



REQUEST FOR DECISION	
SUBMITTED BY:	Nelson Nolan, Junior Planner
DATE:	July 13, 2020
SUBJECT:	Rezoning of 42 Riverview Drive (Planning Analysis Report)

Document #	20-103A
Approved	<i>[Signature]</i>
Date	2 July 2020
COPIES TO:	
Council	✓
Senior Mgmt	✓
Discussion Session	
Agenda	13 July
Committee	
Other	

ORIGIN

An application was received on March 10, 2020 for a rezoning of the property located at 42 Riverview Drive, PID 60474475 (the "subject property"). The subject property is currently zoned Single Unit Residential (R1) and the owners are requesting to rezone the property to Two Unit Residential (R2) to enable a two-unit residential dwelling. The requested zoning will require a map amendment to the Zoning Map of the Land Use By-law (LUB). The application briefing went to Council on June 8, 2020 (Document #20-103).

RECOMMENDATION

Staff recommend that Town Council for the Town of Bridgewater give first consideration to the proposed map amendments of the Land Use By-law as contained in Appendix A and schedule a Public Hearing for August 10, 2020 during the regular meeting of Council.

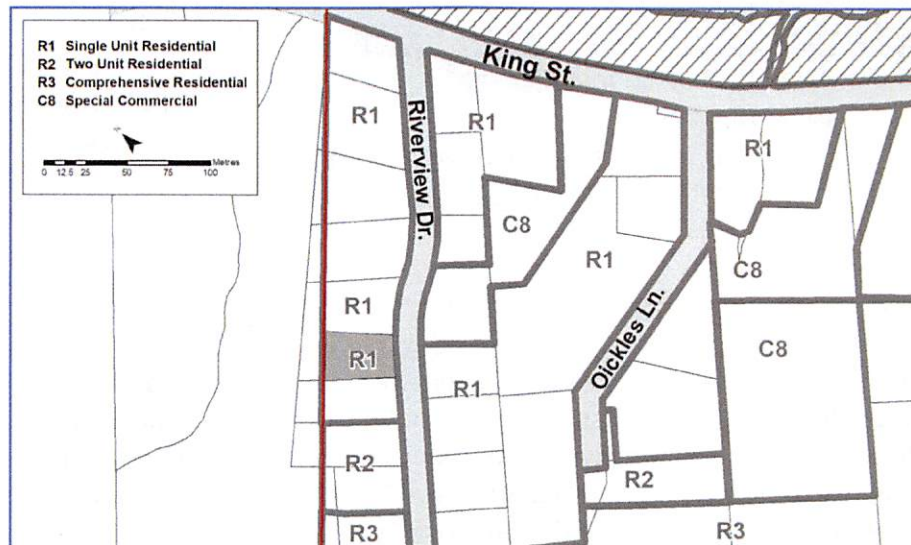
BACKGROUND

The property, located on Riverview Drive off King Street, as identified in the Context Map, was recently purchased by the property owners, who would like to enable a future change of use to a two-unit residential dwelling; it is currently a single unit dwelling.

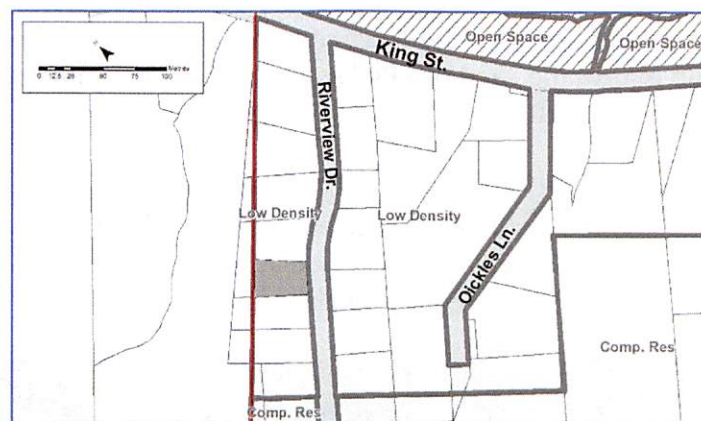


Context Map

As shown in the Zoning Map below, the property is zoned as Single Unit Residential (R1) and the surrounding zoning is Single Unit Residential (R1), Two Unit Residential (R2), and Special Commercial (C8) with Comprehensive Residential nearby. The surrounding land uses are single- and two-unit dwellings with an automotive shop and undeveloped land nearby.



Zoning Map



Future Land Use Map

The Future Land Use Map shows the designation of the area is Low Density Residential, with Comprehensive Residential and Open Space nearby. The Low Density Residential designation in the Municipal Planning Strategy (MPS) supports rezoning from Single Unit Residential (R1) to Two Unit Residential (R2), as this land designation is reserved for single unit and two-unit dwellings.

DISCUSSION

A rezoning from Single Unit Residential (R1) to Two-Unit Residential (R2) is required because the Single Unit Residential Zone (R1) only permits single unit dwellings as-of-right. As shown in

the Zoning Map, the properties on Riverview Drive are a mixture of R1, R2, and R3 Zones. The chart below compares the zone permissions of the current (R1) and proposed (R2) zoning. The only difference in the zoning is the permission for two-unit dwellings as-of-right in the R2 Zone and the ability to convert up to three units in the R2 Zone if the house was built prior to August 27, 1975.

	Single Unit Residential (R1) (current)	Two Unit Residential (R2) (proposed)
Permitted as-of-right	Single Unit Dwellings	Single Unit Dwellings <u>Two Unit Dwellings</u>
Permitted with conditions	Home Based Businesses, in accordance with Section 3.1.24 <u>Residential Conversions, up to two units in accordance with Section 3.1.25</u>	Home Based Businesses, in accordance with Section 3.1.24 <u>Residential Conversions, up to three units in accordance with Section 3.1.25</u>
Permitted by Development Agreement	Inns in buildings constructed before August 27, 1975 * Offices* All development permitted in Institutional (I1) Zone* Neighbourhood grocery and convenience stores* * in accordance with MPS policies	Inns in buildings constructed before August 27, 1975 * Offices* All development permitted in Institutional (I1) Zone* Neighbourhood grocery and convenience stores* * in accordance with MPS policies

Although residential conversions up to two units, in accordance with Section 3.1.25 of the LUB, are permitted in the R1 Zone, this is only for buildings constructed prior to August 27, 1975. A building permit was issued in 1991 meaning a two unit dwelling is not permitted at this property in the Single Unit Residential (R1) Zone and a rezoning to Two Unit Residential (R2) is required.

Compliance with Planning Documents

The Municipal Planning Strategy (MPS) contains 15 Objective Statements to guide its policy statements. Of particular importance to this application are the following:

2. Control land use and development in a manner that will minimize conflicts between land uses and in a manner that is compatible with the town's service infrastructure.
3. Mix compatible land uses to promote diverse and convenient neighbourhoods.
4. Encourage compact development to maximize the town's shared infrastructure and to promote healthy, close-knit neighbourhoods.

6. Enable the development of a full range of housing options so that all people can live out their lives in Bridgewater.
7. Control land use and development in a manner that will preserve, enhance and protect the natural environment.

In order to consider the application for rezoning, staff reviewed the policies of the MPS. Specific implementation policy criteria (IM policies) are outlined in the MPS to ensure a standard and uniform approach is taken by Council in responding to community needs and desires regarding a rezoning.

As per Policy IM-2, staff have assessed this requested amendment to be consistent with the intent of the Municipal Planning Strategy.

As per Policy IM-3, the proposed use for the subject property is consistent with the permitted uses of the requested zone. In addition to residential uses permitted as-of-right, the requested zone, Two Unit Residential (R2), permits a range of non-residential uses by development agreement. The same uses are also permitted in the existing Single Unit Residential (R1) Zone by development agreement; the main difference is the addition of two-unit dwellings. Staff's preliminary assessment is that the impact of the other uses permitted in the requested zone is similar to the existing zone and therefore consistent with Policy IM-3.

As per Policy IM-4, the subject property meets the zoning standards for the requested Two Unit Residential (R2) zone for two-unit dwellings.

Policy IM-6 states that when considering any amendments to the Land Use By-law, it shall be a policy of Council to have regard for matters on compatibility of the development, servicing, transportation, and the environment. The analysis of the policy can be found in Appendix B.

A summary of the analysis of Policy IM-6 is as follows. The proposed use is compatible with the adjacent properties. Based on a 2018 Sanitary Stormwater Master Plan, new developments in town are not permitted to increase the frequency or volume of overflows of the wastewater system, however, there are no mechanisms at the rezoning stage for offsetting. The road network is adequate to support the change. There are no known environmental contamination or constraints. Any costs associated with any necessary changes will be the developers' responsibility. Finally, the proposed development is supported by the Municipal Planning Strategy and all other Town By-laws and regulations.

The MPS also contains policies for residential development. The following policies relate to this application:

Policies for Residential Development		Staff Comment
R-1	<i>It shall be a policy of Council to identify areas where residential development will be encouraged and accommodated, in accordance with the Zoning Map of the Land Use By-law, to ensure that Bridgewater's growth occurs in a well-planned manner and is supported by the town's service infrastructure.</i>	The subject property is located in the Single Unit Residential (R1) Zone and the applicant is requesting a rezoning to Two Unit Residential (R2). The subject property is located in the Low Density Residential designation of the

		Future Land Use Map, which is reserved for single and semi-detached residential development.
R-2	<i>It shall be a policy of Council to control land use and development in a manner that will minimize conflicts between land uses, in accordance with the Land Use By-law.</i>	The Low Density Residential designation is seen to be more sensitive to surrounding uses and future development, so the designation aims to protect against land use development that is inconsistent with low density development. Single and two unit dwellings are viewed as compatible and comparable to each other.
R-3	<i>It shall be a policy of Council to support a full range of housing options and styles in order to meet the diverse residential needs and preferences of all residents, in accordance with the Land Use By-law.</i>	A two unit dwelling provides a different housing option in a predominantly single unit neighbourhood. They are often different price points than single unit dwellings, helping to meet different housing needs.
R-9	<i>It shall be a policy of Council to promote residential densification in strategic areas of Bridgewater, in accordance with the Zoning Map and the Land Use By-law.</i>	Changing a dwelling from a single unit to a two unit is light densification that is deemed suitable for the area.
R-12	<i>It shall be the policy of Council to designate as Low Density Residential the areas shown on Map 2 - Future Land Use.</i>	The subject property is in the Low Density Residential designation of the Future Land Use Map.
R-17	<i>It shall be a policy of Council to permit the following developments as-of-right in the Two Unit Residential (R2) Zone:</i> <i>a) Single unit dwellings;</i> <i>b) Two unit dwellings; and</i> <i>c) Residential conversions of dwellings established before August 27, 1975, to a maximum of three units, subject to specific off-street parking requirements established in the Land Use By-law.</i>	The proposed use of the property is a two unit dwelling, which is permitted as-of-right in the Two Unit Residential (R2) Zone.

Public Participation Meeting

A virtual public participation meeting was held on June 24, 2020 at 6:00pm via Microsoft Teams. The meeting was recorded and posted to the Town's social media channels a day after the meeting. Notification was provided to all properties within 30m (100ft) of the property. In attendance at the meeting were the applicant and two staff; no members of the public attended. Notice was published on June 17, 2020 in the South Shore Breaker for one week prior to the meeting. There were no comments received prior to the July 2 deadline.

Summary of Analysis

The Single Unit Residential (R1) and Two Unit Residential (R2) Zones are both part of the Low Density Residential Designation of the Future Land Use Map of the MPS. Council has included 42 Riverview Drive in the Low Density Residential Designation. The lands in this designation are

reserved for single unit, two unit and semi-detached residential development, as well as three-unit residential development in certain conditions. The light densification of the additional unit at the subject property is compatible with the intent of this designation.

In Policy IM-6, sections (e) *The adequacy of sanitary services, water services, and storm water management services* and (p) *The financial ability of the Town to absorb any costs relating to the proposal*, have not been met. Engineering staff recommended wastewater offsetting measures so there is no net increase to the system when density is increased. For a similar rezoning application from Single Unit (R1) to Two Unit Residential (R2) at 12 Kensington Court, staff consulted the Town's solicitor on the question of wastewater offsetting. The opinion provided by the solicitor was that the Town currently has a legislative gap and cannot manage wastewater overflows on a particular property or caused by such property via an offsetting agreement. Therefore, Council can consider the LUB amendment, having reviewed all considerations under Policy IM-6.

IMPLICATIONS

Financial/Budget

N/A

Legal

N/A

Strategic Priorities / Work Program

Land use and development control is one of the core responsibilities of the Community Development Department. The following documents are relevant:

Municipal Planning Strategy
Land Use By-law

OPTIONS

- 1) Council give first consideration to the proposed map amendment of the Land Use By-law as contained in Appendix A and schedule a Public Hearing. (Recommended)
- 2) Deny the request for first consideration of the proposed map amendment.
- 3) Defer the request back to staff for further analysis.

COMMUNICATONS

Policy IM-7 describes the required public participation process that staff and Council must complete before Council can consider final approval of the requested LUB amendments.

A Public Participation Meeting was held on June 24, 2020 as per the requirement of the Municipal Government Act Section 205(4). Comments were allowed to be submitted to the Community Development Department separate from the meeting and none were received.

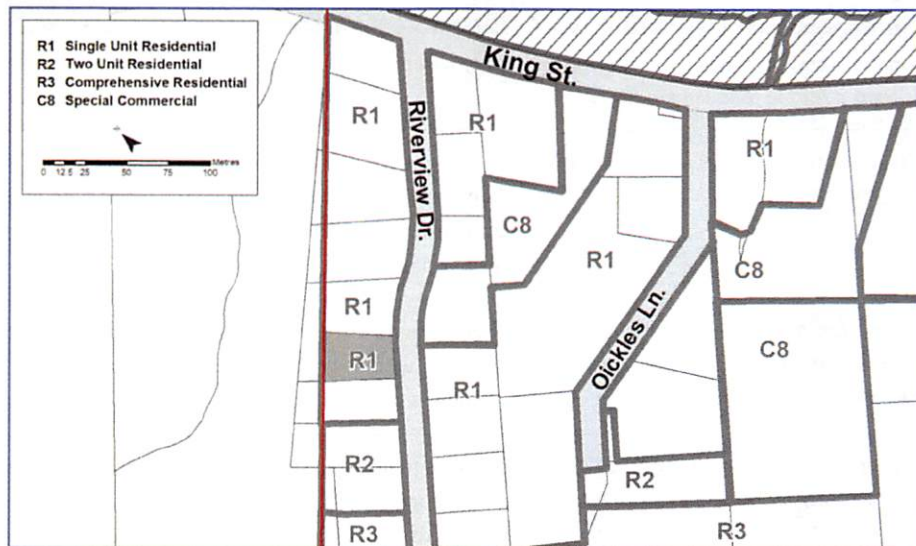
A Public Hearing will be held prior to final consideration of the proposed amendment, in accordance with Section 206 of the Municipal Government Act. A notice will be published in the local paper two weeks in advance.

Appendix A

Amendment to the Land Use By-law (2014)

- 1) That the following land use zone changes be made to the Land Use By-law Zoning Map

Figure 1: Rezone 42 Riverview Drive from Single Unit Residential (R1) to Two Unit Residential (R2)



PUBLIC PARTICIPATION MEETING conducted on:
FIRST READING conducted on:
PUBLIC HEARING conducted on:
SECOND AND FINAL READING conducted on:

June 24, 2020
July 13, 2020

Appendix B

MPS SECTION 17 POLICY REVIEW OF APPLICATION

In accordance with Section 17 of the Municipal Planning Strategy, Town Council shall consider MPS Policies IM-1, IM-2, IM-3, IM-4 and IM-6 prior to making a decision on requested MPS and LUB amendments. Accordingly, planning and engineering staff have reviewed the request in accordance with the policies and provide the following comments:

MPS Policy IM-6	Staff Comment
<i>When considering any proposed development agreements or amendments to the Land Use By-law, it shall be a policy of Council to have regard for the following matters:</i>	
<i>a) Compatibility of the proposed land use with adjacent land uses; and</i>	The adjacent land uses are predominantly single unit dwellings. Single and two unit dwellings are viewed as compatible and comparable to each other, and are both considered low density residential.
<i>b) Compatibility of the development with adjacent properties in terms of height, scale, lot coverage, density, bulk, and architectural style; and</i>	There are no exterior changes planned for the building; the changes would be in the existing basement. The existing building is compatible with adjacent properties.
<i>c) Compatibility of the development with adjacent properties in terms of lighting, signage, outdoor display, outdoor storage, traffic impacts, and noise; and</i>	Changes to lighting, signage, outdoor display and outdoor storage are not part of the rezoning application. Any future changes must adhere to the Land Use By-law. The road network is adequate to support the proposed development.
<i>d) Integration of the development into the surrounding area by means of appropriate landscaping, with screening provided by existing and new vegetation and fencing as required; and</i>	As it is not a new building and no exterior changes are planned, no landscaping or screening was required for this application.

MPS Policy IM-6	Staff Comment
<p><i>When considering any proposed development agreements or amendments to the Land Use By-law, it shall be a policy of Council to have regard for the following matters:</i></p>	
<p><i>e) The adequacy of sanitary services, water services, and storm water management services; and</i></p>	<p>The 2018 Sanitary Stormwater Master Plan concluded that "Future development or densification within Town will increase overflows from the sanitary and combined sewer system with the exception of development or redevelopment in areas which can drain by gravity to the WWTP." It further stated that "Current NSE/CCME regulations and guidelines require that new developments or densification of existing developments do not increase the frequency or volume of overflows" and "to accommodate development, system improvements to the wastewater collection system will be necessary to offset the increased flows from any new development or redevelopment at a recommended ratio of 2:1 (removed 2 parts stormwater to allow 1 part of new sanitary sewer)". Offsetting flows are recommended.</p> <p>Should the building be serviced by common sanitary and storm service, separation is required, stormwater cannot be discharged to the sanitary.</p> <p>The northern section of King Street is serviced with a long dead end watermain. There is a 150mm diameter watermain, 200mm diameter sanitary and 300mm diameter storm located within the street right of way. Static water pressure is approximately 70 psi with calculated flows being approximately 1200 USGPM at 20 psi.</p>
<p><i>f) Contribution of the proposal towards an orderly and compact development pattern that makes efficient use of existing and new municipal infrastructure and services; and</i></p>	<p>It is understood that the proposed development would use existing infrastructure.</p>
<p><i>g) The adequacy of the road network in, and adjacent to, or leading to the development, regarding connectivity, congestion and traffic hazards; and</i></p>	<p>The road network is adequate to support the proposed development.</p>
<p><i>h) The adequacy of site access as determined by the Traffic Authority; and</i></p>	<p>Any changes, additions, deletions of access points will need approval by the Traffic Authority. Costs associated with changes will be the developer's responsibility.</p>
<p><i>i) The ability of emergency services to respond to an emergency at the location of the proposed development; and</i></p>	<p>The proposed use will not change the ability for emergency services to respond to an emergency. The property is to be properly civic addressed per the current Civic Numbering Bylaw.</p>
<p><i>j) The adequacy of active transportation infrastructure to support walking and cycling to and from the proposed development; and</i></p>	<p>Riverview Drive is a dead end local street constructed prior to the requirements for sidewalks and is connected to King Street, a collector street with only gravel shoulder, no curb or sidewalk.</p>

MPS Policy IM-6	Staff Comment
<i>When considering any proposed development agreements or amendments to the Land Use By-law, it shall be a policy of Council to have regard for the following matters:</i>	
<i>k) The provision of off-street vehicle and bicycle parking to prevent significant congestion, nuisance and inconvenience in the area; and</i>	No increase of vehicle or bicycle parking is required for this proposal.
<i>l) Consideration of any previous uses of the site which may have caused soil or groundwater contamination; and</i>	Staff are not aware of any previous use that may have caused soil or groundwater contamination.
<i>m) Suitability of the site in terms of slope and flood and erosion risk in accordance with Map 6 – Environmental Constraints; and</i>	MPS Map 6 – Environmental Constraints identifies nearby areas having slopes 20-30%.
<i>n) Consideration of any anticipated environmental impacts resulting from the development, such as air and water pollution, soil contamination, and potential for the contamination or sedimentation of watercourses. Where Council determines, on the advice of a qualified person, that there is a significant risk of environmental damage from any proposed development, an environmental impact assessment shall be carried out by the developer for the purpose of determining the nature and extent of any impact and no agreement shall be approved until Council is satisfied that the proposed development will not create or result in undue environmental damage;</i>	It is understood there are no proposed changes that would pose significant risk of environmental damage.
<i>o) The application of sustainable design principles and energy efficient technology, including but not limited to renewable energy infrastructure, environmentally friendly paving alternatives, provision of alternative transportation parking, integration of landscaping into the design of parking lots, green roofs, etc.; and</i>	The application of these principles and technology is not proposed for the development as there are no additions planned for the exterior of the building.
<i>p) The financial ability of the Town to absorb any costs relating to the proposal; and</i>	Increasing development will increase demand on Town owned infrastructure. Council will need to set adequate tax rates and other associated rates such as wastewater fees needed to cover operating and replacement costs.
<i>q) The proposal's conformance with the intent of the Municipal Planning Strategy and to all other applicable Town By-laws and regulations, except where the application is for a development agreement and the requirements of the Land Use By-law are regarded as guidelines.</i>	The proposed use of the property is a two unit dwelling, which is permitted as-of-right in the Two Unit Residential (R2) Zone.

Appendix C

Public Participation Meeting Rezoning – 42 Riverview Drive

Date of Meeting: June 24, 2020

Meeting Commenced: 6:01pm

Meeting Concluded: 6:10 pm

Attendance: 0 members of the public, 1 on behalf of the applicant, 2 staff

No comments were received from members of the public