



Public Hearing

Tuesday, December 20th, 2022

6:30 p.m.

Council Chambers, Town Hall

359 Main Street

Agenda

Public Hearing

1. Meeting Opening

2. Public Hearing

- a. 120 Highland Rezoning (Staff overview)
- b. Land Use By-law Amendments – Daycares and Architectural requirements (Staff Overview)

3. Public Input/Question Period

PLEASE NOTE:

- Public Participation is limited to 30 minutes
- Each Person is limited to 3 minutes and may return to speak once, for 1 minute, if time permits within the total 30-minute period
- Questions or comments are to be directed to the Chair
- Comments and questions that relate to personnel, current or potential litigation issues, or planning issues for which a public hearing has already occurred, but no decision has been made by Council, will not be answered.

4. Meeting Adjourned

REQUEST FOR DECISION 055-2022 (PA 2022-001)

120 Highland Avenue, Ahmed Nassrat

Date: 2022-10-04

Department: Planning & Economic Development



SUMMARY

120 Highland Avenue Rezoning Application

For Committee of the Whole to consider the PAC recommendation regarding the draft land use bylaw amendment for 120 Highland Avenue (PID 55271563) to rezone the property from Medium Density Residential (R-3) to Institutional General (I-1) for the purposes of opening a Mosque and affiliated uses on the site.

PAC Motion (September 9th, 2022):

MOTION:

THAT THE PLANNING ADVISORY COMMITTEE PROVIDE A POSITIVE RECOMMENDATION TO COUNCIL FOR THE DRAFT LAND USE BYLAW AMENDMENT FOR PID 55271563 AND THAT IT BE FORWARDED TO COUNCIL FOR INITIAL CONSIDERATION.

CARRIED

DRAFT MOTION:

That Committee of the Whole forward to Council for First Reading the amendment to the Land Use By-law (zoning map) to change the zoning of 120 Highland Avenue (PID 55271563), from R-3 Medium Density Residential to I-1 Institutional General, as outlined in the Resolution - Attachment 1.

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120 Highland Avenue, Ahmed Nassrat

Date: 2022-10-04

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1) CAO COMMENTS

Not required. Recommendation from PAC.

2) LEGISLATIVE AUTHORITY

The *Municipal Government Act* and Municipal Planning Strategy establishes the ability and process to amend the land use by-law and rezone properties from one zone to another.

3) STAFF RECOMMENDATION

Staff considers the application consistent with the relevant policies of the Municipal Planning Strategy (MPS) and recommends that it be forwarded to a Public Hearing (see PAC report).

4) REFERENCES AND ATTACHMENTS

- Attachment 1: Resolution
- Attachment 2: September 8, 2022 PAC report.

5) DISCUSSION

The Applicant is seeking to rezone 120 Highland Avenue from the Medium Density Residential (R3) zone to Institutional General (I-1) zone to permit the use of a Mosque, community gathering centre, a residential rental unit and a daycare.

The Planning Advisory Committee have reviewed the application and provided positive recommendations.

See attached PAC Staff report for additional details.

6) FINANCIAL IMPLICATIONS

None

7) REFERENCES TO COUNCIL STRATEGIC PLAN AND TOWN REPORTS

Full policy review provided in the attached PAC Staff Report.

8) COMMUNICATION REQUIREMENTS

For past communications regarding the application, see referenced PAC report.

The next step in the 120 Highland rezoning application process is for the application to go forward for First Reading (October Council) and on to a Public Hearing (date TBD). This step provides the opportunity for Council to hear directly from the public regarding the proposal. Notification of the public hearing will be mailed to neighbouring property owners, ads will be placed in the newspaper, and information posted to the Town's website and social media. A sign will remain placed on the property indicating the property is

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120 Highland Avenue, Ahmed Nassrat

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subject to a planning application. Following the public hearing, Council will make a decision on the application – whether at that meeting or a subsequent meeting.

9) ALTERNATIVES

1. Committee of the Whole forwards the application to Council to refer the application to the Planning Advisory Committee with specific direction or questions for consideration.
2. Committee of the Whole forwards the application to Council with a recommendation to reject the application or to take other action.

CERTIFIED COPY OF LAND USE BY-LAW AMENDMENT

I, Laura Morrison, Town Clerk of the Town of Wolfville in the County of Kings, Province of Nova Scotia, do hereby certify this is a true copy of the amendments to the Land Use By-law adopted by Council of the Town of Wolfville at a meeting duly called and held on the XX day of XXXXXX, 2022.

Laura Morrison, Town Clerk

This signature is sealed with the Town of Wolfville Corporate Seal.

AMENDMENTS TO THE TOWN OF WOLFVILLE LAND USE BY-LAW

3. Amend the Zoning Map – *LUB Schedule “A”* – to rezone 120 Highland (PID 55271563) from Medium Density Residential (R-3), as shown below:

PROPOSED ZONING

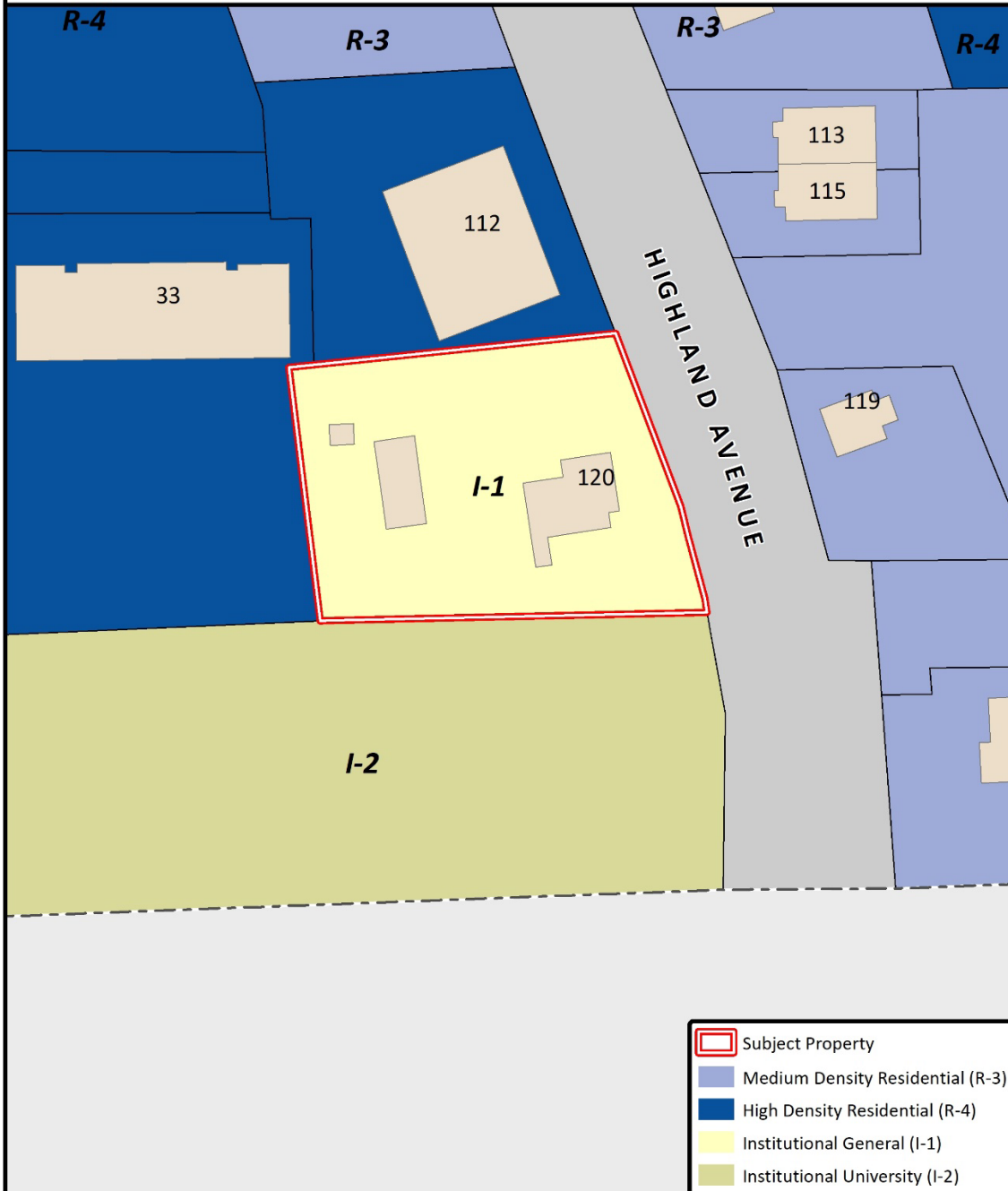
MAP S58

Date: 2022-09-26

120 Highland Avenue

1 in = 63 ft 1 cm = 8 meters

This map should not be used for navigation or legal purposes. It is intended for general reference use only.
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REPORT TO PLANNING ADVISORY COMMITTEE
Land Use Bylaw Amendment Proposal - Rezoning

PID 55271563 – 120 Highland Avenue

Date: September 2022

Department: Planning & Development



APPLICANT	Ahmed Nassrat (Ummah Society)
PROPOSAL	To rezone 120 Highland Avenue from Medium Density Residential (R-3) to Institutional General (I-1) to permit the use of a Mosque, community gathering space, a daycare and residential rental unit.
LOCATION	120 Highland Avenue (PID 55271563)
LOT SIZE	0.6 acres/27,340 square feet
DESIGNATION	Neighbourhood Residential Designation
ZONE	Medium Density Residential (R-3)
SURROUNDING USES	Institutional University (I-2) unoccupied property, Medium Density (R-3) and High Density (R-4) properties.
ARCHITECTURAL GUIDELINES	N/A
NEIGHBOUR NOTIFICATION	Newspaper ads and notices mailed to surrounding property owners within 100 metres; Sign placed on property



PROPERTY LOCATION



Figure 1 – Context map

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PID 55271563 – 120 Highland Avenue

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Figure 2 – 120 Highland Avenue (existing) looking west from Highland Avenue (Google Streetview)

PROPOSAL

The applicant is seeking a Land Use Bylaw (LUB) Amendment to rezone the property from Medium Density Residential (R-3) to Institutional General (I-1) to permit the use of a Mosque, community gathering space, a residential rental property and a daycare.

There currently are only preliminary site plans of the property and the proposed alterations (shown below); however, the applicant intends to make the following changes to the existing structure:

- Raise the dwelling and construct a new 2000 square foot basement to use as a daycare space.
- Increase the main floor from 1000 square feet to 2200 square feet and use the main floor for a Mosque and community gathering centre.
- The 900 square foot second storey and 600 square foot attic will not be increased in size and will be used as a single residential rental unit.

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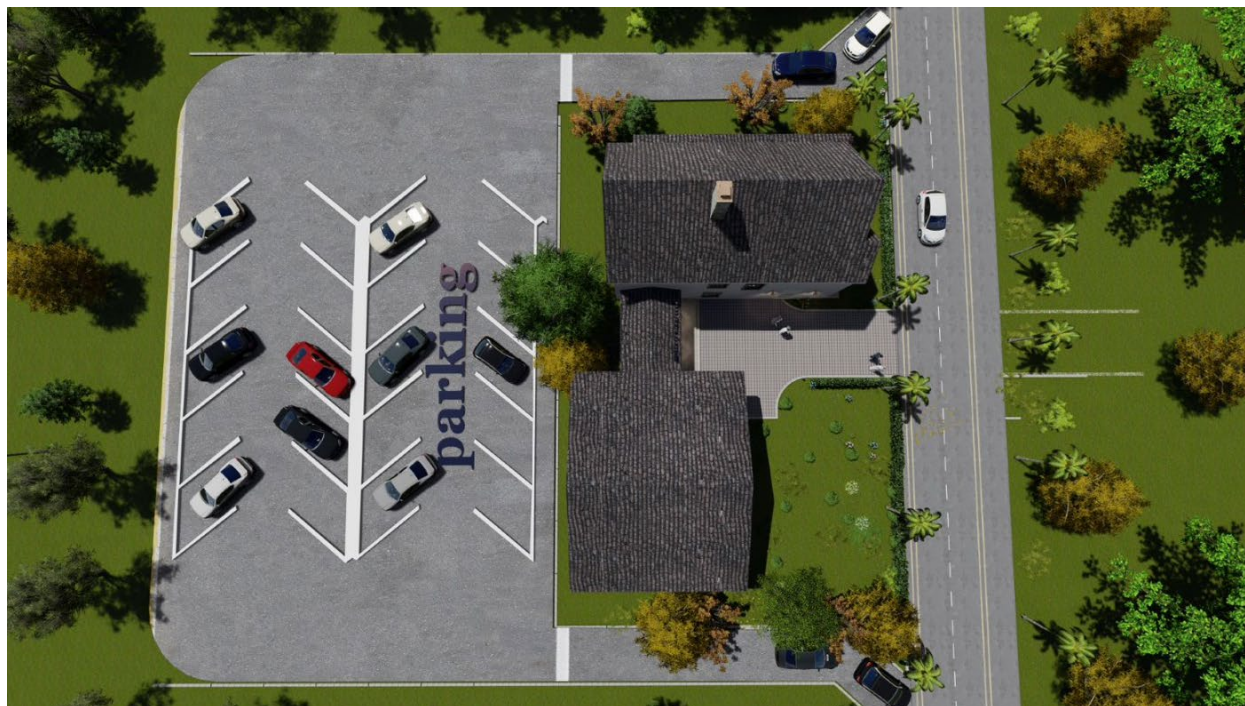


Figure 3 – Draft/Concept site plan

BACKGROUND AND CONTEXT

The Ummah Society has been serving the Muslim community for 44 years in Nova Scotia and is now seeking to better support Muslims in the Annapolis Valley by providing a community gathering space, a place of worship, and a daycare in Wolfville for their more than 50 local members. An attached letter from the Ummah Society (Attachment 3) further describes the society and vision for this space.

The property is currently zoned Medium Density Residential (R-3). The use of the property at the time of purchase by the applicant was a residential rental dwelling unit. The existing dwelling unit is currently unoccupied by tenants and is being used for prayers. The existing area of the main floor is 1000 square feet, the second storey is 900 square feet and the attic is approximately 600 square feet.

The applicant is currently fundraising to rebuild the basement on the south boundary of the property and add additional square footage to bring the basement area to 2000 square feet and use the basement as a daycare. The applicant is also seeking to add 1200 square feet to the first storey, to bring the area to 2200 square feet. The applicant is seeking to use the first storey as a community gathering and prayer space, with a residential rental property throughout the second storey and attic. No plans

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are prepared at this time, however there is a draft site plan shown above illustrating future plans for an additional structure.

The applicant is seeking to rezone this property to Institutional General I-1 zone to permit the use of a Mosque (place of worship) as well as community gathering space, daycare and residential use. The surrounding properties include one University Institutional I-2 zoned property, and several Medium Density R-3 and High-Density Residential R-4 zone properties, as shown in figure 4 below.



Figure 4 – Zoning context map

POLICY REVIEW & DISCUSSION

The property is designated Neighbourhood Residential in the [Municipal Planning Strategy](#) (MPS) and zoned Medium Density Residential (R-3) in the [Land Use Bylaw](#) (LUB).

Municipal Planning Strategy (MPS)

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The MPS contains 19 objectives related to land use, economic prosperity, climate action and social equity, 3 objectives related to land use, and 2 related to economic prosperity are particularly relevant to the proposed rezoning:

<p>OBJECTIVE LU</p> <p>To respect and strengthen existing neighbourhood character, while encouraging quality, inclusive urban design.</p>	<p>OBJECTIVE LU</p> <p>To support public art and cultural programming.</p>	<p>OBJECTIVE LU</p> <p>To create complete neighbourhoods to maximize our infrastructure and promote community health.</p>
<p>ANTICIPATED RESULTS</p> <ul style="list-style-type: none">• Improve processes and requirements for infill development.• Create tools for improved social inclusion of all residents.• Policies to support innovation.	<p>ANTICIPATED RESULTS</p> <ul style="list-style-type: none">• Institutionalize public art appreciation.• Work with and support action by community groups, non-profits and other partners.	<p>ANTICIPATED RESULTS</p> <ul style="list-style-type: none">• Create and incentivize neighbourhood commercial to create convenient access to services for all residents.

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OBJECTIVE EP	OBJECTIVE EP
To encourage growth and manage land use with a goal of balanced economic and environmental sustainability.	To ensure a vibrant local economy by supporting economic development, creative entrepreneurship, and home based business endeavours that further the Town's position as a regional cultural, tourism, and educational centre.

ANTICIPATED RESULTS

- Expand neighbourhood commercial opportunities.
- Focus on infill development and gentle density.

ANTICIPATED RESULTS

- Strive for top quality facilities and services, including an enhanced public library.
- Further our brand as a hub of tourism, food and libations through additional opportunities along Main Street and in the Core Area.

MPS - Part 8. Neighborhoods

Part 8.1 of the Municipal Planning Strategy outlines considerations for rezoning of lands zoned Medium Density Residential (R-3).

Policy 8.1.2 *To enable the following zones within the Neighbourhood Area Designation and that they be reflected on the Zoning Map of the Land Use Bylaw:*

e. Institutional General (I-1)

Policy 8.1.4 *To enable the rezoning of properties, save and except to or from the “Low Density Residential – Restricted” (R-1) zone, within the Neighbourhood Designation to another zone enabled in the designation where the general criteria of Section 11 – Implementation and specific criteria of the particular zoning category can be met.*

Policy 8.1.5 *To consider new General Institutional uses in the Neighbourhood Designation through a rezoning to the Institutional General (I-1) zone of the Land Use Bylaw.*

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Policy 8.6.4 *To enable economic development opportunities in both the 'Neighbourhood' and 'Core Neighbourhood' Designations in an effort to diversify our local economy, encourage entrepreneurship, reduce people's reliance on the automobile, and contribute to housing affordability.*

Policy 8.6.13 *To enable the rezoning if properties within the Neighbourhood Designation, to the Institutional General (I-1) zone where the property can meet the requirements of the Land Use Bylaw and the criteria of MPS Section 11 – Implementation.*

MPS - Part 11. Implementation

Sections 11.4.1 and 11.4.3 of the MPS outlines the policies of Council when considering a Land Use Bylaw Agreement. 'Attachment 1' outlines all the policies and analysis; however the following lists the most pertinent considerations for this application

11.4.1 Land Use Bylaw (LUB) Amendments

11.4.1.1 *To consider amendments to the Land Use Bylaw provided the amendment is consistent with the intent of the Municipal Planning Strategy.*

11.4.1. *To use the general criteria, outlined in Section 11.4.3, as a guide in the evaluation of Land Use Bylaw amendments.*

11.4.1.4 *To consider an application for amendment to the Land Use Bylaw (rezoning) only if the application has identified a proposed use for the property. Council shall give consideration to both the proposed use and to the impact of other uses permitted in the requested zone.*

11.4.1.5 *To consider an application for amendment to the Land Use Bylaw only if the site meets all of the lot size and zone standards for the zone sought.*

Land Use By-Law

The Land Use Bylaw (LUB) establishes the following regulations:

Part 19. General Requirements for Institutional, Agricultural, and Parks and Open Space Zones

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Table 19.2 Indicates the approval process for various uses in the Institutional General (I-1) zone. Uses permitted as-of-right in the I-1 zone include the following uses relevant to this application:

- Community centres
- Cultural facilities
- Places of Assembly
- Places of Worship
- Residential Uses Accessory to Places of Worship

Table 19.2 does not, however, permit daycares that are not accessory to places of worship. Staff are bringing forward amendments to better allow daycare facilities in the Town. Otherwise, this would have to be a very small facility that is accessory.

Part 20. Institutional General (I-1) Zone

20.1 Intent

The I-1 zone is intended to permit a range of institutional uses such as churches and public government facilities. Council may consider unique and site-specific developments by development agreement.

20.3 Rezoning

Rezoning to any other zone shall be considered subject to Policy 11.4.3 of the MPS.

PROCESS & NEXT STEPS

Section 219 of The Municipal Government Act (MGA) establishes the process for the approval of a Land Use Bylaw Amendment. This process requires review by the Planning Advisory Committee and the holding of a Public Hearing by Council prior to a decision by Council to approve or reject the proposal. The decision by Council may be appealed to the Nova Scotia Utility and Review Board by an aggrieved person or by the Applicant.

The first stage of the application review process began at the Public Information Meeting (PIM) held on August 4th, 2022. Property owners within 100 metres of the development were notified by mail and a notice of the PIM was posted in the Saltwire newspaper and on www.wolfville.ca indicating that the site was subject to a rezoning application. The purpose of the PIM was to provide the public with an opportunity to offer preliminary feedback on the request and allow the applicant to answer any questions that would arise. Notes from the PIM have been included as 'Attachment 2' and assisted the review process in identifying issues, support or concerns raised by residents and committee members.

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The next step in the Land Use Bylaw Amendment process (as shown below), will be to have the Planning Advisory Committee (PAC) review this report and provide a recommendation to Council. Council will then provide Initial Consideration, and if passed, a Public Hearing will be scheduled prior to a decision on the proposal from Council.

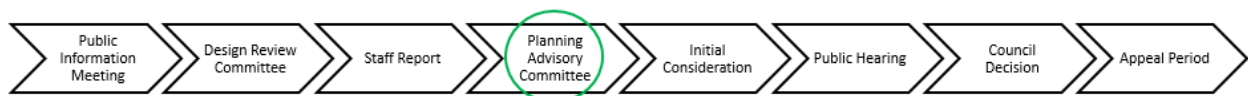


Figure 5 – LUB Amendment Process.

REVIEW FROM OTHER DEPARTMENTS

The following summarizes the comments from the relevant agencies or departments:

1. Traffic Authority and Director of Public Works and Engineering:
 - a. Alex de Sousa is the Traffic Authority for the Town of Wolfville and also the Director of Public Works and Engineering – input is ongoing. No issues are anticipated.

PUBLIC INFORMATION MEETING

The Town held a Public Information Meeting on August 4th, 2022. Notes from this meeting are included as Attachment 2. No members of the public expressed concern regarding this proposal during the PIM, and three members of the public spoke in favour of the proposal.

COMMENTS & CONCLUSIONS

The subject property and existing dwelling is currently unoccupied. The Land Use Bylaw Amendment application proposes the reconstruction and enlargement of an existing basement, additional square footage added to the main and second storeys, and a change in use from medium density residential to a mosque, daycare, community centre and rental apartment.

While daycares uses not accessory to a place of worship are not currently permitted in the I-1 zone, Staff believe these uses are compatible with the intent of the I-1 zone and are being proposed through a separate amendment to be added to LUB table 19.2. Staff believe the development proposal meets the overall intent of the Municipal Planning Strategy and is consistent with relevant policies.

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STAFF RECOMMENDATION

Staff recommends that the Planning Advisory Committee provide a positive recommendation to Council regarding the Land Use Bylaw Amendment to rezone 120 Highland Avenue from R-3 to I-1.

ATTACHMENTS

1. Policy Summary Tables
2. Public Information Meeting Notes
3. Letter from the Ummah Society

ATTACHMENT 1 – Policy Summary Tables

Policy 11.4.3 of the MPS states the general considerations for all Land Use Bylaw Amendments. As part of the review for this section, staff may have contacted other departments or outside agencies to seek specific information. The following table outlines the policy and provides Staff comment:

11.4.3 CRITERIA FOR LUB AMENDMENTS AND CONSIDERATION OF DEVELOPMENT AGREEMENTS

GENERAL CONSIDERATIONS	Staff Comment
GENERAL CONSIDERATIONS a. The financial ability of the Town to absorb any costs relating to the proposal; and	<ul style="list-style-type: none">• Not applicable
b. The proposal’s conformance with the intent of the Municipal Planning Strategy and to	<ul style="list-style-type: none">• The rezoning will enable development that will conform with the intent of the MPS and

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all other applicable Town Bylaws and regulations.	all other applicable Town Bylaws and regulations.
c. The proposal's conformance with relevant portions of the Town's 'Sustainability Checklist', where applicable.	<ul style="list-style-type: none"> • Not applicable
<p>COMPATIBILITY OF THE DEVELOPMENT</p> <p>d. Compatibility of the proposed land use with adjacent land uses; and</p>	<ul style="list-style-type: none"> • The proposed land use is compatible with the adjacent land uses.
e. Compatibility of the development with adjacent properties in terms of height, scale, lot coverage, density, bulk, and architectural style; and	<ul style="list-style-type: none"> • The development is compatible with the adjacent properties in terms of height, scale, lot coverage, density, bulk and architectural style.
f. Compatibility of the development with adjacent properties in terms of lighting, signage, outdoor display, outdoor storage, traffic impacts, and noise; and	<ul style="list-style-type: none"> • The proposed development will be required to minimize any impact on neighbouring properties by adhering to set hours of operation.
g. 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	<ul style="list-style-type: none"> • Requirements will be applied during the permitting process.
h. The proposal protects and preserves matters of public interest such as, but not limited to:	
i. historically significant buildings;	<ul style="list-style-type: none"> • The proposal does not require alteration of historically significant buildings.
j. public access to shorelines, parks, and public and community facilities; and	<ul style="list-style-type: none"> • The plan does not interfere with any shorelines, parks, or public and community facilities.

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<p>k. important and significant cultural features, natural land features and vegetation.</p>	<ul style="list-style-type: none"> • The proposed development will provide cultural opportunities not previously offered in Wolfville.
<p>SERVICING CONSIDERATIONS</p> <p>l. The adequacy of sanitary services, water services, and storm water management services; and</p>	<ul style="list-style-type: none"> • The proposed development is serviced by municipal water and sewer.
<p>m. Contribution of the proposal towards an orderly and compact development pattern that makes efficient use of existing and new municipal infrastructure and services.</p>	<ul style="list-style-type: none"> • The proposed development will change the use of an existing, municipally serviced building.
<p>MOBILITY CONSIDERATIONS</p> <p>n. The adequacy of the road network in, and adjacent to, or leading to the development, regarding connectivity, congestion and traffic hazards; and</p>	<ul style="list-style-type: none"> • Public Works to review
<p>o. The adequacy of site access as determined by the Traffic Authority; and</p>	<ul style="list-style-type: none"> • Traffic Authority to review
<p>p. The ability of emergency services to respond to an emergency at the location of the proposed development; and</p>	<ul style="list-style-type: none"> • To review, no issues anticipated
<p>q. The adequacy of active transportation infrastructure to support walking and cycling to and from the proposed development; and</p>	<ul style="list-style-type: none"> • The property is located along phase 1 of the active transportation network and there will be sidewalk and bicycle lane access.
<p>r. The provision of off -street vehicle and bicycle parking to prevent significant congestion, nuisance and inconvenience in the area.</p>	<ul style="list-style-type: none"> • The proposed development will be required to meet Part 6 Parking and Loading Requirements of the Land Use Bylaw.

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<p>ENVIRONMENTAL CONSIDERATIONS</p> <p>s. Consideration of any previous uses of the site which may have caused soil or groundwater contamination; and</p>	<ul style="list-style-type: none"> • Not applicable
<p>t. Suitability of the site in terms of slope and flood and erosion risk in accordance with Schedule E of the Land Use Bylaw; and</p>	<ul style="list-style-type: none"> • Not applicable
<p>u. 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; and</p>	<ul style="list-style-type: none"> • Not applicable
<p>v. The application of sustainable design principles and energy efficient technology, including but not limited to renewable energy infrastructure; and</p>	<ul style="list-style-type: none"> • N/A at this time
<p>w. Environmentally friendly paving alternatives, provision of alternative transportation parking, integration of</p>	<ul style="list-style-type: none"> • N/A at this time

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landscaping into the design of parking lots, green roofs, etc	

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ATTACHMENT 2 - Public Information Meeting and Design Review Committee
Notes

Public Information Meeting
6.00 PM – Council Chambers
Development Agreement Proposal
249 Main Street

Attending

Director of Planning Devin Lake, Community Planner Lindsay Slade, Applicant Ahmed Nassrat and five interested members of the public.

Lindsay Slade began the meeting at 6 PM with a presentation on the development proposal, beginning with an overview of the uses proposed and a review of the policy relating to this application and the requirements of the LUB amendment process. Lindsay Slade then looked to the attendees for questions, or comments. No questions were posed, however two members of the public did provide feedback, summarized below:

Mr. Rafih: Expressed that the proposal is a great addition to the Town and Valley, and is very important to the Muslim community, and that this proposal will be good for refugees and helps to show them that Wolfville is a good place for them to live.

Mr. Kadray: Expressed that the close proximity of the proposed use to Acadia University is important because there are many Muslim students at Acadia University. There are also many Muslims moving to the Town who will appreciate having the Mosque and community centre nearby.

Director Lake adjourned the meeting at 6.27 PM.

Additional feedback, submitted through email following the PIM, includes the following:

Beverly Boyd: Expressed support for the proposed development, indicated it will bring needed services to the Town, will support diversity and inclusion, and provide an adaptive re-use of the property. Ms. Boyd questioned how the development will be financed and sustained moving forward, and if the development may impact traffic on Highland Avenue.

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ATTACHMENT 3 – Letter from the Ummah Society Regarding the Proposed Uses

Dear Town of Wolfville,

The Ummah Society is a non-profit organization based in Nova Scotia that has a Islamic Community Center and School on Chebucto Road in Halifax. The Ummah Society has been a leader in providing guidance to newcomers. It has also provided community support in areas like mental health, social and family support.

Our local Muslim community has done a lot of work in welcoming new comers to Wolfville as well as befriending the different students that come to Wolfville and Acadia for the past 44 years. We have rented many different venues at no cost to the students, providing them with a meal, friendship and guidance when needed.

We are not a organization and we have being asked by the different families that live here to help provide a place for them and their families to gather for there different religious and cultural events that will enrich our greater community!

As a result, we have partnered with the Ummah Society to provide a well needed place that hopefully will be a torch of hope for Wolfville. We have chosen Wolfville for our endeavour because the town is full cultural and multicultural coexistence! We hope to add much more to our great town.

The Ummah Society recently purchased the property at 120 Highland Ave to help meet the growing demands of our local Muslim Community. Over the past 5 years we have seen a big influx of Muslims specifically through the Syrian Refugees that have moved to the area together with families moving from other provinces for work. There are many Muslim students attending Acadia University that will use this place for worship, community events and holidays.

With this growth in the Muslim Community comes a need for space for community members to meet, congregate and pray. The intended future use of the property at 120 Highland Ave is to have a community center with a hall for events, prayers as well as development of a daycare for children. The upper levels would be used to house students attending Acadia or a family. This is in addition of using the outdoor spaces for gatherings and a playground.

If there is any further questions please do not hesitate to ask.

Ahmed Nassrat
Ummah Society

REQUEST FOR DECISION 054-2022 (PA 2022-002)

LUB Text Amendments: Daycares and Architectural Drawings

Date: 2022-09-22 **UPDATED FOR 1st READING**

Department: Planning & Economic Development



SUMMARY

Land Use Bylaw Text Amendments: Daycares and Architectural Drawings

Committee of the Whole supported the amendments presented in this report moving forward to 1st Reading. Staff have provided some clarification on questions asked and have updated the wording of the proposed changes (updated resolutions attached with track changes). In summary:

For Daycares: we have further consulted with Provincial licensing requirements for daycares and have updated the definitions and limitations appropriately.

For the Architectural requirement: we have updated the wording to provide some flexibility (in terms of people being “licensed” or not) when receiving building drawings.

For Committee of the Whole to consider the PAC recommendation regarding the draft text amendments to the Land Use Bylaw as outlined in the Resolution - Attachment 1, related to daycares and architectural drawings.

PAC Motion (September 9th, 2022):

MOTION:

MOTION THAT THE PLANNING ADVISORY COMMITTEE RECOMMEND TO COUNCIL THE AMENDMENTS TO THE LAND USE BY-LAW RELATED TO DAYCARES AND ARCHITECTURAL DRAWINGS, AS OUTLINED IN ATTACHMENT 1.

CARRIED

DRAFT MOTION:

That Committee of the Whole forward the amendments to the Land Use By-law to enable daycares in the I-1, I-2, and C-2 zones ‘As-of-Right’ and in the R-3 and R-4 by ‘Site Plan Approval’ and to amend the requirements for Architectural plans for Site Plan Approval Applications as outlined in the Resolution - Attachment 1, to Council for First Reading.

REQUEST FOR DECISION 054-2022 (PA 2022-002)

LUB Text Amendments: Daycares and Architectural Drawings

Date: 2022-09-22 **UPDATED FOR 1st READING**

Department: Planning & Economic Development



1) CAO COMMENTS

Not required as this is a direct recommendation from PAC.

2) LEGISLATIVE AUTHORITY

The *Municipal Government Act* (MGA) gives the Municipality the ability to amend its Planning documents.

3) PAC RECOMMENDATION

MOTION: THAT THE PLANNING ADVISORY COMMITTEE RECOMMEND TO COUNCIL THE AMENDMENTS TO THE LAND USE BY-LAW RELATED TO DAYCARES AND ARCHITECTURAL DRAWINGS, AS OUTLINED IN ATTACHMENT 1.

CARRIED

4) REFERENCES AND ATTACHMENTS

- Attachment 1: Resolution File No. PA 2022-002
- Attachment 2: September 8, 2022 PAC report.

5) PURPOSE OF REPORT

For Council to consider the recommendation of the PAC.

6) DISCUSSION

Staff are seeking to amend the Land Use Bylaw to allow Daycares in the I-1, I-2, and C-2 'As-of-Right' and in the R-3 and R-4 by 'Site Plan Approval' in recognition of the limited opportunities to offer childcare in the Town under the current land use regulations.

Staff are also proposing to only require Architectural Plans (stamped by a Licensed Architect) in the Design Guidelines areas for proposals by Site Plan or Development Agreement. Staff have received concern from Engineers Nova Scotia on this requirement and from Developers looking to move projects forward and are facing issues with this requirement (time, cost, availability, etc). This requirement was created when we moved from almost all proposals going to Council through a Development Agreement to more permissive development controls where site plan and as-of-right approvals would be more common. The change is simply to allow other licensed professionals to prepare drawings.

The proposed text change in the Land Use By-law would be as follows (change highlighted):
Change LUB 2.10(5) to read:

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(5) Architectural plans prepared by a licensed Architect for applications in a Design Guidelines Area or a licensed professional in other areas indicating compliance with the specific design requirements of the zones in this Bylaw including:

- (a) Height, streetwall height and setbacks pursuant to each zone;
- (b) Building elevations and articulation on all sides including signage and lighting;
- (c) Notes on building material intentions;
- (d) Floor plans for every level;
- (e) A perspective rendering of the building showing context and/or 3D Sketchup model may be required.

See Attachment 2. September 8, 2022 PAC report.

7) FINANCIAL IMPLICATIONS

None

8) REFERENCES TO COUNCIL STRATEGIC PLAN AND TOWN REPORTS

Full policy review provided in the attached PAC Staff Report.

9) COMMUNICATION REQUIREMENTS

Planning Advisory Committee reviewed these proposed amendments on September 8, 2022. The next step is for Council to give First Reading, and if passed, a Public Hearing will be scheduled prior to a decision on the proposal from Council. A mailing and required advertising on these amendments will be sent prior to the Public Hearing.

10) ALTERNATIVES

1. Committee of the Whole forwards the amendments to Council to refer the amendments back to the Planning Advisory Committee with specific direction or questions for consideration.
2. Committee of the Whole forwards the application to Council with a recommendation to reject or alter the amendments.

CERTIFIED COPY OF LAND USE BY-LAW AMENDMENT

I, Laura Morrison, Town Clerk of the Town of Wolfville in the County of Kings, Province of Nova Scotia, do hereby certify this is a true copy of the amendments to the Land Use By-law adopted by Council of the Town of Wolfville at a meeting duly called and held on the XX day of XXXXXXX, 2022.

Laura Morrison, Town Clerk

This signature is sealed with the Town of Wolfville Corporate Seal.

AMENDMENTS TO THE TOWN OF WOLFVILLE LAND USE BY-LAW

- Amend tables 8.1, 14.1 and 19.2 in the Land Use Bylaw to include Daycare Facilities as shown below:

Table 8.1 Residential zones:

Neighbourhood Commercial Uses	R-1	R-2	R-3	R-4	CDD	C-2
Daycare Facilities (4 or more persons to a maximum of 30)			SP	SP		P

Table 14.1 Commercial zones:

Commercial zones	C-1	C-2	C-3
Daycare Facilities (4 or more persons to a maximum of 30)	P	P	SP

Table 19.2 Institutional zones:

Institutional	I-1	I-2	P-1	P-2	A	AT
Daycare Facilities (4 or more persons to a maximum of 30)	P	P				

- Delete 2.10(5) in the Land Use Bylaw and replace with:

2.10(5) Architectural plans prepared by a licensed Architect for applications in a Design Guidelines Area or a licensed professional in other areas indicating compliance with the specific design requirements of the zones in this Bylaw including:

- (a) Height, streetwall height and setbacks pursuant to each zone;**

- (b) Building elevations and articulation on all sides including signage and lighting;**
- (c) Notes on building material intentions;**
- (d) Floor plans for every level;**
- (e) A perspective rendering of the building showing context and/or 3D Sketchup model may be required.**

REPORT TO PLANNING ADVISORY COMMITTEE

Land Use Bylaw Amendments

Date: September 2022

Department: Planning & Development



PROPOSAL	To amend the Land Use Bylaw to allow Daycares in the I-1, I-2, and C-2 as-of-right and in the R-3 and R-4 by Site Plan Approval and to amend the requirements for Architectural plans for Site Plan Approval Applications.
LOCATION	Various (I-1, I-2, C-2, R-3 and R-4)

PURPOSE

Periodically Staff will identify amendments to the Land Use By-law, for various reasons. Two are outlined here and others will be warranted as we continue to work with our new (2020) planning documents. See [here](#) to view the Town's Municipal Planning Strategy and [here](#) for the Town's Land Use By-law.

LEGISLATIVE

The *Municipal Government Act (MGA)* states:

Amendment of land-use by-law

210 (1) An amendment to a land-use by-law that

(a) is undertaken in accordance with the municipal planning strategy; and

(b) is not required to carry out a concurrent amendment to a municipal planning strategy,

is not subject to the review of the Director or the approval of the Minister.

(2) The procedure for the adoption of an amendment to a land-use by-law referred to in subsection (1) is the same as the procedure for the adoption of planning documents, but a public participation program is at the discretion of the council and the amendment may be adopted by a majority of votes of the council members present at the public hearing.

BACKGROUND AND CONTEXT

1. Permitting Daycare Use

There is a need for childcare spaces in our region. Limited opportunity exists to create a daycare business in our Town. Staff are proposing to amend the following tables in the Land Use By-law (8.1, 14.1, 19.2) to allow Daycares to a maximum of 30 persons, as shown below. This type of facility is also subject to other Provincial licensing and approvals.

REPORT TO PLANNING ADVISORY COMMITTEE

Land Use Bylaw Amendments

Date: September 2022

Department: Planning & Development



Table 8.1 Residential zones:

Neighbourhood Commercial Uses	R-1	R-2	R-3	R-4	CDD	C-2
Daycare Facilities (4 or more persons to a maximum of 30)			SP	SP		P

Table 14.1 Commercial zones:

Commercial zones	C-1	C-2	C-3
Daycare Facilities (4 or more persons to a maximum of 30)	P	P	SP

Table 19.2 Institutional zones:

Institutional	I-1	I-2	P-1	P-2	A	AT
Daycare Facilities (4 or more persons to a maximum of 30)	P	P				

The definition of a Daycare Facility is as follows:

Daycare Facility means a place where four or more persons are cared for on a temporary daily basis without overnight accommodation but does not include a school.

2. Requirement for Architectural Plans

Staff are proposing to only require Architectural Plans (stamped by a Licensed Architect) in the Design Guidelines areas for proposals by Site Plan or Development Agreement.

Staff have received concern from Engineers Nova Scotia on this requirement and from Developers looking to move projects forward and are facing issues with this requirement (time, cost, availability, etc).

This requirement was created when we moved from almost all proposals going to Council through a Development Agreement to more permissive development controls where site plan and as-of-right approvals would be more common.

The Design Guidelines areas are shown below:

REPORT TO PLANNING ADVISORY COMMITTEE

Land Use Bylaw Amendments

Date: September 2022

Department: Planning & Development

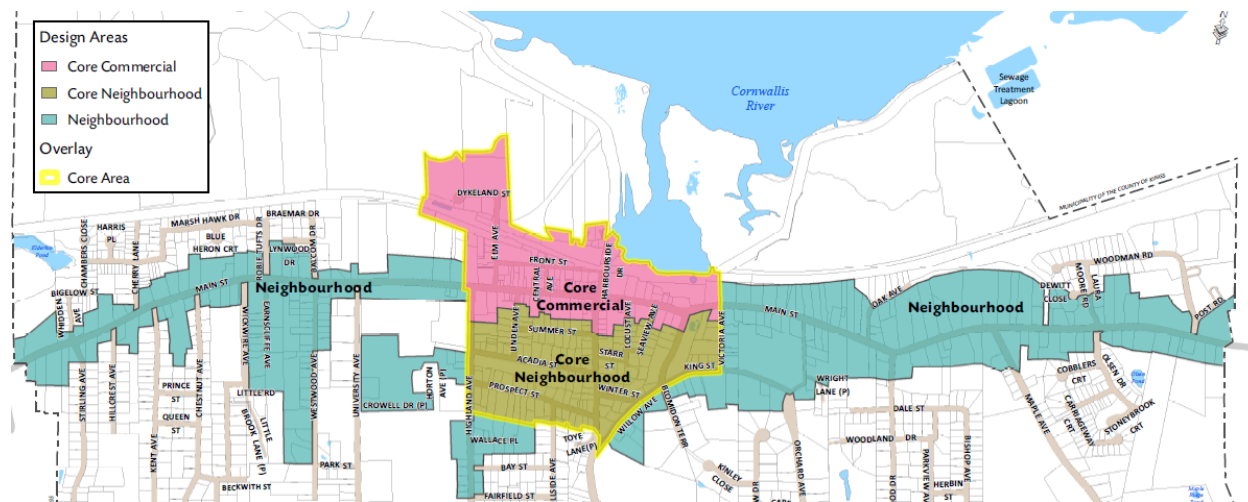


Figure 1 – Design Guidelines areas from LUB

The proposed text change in the Land Use By-law would be as follows:

Change LUB 2.10(5) to read:

(5) Architectural plans prepared by a licensed Architect for applications in a Design Guidelines Area or a licensed professional in other areas indicating compliance with the specific design requirements of the zones in this Bylaw including:

- (a) Height, streetwall height and setbacks pursuant to each zone;
- (b) Building elevations and articulation on all sides including signage and lighting;
- (c) Notes on building material intentions;
- (d) Floor plans for every level;
- (e) A perspective rendering of the building showing context and/or 3D Sketchup model may be required.

PROCESS & NEXT STEPS

Section 210 of The Municipal Government Act (MGA) establishes the process for amendments to the Land Use Bylaw. This process requires review by the Planning Advisory Committee and the holding of a Public Hearing by Council prior to a decision by Council to approve or reject the proposal. The decision by Council may be appealed to the Nova Scotia Utility and Review Board by an aggrieved person.

REPORT TO PLANNING ADVISORY COMMITTEE

Land Use Bylaw Amendments

Date: September 2022

Department: Planning & Development



The next step in the Land Use Bylaw Amendment process (as shown below), will be to have the Planning Advisory Committee (PAC) review this report and provide a recommendation to Council. Council will then provide Initial Consideration, and if passed, a Public Hearing will be scheduled prior to a decision on the proposal from Council.

A mailing and required advertising on these amendments will be sent prior to the Public Hearing.

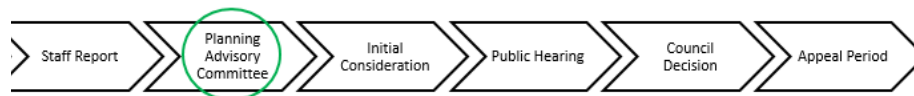


Figure 2 – LUB Amendment Process

STAFF RECOMMENDATION

That the Planning Advisory Committee recommend to Council the amendments to the Land Use By-law related to daycares and architectural drawings, as outlined in Attachment 1.

ATTACHMENTS

1. MPS Policy 11.4.3
2. Resolution

ATTACHMENT 1 – Policy Summary Table

Policy 11.4.3 of the MPS states the general considerations for all LUB amendments. As part of the review for this section, staff may have contacted other departments or outside agencies to seek specific information. The following table outlines the policy and provides Staff comment:

11.4.3 CRITERIA FOR LUB AMENDMENTS AND CONSIDERATION OF DEVELOPMENT AGREEMENTS

GENERAL CONSIDERATIONS	Staff Comment
<p>GENERAL CONSIDERATIONS</p> <p>a. The financial ability of the Town to absorb any costs relating to the proposal; and</p>	<ul style="list-style-type: none"> • Not applicable
<p>b. The proposal’s conformance with the intent of the Municipal Planning Strategy and to all other applicable Town Bylaws and regulations.</p>	<ul style="list-style-type: none"> • conforms with the intent of the MPS and would be regulated at the site level through applicable process (as-of-right, site plan, DA).
<p>c. The proposal’s conformance with relevant portions of the Town’s ‘Sustainability Checklist’, where applicable.</p>	<ul style="list-style-type: none"> • Not applicable
<p>COMPATIBILITY OF THE DEVELOPMENT</p> <p>d. Compatibility of the proposed land use with adjacent land uses; and</p>	<ul style="list-style-type: none"> • Daycares are proposed to be permitted in the R-3 and R-4, C-2 and I-1 and I-2 zones. The land use impacts of a childcare facility are not substantial (some noise, vehicle traffic for drop-offs, pick-ups). These impacts need to be weighed against the need for such spaces. Currently 2 daycares exist in neighbourhoods within the Town. • N/A for architectural drawing requirement.
<p>e. Compatibility of the development with adjacent properties in terms of height, scale, lot coverage, density, bulk, and architectural style; and</p>	<ul style="list-style-type: none"> • See above comment re: compatibility.
<p>f. Compatibility of the development with adjacent properties in terms of lighting, signage, outdoor display, outdoor storage, traffic impacts, and noise; and</p>	<ul style="list-style-type: none"> • See above comment re: compatibility.

<p>g. 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</p>	<ul style="list-style-type: none"> • Subject to Land Use By-law requirements
<p>h. The proposal protects and preserves matters of public interest such as, but not limited to:</p>	
<p>i. historically significant buildings;</p>	<ul style="list-style-type: none"> • N/A
<p>j. public access to shorelines, parks, and public and community facilities; and</p>	<ul style="list-style-type: none"> • N/A
<p>k. important and significant cultural features, natural land features and vegetation.</p>	<ul style="list-style-type: none"> • N/A
<p>SERVICING CONSIDERATIONS</p> <p>l. The adequacy of sanitary services, water services, and storm water management services; and</p>	<ul style="list-style-type: none"> • To be reviewed at time of application
<p>M. Contribution of the proposal towards an orderly and compact development pattern that makes efficient use of existing and new municipal infrastructure and services.</p>	<ul style="list-style-type: none"> • Child care within the town provides a higher quality of life for parents of young children and a healthy land use mix in existing neighbourhoods.
<p>MOBILITY CONSIDERATIONS</p> <p>n. The adequacy of the road network in, and adjacent to, or leading to the development, regarding connectivity, congestion and traffic hazards; and</p>	<ul style="list-style-type: none"> • To be reviewed with applications
<p>o. The adequacy of site access as determined by the Traffic Authority; and</p>	<ul style="list-style-type: none"> • To be reviewed with applications
<p>p. The ability of emergency services to respond to an emergency at the location of the proposed development; and</p>	<ul style="list-style-type: none"> • To be reviewed with applications

<p>q. The adequacy of active transportation infrastructure to support walking and cycling to and from the proposed development; and</p>	<ul style="list-style-type: none"> • To be reviewed with applications
<p>r. The provision of off -street vehicle and bicycle parking to prevent significant congestion, nuisance and inconvenience in the area.</p>	<ul style="list-style-type: none"> • To be reviewed with applications. Could be an issue at some locations.
<p>ENVIRONMENTAL CONSIDERATIONS</p> <p>s. Consideration of any previous uses of the site which may have caused soil or groundwater contamination; and</p>	<ul style="list-style-type: none"> • To be reviewed with applications
<p>t. Suitability of the site in terms of slope and flood and erosion risk in accordance with Schedule E of the Land Use Bylaw; and</p>	<ul style="list-style-type: none"> • To be reviewed with applications
<p>u. 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; and</p>	<ul style="list-style-type: none"> • To be reviewed with applications
<p>v. The application of sustainable design principles and energy efficient technology, including but not limited to renewable energy infrastructure; and</p>	<ul style="list-style-type: none"> • To be reviewed with applications

w. Environmentally friendly paving alternatives, provision of alternative transportation parking, integration of landscaping into the design of parking lots, green roofs, etc	<ul style="list-style-type: none">• To be reviewed with applications