



COUNTY of ANNAPOLIS
NATURALLY ROOTED

MUNICIPALITY OF THE COUNTY OF ANNAPOLIS
PUBLIC HEARING AGENDA

CMH Application to Amend Bridgetown Zoning Map

**Municipal Administration Building,
752 St. George Street, Annapolis Royal
11:00 A.M., July 19, 2022**

1. Welcoming Remarks - Warden Alan V. Parish

Council is to deal with one public hearing. At the end of the public hearing, Council will return to 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 File No. 66520-35 Bridgetown 2022-LUB-001: an application by CMH on behalf of the Municipality of the County of Annapolis to make a text and map amendment to the Bridgetown Land Use Bylaw by removing Part 9.3.2 (d) regarding the location of multi-unit buildings on local streets and to amend the Bridgetown Zoning Map to rezone the land identified as parcels PID No. 05144787, 05144795, 05114293 and 05005475, in the community of Bridgetown from the Institutional (I1) and Open Space (O1) Zones to the Residential Multiple (R2) Zone. The aforementioned text and map amendments will permit the redevelopment of the property from a former school to a multi-unit residential development consisting of sixteen (16) two-bedroom apartments and the potential future development of the remaining empty lots.

All questions and comments throughout the public hearing are to be addressed to the Chair, who will afford an opportunity for public input and will ask that persons speaking identify themselves *each time* so that their comments may be recorded in the minutes, and 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. Questions and comments from Council members are asked to be held until all public comment is heard.

2. File No. 66520-35 Bridgetown 2022-LUB-001: CMH Application

- a. Presentation by Planner – Application Specifics & Planning Process (Staff Report)
- b. Presentation of the Request – Applicant Rob Bowyer, CMH
- c. Acknowledgement of Written Submissions (Municipal Clerk)



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- d. Call for Oral Presentations (open discussion from the floor – public)
 - i. 1st call for comments against the application
 - ii. 2nd call for comments against the application
 - iii. 3rd call for comments against the application
 - iv. 1st call for comments in support of the application
 - v. 2nd call for comments in support of the application
 - vi. 3rd call for comments in support of the application
- e. Call for questions or comments from Council Members

3. 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

4. Closing Comments

5. Adjourn to Regular Session of Council



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STAFF REPORT

To: Municipal Council
Submitted by: Brendan Lamb, Planner/Development Officer
Date: July 19, 2022
Subject: Planning Process Update - CMH (Municipality of the County of Annapolis) Bridgetown LUB Zoning Text & Map Amendment

BACKGROUND

File No. 66520-35 2022 LUB-001: is an application by CMH to amend the Bridgetown Land Use Bylaw (LUB) by removing Part 9.3.2 (d) regarding the location of multi-unit buildings on local streets and to amend the Bridgetown Zoning Map to rezone the land identified as parcels PID No. 05144787, 05144795, 05114293 and 05005475, in the community of Bridgetown from the Institutional (I1) and Open Space (O1) Zones to the Residential Multiple (R2) Zone. The aforementioned text and map amendments will permit the redevelopment of the property from a former school to a multi-unit residential development consisting of sixteen (16) two-bedroom apartments and the potential future development of the remaining empty lots. The following is a list of the planning process undertaken:

PLANNING PROCESS TO DATE

1. April 6, 2022 – LUB Text and Zoning Map amendment application received
2. May 10, 2022 – Committee of the Whole Meeting
Action – recommendation Council accept application for processing.
3. May 17, 2022 – Municipal Council Session
Action – motion paces to commence the amendment process and adopt PPP with BAAC and PAC Public Meetings.
4. May 18, 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. May 26, 2022– PAC ad appears in Annapolis Valley Register
6. May 26 and May 27, 2022 – Hand Delivery of PAC Meeting Notices

7. May 31, 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. June 21, 2022 – Municipal Council Meeting
Action – motion passed giving 1st Reading and to hold Public Hearing on July 19, 2022.
9. June 30 and July 7, 2022– Public Hearing ads appear in the AV Register.
10. July 19, 2022 – Public Hearing. Staff prepared a Public Hearing agenda and planning process update report.

STAFF RECOMENDATION

Text and map amendments of this nature are considered a simple LUB amendment, and under the Municipal Government Act (MGA) Section 210 it does not require an amendment to the MPS. Section 210 (1) (a) of the MGA states that an amendment of the LUB must be done in accordance with the Municipal Planning Strategy (MPS). The Bridgetown MPS has three (3) policies that must be considered before making an amendment to the corresponding LUB for a residential use.

Part 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.

Part 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 the opinion of staff that due to the properties former use as a school, the existing infrastructure including central sewer, water systems and road network are all adequate to handle the proposed change in use from Institutional (I) and Open Space (OS) to Residential Multiple (R2). The redevelopment of the existing building into a sixteen (16) unit residential dwelling and any potential future development of single unit dwellings on the reaming three lots, would have less impact on the community in the form of noise and traffic nuisance than its previous use as a school. Since the closing of the school the existing infrastructure has been underutilized and the

properties in question have not been contributing the tax base of the community to help fund the maintenance of the local infrastructure.

In regards to altering the predominant character of the area, the properties in question are located within a residential designation. The proposed use for the former school being a multi-unit residential dwelling with no commercial, institutional, or industrial uses, therefore the proposed change to the Residential Multiple Zone fits with the predominate residential character of the area. The proposed mix of high density residential development on local streets amongst lower density residential buildings is mirrored throughout the areas given the residential designation as demonstrated by the four (4) unit building on Water Street, the eight (8) unit building on the corner of Albert and Middle Street, the two four (4) unit buildings located on the same property off Chipman Avenue.

Finally, under Part 23.5 of the Bridgetown MPS, as stated in Part 23.5.3 when considering an amendment to the LUB Council shall have regard for those matters identified in Policy 23.7.1 (see attachment for a list of criteria). Before approving the amendments, the criteria set out in Policy 23.7.1 were reviewed and discussed throughout the public participation program including the Bridgetown Area Advisory Committee (BAAC), Planning Advisory Committee (PAC), and will be further discussed at the Public Hearing.

Therefore, the proposed application meets the requirements set out in the MPS to consider the map amendment application for parcels PID No. 05144787, 05144795, 05114293 and 05005475.

It is the opinion of staff that based off the discussion held by the BAAC and the PAC the proposed rezoning meets all of the requirements set out in Policy 23.7.1.

It is also important to note that Policy 4.1 of the Bridgetown MPS states that it is the intent of Council to encourage moderate population growth. When the Bridgetown MPS and LUB was adopted in 1996 the population for the planning area was 994. According to the 2016 Canadian Census the population for the planning area had decreased to 949. The 4.5% decrease in population since the plan was established indicates that the current MPS and LUB is failing to providing housing options that support growth within the community. It is the opinion of staff that removing Part 9.3.2 (d) from the Bridgetown LUB to allow for multi-unit residential developments to be permitted on local streets brings the LUB in line with the above mention policy as well as the following goals laid out within the MPS:

- 3.2.1 To encourage the present and future development of Bridgetown as a distinct growth and service centre within the Annapolis County area.
- 3.2.2 To encourage managed, moderate growth.
- 3.2.8 To encourage development that is not financially detrimental to the Town.
- 3.2.9 To ensure the costs of development and service provision are responsibly allocated.
- 3.2.13 To encourage the provision of adequate housing of a variety of types.

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: *Brendan Lamb*

Brendan Lamb
Planner

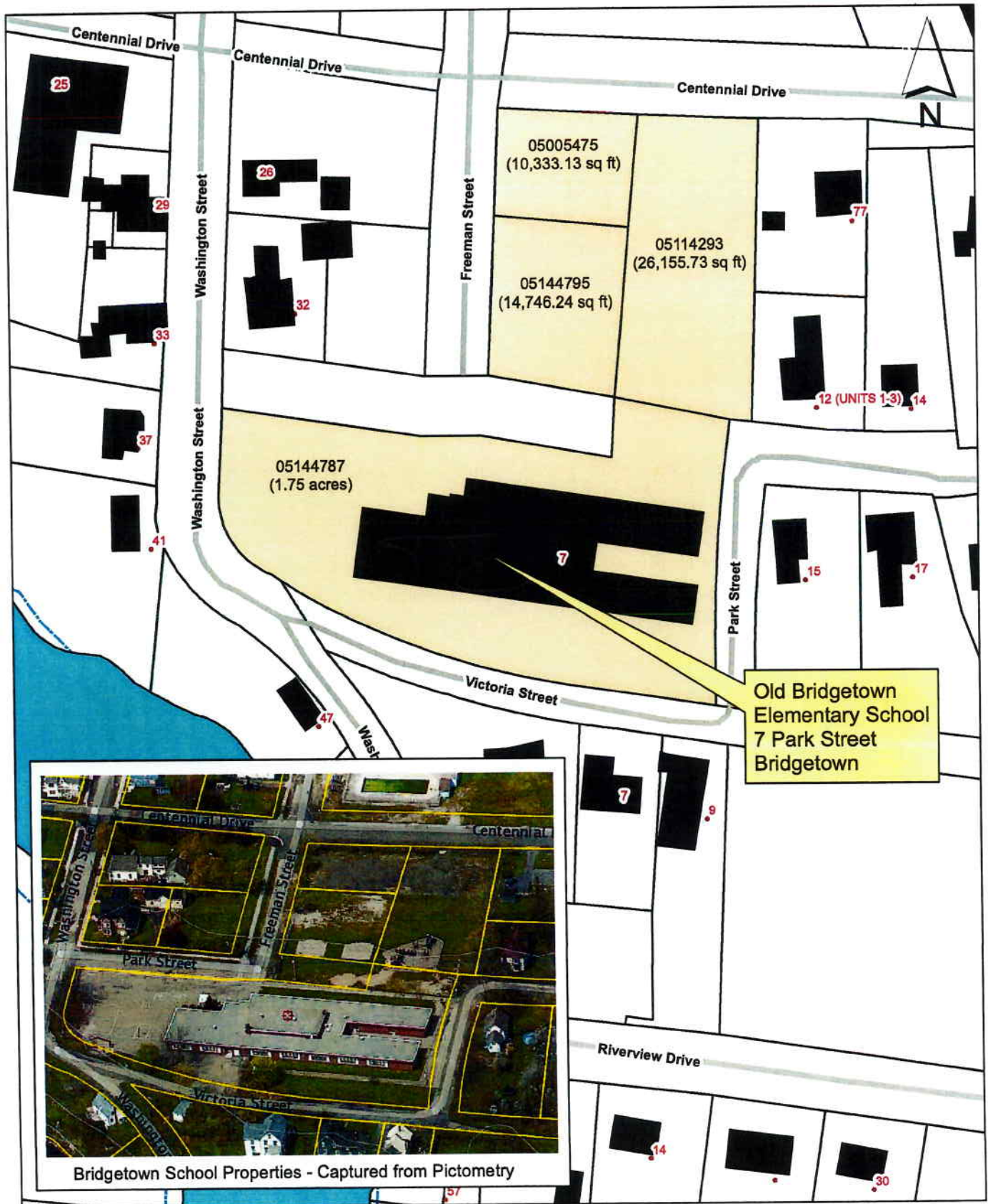
Report Reviewed by: *Linda Bent*

Linda Bent
Manager of Inspection Services

Report Approved by:



David Dick, CPA CA
CAO



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23.5 Amending the Land Use By-law

It may be necessary from time to time to amend the Land-Use By-law, although the by-law must always be amended in conformity with the Municipal Planning Strategy. Those situations for which there is provision to initiate the process of amending a Land-Use By-law include:

- (a) a request by an individual to amend the by-law;
- (b) a motion by a member of council to amend the by-law; or
- (c) the amendment of the Municipal Planning Strategy such that the Land-Use By-law is not longer in conformance with the strategy.

23.5.1 The Council in considering an amendment to the Land-Use By-law shall comply with all requirements as provided for in the Municipal Government Act, and this strategy.

23.5.2 It shall be the intent of Council that the following uses, within the designations specified, shall only be considered by amendment to the land use by-law:

- (a) mobile homes in the Residential Designation (Policy 6.13);
- (b) recreational uses, institutional uses and service/utility uses may be permitted in designated residential areas (Policy 6.3).

23.5.3 In considering an amendment to the Land-Use By-law the Council shall have regard for those matters identified in Policy 23.7.1 as well as those criteria set out in other applicable policies of this Strategy.

23.5.4 In considering amendments to the Land-Use By-law, it shall be the intention of Council to:

- (a) request a report from the development officer;
- (b) refer the matter to the Planning Advisory Committee for their report with respect to any other policies of this strategy which affect the proposed amendment.

23.5.5 In considering an amendment to the Land Use By-law, Council shall hold a public hearing in accordance with the provisions of the Municipal Government Act.

23.7 Criteria for Amendment to the Land Use By-law and Evaluation of Proposals for Development Agreements

Zoning and Development Agreements are mechanisms for implementing land use aspects of Municipal Planning Strategies (MPS). As such they must be in conformity with the MPS. An Amendment to a Land Use By-law or entering into a Development Agreement can have a significant impact on fiscal, land use and other matters in the Town. With this in mind, the Municipal Government Act provides that a Municipal Planning Strategy contain the criteria to be used by council when considering an amendment to a Land Use By-law or entering into a Development Agreement.

23.7.1 In considering amendments to the zoning in the by-law or, entering into development agreements, in addition to all other criteria as set out in various policies of this planning strategy, Council shall have regard for the following matters:
That the proposal is in conformance with the intents of this Strategy and with the requirements of all other Town By-laws and regulations;

- (a) That the proposal is not premature or inappropriate by reason of:
 - (i) the financial capability of the Town to absorb any costs relating to the development;
 - (ii) the adequacy of sewer and groundwater to support the proposed density of development;
 - (iii) the adequacy and proximity of school, recreation and other community facilities;
 - (iv) the adequacy of road networks adjacent to, or leading to the development;
 - (v) the potential for the contamination of water courses or the creation of erosion or sedimentation;
 - (vi) stored water capacity for fire protection;
 - (vii) the potential for damage to or destruction of historical buildings and sites.

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- (b) That controls are contained in a Land Use By-Law or a development agreement so as to reduce conflict between the development and any other adjacent or nearby land use by reason of :
 - (i) type of use;
 - (ii) emissions including air and water pollutants and noise;
 - (iii) height, bulk, and lot coverage of the proposed building;
 - (iv) traffic generation, access to and egress from the site, and parking;
 - (v) open storage;
 - (vi) signs;
 - (vii) similar matters of planning concern.
 - (c) Suitability and development costs of the proposed site in terms of steepness of grades, soil and geological conditions, marshes, swamps, or bogs and proximity of highway ramps, railway rights-of-way and other nuisance factors.
 - (d) Provision is made for buffering, landscaping, screening and access control to reduce potential incompatibility with adjacent land uses and traffic.
 - (e) Development is located so as not to obstruct any natural drainage channels or watercourses.

23.8 Subdivision Control

The Town of Bridgetown presently has a Subdivision Bylaw, which was put in place April 1, 1999. Pursuant to the provisions of The Municipal Government Act, the province prescribed Provincial Subdivision Regulations. An amended Subdivision By-law for the Town of Bridgetown should be considered to add provisions such as engineering specifications for subdivision developments.

- 23.8.1 It shall be the intent of Council to review the existing Subdivision By-law for the Town of Bridgetown.