



Subject: *Mixed Use Centre Review*
To: CAO for Planning Advisory Committee, January 17, 2023
Date Prepared: January 10, 2023
Related Motions: C21(244), C22(150), C22(277), C22(278), C22(307), C22(386)
Prepared by: John Woodford, Director of Planning and Development
Approved by: John Woodford, Director

Summary

This report is the fifth report regarding the review of the Mixed Use Centre Designation and Zone in Enfield and Elmsdale.

This report updates public consultation and recommends 2nd reading of amendments to carry out Council's direction.

Financial Impact Statement

Direct costs include advertising and mailouts which can be absorbed in the 2022/2022 operating budget.

Recommendation

That second reading be given to the amendments.

Recommended Motion

The Planning Advisory Committee recommends that Council give second reading to amendments to the Municipal Planning Strategy and Land Use Bylaw which change the Mixed Use Centre (MC) Designation and Zone by:

*Restricting the height of new buildings in a prescribed area to 3 storeys; and
Require a minimum of 50% of the ground floor area of all new buildings be commercial*

Background

At the November PAC meeting, staff presented a fourth report on the Mixed Use Centre (MC) Designation and Zone in Enfield and Elmsdale.

That report included draft amendments that would limit the height of new buildings to 3 storeys in a prescribed area and require a minimum of 50% of the ground floor area of new buildings be commercial.

Council also authorized staff to hold a public information meeting regarding the draft amendments.

That meeting took place in November 2022. Council also gave the amendments first reading and authorized the setting of a public hearing. First reading also enabled staff to conduct a survey of area residents.

This report updates PAC on public consultation and requests that consideration be given for second and final reading.

Policy Analysis

Staff have determined that amendments to both the Municipal Planning Strategy and Land Use Bylaw are required to carry out Council's direction.

Specifically, the MPS currently refers to 'not requiring commercial space on ground floors' and regulating height based on building typology.

As a result of requiring MPS amendments, a public information meeting was required and held in November 2022.

In addition, Council's decision will not be appealable to the NSURB.

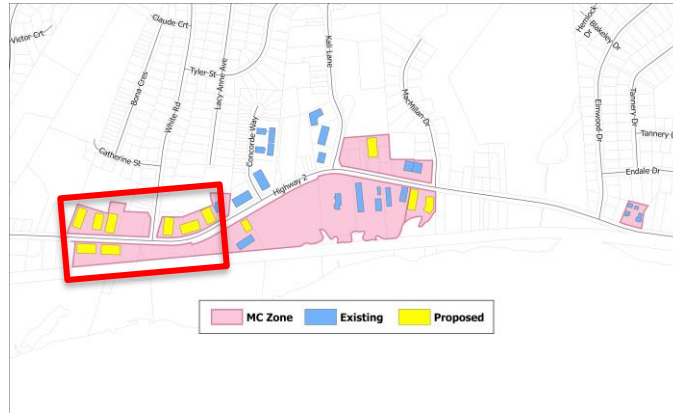
Discussion

Height Limit

Current regulations permit mixed use capable buildings up to 4 storeys or 15 metres where a property does not abut a Residential Neighbourhood Zone. The limit is 3 storeys or 12 metres where a property abuts a Residential Neighbourhood Zone and/or the proposed building is not mixed use capable.

However, a 12 m height can accommodate a 4 storey building & a 15 m height can accommodate a 5 storey building depending on the type of construction.

Specific concern has been expressed with the area highlighted in red below where Council is considering a lower height limit.



Commercial Space

Of the approximately 12 proposed buildings in the MC Zone only one is planned to be mixed use with ground floor commercial and one other that is entirely commercial.

The Economic Business Development Section of the Municipality has identified a need for leasable commercial space so a second amendment would require at least 50% of the ground floor of new buildings to be commercial. This regulation would apply to all MC properties.

Amendments

Amendments have been prepared that limit the height of new buildings to 3 storeys in the area shown below and require a minimum of 50% of the ground floor area of new buildings be commercial in all MC zoned properties.



Amendment sheets are shown in Appendix A of this report.

Citizen Engagement

As part of the review process for MPS amendments, a Public Information Meeting (PIM) is required to hear input from the community. As a result a public information meeting was held on November 1, 2022.

All owners of property zoned MC as well as those that own property within 300 m of an MC property were given written notice of the PIM. The meeting was also advertised in the *Chronicle Herald* and the municipal website/social media.

8 members of the public and 2 councillors were in attendance. Meeting notes are found in Appendix B of this report.

Discussion included:

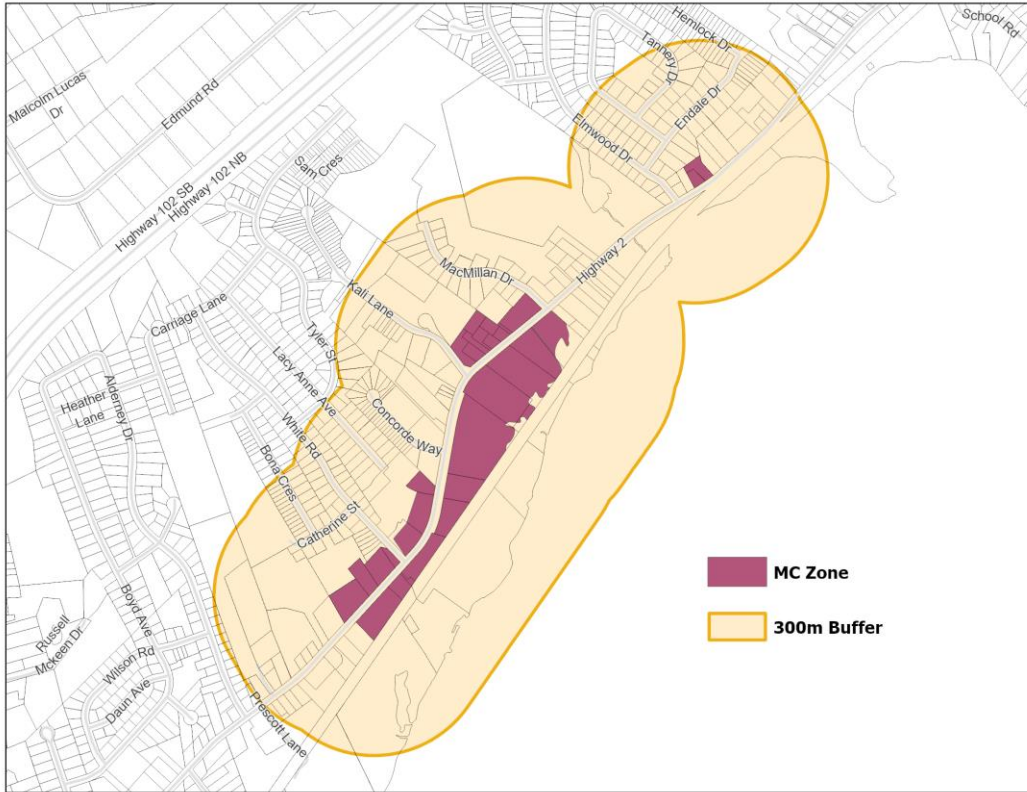
- Whether development in process will have to comply with new regs
- Concerns raised with Highway 2 traffic and needed improvements (lights)
- Concerns raised with larger buildings near single unit dwellings
- Questioned if the Province would freeze development along Highway 2
- Concern about down zoning from existing MC Zone property owners (devaluing property values & reducing density)
- Excitement expressed at a future walkable area with shops/services
- Questioned whether developers would upkeep their properties long term
- Questioned validity of traffic impact studies

Following first reading, a survey was circulated to all owners of property zoned MC as well as those that own property within 300 m of an MC zoned property. 354 questionnaires were sent out with 19 (5.4%) returned. Responses are posted separately for PAC and Council to review.

Questionnaire comments included:

- Don't want to live in higher density community
- Agree with 3 storey limit but not 50% commercial requirement
- Current development exceeds infrastructure capacity - what's the plan?
- 3 storey rule should be retroactive
- Agree with height limit - want to keep current community feel
- Enfield should be developed to maximum potential. High density development is the future
- Concerned about amount and speed of traffic
- Low income housing?
- Will there be green space maintained in mixed use?

- Development will be approved anyway
- No jobs in area and rents are too high - Sackville, here we come
- Agree with 3 storey limit and commercial space is needed.
- Against changes that reduces the ease of growth
- Community would benefit from restaurants, café's, etc.
- Playgrounds /outdoor space needed & community gardens
- Turning lane and crosswalk needed at White Road & Concorde Way for pedestrian safety
- Oppose changes that will devalue my land. Being singled out and there is a housing crisis.
- There is a lack of commercial space
- Parking must allow 2 vehicles per apartment plus customer space
- Construction should be limited during day and should consider traffic management
- Trees should be preserved wherever possible
- Changes would limit growth and impact businesses. NS already has some of highest rents.
- Concerned about future traffic on Lacy Anne Ave
- Concerns at PIM were about properties on west side of Hwy 2. Therefore, regulations on east side of Hwy 2 shouldn't change.



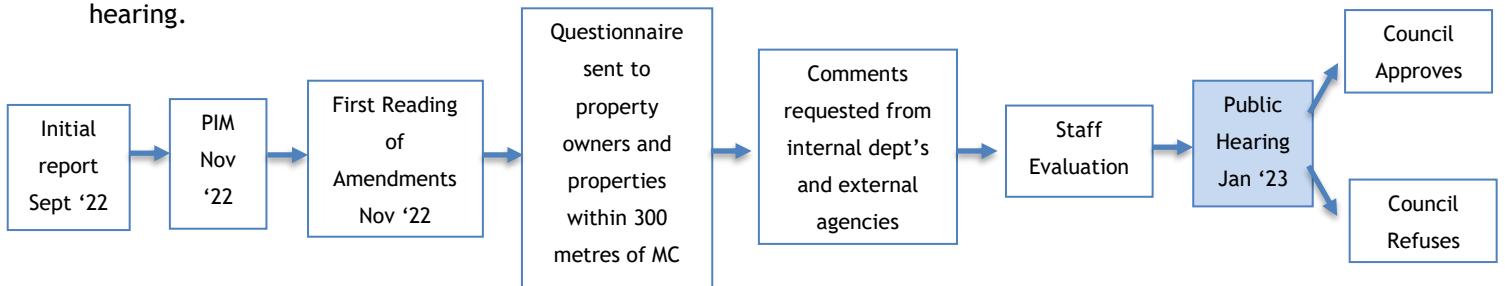
The public hearing is set for January 25, 2023. Notification again included all owners of property zoned MC as well as those that own property within 300 m of an MC zoned property. The Chronicle Herald and the municipal website/social media are also being used to advertise the public hearing.

Conclusion

Amendments have been drafted that would:

- Restrict the height of new buildings in the southern end of the Mixed Use Centre Zone to 3 storeys.
- Require at least 50% of ground floors to be commercial on all MC Zoned properties.

First reading has been granted, a public information meeting has been held and the next step is the public hearing.



Recommendation

That first reading be given to the amendments.

Appendix A
Official Community Plan Amendments
Municipal Planning Strategy

MUNICIPAL PLANNING STRATEGY - OFFICIAL COMMUNITY PLAN

MC - Mixed Use Centre Policy Goal

Council's goal is to foster a consistent, walkable medium-scale growth pattern in Enfield's growing mixed use centre. ~~White commercial development is not required in the ground floor of developments in this designation, developments which have commercial potential at grade as well as dwellings will be permitted to have an additional storey of development compared to other building types in the area.~~ **To foster mixed used development, commercial space will be required on ground floors of new buildings.**

In the past, Council has permitted a number of developments in this area by comprehensive development district, or development agreement. This policy aims to bring predictability, and enact urban design requirements to enable a walkable, human-scaled, mixed use main street centre.

Policy Statements

UD20. Council shall establish the Mixed Use Centre (MC) Designation for the purpose of allowing for a diverse mixture of medium-density commercial 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 a community-wide population.

UD21. Council shall implement the Mixed Use Centre (MC) Designation through the Mixed Use Centre (MC) Zone and that the purpose of the (MC) Zone is to allow for an appropriate intensity and diversity of commercial and residential development within an environment enhanced through design standards for buildings and sites, thus contributing to an attractive urban environment.

UD22. Council shall apply the Mixed Use Centre (MC) Designation & Zone to the communities of Elmsdale & Enfield as indicated on the Official Generalized

Future Land Use Maps and Land Use Bylaw Zoning Maps.

UD23. Council shall maintain a positive urban residential character, and streetscape in the Mixed Use Centre (MC) Zone through requirements regarding the following matters: minimum lot sizes, frontage requirements, build-to-area requirements, setback requirements, yard requirements, maximum lot coverages, transparency requirements, the number of dwelling units permitted, the maximum ground floor finish level, maximum street-facing building length, maximum building size, and maximum lot coverage.

UD24. Council shall adopt architectural and site design standards, for new buildings and alterations and additions to existing buildings within the Mixed Use Centre (MC) Zone in the Land Use Bylaw. Requirements will address building form, articulation requirements for long buildings, roofs, siding & windows, screening, access, parking and pedestrian comfort. These Form-Based zoning requirements are to ensure the consistency of building, site and signage standards within a zone.

UD25. Council shall regulate height restrictions in the Mixed Use Centre (MC) Zone ~~by building typology, and the incorporation of commercial development potential at grade:~~ **and will enable different height limits in different areas of the Mixed Use Centre Zone where deemed appropriate to foster compatibility with surrounding uses.**

UD26. Council shall consider multiple building development proposals in the Mixed Use Centre (MC) Zone subject to design requirements created to ensure adequate spacing between buildings.

UD27. Council shall consider Two Dwelling Unit Residential (R2) Zone and Townhouse (R2-T) Zone uses subject to the requirements of those zones in the Mixed

Land Use Bylaw

LAND USE BYLAW - EAST HANTS OFFICIAL COMMUNITY PLAN

MC Zone: Conditional Uses by Site Plan Approval

- Commercial uses as described in table 7.1
- Mixed use **capable** buildings
- Large Multiplexes
- Small Multiplexes
- Townhouse (R2-T) Zone uses, subject to the zone requirements of the R2-T Zone.

7.5.1. General Zone Requirements

In the MC Zone, no development permit shall be issued except in conformity with the **following requirements**: requirements of the Two-Dwelling Unit Residential (R2) Zone except where otherwise indicated in this section.

7.5.2. Zone Requirements

- a) This Zone regulates development based on allowed building types. The names of the building types are not intended to limit uses within a building type.
- b) In the MC Zone, no development permit shall be issued except in conformity with the following requirements:

	Mixed Use Capable Building	General Commercial	Multiplex
Minimum Lot Area	900 m ²	500 m ²	500 m²
Minimum Lot Frontage	30 m	25 m	25 m
Build-to-Area (Measured from the front lot line)	A minimum of 5 m, with a maximum up to the distance equal to the front yard setback of a building on an abutting lot that faces the same street	A minimum of 5 m, with a maximum up to the distance equal to the front yard setback of a building on an abutting lot that faces the same street	A minimum of 5 m, with a maximum up to the distance equal to the front yard setback of a building on an abutting lot that faces the same street
A Required Stepback	Three storey buildings: 3 2 m streetwall stepback from the building's second storey streetwall Four storey buildings: 3 2 m streetwall stepback from the building's second storey or third storey streetwall	Three storey buildings: 3 2 m streetwall stepback from the building's second storey streetwall	Three storey buildings: 3 2 m streetwall stepback from the building's second storey streetwall
Minimum Side Yard	One side: 4 m	One side: 4 m	One side: 4 m
	Other sides: 2 m	Other sides: 2 m	Other sides: 2 m
Minimum Rear Yard	6 m	6 m	6 m
Minimum Flankage Yard	5 m	5 m	5 m
Maximum number of primary buildings	3		

B	Maximum Building Height	Primary buildings: <ul style="list-style-type: none"> Where the building abuts a Residential Neighbourhood Zone: 3 storeys or 12.2 m. Where the building does not abut a Residential Neighbourhood Zone: Four storeys or 15 m. 	Primary buildings: 3 storeys or 12.2 m	Primary buildings: 3 storeys or 12.2 m
		<i>Within the area shown in Appendix F, the height of new buildings is limited to 12.2 m and 3 storeys</i>	<i>Within the area shown in Appendix F, the height of new buildings is limited to 12.2 m and 3 storeys</i>	
C		Accessory buildings: lesser of 11 m or equal to the height of the primary building	Accessory buildings: lesser of 11 m or equal to the height of the primary building	Accessory buildings: lesser of 11 m or equal to the height of the primary building
	Minimum Street-Facing Facade Transparency	At grade: 30% Above grade: 10%	At grade: 30% Above grade: 10%	At grade: 20% Above grade: 10%
	Maximum Number of Dwelling Units per Building ¹	30 above grade, 12 at grade	24	24
	Maximum Ground Floor Finish Level	0.5 m	0.5 m	0.5 m
	Maximum Street-Facing Building Length	50 m	50 m	50 m
	Maximum building size	1,250 m ² of ground area	1,250 m ² of ground area	1,250 m² of ground area
	<i>Minimum commercial ground floor area</i>	<i>50% of ground floor area</i>	-	
	Maximum Lot Coverage	50%	50%	50%
Conditions				
¹ More than one primary building type is allowed on a lot if the submitted site plan application includes a plan with potential lot lines that meet all the requirements of this Bylaw, excluding frontage requirements for primary buildings located behind a street-facing building.				

7.5.3. Design Requirements

- a) The requirements of this subsection may be varied by site plan in order to meet challenging site conditions, or achieve architectural excellence.
- b) Building Form
 - i) Buildings should feature a well-designed based, middle and top through architectural expression including the use of setbacks, recesses, extrusions, textures, materials, or detailing.
 - ii) Where neighbouring structures are two or more storeys in height, a new building shall continue and reflect abutting building's established patterns relating to height, floor elevation, and window placement.
 - iii) Where a new building exceeds the height of abutting two storey structures, architectural details shall be incorporated into the building's facade to reinforce abutting building heights. Architectural

elements may include setbacks, recesses, extrusions, textures, materials, or detailing such as a cornice.

c) Articulation Requirements for Long Buildings

- i) Buildings with continuous street-facing facades of 20m or greater in length shall be vertically articulated with projecting or recessed offsets not less than 1.25m deep, and at intervals of not greater than 15m to break up the apparent mass of the building and to add visual interest.
- ii) Any buildings with continuous street-facing facades larger than 45m shall be designed to appear as a series of two or more separate buildings through articulation and differences in cladding materials and/or colour.

d) Roofs

- i) Three storey and lower buildings shall have pitched roof designs. Most of the traditional housing forms in East Hants incorporate peaked roofs with a minimum 8:12 pitch.
- ii) Large buildings with a footprint greater than 370 m² shall have flat roofs or variations in pitched roofs to prevent uninterrupted, warehouse-like silhouettes. Required variations in the roof line may be satisfied using gables, turrets, roof projections or similar architectural features.

e) Siding & Windows

- i) The following materials shall not be permitted on street-facing facades as siding: corrugated fiberglass or plastic, asphalt shingles, plywood, unprotected wood, concrete block, metal siding utilizing exposed fasteners, EIFS (exterior insulation and finish systems where stucco is applied to rigid insulation) and concrete without decorative finishes.
- ii) Darkly tinted or mirrored glass shall not be permitted.

f) Pedestrian Comfort & Access

- i) Bicycle parking shall be provided in visible at-grade locations, and be weather-protected.
- ii) The main entrance(s) of ground floor units of any building located within 20 m of a street shall face the front lot line. Main entrances may provide access to individual units, clusters of units, courtyard dwellings, or common lobbies.
- iii) It is recommended that main building entrances are covered with a canopy, awning, recess or similar device to provide pedestrian weather protection.

g) Screening Requirements

- i) Utilities such as vents, mechanical rooms/equipment, and elevator penthouses should be integrated with the architectural treatment of the roof, or be screened with materials and finishes compatible with the building's design.
- ii) Piping/vents for functional services (i.e. plumbing and heating) should be located or screened from streets, abutting properties zoned Open Space (OS) Zone or other public areas.

h) Parking

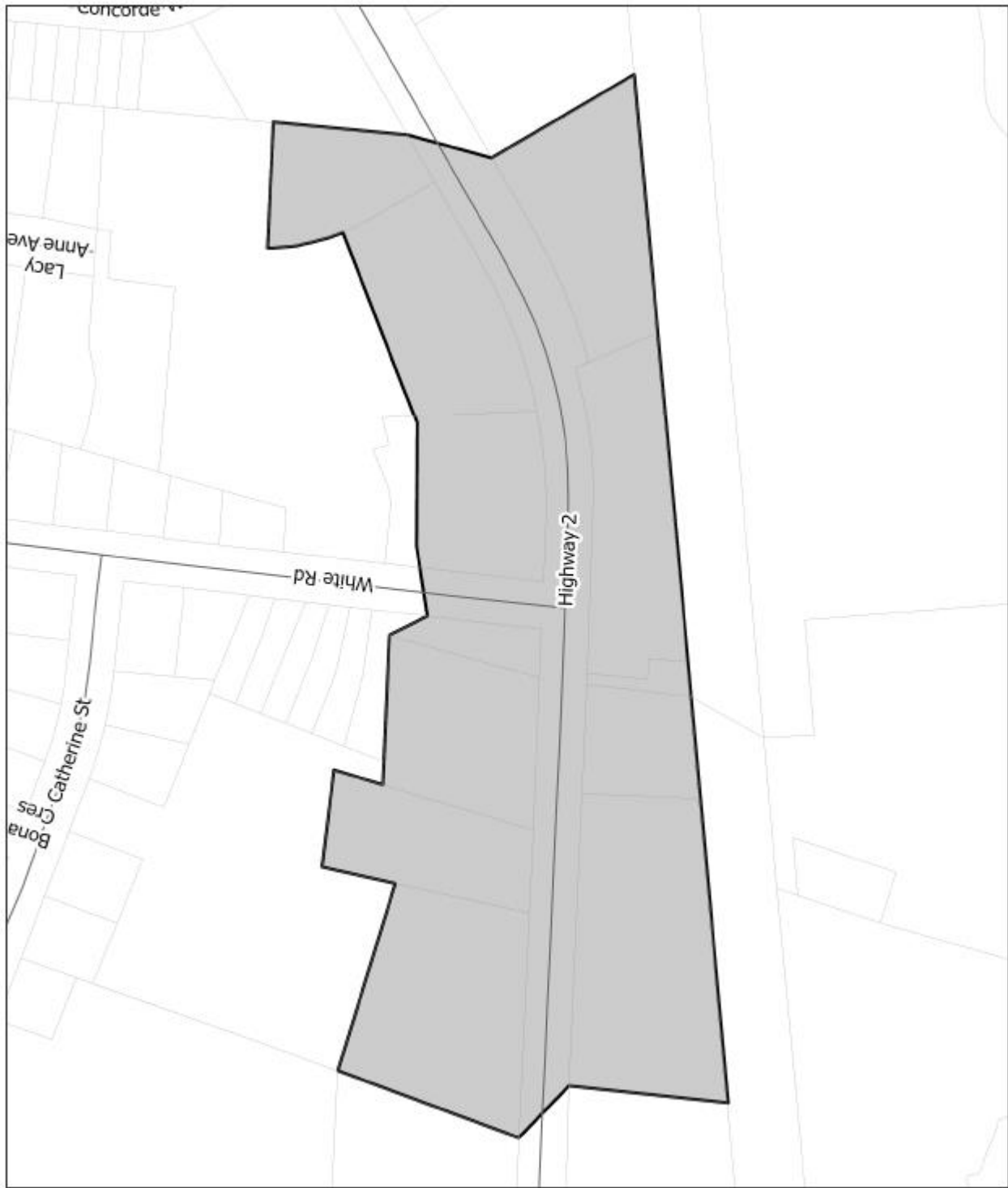
- i) Entryways to below-grade parking should be an integral and consistent part of the building mass. Garages should be Integrated within the building by topping it with a habitable second storey, or recessing it into the structure.

7.5.4. Mixed Use Capable Building Requirements

- a) The ground floor of a mixed use **capable** building, excluding a parking garage, shall have a floor-to-floor height of no less than **4 3.05 m**. This requirement may be waived at the discretion of the Development Officer to a minimum height of 3.5 m where:
 - i) In the case of a new building or an addition to an existing building being proposed along a sloping street(s), the site of the proposed new building or the proposed addition to an existing building is constrained by sloping conditions to such a degree that it becomes unfeasible to properly divide the floor plate of the building to meet the slope and would thus result in a ground floor floor-to-floor

Map of Special MC Zone Area

Appendix F



Regulation	Amendment Date	Description

Appendix B

Public Information Meeting Mixed Use Centre Zone Amendments Lloyd E. Matheson Centre

November 1, 2022, 7 p.m.

Staff in attendance: John Woodford, Director of Planning and Development
Lee-Ann Martin, Planner and Development Officer

Public in attendance: 8 members of the public
Councillor Garden-Cole
Councillor Mitchell

**Questions &
Comments:**

- Question asked regarding whether submitted applications for site plan approval will have to comply with these new regulations?
- Concerns regarding increased traffic along Highway 2 and upgrades will be required
- Discussion on the properties that currently have a site plan approval application and the availability of land for future developments in this area
- Concerns were raised about having these apartment buildings abutting residential subdivisions
- Comment made about the how the possibility for having walkable commercial areas is exciting. Questions about whether all residential apartment buildings could have commercial space?
- Concern raised about how new apartment buildings will decrease the value of neighbouring residential properties.
- Discussion on Traffic Impact Studies
- Concerns were raised about the White Road and Highway 2 intersection.
- Question about at what point can the Province interject to put a freeze on developments along Highway 2?
- Discussion on how the MC Zone was an attempt to create this area of Highway 2 as a walkable “downtown” in East Hants
- Question raised about whether there is written policy that states developers must maintain/upkeep their properties?