



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information <input type="checkbox"/>	Recommendation X	Decision Request <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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To: Mayor Zebian and Members of West Hants Regional Municipality Council

Submitted by: _____
Alex Dunphy, Planner

Date: March 26, 2024

Subject: WMPS and WLUB Text Amendments: Pesaquid Comprehensive Development District; File # 23-39C

LEGISLATIVE AUTHORITY

Municipal Government Act Section 210

RECOMMENDATION

Should Council wish to proceed to Public Hearing, the following motion would be in order:
 ...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.

BACKGROUND

Property X	Public Opinion <input type="checkbox"/>	Environment <input type="checkbox"/>	Social <input type="checkbox"/>	Economic <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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A completed application was received from Chad and Mandy Singleton on October 19, 2023. The application is to permit residential units behind commercial units on the ground floor.

DISCUSSION

A Public Information Meeting was held on December 7, 2023.

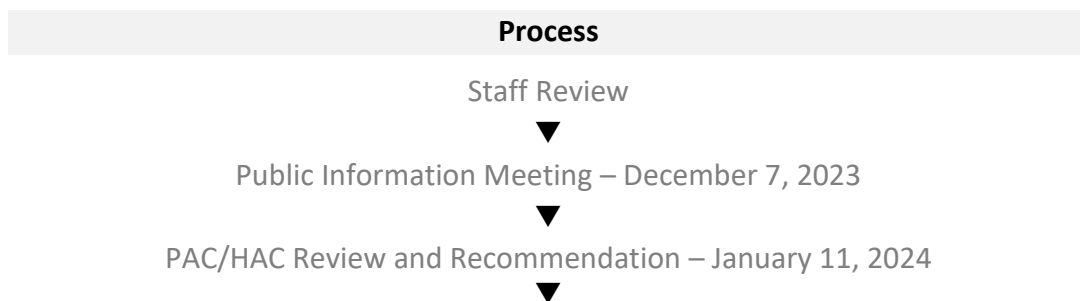
On January 11, 2024, staff presented a recommendation report to the Planning and Heritage Advisory Committee (PAC/HAC) to allow the requested change as-of-right, through amendments to the Windsor Land Use By-law. As there are only 16 properties within the Pesaquid Comprehensive Development District (PCDD) zone, the commercial uses will remain on the street frontage and the amendment only intended to add the option to include residential units without affecting the ability for commercial development, staff recommended text amendments to the Pesaquid Comprehensive Development District (PCDD) zone. The Committee discussed the wording for the location of the residential units, fire safety requirements, residential unit configuration, application background, and waterfront development. The Committee discussed the ability for this proposal to be considered by development agreement instead of through an amendment to the Pesaquid Comprehensive Development District (PCDD) zone at length. 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 a policy to permit the request to be considered by development agreement instead.

On March 14, 2024, staff presented a recommendation report to the Planning and Heritage Advisory Committee (PAC/HAC) (Appendix A) to allow the requested change through the development agreement process, by amending the Windsor Municipal Planning Strategy and Land Use By-law. During that meeting, the Committee recommended in favour of the amended policies.

NEXT STEPS

The process for this application is as follows:





*anticipated dates; final dates set by Council

FINANCIAL IMPLICATIONS

There are no financial implications to the Municipality or residents with regard to the filing of this report.

ALTERNATIVES

In response to this application, Council may decide to:

- hold First Reading and authorize a Public Hearing to approve the amendments as drafted or as specifically revised by direction of Council; or
- provide alternative direction, such as requesting further information on a specific topic.

APPENDIX

Appendix A 2024-03-14 Staff Report - WMPS and WLUB Text Amendments: Pesaquid Comprehensive Development District; File # 23-39B

CHIEF ADMINISTRATIVE OFFICER REVIEW

To ensure a thorough planning process is conducted it is recommended that First Reading be supported by Council. It will allow for public feedback during the public hearing. Information at the Public Hearing will reflect public feedback from the PIM, comments from staff regarding MPS compliance and provide the public a formal opportunity to express their opinions on the amendment before Second Reading when a final decision is made by Council.

Report Prepared by: _____

Alex Dunphy, Planner

Report Approved by: _____

Sara Poirier, Director of Planning and Development

Report Approved by:  _____

Mark Phillips, Chief Administrative Officer

**Appendix A –
2024-03-14 Staff Report - WMPS and WLUB Text Amendments: Pesaquid Comprehensive
Development District; File # 23-39B**



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information <input type="checkbox"/>	Recommendation X	Decision Request <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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To: Members of Planning and Heritage Advisory Committee (PAC/HAC)

Submitted by: _____
 Alex Dunphy, Planner

Date: March 14, 2024

Subject: WMPS and WLUB Text Amendments: Pesaquid Comprehensive Development District; File # 23-39B

LEGISLATIVE AUTHORITY

Municipal Government Act Section 205 & 210

RECOMMENDATION

Staff recommend that the PAC/HAC forward a positive recommendation by passing the following motion:

...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 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.

BACKGROUND

Property X	Public Opinion <input type="checkbox"/>	Environment <input type="checkbox"/>	Social <input type="checkbox"/>	Economic <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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A completed application was received from Chad and Mandy Singleton on October 19, 2023. The application is to permit residential units behind commercial units on the ground floor.

Staff reviewed the WMPS and WLUB and determined there were no policy options to consider the proposed use by development agreement. Staff reviewed the application and determined the request was similar to the Commercial (C-1) zone in Hantsport where residential uses are permitted with located behind, above, or below a commercial use. Staff originally drafted amendments based on the Commercial (C-1) zone from the Hantsport Land Use By-law which, if approved, would have allowed the requested residential use behind a commercial use on the ground floor 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. Staff have drafted amendments to the WMPS and WLUB, as seen below.

DISCUSSION

The applicants are owners of a business on Water Street in Windsor and would like to convert a portion of the ground floor to residential uses. The commercial use would still front on Water Street, with the residential uses being located in the rear of the ground floor.

The applicant's lot is designated Town Centre and Commercial Development District on the Generalized Future Land Use Map (GFLUM) of the Windsor Municipal Planning Strategy (WMPS). The subject lot is zoned Pesaquid Comprehensive Development District (P-CDD) and is included in the Architectural Control District on Schedule A of the Windsor Land Use By-law (WLUB). Currently, the WMPS and WLUB do not allow residential uses on the ground floor in the Pesaquid Comprehensive Development District (P-CDD) zone.

Windsor Municipal Planning Strategy

Policy 7.5.2 and 7.5.3 of the Windsor Municipal Planning Strategy (WMPS) outline the types of uses that Council will consider by development agreement within the Pesaquid Comprehensive Development District (P-CDD) zone.

To permit the proposed residential uses behind commercial uses on the ground floor by development agreement as requested by Council, the following changes are required to the WMPS:

- Adding to Policy 7.5.2, residential uses behind commercial uses on the ground floor of existing buildings to the list of developments considered by development agreement;
- Adding wording to Policy 7.5.3 (c) to include residential uses to be located behind commercial uses on the ground floor of existing buildings; and
- Inserting a new policy in Section 7.5 to create the criteria to evaluate development agreement applications for residential uses to be located behind commercial uses on the ground floor of existing buildings.

The full set of changes can be found in Attachment B.

Windsor Land Use By-law

Section 6.1 of the Windsor Land Use By-law (WLUB) lists developments that may be considered only by development agreement in accordance with the Municipal Government Act and the Municipal Planning Strategy.

To permit the proposal, the following addition to the WLUB is required:

- Adding residential uses behind commercial uses on the ground floor of existing buildings to clause (g) of Section 6.1

The full set of proposed amendments can be found in Attachment B.

Impact of Proposed Changes

The proposed changes would only affect properties within the Pesaquid Comprehensive Development District (P-CDD) zone. There are currently only 16 properties within the P-CDD zone and they are all located on the north-west side of Water Street in Windsor (Figure 1). The existing uses located in this zone are primarily 1-2 storey buildings with ground floor commercial uses and residential units above. Allowing residential uses behind commercial uses on the ground floor to be considered by development agreement will not impact the intended streetscape experience, as commercial uses will still be required at the front of the buildings on the ground floor.

Based on inquiries to the local Fire Chief, Development Officer, Manager of Building and Fire Inspection Services, Traffic Authority, and Public Works Engineering Division, these changes did not raise any concerns which are not otherwise addressed in this report.

General Criteria

Policy 16.1.1 allows Council to review and make amendments to the WMPS. Amendments may be considered when the GFLUM is required to be changed, in order to bring the Strategy in line with the Statements of Provincial Interest, or when Council deems it necessary because of a change in policy intentions or the development environment. In this circumstance, 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.

Policy 16.3.1 establishes the general criteria that must be considered for all amendments to the WLUB. The full list of criteria is included with this report in Attachment A. 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.

MUNICIPAL CLIMATE CHANGE ACTION PLAN

The Municipal Climate Change Action Plan (MCCAP) for Windsor (2014) highlights two simulated flooding scenarios. The first scenario is based on a storm surge that occurred in 1997, which shows the expected damage is to occur along the coastline. The second scenario shows the simulated flooding extent for probable maximum flood due to climate change. Under this scenario most of the community of Windsor will experience extensive flooding, including the entirety of the Pesaquid Comprehensive Development District (P-CDD) zone.

As the proposal is intended to be contained within existing buildings, no impact to the flow of stormwater from properties in the Pesaquid Comprehensive Development District (P-CDD) zone is expected.

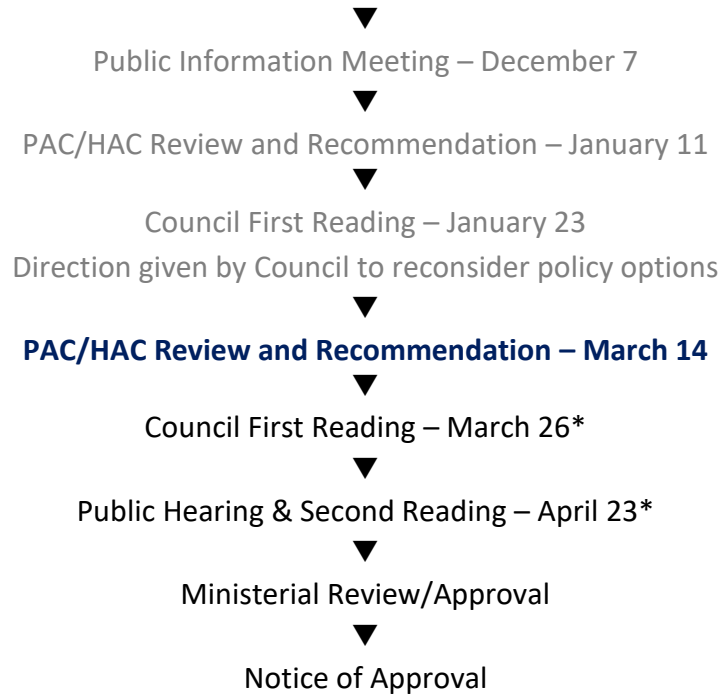
Property owners are responsible for ensuring that their lot is suitable for the proposed uses.

NEXT STEPS

As noted above, the proposed amendments have been considered within the context of the general policies of the WMPS, and is consistent with the intent, objectives, policies and criteria of the WMPS. As a result, it is reasonable to permit the requested changes 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.

Process

Staff Review



*anticipated dates; final dates set by Council

FINANCIAL IMPLICATIONS

There are no financial implications to the Municipality or residents with regard to the filing of this report.

ALTERNATIVES

In response to this application, the PAC/HAC may recommend that Council:

- hold First Reading and authorize a Public Hearing to approve the amendments as drafted or as specifically revised by direction of PAC/HAC;
- provide alternative direction, such as requesting further information on a specific topic.

ATTACHMENTS

Figure 1	Windsor Zoning Map Extract
Attachment A	Policy Summary for Planning Document Amendments
Attachment B	Draft Amendments
Attachment C	Public Information Meeting Notes

Attachment D

2024-01-23 Staff Report - WMPS and WLUB Text Amendments: Pesaquid
Comprehensive Development District; File # 23-39A

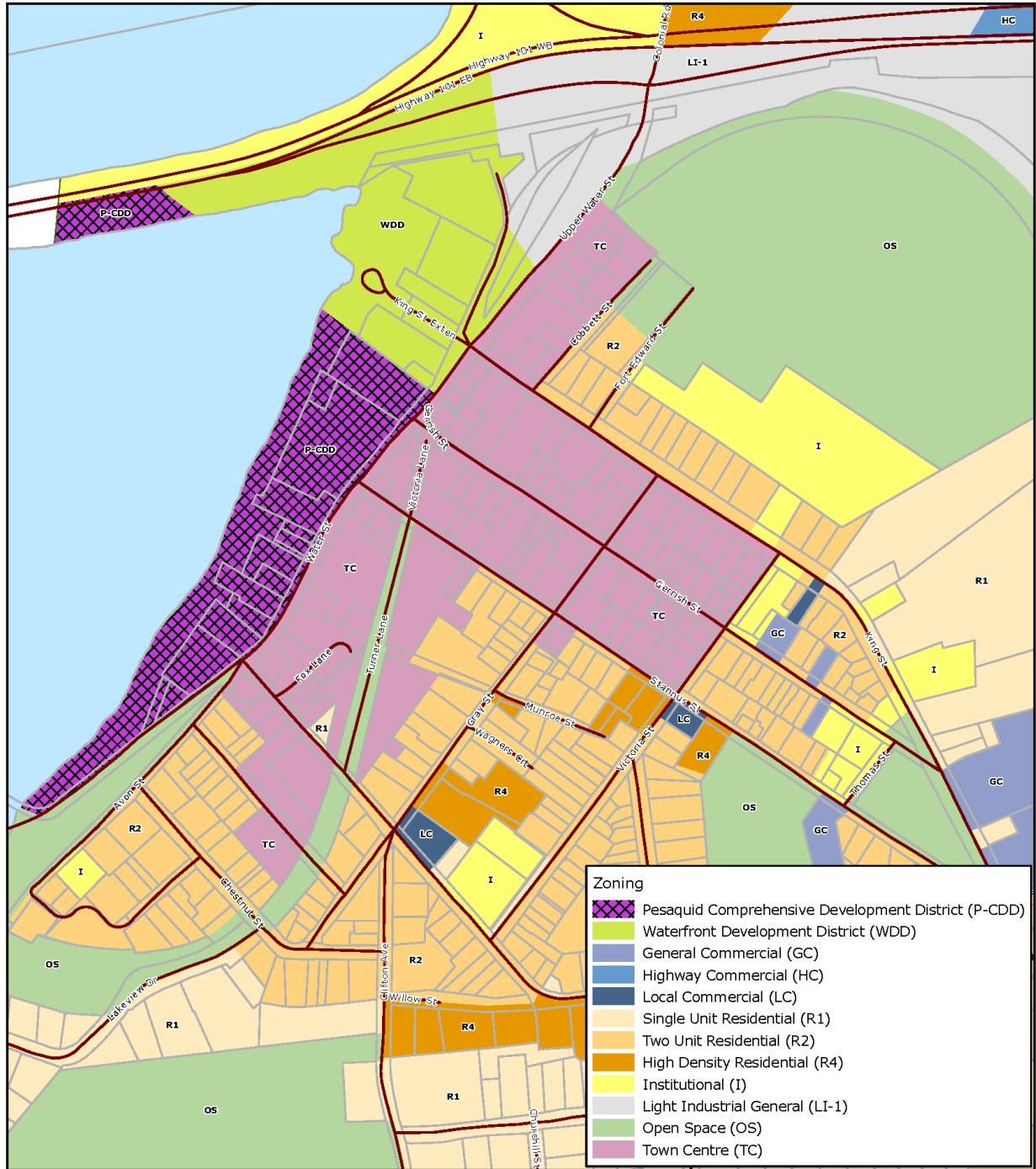
Report Prepared by: _____

Alex Dunphy, Planner

Report Approved by: _____

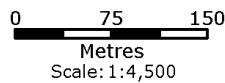
Sara Poirier, Director of Planning and Development

Figure 1 – Windsor Zoning Map Extract



Base data derived from the Nova Scotia Property Records Database (NSPRD) and the Nova Scotia, Geomatics Centre (NSGC), Copyright Her Majesty The Queen in Right of the Province of Nova Scotia. This map is a graphical representation only. It is not a land survey and is not intended for used for legal descriptions or to calculate exact dimensions or area. Prepared by: West Hants Regional Planning and Development Department November 2023

Pesaquid Comprehensive Development District - Windsor



- Parcels
- Roads
- Water

Attachment A – Policy Summary for Planning Document Amendments

<p>Policy 16.3.1 <i>In considering development agreements and amendments to the Town of Windsor Land Use By-law, in addition to the criteria set out in various policies of this Strategy, Council shall consider:</i></p>	
<p><i>(a) whether the proposal is considered appropriate in terms of:</i></p>	
<p><i>(i) the adequacy of sewer and water services;</i></p>	<p>The Public Works Engineering Division commented that they had no concerns regarding ground level residential uses on Water Street or the capacity of water and sewer services.</p>
<p><i>(ii) the adequacy of school facilities;</i></p>	<p>The Regional Executive Director of the Annapolis Valley Regional Centre for Education stated that “We have a responsibility to provide public education for students living in the catchment areas served by these schools. We therefore expect our facilities to accommodate any new development.”</p>
<p><i>(iii) the adequacy of fire protection;</i></p>	<p>The Manager of Building and Fire Inspection Services commented that any residential unit would require a fire separation from the commercial space. This fire separation is implemented to ensure that there is adequate fire protection between the residential and commercial uses.</p> <p>The local Fire Chief commented that any residential unit would require unimpeded access, which is already a requirement of the permitting process.</p>
<p><i>(iv) the adequacy of road networks adjacent to, or leading to the development; and</i></p>	<p>The Municipal Traffic Authority commented that they did not have any</p>

	<p>concerns regarding the adequacy of the road networks provided that off-street parking is provided for the residential units. Off-street parking is required in the WLUB for as-of-right developments.</p>
<p><i>(v) the financial capacity of the Town to absorb any costs relating to the development.</i></p>	<p>There are no anticipated costs to the Municipality regarding this development.</p>
<p><i>(b) the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;</i></p>	<p>The Traffic Authority has no concerns regarding the suitability of movement for properties in the Pesaquid Comprehensive Development District (P-CDD) zone, provided that off-street parking is provided for the residential units.</p> <p>Sidewalks are provided on Water Street for pedestrian traffic and there is no active rail line in the vicinity.</p>
<p><i>(c) the adequacy of the dimensions and shape of the lot for the intended use;</i></p>	<p>The Development Officer commented that they did not have any concerns regarding the adequacy of the dimensions and shape of the lots for the proposal. As the proposal intends to permit a residential use to occur within an existing building, this would not change the adequacy of the lots which the existing building is located.</p>
<p><i>(d) the pattern of development which the proposal might create;</i></p>	<p>The Development Officer commented that they did not have any concerns regarding the pattern of development that the proposal may create. The proposal is not anticipated to affect the streetscape of the Pesaquid Comprehensive Development District (P-CDD) zone, as the changes would only permit residential units to be built</p>

	behind the commercial use on the ground floor of existing buildings.
<i>(e) the suitability of the area in terms of steepness of grade, soil and geological conditions, location of water courses, marshes or bogs and susceptibility of flooding;</i>	As the proposal is intended to be contained within existing buildings, no impact to the suitability in terms of grade, soil, geological conditions, water bodies, or flooding of properties in the Pesaquid Comprehensive Development District (P-CDD) zone is expected.
<i>(f) whether the proposal meets the requirements of the appropriate provincial or federal agencies as well as whether it conforms to all other relevant municipal by-laws and regulations;</i>	All Municipal, Provincial, and Federal regulations will have to be met.
<i>(g) any other matter required by relevant policies of this Strategy.</i>	All relevant matters have been addressed in this report.

Attachment B – Draft Amendments

Note: purple text indicates a change from the present WMPS or WLUB as recommended by staff and is provided only for the convenience of PAC/HAC and Council.

Windsor Municipal Planning Strategy

Text amendments to Section 7.5, *Pesaquid Comprehensive Development District*, of the Windsor Municipal Planning Strategy to allow residential developments to be located on the ground floor, behind a commercial use within an existing building.

- 1. Amend Policy 7.5.2 in the Windsor Municipal Planning Strategy to include residential development behind commercial uses on the ground floor of existing buildings, so that Policy 7.5.2 reads as follows:**

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

- 2. Amend Policy 7.5.3 in the Windsor Municipal Planning Strategy to include residential development behind commercial uses on the ground floor of existing buildings, so that Policy 7.5.3 reads as follows:**

Policy 7.5.3 *It shall be the policy of Council that within the Pesaquid CDD, Council will consider a mix of uses including:*

- commercial development including retail, service, office and entertainment uses;*
- 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.

3. Insert Policy 7.5.5 in the Windsor Municipal Planning Strategy following Policy 7.5.4 so that Policy 7.5.5 reads as follows:

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*

4. All policies following the new Policy 7.5.5 in Section 7.5 shall be renumbered.

Windsor Land Use By-law

Text amendment to the Section 6.1 of the Windsor Land Use By-law to include residential uses behind existing commercial uses on the ground floor within the Pesaquid Comprehensive Development District in the list of developments to be considered by development agreement.

1. Amend Clause (g) of Section 6.1, *Development Agreements*, in the Windsor Land Use By-law to include residential uses behind existing commercial uses on the ground floor within the Pesaquid Comprehensive Development District, so that clause (g) of Section 6.1 reads as follows:

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;

...

Attachment C – Public Information Meeting Notes

December 7 - 21, 2023

WMPS and WLUB Text Amendments: Pesaquid Comprehensive Development District; File # 23-39

Meeting date and time	A Public Information Meeting was held on December 7, 2023, beginning at 6:14 p.m. in Council Chambers at 76 Morison Drive in Windsor. The meeting was broadcast live on the Municipal Facebook page.
Attending	In attendance for the meeting: Two (2) Councillors: <ul style="list-style-type: none">• Councillor Francis (Chair)• Councillor Ivey Four (4) members of staff: <ul style="list-style-type: none">• Planner Dunphy• Planner Fredricks• Planning Assistant Lake• Director Poirier 3 members of the public and the applicants.
Applicant Chad and Mandy Singleton Property Not Applicable	Planner Dunphy outlined the application to amend the text of the Windsor Municipal Planning Strategy and Land Use By-law to permit residential uses on the ground floor of existing buildings in the Pesaquid Comprehensive Development District. The applicant presented on their plan to develop an additional residential unit within their property at 198 Water Street in Windsor, provided that the proposal is successful.
Comments	Comments from the public could be submitted to Alex Dunphy by mail, e-mail and telephone between December 7 - 21, 2023. Staff received no comments or questions from the public. 1 member of the public and the applicants spoke during the December 7, 2023, Public Information Meeting. Staff responses are included in purple text. <ul style="list-style-type: none">• Paul Beazly asked about an option to build the residential unit through a development agreement.

	<p>Alex clarified that there were no policies to allow Council to consider the proposed residential use by development agreement.</p> <ul style="list-style-type: none">• The applicant, Mandy Singleton, asked about how the change to the text of the planning documents would be determined. <p>Alex responded that the wording of the proposed amendments has not yet been determined. A change is required due to the planning documents prioritizing commercial development in the Pesaquid Comprehensive Development District (P-CDD).</p>
Adjournment	The PIM was adjourned at approximately 6:28 p.m.

**Attachment D - 2024-01-23 Staff Report - WMPS and WLUB Text Amendments: Pesaquid
Comprehensive Development District; File # 23-39A**



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information <input type="checkbox"/>	Recommendation X	Decision Request <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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To: Mayor Zebian and Members of West Hants Regional Municipality Council

Submitted by: _____
Alex Dunphy, Planner

Date: January 23, 2024

Subject: WMPS and WLUB Text Amendments: Pesaquid Comprehensive Development District; File # 23-39A

LEGISLATIVE AUTHORITY

Municipal Government Act Section 210

RECOMMENDATION

Should Council wish to proceed to Public Hearing, the following motion would be in order:
 ...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 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.

BACKGROUND

Property X	Public Opinion <input type="checkbox"/>	Environment <input type="checkbox"/>	Social <input type="checkbox"/>	Economic <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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A completed application was received from Chad and Mandy Singleton on October 19, 2023. The application is to permit residential units behind commercial units on the ground floor.

DISCUSSION

A Public Information Meeting was held on December 7, 2023.

On January 11, 2024, staff presented a recommendation report to the Planning and Heritage Advisory Committee (PAC/HAC) (Appendix A). The Committee discussed the wording for the location of the residential units, fire safety requirements, residential unit configuration, application background, and waterfront development. The Committee discussed the ability for this proposal to be considered by development agreement instead of through an amendment to the Pesaquid Comprehensive Development District (PCDD) zone at length. As there are only 16 properties within the Pesaquid Comprehensive Development District (PCDD) zone, the commercial uses will remain on the street frontage and the amendment only intends to add the option to include residential units without affecting the ability for commercial development, staff are recommending the amendments to the Pesaquid Comprehensive Development District (PCDD) zone.

Staff also relayed the feedback received from both the Fire Chief and the Public Works Engineering Division. The Fire Chief commented that residential units would require unimpeded access, which is already a requirement of the permitting process, and the Public Works Engineering Division commented that they did not have any concerns regarding the capacity of municipal services for the proposed amendment.

During the January 11 meeting, PAC/HAC recommended in favour of the application.

NEXT STEPS

The process for this application is as follows:



*anticipated dates; final dates set by Council

FINANCIAL IMPLICATIONS

There are no financial implications to the Municipality or residents with regard to the filing of this report.

ALTERNATIVES

In response to this application, Council may decide to:

- hold First Reading and authorize a Public Hearing to approve the amendments as drafted or as specifically revised by direction of Council; or
- provide alternative direction, such as requesting further information on a specific topic.

APPENDIX

Appendix A 2023-01-11 Staff Report - WMPS and WLUB Text Amendments: Pesaquid Comprehensive Development District; File # 23-39

CHIEF ADMINISTRATIVE OFFICER REVIEW

This matter has been reviewed by the PAC / HAC. The amendment will assist with the provision of residential units in the downtown area. For the noted property owner, it will allow for residential use on the back side of the property but not requiring it should they elect to re-establish a commercial use.

First reading will allow for the formal public hearing process that will ultimately support the final decision-making phase, SECOND READING.

I support the recommendation.

Report Prepared by: _____

Alex Dunphy, Planner

Report Approved by: _____

Sara Poirier, Director of Planning and Development

Report Approved by:  _____

Mark Phillips, Chief Administrative Officer

**Appendix A –
2023-01-11 Staff Report - WMPS and WLUB Text Amendments: Pesaquid Comprehensive
Development District; File # 23-39**



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information <input type="checkbox"/>	Recommendation X	Decision Request <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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To: Members of Planning and Heritage Advisory Committee (PAC/HAC)

Submitted by: _____
 Alex Dunphy, Planner

Date: January 11, 2024

Subject: WMPS and WLUB Text Amendments: Pesaquid Comprehensive Development District; File # 23-39

LEGISLATIVE AUTHORITY

Municipal Government Act Section 210

RECOMMENDATION

Staff recommend that the PAC/HAC forward a positive recommendation by passing the following motion:

...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.

BACKGROUND

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

DISCUSSION

The applicants are owners of a business on Water Street in Windsor and would like to convert a portion of the ground floor for residential uses. The commercial use would still face the street. The applicant's lot is designated Town Centre and Commercial Development District on the Generalized Future Land Use Map (GFLUM) of the Windsor Municipal Planning Strategy (WMPS). The subject lot is zoned Pesaquid Comprehensive Development District (P-CDD) and are included in the Architectural Control District on Schedule A of the Windsor Land Use By-law (WLUB). Currently, the WMPS and WLUB do not allow residential uses on the ground floor in the Pesaquid Comprehensive Development District (P-CDD) zone. Staff reviewed the WMPS and WLUB and determined there were no policy options to consider the proposed use by development agreement. Staff reviewed the application and determined the request was similar to the Commercial (C-1) zone in Hantsport where residential uses are permitted with located behind, above, or below a commercial use. Staff have drafted the following amendments based on the Commercial (C-1) zone from the Hantsport Land Use By-law which, if approved, would allow the requested residential use behind a commercial use on the ground floor.

Windsor Municipal Planning Strategy

Policy 7.5.3 and 7.5.5 of the Windsor Municipal Planning Strategy (WMPS) outlines the types of uses that Council will consider within the Pesaquid Comprehensive Development District (P-CDD) zone.

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 on the upper floors of 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.

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, shall be permitted as-of-right in accordance with the provisions of the Town Centre (TC) zone. In summary, to permit the proposed residential use, the following changes are required to the WMPS:

- Adding wording to Policy 7.5.3 (c) to include residential developments to be located behind an existing commercial use; and
- Adding wording to Policy 7.5.5 to allow residential developments to be located behind existing commercial uses.

The full set of changes can be found in Attachment B.

Windsor Land Use By-law

Section 15.1 of the Windsor Land Use By-law (WLUB) permits the following categories of development 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; and*
- (d) temporary retail sales and food service kiosks subject to Section 15.2. The current parking requirement for apartment buildings is a ratio of 1.5 parking spaces per dwelling unit.*

In summary, to permit the proposal, the following addition to the WLUB is required:

- Adding residential uses on the ground floor not exceeding 50% of the ground floor area, located behind commercial use to Section 15.1.

The full set of proposed amendments can be found in Attachment B.

Impact of Proposed Changes

The proposed changes would only affect properties within the Pesaquid Comprehensive Development District (P-CDD) zone. There are currently only 16 properties within the P-CDD zone and they are all located on the north-west side of Water Street in Windsor (Figure 1). The existing uses located in this zone are primarily 1-2 storey buildings with ground floor commercial uses and residential units above. Allowing residential uses to be built behind existing commercial uses on the ground floor will not impact the intended streetscape experience, as commercial uses will still be required at the front of buildings at street level.

Based on inquiries to the local Fire Chief, Development Officer, Manager of Building and Fire Inspection Services, Traffic Authority, and Public Works Engineering Division, these changes did not raise any concerns which are not otherwise addressed in this report.

General Criteria

Policy 16.1.1 allows Council to review and make amendments to the WMPS. Amendments may be considered when the GFLUM is required to be changed, in order to bring the Strategy in line with the Statements of Provincial Interest, or when Council deems it necessary because of a change in policy intentions or the development environment. In this circumstance, 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.

Policy 16.3.1 establishes the general criteria that must be considered for all amendments to the WLUB. The full list of criteria is included with this report in Attachment A. 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.

MUNICIPAL CLIMATE CHANGE ACTION PLAN

The Municipal Climate Change Action Plan (MCCAP) for Windsor (2014) highlights two simulated flooding scenarios. The first scenario is based on a storm surge that occurred in 1997, which shows the expected damage is to occur along the coastline. The second scenario shows the simulated flooding extent for probable maximum flood due to climate change. Under this scenario most of the community of Windsor will experience extensive flooding, including the entirety of the Pesaquid Comprehensive Development District (P-CDD) zone.

As the proposal is intended to be contained within existing buildings, no impact to the flow of stormwater from properties in the Pesaquid Comprehensive Development District (P-CDD) zone is expected.

Property owners are responsible for ensuring that their lot is suitable for the proposed uses.

NEXT STEPS

As noted above, the proposed amendments have been considered within the context of the general policies of the WMPS, and is consistent with the intent, objectives, policies and criteria of the WMPS. As a result, it is reasonable to permit the requested changes to allow residential units behind commercial uses on the ground floor of existing buildings in the Pesaquid Comprehensive Development District (P-CDD) zone.



*anticipated dates; final dates set by Council

FINANCIAL IMPLICATIONS

There are no financial implications to the Municipality or residents with regard to the filing of this report.

ALTERNATIVES

In response to this application, the PAC/HAC may recommend that Council:

- hold First Reading and authorize a Public Hearing to approve the amendments as drafted or as specifically revised by direction of PAC/HAC;
- provide alternative direction, such as requesting further information on a specific topic.

ATTACHMENTS

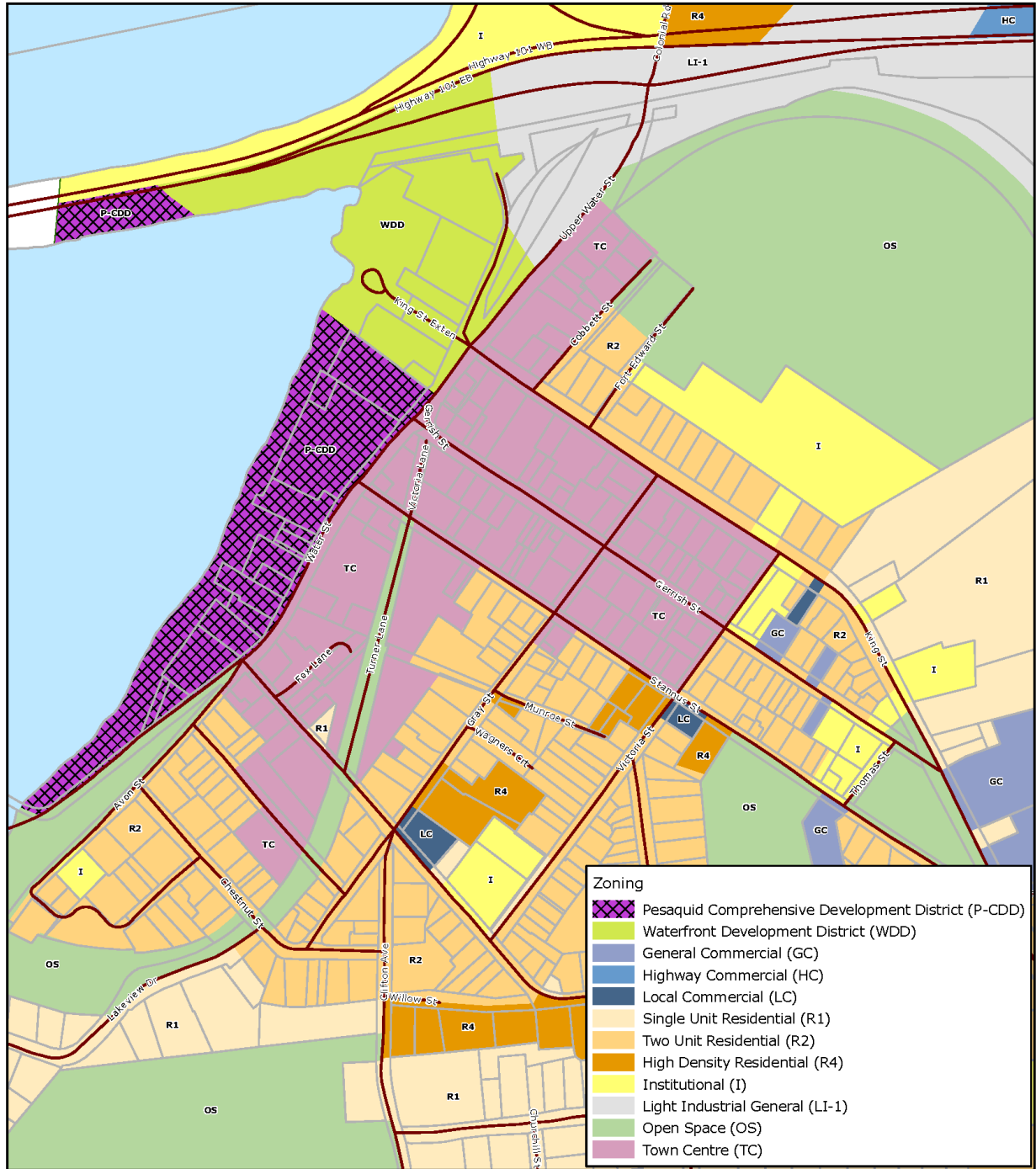
Figure 1 Windsor Zoning Map Extract

Attachment A Policy Summary for Planning Document Amendments
Attachment B Draft Amendments
Attachment C Public Information Meeting Notes

Report Prepared by: _____
Alex Dunphy, Planner

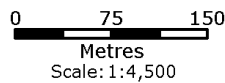
Report Approved by: _____
Sara Poirier, Director of Planning and Development

Figure 1 – Windsor Zoning Map Extract



Base data derived from the Nova Scotia Property Records Database (NSPRD) and the Nova Scotia, Geomatics Centre (NSGC), Copyright Her Majesty The Queen in Right of the Province of Nova Scotia. This map is a graphical representation only. It is not a land survey and is not intended for used for legal descriptions or to calculate exact dimensions or area. Prepared by: West Hants Regional Planning and Development Department November 2023

Pesaquid Comprehensive Development District - Windsor



- Parcels
- Roads
- Water

Attachment A – Policy Summary for Planning Document Amendments

<p>Policy 16.3.1 <i>In considering development agreements and amendments to the Town of Windsor Land Use By-law, in addition to the criteria set out in various policies of this Strategy, Council shall consider:</i></p>	
<p><i>(a) whether the proposal is considered appropriate in terms of:</i></p>	
<p><i>(i) the adequacy of sewer and water services;</i></p>	<p>The Public Works Engineering Division commented that they had no initial concerns regarding ground level residential uses on Water Street. The Director of Public Works was unable to provide comment at the time of the writing of this report. Staff hope to have that feedback prior to the Planning and Advisory Committee Meeting.</p>
<p><i>(ii) the adequacy of school facilities;</i></p>	<p>The Regional Executive Director of the Annapolis Valley Regional Centre for Education stated that “We have a responsibility to provide public education for students living in the catchment areas served by these schools. We therefore expect our facilities to accommodate any new development.”</p>
<p><i>(iii) the adequacy of fire protection;</i></p>	<p>The Manager of Building and Fire Inspection Services commented that any residential unit would require a fire separation from the commercial space. This fire separation is implemented to ensure that there is adequate fire protection between the residential and commercial uses. At the time of writing this report, staff have yet to receive comment from the</p>

	Windsor Fire Chief. Staff hope to have that feedback prior to the Planning and Advisory Committee Meeting.
<i>(iv) the adequacy of road networks adjacent to, or leading to the development; and</i>	The Municipal Traffic Authority commented that they did not have any concerns regarding the adequacy of the road networks provided that off-street parking is provided for the residential units. Off-street parking is required in the WLUB for as-of-right developments.
<i>(v) the financial capacity of the Town to absorb any costs relating to the development.</i>	There are no anticipated costs to the Municipality regarding this development.
<i>(b) the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;</i>	The Traffic Authority has no concerns regarding the suitability of movement for properties in the Pesaquid Comprehensive Development District (P-CDD) zone, provided that off-street parking is provided for the residential units. Sidewalks are provided on Water Street for pedestrian traffic and there is no active rail line in the vicinity.
<i>(c) the adequacy of the dimensions and shape of the lot for the intended use;</i>	The Development Officer commented that they did not have any concerns regarding the adequacy of the dimensions and shape of the lots for the proposal. As the proposal intends to permit a residential use to occur within an existing building, this would not change the adequacy of the lots which the existing building is located.
<i>(d) the pattern of development which the proposal might create;</i>	The Development Officer commented that they did not have any concerns regarding the pattern of development that the proposal may create. The

	<p>proposal is not anticipated to affect the streetscape of the Pesaquid Comprehensive Development District (P-CDD) zone, as the changes would only permit residential units to be built behind the commercial use on the ground floor of existing buildings.</p>
<p><i>(e) the suitability of the area in terms of steepness of grade, soil and geological conditions, location of water courses, marshes or bogs and susceptibility of flooding;</i></p>	<p>As the proposal is intended to be contained within existing buildings, no impact to the suitability in terms of grade, soil, geological conditions, water bodies, or flooding of properties in the Pesaquid Comprehensive Development District (P-CDD) zone is expected.</p>
<p><i>(f) whether the proposal meets the requirements of the appropriate provincial or federal agencies as well as whether it conforms to all other relevant municipal by-laws and regulations;</i></p>	<p>All Municipal, Provincial, and Federal regulations will have to be met.</p>
<p><i>(g) any other matter required by relevant policies of this Strategy.</i></p>	<p>All relevant matters have been addressed in this report.</p>

Attachment B – Draft Amendments

Note: purple text indicates a change from the present WMPS or WLUB as recommended by staff and is provided only for the convenience of PAC/HAC and Council.

Text amendments to Section 7.5 of the Windsor Municipal Planning Strategy to allow residential developments to be located on the ground floor, behind a commercial use within an existing building.

Windsor Municipal Planning Strategy

- 1. Amend Policy 7.5.3 in the Windsor Municipal Planning Strategy to include residential development behind commercial uses on the ground floor of existing buildings, so that Policy 7.5.3 reads as follows:**

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.***

- 2. Amend Policy 7.5.5 in the Windsor Municipal Planning Strategy to include residential development behind commercial uses on the ground floor of existing buildings, so that Policy 7.5.5 reads as follows:**

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.***

Text amendment to the Section 15.1 of the Windsor Land Use By-law to allow residential developments to be located on the ground floor, behind commercial uses within an existing building.

Windsor Land Use By-law

- 1. Amend Section 15.1, *As-of-Right Development*, in the Windsor Land Use By-law to include residential developments on the ground floor to the permitted uses list, so that Section 15.1 reads as follows:**

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:
- change in use in an existing building, provided the use is permitted in the Town Centre (TC) zone;
 - 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;
 - accessory structures not exceeding 500 ft² (46.45 m²) in floor area, subject to Town Centre (TC) zone requirements;
 - temporary retail sales and food service kiosks subject to Section 15.2;
 - residential uses on the ground floor of existing buildings in accordance with 15.1.1.

- 2. Create Subsection 15.1.1, *Requirements for Ground Floor Residential Uses*, in the Windsor Land Use By-law to include provisions for ground floor residential uses, so that Subsection 15.1.1 reads as follows:**

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.

Attachment C – Public Information Meeting Notes

December 7 - 21, 2023

**WMPS and WLUB Text Amendments:
Pesaquid Comprehensive Development District; File # 23-39**

Meeting date and time	A Public Information Meeting was held on December 7, 2023 beginning at 6:14 p.m. The meeting was broadcast live on the Municipal Facebook page.
Attending	In attendance for the meeting: Two (2) Councillors: <ul style="list-style-type: none">• Councillor Francis (Chair)• Councillor Ivey Four (4) members of staff: <ul style="list-style-type: none">• Planner Dunphy• Planner Fredricks• Planning Assistant Lake• Director Poirier 3 members of the public and the applicants.
Applicant Chad and Mandy Singleton Property Not Applicable	Planner Dunphy outlined the application to amend the text of the Windsor Municipal Planning Strategy and Land Use By-law to permit residential uses on the ground floor of existing buildings in the Pesaquid Comprehensive Development District. The applicant presented on their plan to develop an additional residential unit within their property at 198 Water Street, Windsor, provided that the proposal is successful.
Comments	Comments from the public could be submitted to Alex Dunphy by mail, e-mail and telephone between December 7 - 21, 2023. Staff received no comments or questions from the public. 1 member of the public and the applicants spoke during the December 7, 2023, Public Information Meeting. Staff responses are included in purple text. <ul style="list-style-type: none">• Paul Beazly asked about an option to build the residential unit through a development agreement. Alex clarified that there were no policies to allow

	<p>Council to consider the proposed residential use by development agreement.</p> <ul style="list-style-type: none">• The applicant, Mandy Singleton, asked about how the change to the text of the planning documents would be determined. <p>Alex responded that the wording of the proposed amendments has not yet been determined. A change is required due to the planning documents prioritizing commercial development in the Pesaquid Comprehensive Development District (P-CDD).</p>
Adjournment	The PIM was adjourned at approximately 6:28 p.m.