



Municipality of the County of Kings

## Report to the Planning Advisory Committee

Application to rezone land from the Residential One and Two Unit (R2) Zone to the Residential Mixed Density (R3) Zone near Mill Street, Waterville.

(File #22-01)

April 12, 2022

Prepared by: Planning and Development Services

|                               |  |
|-------------------------------|--|
| <b>Applicant</b>              | Joe Garber   |
| <b>Land Owner</b>             | 4203450 NOVA SCOTIA LIMITED  |
| <b>Proposal</b>               | Rezone property to the Residential Mixed Density (R3) Zone   |
| <b>Location</b>               | Mill Street, Waterville (PID 55520456 – pending consolidation into PID 55349534)   |
| <b>Lot Area</b>               | Approx. 10,218 ft <sup>2</sup> (0.23acre)  |
| <b>Designation</b>            | Residential (R)  |
| <b>Zone</b>                   | Residential One and Two Unit (R2) Zone   |
| <b>Surrounding Uses</b>       | Mostly residential uses, some commercial uses  |
| <b>Neighbour Notification</b> | Letters providing notification of the planning application were mailed to 42 property owners within 500 feet of the subject property |

### 1. PROPOSAL

Joe Garber has applied to rezone a vacant property within the Growth Centre of Waterville from the Residential One and Two Unit (R2) Zone to the Residential Mixed Density (R3) Zone. This property will be added to land already zoned Residential Mixed Density (R3) and owned by the applicant. This requested zone change represents an adjustment to the depth of the Residential Mixed Density (R3) off of Mill Street. The zone boundary would extend about 120 in width and 78 feet in depth from the current zone boundary.

The applicant intends to consolidate the subject property with the larger property on Mill Street and construct a 6 unit residential dwelling on the combined property.



### 2. OPTIONS

In response to the application, the Planning Advisory Committee may:

- Forward to Council a recommendation to approve the Map amendment, as drafted;
- Provide alternative direction, such as requesting further information on a specific topic; or
- Forward to Council a recommendation to refuse the proposal, as drafted.

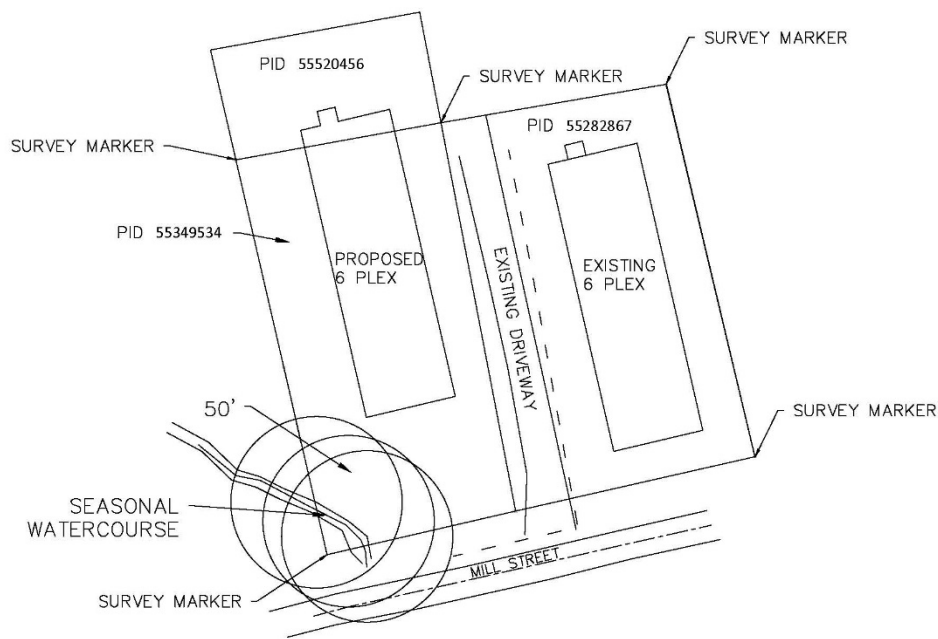
### 3. STAFF RECOMMENDATION

Staff recommend that the Planning Advisory Committee forward a positive recommendation by passing the following motion.

**The Planning Advisory Committee recommends that Municipal Council give First Reading to and hold a Public Hearing regarding the application to rezone PID 55520456 from the Residential One and Two Unit (R2) Zone to the Residential Mixed Density (R3) Zone, as described in Appendix C of the report dated April 12<sup>th</sup>, 2022.**

### 4. BACKGROUND

The applicant acquired the subject property to add land area to the adjacent vacant property on Mill Street. This additional land at the back will allow for a similar building to the existing town house units at 1233 Mill Street. The positioning of the proposed building was influenced by a watercourse near the front of the property and the Land Use By-law's 50 foot watercourse separation distance which requires the building to be pushed back further from Mill Street to comply. The watercourse separation distance meant a smaller building than on the adjacent property (PID 55349534) however; the applicant was able to acquire a piece of back land that would increase the depth of the main property. This landlocked piece of land is currently zoned Residential One and Two Unit (R2) and cannot be used for development, unless it is added to an adjacent piece of land with public road frontage. The requested change would adjust the boundary of the Residential Mixed Density (R3) Zone to include this back land and offer enough land area to permit the proposed 6 unit building.



The site plan shows the layout of the existing townhouse units (*existing 6 plex*) and the proposed townhouse units (*proposed 6 plex*). This site plan also highlights the required 50 foot watercourse separation

distance near Mill Street which results in the new building needing to be located further to the rear of the property and more land was need to still meet the required 20 foot rear yard setback.

## **5. SITE INFORMATION**

### **5.1 Subject Property Information**

The subject property is 10,218 sq feet in lot area. The front property is cleared of vegetation and has been prepared for construction. The subject property will be consolidated with the front property into a new PID 55349534 that will have an increased lot size.



Figure 1 - Approximate boundaries of combined properties

### **5.2 Comments from Public**

Under the Planning Policies of the Municipality of the County of Kings (PLAN-09-001), a Public Information Meeting was not required because the area of rezoned land is less than one (1) acre.

Notification letters were sent to 42 property owners within a 500 foot radius of the subject property seeking comments and feedback on the proposed Land Use By-law map amendment. Staff received one inquiry for clarification on the proposed building and the proximity to a neighbour. Staff did not receive any concerns regarding the rezoning or proposed building.

### **5.3 Requests for Comments**

Staff recognize that this rezoning application does not change the possible level of density on Mill Street, but can offer more layout options. Since the adjacent front and western properties are already zoned

Residential Mixes Density (R3), staff are of the opinion that fire coverage, sewer service and road access all remain suitable for multi-unit residential development, as determined when the Residential Mixed Density (R3) Zone was applied during the adoption of the new MPS/LUB. The applicant will be required, as usual to obtain applicable approvals at time of permit application.

## 6. POLICY REVIEW

### 6.1 Residential Mixed Density – Zone Intent

***MPS 3.1.2 Residential Mixed Density (R3):** lands located in this zone are intended to contribute to a sense of activity and liveliness in the community and shall be generally located on main transportation corridors within Growth Centres. This zone is intended to include up to eight (8) residential units in a dwelling in a variety of building types;*

The planning documents that were adopted in 2019 pre-zoned many areas as Residential Mixed Density (R3) Zone along main roads within Growth Centres. The eastern end of Mill Street was considered suitable for multi-unit dwellings. The Residential Mixed Density (R3) zoning has enabled multi-unit development to occur in this area of Waterville. A recent example is the adjacent property at 1233 Mill Street shown below which has been developed with a 6 unit townhouse.



**Figure 2 - Existing Townhouse units at 1233 Mill Street**

Mill Street remains a suitable location for a moderate density permitted under the Residential Mixed Density (R3) Zone, and can utilize vacant land in Waterville that has access to central sewer service.

### 6.2 Municipal Planning Strategy

The proposed building is in an area with central sewer infrastructure. The development of land in areas with this type of infrastructure is consistent with the goals and objectives of the MPS section 2.1 Growth

Centers. These locations help to direct development away from agricultural land and can contribute to the efficient use of public infrastructure and complete communities with more transportation options.

### **Enabling Policy and Criteria**

Policy 5.3.3 of the Municipal Planning Strategy enables rezoning applications to rezone land into a zone within the same designation.

***MPS 5.3.3** consider amendments to any one of the zoning maps of the Land Use By-law provided the application is for a specific development and:*

***(a) is to rezone land to another zone enabled within the same designation, unless the zone change is specifically prohibited within this Strategy; or,***

***(b) is to rezone land that is a maximum of five (5) acres in size to a zone that is enabled in an adjacent designation. For clarity, land that abuts a right-of-way, such as a road, is considered to be adjacent to the designation on the other side of the road; and***

***(c) notwithstanding (b) above, Land Use By-law amendments that would result in the expansion of a Growth Centre or that would remove lands from the Agricultural (A1) Zone shall not be permitted without an amendment to this Strategy;***

The subject property is within the Residential Designation and the proposed Residential Mixed Density (R3) Zone is enabled within the Residential Designation. The other criteria are not applicable to this application.

### **Rezoning Considerations**

***MPS 5.3.5** consider, in relation to all applications to rezone land:*

***(a) the applicable zone placement policies, including any specific policy criteria for applying the proposed zone set out within this Strategy;***

***(b) the impact of both the specific development proposal and of other possible uses permitted in the proposed zone; and***

***(c) the general criteria for amending the Land Use By-law set out in section 5.3 Development Agreements and Amending the Land Use By-law.***

The proposed zone boundary adjustment is consistent with the zone intent and placement. The impact of the proposed building and the other possible uses have been considered and are compatible with the surrounding Residential Mixed Density (R3) Zoned properties along Mill Street and Foster Street. The general criteria are discussed below and reviewed in more detail in Appendix B.

### **6.3 General Criteria - LUB amendment Policies**

Section 5.3 of the Municipal Planning Strategy (By-law #105) contain a number of general criteria for applications for a map amendment to the applicable land use by-laws (Appendix B). These criteria consider the impact of the proposal on the road network, services, development pattern, environment, finances, and wellfields, as well as the proposal's consistency with the intent of the planning strategy. In terms of the other general development criteria contained in the Municipal Planning Strategy there are no additional costs to the Municipality related to the rezoning and development of the subject property. There are no concerns regarding wellfields, road networks or traffic generation.

## **7. CONCLUSION**

The proposed rezoning is consistent with the intent of Municipal Planning Strategy to enable multi-unit residential opportunities within Growth Centres, and the proposal can meet the general criteria. As a result, a positive recommendation is being made to the Planning Advisory Committee.

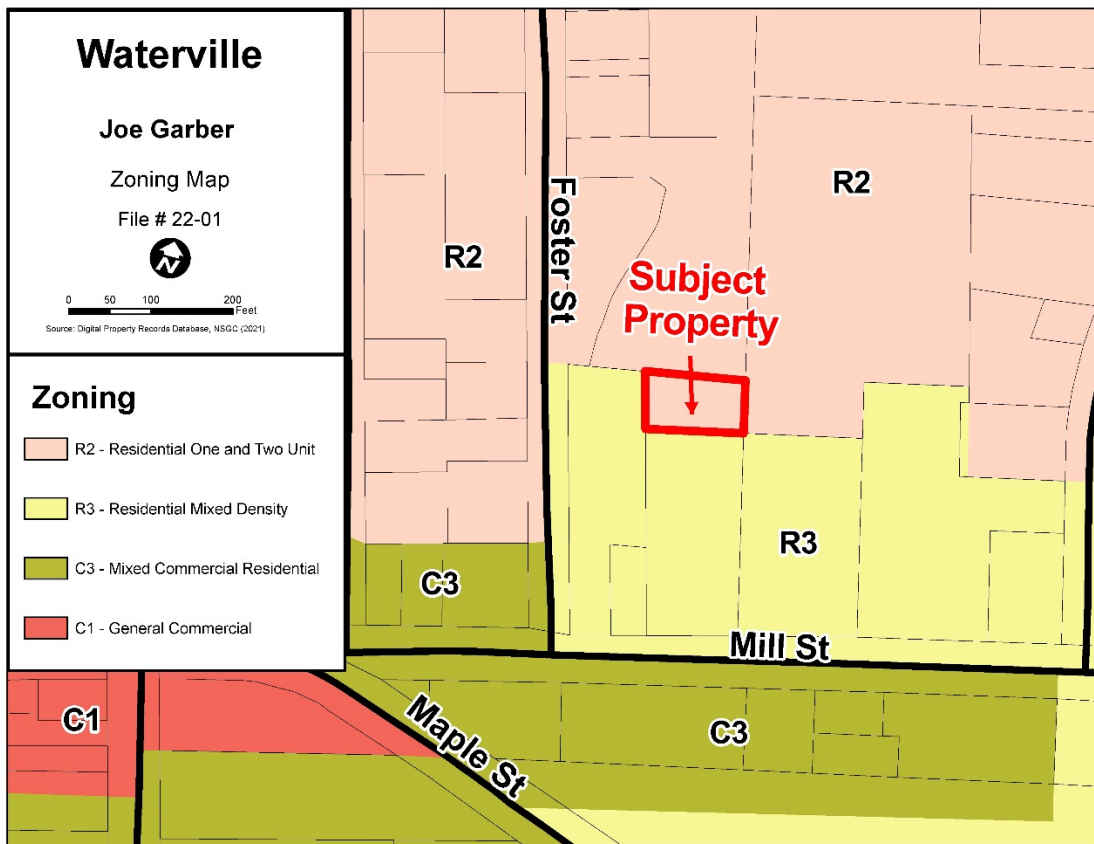
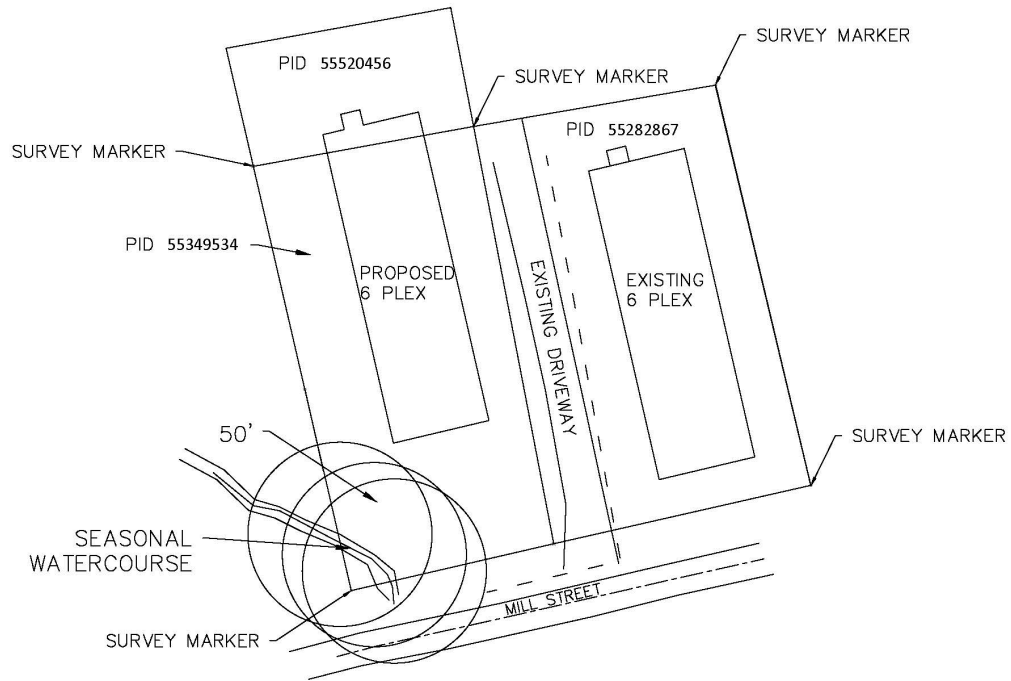
## **8. APPENDICES**

**Appendix A: Site Plan + Maps**

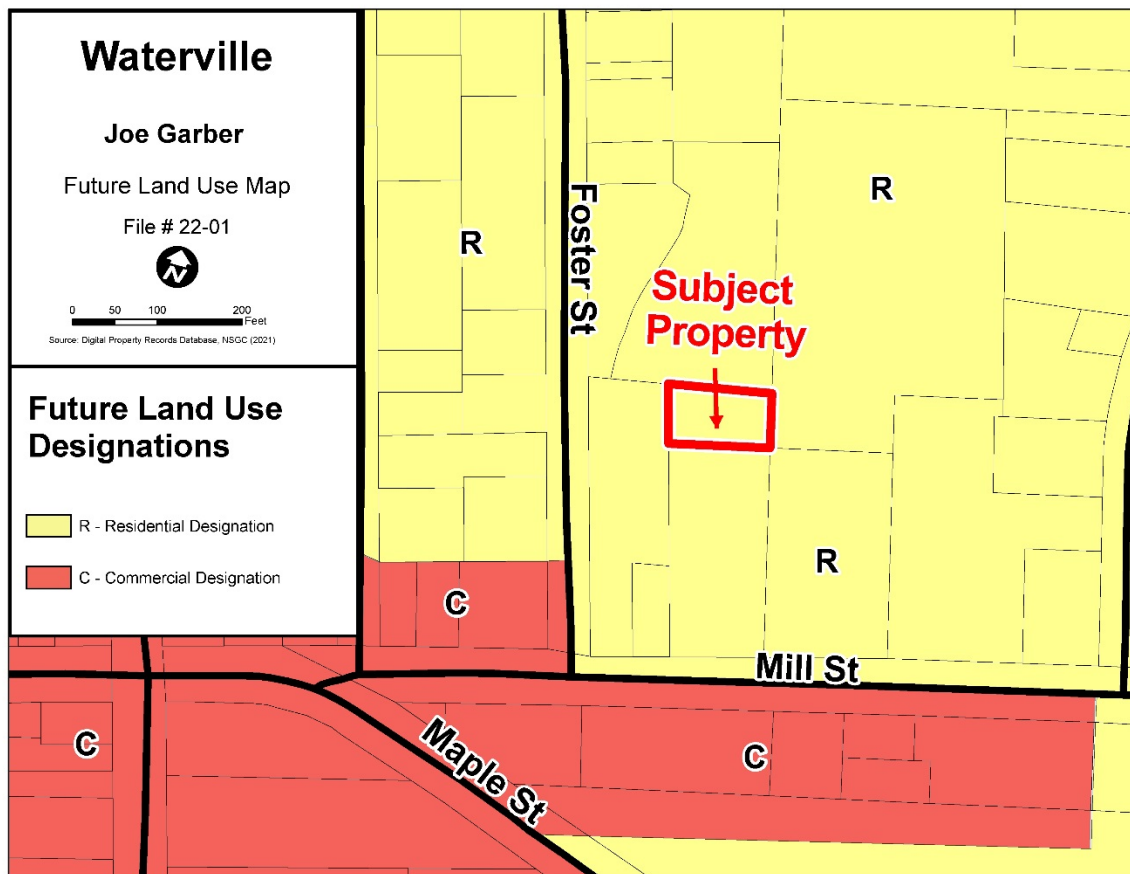
**Appendix B: General Criteria**

**Appendix C: Proposed Land Use By-law Map Amendment**

## Appendix A: Site Plan + Maps









**Appendix B:**  
**Municipal Planning Strategy (By-law #105), Section 5.3. – General Criteria to consider for all  
 Development Agreements and Land Use By-law Amendments**

**Policy 5.3.7**

*Council expects to receive applications to amend the Land Use By-law or enter into a development agreement for development that is not permitted as-of-right in the Land Use By-law. Council has established criteria to ensure the proposal is appropriate and consistent with the intent of this Strategy.*

*Council shall be satisfied that a proposal to amend the Land Use By-law or to enter into a development agreement:*

| <b>Criteria</b>   | <b>Comments</b>  |
|---|--|
| <i>a. is consistent with the intent of this Municipal Planning Strategy, including the Vision Statements, relevant goals, objectives and policies, and any applicable goals, objectives and policies contained within a Secondary Plan;</i> | The proposed land use by-law map amendment is consistent with the intent of the Municipal Planning Strategy, and the applicable goals, objectives and policies contained within the Municipal Planning Strategy. |
| <i>b. is not in conflict with any Municipal or Provincial programs, By-laws, or regulations in effect in the Municipality;</i>  | The proposed amendment is not in conflict with any Municipal or Provincial programs, By-laws, or regulations.  |
| <i>c. that the proposal is not premature or inappropriate due to:</i>   |  |
| <i>i. the Municipal or village costs related to the proposal;</i>   | The proposal does not involve any development costs to the Municipality.   |
| <i>ii. land use compatibility with surrounding land uses;</i>   | The proposed residential land use would be compatible with the surrounding residential land uses.  |
| <i>iii. the adequacy and proximity of school, recreation and other community facilities;</i>  | The subject property is within proximity to recreation and other community facilities. Schools are provided in nearby communities.   |
| <i>iv. the creation of any excessive traffic hazards or congestion due to road or pedestrian network adequacy within, adjacent to, and leading to the proposal;</i>   | The subject property will be accessed from Mill Street which is zoned for this amount of residential density. Access permit at time of permit application will be required from Road Authority.                  |
| <i>v. the adequacy of fire protection services and equipment;</i>   | The subject property is located within 1 km from the Waterville Fire Department who provide fire protection services to this community.  |
| <i>vi. the adequacy of sewer and water services;</i>  | Central sewer is available to the subject property and will require a sewer connection permit. Water is provided by private wells.   |
| <i>vii. the potential for creating flooding or serious drainage problems either within the area of development or nearby areas;</i>   | Not expected, as the area for development is elevated above the watercourse.   |

|  |   |
|--|---|
| <i>viii. negative impacts on identified wellfields or other groundwater supplies for the area;</i>   | No wellfields in the area   |
| <i>ix. pollution, in the area, including but not limited to, soil erosion and siltation of watercourses; or</i>  | The property owner will be required to follow provincial soil erosion controls during construction enforced by NSE.                     |
| <i>x. negative impacts on lake water quality or nearby wetlands;</i>   | Not applicable  |
| <i>xi. negative impacts on neighbouring farm operations;</i>   | Not applicable  |
| <i>xii. the suitability of the site regarding grades, soils and geological conditions, location of watercourses, marshes, bogs and swamps, and proximity to utility rights-of-way.</i> | The subject property is suitable in terms of grades, soils, geological conditions, and proximity to natural features and rights-of-way. |

**Appendix C:**  
**Proposed Land Use By-law Map Amendment (By-law 106)**

**THE MUNICIPALITY OF THE COUNTY OF KINGS**

**AMENDMENT TO BY-LAW 106  
COUNTY OF KINGS LAND USE BY-LAW**

**Zone Boundary adjustment to rezone PID 55520456 off Mill Street, Waterville, from the Residential One and Two Unit (R2) Zone to the Residential Mixed Density (R3) Zone.**

**BY-LAW 106 Land Use By-law**

1. Amend Map 12 Waterville, by adjusting the zone boundary to rezone PID 55520456, from the Residential One and Two Unit (R2) Zone to the Residential Mixed Density (R3) Zone, as shown on the inset copy of a portion of Map 12 below.

