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REQUEST FOR DECISION	
SUBMITTED BY:	Nelson Nolan
DATE:	February 8, 2021
SUBJECT:	123 Empire Street - Public Hearing and Second Reading

ORIGIN

Planning staff received an application from the Town of Bridgewater's Engineering Department (the "applicant") on September 15, 2020 to make a text amendment to the Municipal Planning Strategy (MPS) and Land Use By-law (LUB) to allow Parks and Transit facilities as permitted uses in the Recreation (REC) Zone. The applicant is proposing to use the Bridgewater Memorial Arena at 123 Empire Street ("subject property") for the purpose of transit and parks facilities. If approved, the text amendments to the MPS and LUB will apply to all eight properties with Recreation (REC) Zoning in the Town of Bridgewater.

RECOMMENDATION

Staff recommend that Town Council for the Town of Bridgewater give second and final consideration to amendments to the Municipal Planning Strategy and Land Use By-law to allow Parks and Transit facilities as permitted uses in the Recreation (REC) Zone, as contained in Appendix A.

BACKGROUND

- Sept 15, 2020 Application received by the Community Development Department.
- Sept 15, 2020 Application deemed complete. Staff analysis commenced.
- Nov 23, 2020 Application Briefing submitted to Council.
- Nov 27, 2020 Notification to property owners within 30m (100ft) of subject property re: PPM
- Dec 2, 2020 Notification in the newspaper of proposed MPS/LUB amendment and public meeting date/time.
- Dec 9, 2020 Public participation meeting (PPM).
- Jan 11, 2021 Planning analysis and PPM report submitted to Council. Council gives first consideration to the MPS/LUB amendment and schedules a public hearing.
- Jan 26, 2021 First public notice re: public hearing appears in the South Shore Breaker.
- Feb 2, 2021 Second public notice re: public hearing appears in the South Shore Breaker.

DISCUSSION

The Planning Analysis report (Document# 20-190A) provides discussion regarding the MPS and LUB Text Amendments to the Recreation (REC) Zone.

The Planning Analysis Report was received at the January 11, 2021 regular meeting of Council at which time Council for the Town of Bridgewater gave First Reading to the Municipal Planning Strategy and Land Use By-law amendments and set a date for the Public Hearing on February 9, 2020. Notice of the Public Hearing was published in the local newspaper, the South Shore Breaker, for two consecutive weeks, January 26, 2021, and February 2, 2021, as required under Section 206 of the Municipal Government Act which states:

- 1) Prior to holding a public hearing required pursuant to this Part, the clerk shall give notice of the public hearing in a newspaper, circulating in the municipality, inserted at least once a week, for two successive weeks.
- 2) The first notice of the public hearing shall be published at least fourteen days before the date of the public hearing.

As per Section 208 of the *Municipal Government Act*, concurrent amendments both the MPS and LUB are subject to review by the Provincial Director of Planning to determine if the planning documents: appear to affect a provincial interest; may not be reasonably consistent with an applicable statement of provincial interest; appear to conflict with the law; or, may conflict with the provincial subdivision regulations. These amendments have been reviewed and are deemed not to conflict with the law or any applicable regulations.

In addition to the Town's policies within the planning documents, consideration of the proposed amendments must be given to their consistency with the provincial requirements of the Statements of Provincial Interest, Schedule B of the Municipal Government Act (MGA) related to drinking water, agricultural land, housing, infrastructure and flood risk. Staff have reviewed these policies in conjunction with the proposed text amendments and is confident that they meet the test of consistency with the Statements of Provincial Interest.

All statutory requirements pursuant to the Municipal Government Act have been met.

IMPLICATIONS

Financial/Budget

The applicant is the Town, meaning capital costs for improvements to Bridgewater Memorial Arena were included in this budget. Operation and maintenance costs will be included in future budgets.

Legal

Concurrent amendments to the MPS and LUB are not subject to appeal but are subject to review by the Provincial Director of Planning.

Strategic Priorities / Work Program

Land use and development control is the core function of the Community Development Department.

Municipal Planning Strategy

Land Use By-law

OPTIONS

- 1) Town Council for the Town of Bridgewater give second and final consideration to the amendments to the Municipal Planning Strategy and Land Use By-law to the Recreation (REC) Zone as contained in Appendix A.
- 2) Deny the request for amendments to the MPS and LUB.
- 3) Defer request back to staff for further analysis.

COMMUNICATONS

A Public Participation Meeting was held on December 7, 2020 as per the requirement of Section 205 (4) of the Municipal Government Act. Comments could be submitted to the Community Development Department separate from the meeting one was received.

A Public Hearing is required by the Municipal Government Act, Section 230 (2), after Council gives first consideration to the Municipal Planning Strategy and Land Use Bylaw amendment.

Once the provincial review is complete, notice that the amendments to the MPS and LUB are in effect will be published in the South Shore Breaker, as required by the Municipal Government Act, Section 208(9).

APPENDIX A

Proposed Amendments to the Municipal Planning Strategy (2014)

NOTE: The proposed amendments are shown below. Underlined text is to be added. Strikethrough text is to be removed.

It is recommended that the Town of Bridgewater's Municipal Planning Strategy be amended as follows.

Policy OS-13 The following Developments shall be permitted as-of-right in the Recreation (REC) Zone subject to the requirements of this By-law:

- a) Community Centres
- b) Community Gardens
- c) Cultural Facilities
- d) Interpretative Centres
- e) Leash Free Dog Parks
- f) Libraries
- g) Marinas
- h) Markets, Exhibitions, Trade Shows & Fairs
- i) Outdoor Recreational Uses
- j) Parks
- k) Recreation Facilities
- l) Visitor Information Centres

Policy OS-13 A It shall be a policy of Council to permit the following developments by site plan approval in the Recreation (REC) Zone

- a) Parks Facility
- b) Transit Facility

PUBLIC PARTICIPATION MEETING conducted on:

December 7, 2020

FIRST READING conducted on:

January 11, 2021

PUBLIC HEARING conducted on:

February 8, 2021

SECOND & FINAL READING conducted on:

February 8, 2021

Proposed Amendments to the Land Use Bylaw

Note: The proposed amendments are shown below. Underlined text is to be added. Strikethrough text is to be removed.

It is recommended that the Town of Bridgewater's Land Use By-law be amended as follows. The following section of the Land-use Bylaw should be added: 9.2.1 Site Plan Criteria for Development; 9.2.3 Developments by Site Plan; and Section 11 Definitions. The following provisions in Section 9.2 Recreation (REC) of the Land Use By-law should be amended to reflect new numbering: 9.2.1 2 Permitted Developments and 9.2.2 Zoning Standards.

9.2.1 Site Plan Criteria for Development

The following site plan criteria apply to all new development that is permitted through the site plan approval process in the Recreation (REC) Zone. No development permit shall be issued for development that is inconsistent with these criteria, in addition to applicable zone standards and all other requirements of this By-law:

- a. The location of new structures on the lot shall minimize negative impacts on the surrounding neighbourhood, including noise, dust, fumes, lighting, shadows, or other nuisance or inconvenience to neighbouring properties;
- b. The location of off-street parking and loading facilities shall minimize negative impacts on the surrounding neighbourhood, including traffic, noise, dust, fumes, lighting, or other nuisance or inconvenience to neighbouring properties;
- c. The location, number and width of driveways are designed to prevent traffic, noise, dust, fumes, congestion, or other nuisance and inconvenience in the area and minimize negative impacts on the surrounding neighbourhood;
- d. The type, location, and height of walls, fences, hedges, trees, shrubs, ground cover or other landscaping elements which is necessary to protect and minimize negative land use impact on neighbouring properties;
- e. Existing vegetation shall be retained where the vegetation is healthy and helps to minimize negative impacts on the surrounding neighbourhood;
- f. The location of pedestrian walkways, and/or related infrastructure, shall be provided to link public sidewalks and parking areas to entrances of all primary buildings;
- g. The type and location of outdoor lighting is designed to light the structure, driveways and pedestrian infrastructure, but shall not be directed onto neighbouring properties;
- h. The location of facilities for the storage of solid waste provides for maximum separation from residential development and public areas;
- i. The location of all existing easements shall be identified;
- j. The grading or alteration in elevation or contour of the land shall minimize undue erosion and/or sedimentation, and other negative impacts on neighbouring properties;
- k. The management of storm and surface water is addressed, and associated plans are approved by the Town Engineer;
- l. The type, location number and size of signs or sign structures do not negatively alter the appearance of the streetscape or neighbourhood;
- m. All signage shall be designed and constructed according to the signage requirements listed in Section 3.3;

~~9.2.1 2~~ Permitted Developments

The following Developments shall be permitted as-of-right in the Recreation (REC) Zone subject to the requirements of this By-law:

- Community Centres
- Community Gardens

- Cultural Facilities
- Interpretative Centres
- Leash Free Dog Parks
- Libraries
- Marinas
- Markets, Exhibitions, Trade Shows & Fairs
- Outdoor Recreational Uses
- Parks
- Recreation Facilities
- Visitor Information Centres

9.2.3 Developments by Site Plan

- a) Transit Facility
- b) Parks Facility

9.2.4 Zoning Standards

The following requirements apply to all developments permitted as-of-right in the Recreation (REC) Zone:
 REC Recreation Zone

- Minimum front yard 3m (10ft)
- Minimum rear yard 4m (13ft)
- Minimum side yard 1.5m (5ft)
- Minimum flankage yard 3m (10ft)
- Maximum building height 10m (33ft)
- Minimum lot area 650m² (6,997ft²)
- Minimum lot frontage 21m (69ft)

Section 11: Definitions

Transit Facility | an indoor and/or outdoor facility that is used by a municipal government’s transit service for vehicle storage and maintenance, exclusive of automobile repair services of transit vehicles.

Parks Facility | an indoor and/or outdoor facility that is used by a municipal government for parks equipment storage, maintenance, and repair.

PUBLIC PARTICIPATION MEETING conducted on:	December 7, 2020
FIRST READING conducted on:	January 11, 2021
PUBLIC HEARING conducted on:	February 8, 2021
SECOND & FINAL READING conducted on:	February 8, 2021