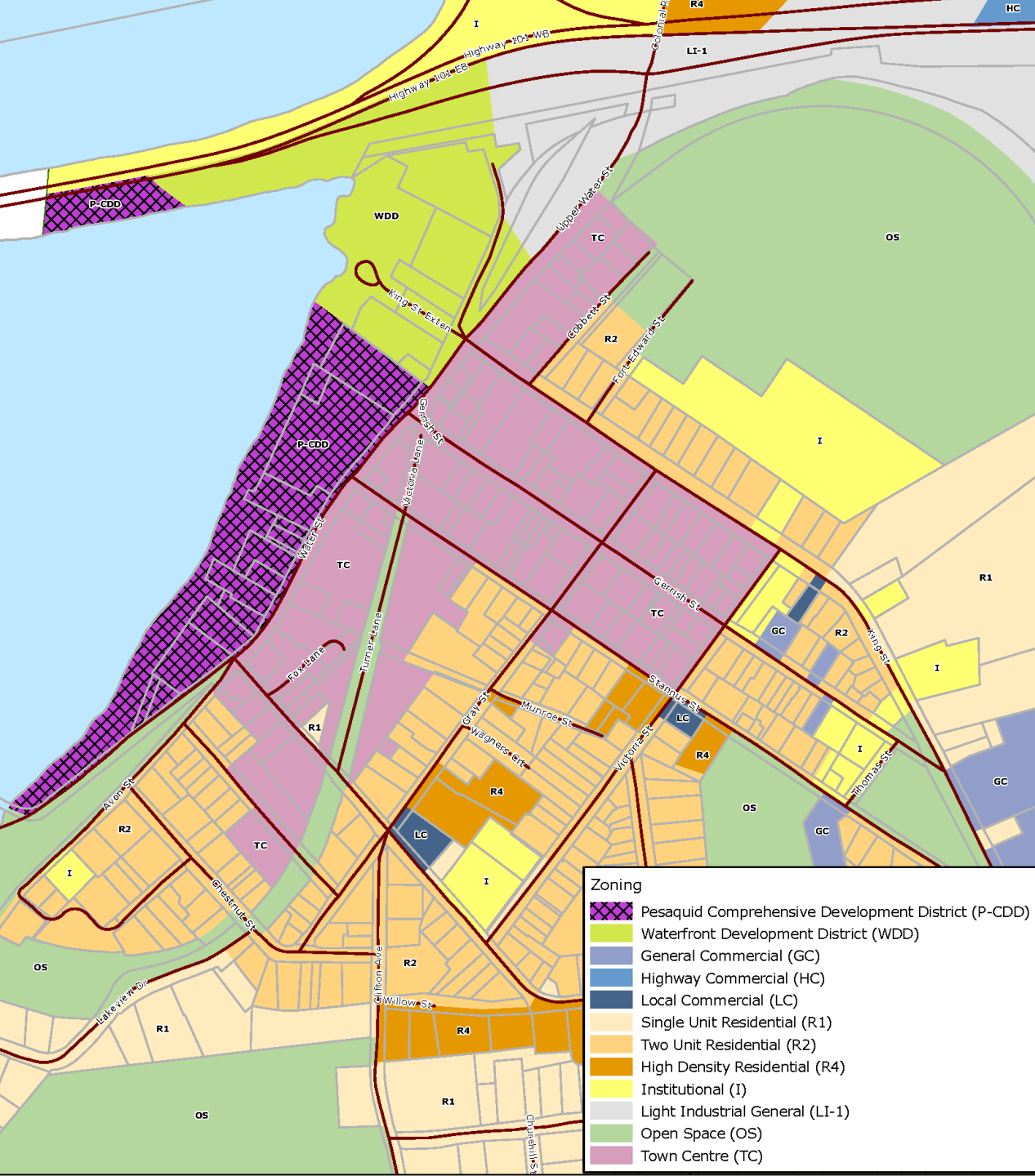




Pesaquid Comprehensive Development District

As-of-right development:

- change in use based on the Town Centre (TC) zone;
- additions of up to 1,000 sq. ft. (92.90 sq. m.), alterations, repairs and renovations, subject to Town Centre (TC) zone requirements;
- accessory structures up to 500 sq. ft. (46.45 sq. m.), subject to Town Centre (TC) zone requirements; and

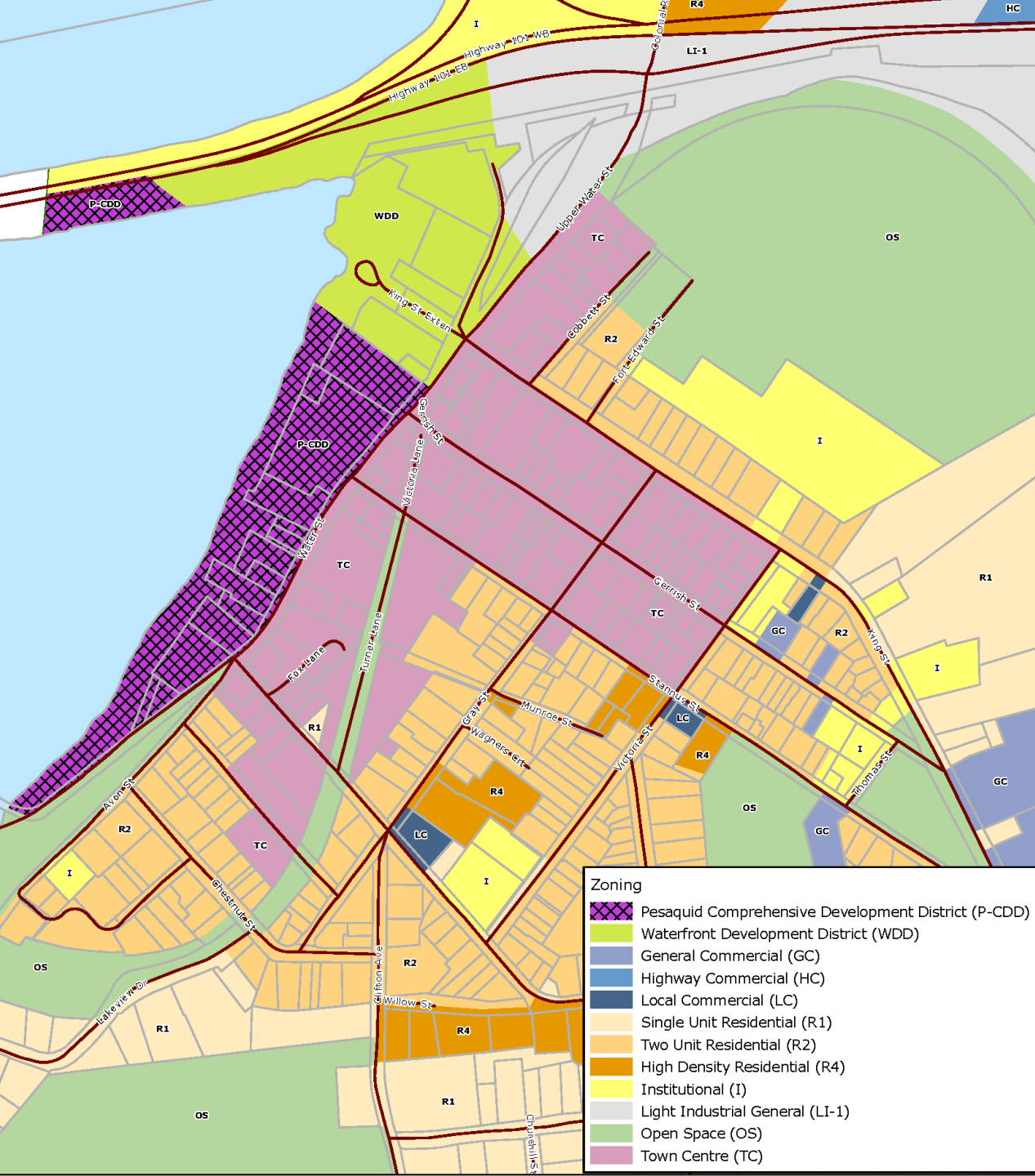


Pesaquid Comprehensive Development District

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.



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.



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 7.5.2)

Policy 7.5.2 *It shall be the policy of Council that the following categories of development proposals in the Pesaquid CDD will be considered by development agreement subject to Policies 7.5.3, 7.5.4, and 7.5.5:*

- (a) a change in use in an existing building to a use which is not permitted in the Town Centre (TC) zone;*
- (b) new main buildings;*
- (c) additions in excess of 1,000 ft² (92.9 m²) in floor area.*
- (d) accessory structures in excess of 500 ft² (46.5 m²) in floor area; or*
- (e) residential uses behind commercial uses on the ground floor of existing buildings.*



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 intention of Council when evaluating a development agreement for residential uses behind commercial uses on the ground floor within the Pesaquid CDD, as enabled through Policy 7.5.2, to have regard to the following:*
- (a) the residential uses on the ground floor of an existing building shall occupy no more than 50% of the ground floor area of the structure;*
 - (b) the residential uses must be located behind a commercial use. The commercial use must have frontage on the street;*
 - (c) the provisions of Policy 16.3.1.*



Draft WLUB Amendments (Section 6.1)

6.1 The following developments may be considered only by development agreement in accordance with the Municipal Government Act and the Municipal Planning Strategy:

...

- (g) development proposals in the Pesaquid CDD in accordance with Section 7.5 of the Municipal Planning Strategy for: signs in addition to those outlined in Section 7.18 of the Land Use By-law (Amendment WLUB 17-01 Effective March 6, 2018); new main buildings; additions in excess of 1,000 ft² (92.90 m²) floor area; accessory structures in excess of 500 ft² (46.45 m²) floor area; a change in use in an existing building to a use not permitted in the TC zone; or residential uses behind commercial uses on the ground floor of existing buildings;

...



Public Information Meeting Notes

Comments and concerns received from a member of the public and the applicant:

- possibility for development agreement process; and
- how the wording for the text amendment would be determined.



Public Information Meeting – December 7, 2023

Staff Review

PAC/HAC Review and Recommendation –
January 11, 2024

Council First Reading – January 23

PAC/HAC Review and Recommendation – March 14

Council First Reading – March 26

Public Hearing & Second Reading – April 23*

Ministerial Review/Approval

Notice of Approval placed in paper

Process

*anticipated date



Recommendation

...that Council gives First Reading and will hold a Public Hearing to consider amending the Windsor Municipal Planning Strategy and Land Use By-law to consider residential uses behind commercial uses on the ground floor of existing buildings in the Pesaquid Comprehensive Development District (P-CDD) zone by development agreement in a manner substantively the same as Attachment B of the staff report to the Planning and Heritage Advisory Committee report dated March 14, 2024.



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