



Subject: *Plan Update - Village Core (VC) Zone Amendments*
To: CAO for Planning Advisory Committee, April 19, 2022
Date Prepared: April 13, 2022
Related Motions: PAC21(14), PAC21(5), PAC21(6), C21(23), C21(24), PAC21(26)
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Approved by: John Woodford, Director of Planning and Development

Summary

As part of the ongoing plan update, Planning staff are preparing background papers to discuss and propose approaches to different land use issues within the Municipality. The current background paper discusses updates to the Village Core (VC) Zone. The proposed amendments will clarify text, resolve interpretation issues, address requests from staff in EBD and address issues brought to the attention of staff by residents and developers.

Financial Impact Statement

The Community Plan Update has been budgeted for in the Municipal Budget.

Recommendation

That Planning Advisory Committee recommend that Council authorize staff to draft proposed amendments to the Official Community Plan in regards to changes to the Village Core (VC) Zone, as presented to Executive Committee on April 19, 2022 and outlined in this staff report.

Recommended Motion

Planning Advisory Committee recommends that Council:

- *authorize staff to draft proposed amendments to the Official Community Plan in regards to changes to the Village Core (VC) Zone, as presented to Executive Committee on April 19, 2022 and outlined in this staff report.*

Background

This background report proposes updates to the Village Core (VC) Designation and zone provisions. Updates include removing repetition, providing clarification, reducing glazing and adding provisions to help protect the privacy of adjacent residential uses. Additionally, staff are proposing an increase to the maximum size that a single use building may be constructed as-of-right.

A recent study on the Conceptual Main Street Design for Elmsdale's Route 214 completed by FBM Architecture, Interior Design and Planning, will be presented to Executive Committee. One of the recommendations by the FBM Study is to change the Village Core (VC) Zone signage provisions.

In general, the Village Core (VC) Designation and Zone policies and provisions lead to good design. However, in continuing the Municipality's efforts to make the village cores more pedestrian friendly and listening to feedback from Developer's and our residents, staff feel that further refinement of the regulations are required.

Discussion

There are a variety of housekeeping and minor changes that Planning staff propose making to the Village Core (VC) Zone regulations. Council's purpose for developing the Village Core (VC) Zone is to allow for a diverse mixture of retail, service, business, and residential uses in an environment serving both pedestrian and vehicle needs, within an aesthetically pleasing, socially interactive streetscape, serving both a local and community wide population. The proposed amendments are in keeping with Council's policies and will help to improve the current form-based zone requirements.

MAXIMUM COMMERCIAL FLOOR AREA SINGLE USE BUILDING

Economic and Business Development has suggested that 230m² is too small of a footprint for a single use commercial building prior to a development agreement being required. Therefore, staff are recommending that the maximum size of a single use commercial building be increased to 400 m². Any single use building above this commercial floor area would have to be considered by development agreement.

GROUND FLOOR COMMERCIAL USES

It was always intended that residential buildings in the Village Core (VC) Zone could have ground floor commercial uses as-of-right but it was not mandatory. The current regulations require that ground floors have to be designed so that they may be able to be converted to a commercial use. Based on recent comments from EBD staff, regarding the lack of available commercial space in the Corridor, staff are now recommending that Village Core (VC) Zone residential proposals that have frontage on a collector road and are not located on a flag lot, have the option to increase the overall gross floor area of their building if they have a ground floor commercial use. For example, currently the maximum gross floor area that a building in the Village Core (VC) Zone can be is 835 m² before a development agreement is required; however, if the property owner adds a ground floor commercial use the maximum gross floor area before a development agreement is required would be increased to 1,020 m². Thereby giving the property owner a bonus in gross floor area of 185 m² if a commercial premise is added to a residential building. Offices for the purpose of management of the residential building does not count toward the commercial floor area.

In addition, staff are recommending that buildings, where the entire ground floor is used as commercial floor area, may have between one and 12 dwelling units on the floor(s) above the commercial use. Example: Cup of Soul or 167 Highway 214, Elmsdale.

BUFFERING

Under the current regulations buffering is not required around Village Core (VC) zone uses, which is due to the compact nature of the Village Core (VC) Zone. However, staff have received feedback from adjacent residential zone use property owners, indicating concerns with the lack of buffering for their residential properties. Therefore, staff are recommending that an opaque buffer be required along property lines that are shared with residential zone uses.

CONVERSION OF A COMMERCIAL BUILDING TO A SINGLE OR TWO UNIT DWELLING

The Village Core (VC) Zone provisions allow for the conversion of single and two unit dwellings to commercial uses; however, the provisions do not allow for the commercial use to be converted back to a dwelling. Staff are therefore proposing that structures, that were initially constructed as a single or two unit dwelling but were being used as a commercial or institutional use, be permitted to once again be used as a single or two unit dwelling.

MINIMUM STREET-FACING FAÇADE TRANSPARENCY

Street-facing façade transparency refers to the degree to which people can see what lies beyond the edge of the street. A typical example of transparency is a large shop front window that allows pedestrians to see into the store. According to Michigan State University, to create walkable mixed-use neighborhoods areas should have between 50 and 90 percent transparency on the front façade. This creates a sense of eyes on the street and perception of human activity. However, based on comments received from some developers indicating that the current street-facing transparency requirements are too onerous, staff propose reducing the current minimum street facing transparency of 60% to 50%. Planning staff do not recommend that the transparency is reduced any further or the purpose of having the transparency to create an active street scape will be eroded. In order to ensure that the street facing transparency is correctly proportioned, staff are recommending that two thirds of the 50% transparency have to be located on the ground floor located at grade, while ensuring that every floor has windows and that they are well proportioned.

HISTORICAL PRESERVATION INCENTIVE

Our village cores are home to some of East Hants' oldest buildings. Current Village Core (VC) Zone regulations already encourage the preservation of historic buildings by not applying the Form-Based Zone Requirements to these buildings where the goal of the renovation is to restore the building or site to its original design. In spite of this provision, the Elmsdale village core is still losing its older homes. Therefore, staff would like to add a further incentive to the Village Core (VC) Zone by encouraging developers to maintain the historic buildings by not counting the gross floor area of the historic building towards the overall gross floor area of the entire development. Below is possible draft text to be added to the VC Zone provisions:

Incentive Zoning

If the Heritage Coordinator determines that the existing building on the subject lands has historical relevance, the gross floor area of the building deemed to have historical importance shall not be counted towards the total gross floor or commercial floor area of the site.

TIME LIMITS

In any zone, once site plan approval has been granted by the Development Officer, there is no limit to the amount of time in which the approval is valid for. Essentially, any site plan approval that has been granted today has no limits to how long it is valid prior to construction taking place. Therefore, staff are recommending that there be a 2-year time limit for which approved site plans are valid if construction has not been initiated. Once the 2-year period has ended, a developer would have to make a new site plan approval application for the proposed development and it would have to conform with any new regulations.

VILLAGE CORE SIGNAGE

In addition to the proposed village core policy and regulation amendments, staff are also proposing amendments to the village core signage provisions based on the results of the FBM study. Amendments propose to reduce the size of ground signs to make them pedestrian friendly. Considering all of the Village Core (VC) Zones are aimed at creating an inviting pedestrian environment, staff propose implementing the same regulations for each Village Core (VC) Zone. Currently, in the VC Zone property owners are permitted to have awning signs, facial wall signs, projecting wall signs, sandwich board signs, and ground signs. The FBM study indicates that the Municipality should be encouraging the use of all signs except ground signs, and that the size of the ground signs should be reduced. Therefore, staff are recommending that signage area of a ground sign be reduced to 1.85 m² and the height be reduced to 1.7 m. The minimum setback from the front property line is to remain the same at 2.4 m. By reducing the ground sign area regulations in the Village Core (VC) Zone, staff are hoping that more businesses will take advantage of other signage types such as awnings or projecting wall signs.

DEVELOPMENT AGREEMENT - MULTIPLE UNIT BUILDINGS

Under the current development agreement provisions, property owners may apply for a development agreement to permit multiple unit dwelling uses beyond 12 dwelling units and up to a maximum of 20 dwelling units per 0.5 hectares. Instead of having a maximum number of dwelling units per acre, PAC may want to consider in the future the form of the development and only permit development agreements for more than the maximum units depending on the quality and form of the building. Staff are not recommending changes at this time but may do so during a future plan review.

OTHER FORM-BASED ZONE CHANGES

Staff also propose making the following amendments to the Form-Based Zone Requirements:

- Clarify that any alterations to a building that are visible to the street have to be designed and constructed in compliance with the form based zone requirements.
- Under Building Scale and Mass provide examples of the roof design required in order to achieve a third storey built into the roof design, which would use either a mansard or gambrel design.
- Under the Outdoor Storage and Display regulations, require that in addition to being located in the side or rear yard and being screened, that trash receptacles be located a minimum of 5 m away from residential property lines.
- Under Landscape Guidelines, only require the planting of trees along the street where there are no existing street trees. The current regulations don't provide the option not to plant trees.
- Delete requirements that are repeated in the document - for example window glazing and ceiling height.
- Ensure that all sides of a building, with street facing facades, are designed to look like the building fronts onto the street.
- Reinforce the provision that main entrances have to face the main street at grade. Only secondary entrances shall be located on the side of a building.
- Increase the transparency on the sides of buildings that may be viewed from the street. If you can see the side of a building from the street then it has to have a higher transparency.
- The front of the main building(s) on the property has to be located at grade with the street. The front façade of the building shall not pop out of the ground.

STRATEGIC ALIGNMENT

Amendments to the East Hants Official Community Plan aligns with Council Strategic goal to build strong communities by “Ensure[ing] the East Hants official community plan is effective in managing changes in the community, reducing land use conflict and protecting both natural resources and community character.”

LEGISLATIVE AUTHORITY

The Municipality has Legislative Authority to create land use policies and regulations under Part 8 of the Municipal Government Act.

FINANCIAL CONSIDERATIONS

The Community Plan Update has been budgeted for in the Municipal Budget.

Alternatives

There are no alternatives related to this report. The majority of the proposed amendments are minor or housekeeping in nature.

Attachments

There are no attachments related to this report.

Conclusion

Planning staff have reviewed the Village Core (VC) zone provisions and are recommending a variety of housekeeping and minor amendments. Refinement of the policies and regulations will ensure better design of our village cores and better interpretation of our planning documents. Planning staff feel that the proposed changes to the VC Zone provisions will improve upon the current regulations.