



# Town Council Meeting

January 24, 2023

6:30 p.m.

Council Chambers, Town Hall

359 Main Street

## Agenda

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### Call to Order

#### 1. Approval of Agenda

#### 2. Approval of Minutes

- a. Public Hearing Meeting, December 20, 2022
- b. Town Council Meeting, December 20, 2022
- c. Town Council In Camera Meeting, December 20, 2022
- d. Special Town Council Meeting, December 21, 2022
- e. Public Hearing Meeting, January 17, 2023

#### 3. Comments from the Mayor

#### 4. 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.



**5. Motions/Recommendations from Committee of the Whole,  
January 10, 2023:**

- a. RFD 001-2023: Appointment of Councillor Palmeter to Committees
- b. RFD 033-2022: Acadia Pool Operations Financial Request

**6. New Business**

- a. Devour! Studios Digital Signage Proposal, 360 Main Street (PID 55278758)
- b. RFD 054-2022 Land Use Bylaw Text Amendments: Daycares and Architectural Drawings Second Reading
- c. RFD 055-2022 120 Highland Avenue Re-zoning Application Second Reading

**7. Regular Meeting Adjourned**

## REQUEST FOR DECISION 001-2023

Title: Appointment of Councillor Palmeter to Committees

Date: 2023-01-10

Department: Office of the CAO

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## SUMMARY

### APPOINTMENT OF COUNCILLOR PALMETER TO COMMITTEES

Council selects their committee appointments for each member on an annual basis in November.

Due to a vacancy on Council interim appointments were made in October and committee appointments made in December with the current council members.

As the vacancy has now been filled, this RFD reflects the updated Council appointments made to include our new Councillor Ian Palmeter.

### DRAFT MOTION:

**That Committee of the Whole forward the following motion to Council for decision:**

**That Council approve the changes made to committee appointments as outlined in RFD 001-2023.**

## REQUEST FOR DECISION 001-2023

Title: Appointment of Councillor Palmeter to Committees

Date: 2023-01-10

Department: Office of the CAO

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### 1) CAO COMMENTS

Refer to staff recommendation below.

### 2) LEGISLATIVE AUTHORITY

[Nova Scotia Municipal Government Act](#)

### 3) STAFF RECOMMENDATION

Staff recommend Council agree to the appointments as contained within this RFD.

### 4) REFERENCES AND ATTACHMENTS

- [Policy 110-001 Committees](#)

### 5) DISCUSSION

Council Committee appointment recommendations were brought to Council in December rather than November 2022 due to a Council vacancy and subsequent special election. As the vacancy has now been filled, it is necessary to adjust some of those appointments to include the new Councillor Ian Palmeter, therefore, the following revisions highlighted in red are being recommended for Council's consideration:

## REQUEST FOR DECISION 001-2023

Title: Appointment of Councillor Palmeter to Committees

Date: 2023-01-10

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### COMMITTEES OF COUNCIL

#### ACCESSIBILITY ADVISORY COMMITTEE

Membership & Term (two (2) voting members of Council)

- The Mayor
- 1 member of Council (2-year term)

Name	Appointed	Expiry
Mayor Wendy Donovan	2022-12	2024-10
Councillor Jennifer Ingham (Chair)	2022-12	2024-10

**NOTE: THESE APPOINTMENTS ARE FOR 2 YEARS AND SO WILL CARRY THROUGH UNTIL THE END OF THE COUNCIL TERM IN OCTOBER 2024.**

#### AUDIT COMMITTEE

Membership & Term (three (3) voting members of Council)

- The Mayor
- 2 members of Council (2-year terms)

Name	Appointed	Expiry
Mayor Wendy Donovan	Not Applicable	Not Applicable
Councillor Mike Butler (Chair)	2022-12	2024-10
Councillor Ian Palmeter	2023-01	2024-10

**NOTE: THESE APPOINTMENTS ARE FOR 2 YEARS AND SO WILL CARRY THROUGH UNTIL THE END OF THE COUNCIL TERM IN OCTOBER 2024.**

## REQUEST FOR DECISION 001-2023

Title: Appointment of Councillor Palmeter to Committees

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### PLANNING ADVISORY COMMITTEE

Membership & Term (four (4) voting members of Council)

- The Mayor
- 3 members of Council (1-year terms)

Name	Appointed	Expiry
Mayor Wendy Donovan	Non-applicable	Non-applicable
Deputy Mayor Isabel Madeira-Voss (Chair)	2022-12	2023-11
Councillor Wendy Elliott	2022-12	2023-11
Councillor Jennifer Ingham	2022-12	2023-11

**NOTE: THESE APPOINTMENTS ARE FOR A ONE YEAR TERM AND WILL BE RE-CONSIDERED BY COUNCIL IN NOVEMBER 2023.**

### RCMP ADVISORY BOARD

Membership & Term (three (3) voting members of Council)

- 3 members of Council (1-year terms)  
*(The Mayor only votes if included as one of the 3 members of Council)*

Name	Appointed	Expiry
Mayor Wendy Donovan	2022-12	2023-11
Councillor Isabel Madeira-Voss	2022-12	2023-11
Councillor Mike Butler	2022-12	2023-11

**NOTE: THESE APPOINTMENTS ARE FOR A ONE YEAR TERM AND WILL BE RE-CONSIDERED BY COUNCIL IN NOVEMBER 2023.**

## REQUEST FOR DECISION 001-2023

Title: Appointment of Councillor Palmeter to Committees

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### SOURCE WATER PROTECTION ADVISORY COMMITTEE

Membership & Term (three (3) voting members of Council)

- The Mayor (ex-officio)
- 2 members of Council (2-year terms)

Name	Appointed	Expiry
Councillor Wendy Elliott (Chair)	2022-12	2024-10
Councillor Ian Palmeter	2023-01	2024-10

**NOTE: THE TERMS OF REFERENCE ARE SILENT ON LENGTH OF TERM BUT IT IS RECOMMENDED THAT THE APPOINTMENTS BE FOR 2 YEARS AND CARRY THROUGH UNTIL THE END OF THE COUNCIL TERM IN OCTOBER 2024.**

### TOWN & GOWN COMMITTEE

Membership & Term (two (2) voting members of Council)

- The Mayor
- 1 member of Council (2-year term)

Name	Appointed	Expiry
Mayor Wendy Donovan (Chair)	2022-12	2024-10
Councillor Jodi MacKay	2022-12	2024-10

**NOTE: THESE APPOINTMENTS ARE FOR 2 YEARS AND SO WILL CARRY THROUGH UNTIL THE END OF THE COUNCIL TERM IN OCTOBER 2024.**

### POLICING SERVICES REVIEW COMMITTEE

Membership & Term

- The Mayor
- 1 member of Council

Name	Appointed	Expiry
Mayor Wendy Donovan	2022-12	2024-10
Councillor Jodi MacKay	2022-12	2024-10

**NOTE: THESE APPOINTMENTS ARE FOR THE DURATION OF THE REVIEW AND SO WILL CARRY THROUGH UNTIL THE END OF THE COUNCIL TERM IN OCTOBER 2024 OR UNTIL THE WORK IS COMPLETED.**

## REQUEST FOR DECISION 001-2023

Title: Appointment of Councillor Palmeter to Committees

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## REGIONAL COMMITTEES

### ANNAPOLIS VALLEY TRAILS COALITION

- Councillor Jodi MacKay
- Councillor Ian Palmeter

### BISHOP-BECKWITH MARSH BOARDY

- Councillor Wendy Elliott

### DIVERSITY KINGS COUNTY

- Councillor Jennifer Ingham

### GRAND PRE MARSH BODY

- Councillor Wendy Elliott

### INTER-MUNICIPAL SERVICE AGREEMENT (IMSA)

- Mayor Wendy Donovan
- Councillor Jodi MacKay (alternate)

### KINGS POINT TO POINT

- Councillor Mike Butler
- Councillor Jennifer Ingham (alternate)

### REGIONAL EMERGENCY MANAGEMENT ADVISORY COMMITTEE

- Councillor Jodi MacKay
- Councillor Jennifer Ingham

### VALLEY COMMUNITY FIBRE NETWORK

- Councillor Ian Palmeter

### WOLFVILLE BUSINESS DEVELOPMENT CORPORATION (WBDC)

- Councillor Jodi MacKay
- Councillor Ian Palmeter (alternate)

## 6) REFERENCES TO COUNCIL STRATEGIC PLAN AND TOWN REPORTS

N/A



## REQUEST FOR DECISION 001-2023

Title: Appointment of Councillor Palmeter to Committees

Date: 2023-01-10

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### 7) COMMUNICATION REQUIREMENTS

Committee members are currently posted on website and will be updated with the changes as approved.

### 8) ALTERNATIVES

Council can choose to make changes to committee appointments.

## REQUEST FOR DECISION 033-2022

Title: Funding Request – Acadia University Pool

Date: updated 2023-01-17

Department: Office of CAO/Finance

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## SUMMARY

### Funding Request – Acadia University Pool

As part of the 2022/23 budget process (Ops Plan and Budget approved in March 2022), consideration was given towards continuation of what had been a one-year contribution in 2021 to Acadia to support the operational costs of their pool. As noted in RFD 015-2022 (included in March Council Agenda) the approved budget included an allowance for a Town contribution in fiscal 2022/23. The allowance was up to \$72,000. This would be funded by way of Operating Reserves consistent with the assumption that this type of contribution was not yet considered a regular annual cost to the Town. RFD #015-2022 noted that Council would make a formal decision on the funding once a Request for Decision (RFD) was brought back to Council with data from Acadia University supporting the request.

Acadia's VP Finance & Administration has provided some background information in response to the Town's request for more details, however it is the same information provided in 2021. As of today's date, the information provided is a high-level summary of the revenue/cost model for operating the Acadia pool as well as indications of community use. No specific dollar amount has been requested. The budget allowance was based on the previous year contribution.

Since the COW meeting the CAO has had discussions with the Acadia Athletics Director. There is an appreciation of the consideration of the \$50,000 contribution for this fiscal year. It was acknowledged that for the 2022-23 fiscal year it is difficult for Acadia to quantify specifics on how the contribution from the Town was (or will be used for the remaining two months). However, there was a commitment made that as Council deliberates on a funding contribution for the 2023-24 fiscal year that a more definitive breakdown will be provided and that there is an importance for dollars coming from the Town to support community access and programming.

It was also agreed that improved usage statistics are helpful to both the Town and Acadia and mechanisms will be put in place to collect this data. Acadia is in the process of hiring a Manager of recreation and Active Well Being, who will be a great resource in this regard.

### DRAFT MOTION:

That Committee of the Whole forward the following motion to Council for decision:

That Council approve \_\_\_\_\_ in support of the Acadia Pool operations for the 2022-23 fiscal year.

The motion recommended to Council at the January 10, 2023 COW meeting was as follows: The Council approve \$50,000 in support of the Acadia pool operations for the 2022-23 fiscal year and that an MOU be created to give appropriate access to community and that usage statistics be collected over the 2023-24 fiscal year.

## REQUEST FOR DECISION 033-2022

Title: Funding Request – Acadia University Pool

Date: **updated 2023-01-17**

Department: Office of CAO/Finance

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### 1) CAO COMMENTS

Please refer to the discussion below. It should be noted that in 2021-22 both the County of Kings and the Town of Wolfville provided funding to support the pool operations. It is the understanding of the CAO that Acadia did not formally apply for support through the County's grants program for 2022-23 and therefore no funding considerations for this current fiscal year have been made by County Council to date.

Although the MOU is unlikely to be re-negotiated in this current fiscal year, it is recommended that if Council will be providing an ongoing annual contribution to the pool that it be either incorporated into the re-negotiations or that a separate agreement be developed to provide certainty. In either event, the annual contribution amount agreed to should be evidenced-based and reflective of use by community members in Wolfville.

### 2) LEGISLATIVE AUTHORITY

Municipal Government Act - Section 65A

### 3) STAFF RECOMMENDATION

As noted in the discussion section, no specific dollar amount has been recommended in this current Request for Decision, largely due to the lack of supporting data needed for an ongoing annual grant consideration of this magnitude. Members of Council will need to consider the importance of the pool to the community, but within the Town's capacity to provide funding. Council could consider providing a grant but at an amount less than the dollars paid in 2021/22 (which was just under \$72,000).

### 4) REFERENCES AND ATTACHMENTS

1. Supporting documentation provided to the Town by C. Callbeck – November 8, 2022.
2. RFD 015-2022 (March Council version)
3. RFD 018-2021 (April Council 2021)

### 5) DISCUSSION

Wolfville's CAO and Acadia's VP Finance & Administration have had limited discussions with regard to Acadia's request for a grant contribution towards the University's pool. As requested by Town Council last winter, the CAO reached out to Acadia for data/information that would help support the dollar amount being considered by Council. This amount was \$72,000 and an allowance included in the approved 2022/23 budget. As noted in RFD 015-2022 (refer to March Council meeting) the funding source for this potential grant would be Operating Reserves. This reflected the status of the request being temporary, and not yet considered part of the Town's annual expenditures. It was also noted last

## REQUEST FOR DECISION 033-2022

Title: Funding Request – Acadia University Pool

Date: **updated 2023-01-17**

Department: Office of CAO/Finance

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March that an RFD would be brought back to Council in 2022/23 to assist with the decision whether to formally approve the grant. See page 5 of 17 of the March version of RFD 015-2022.

The information provided to the CAO in late 2022 was the same information provided to the Town in 2021 when Council approved a one-time contribution to Acadia originally based on other municipal units in the area also contributing (RFD 018-2021 with decision at Special Council Meeting on April 4, 2021). It is clear that Acadia would like to see this grant become an annual contribution. This would require an amendment to the current MOU with Acadia, or a separate agreement supported by some level of financial analysis. Any level of funding would have to take into consideration the Town's financial capacity to include such a grant in its tax revenue framework, i.e., it would not be sustainable to utilize Operating Reserves on an annual basis.

As staff have no new information to provide Council (beyond summary financial data previously reported to Council in 2021), the following points could be considered for the current Acadia request:

- Any grant approved by Council would be outside current Town Policy, as is Council's prerogative to do. This is how the 2021/22 grant was approved.
- It would be preferable to have the MOU updated or a separate agreement reached that provides clarity on the operational costs of the pool as well as the proposed cost sharing between Acadia and the Town.
- The annual net cost for the university to operate the pool ranges from a low of \$200K (see attached) to \$250K. These net annual results do not change by any significant amount year over year.
- There is data to support the fact that the pool is used by the greater Wolfville community, both within the Town borders and surrounding areas of Kings County. Information provided to the CAO in November of 2022 notes Acadia's use of the pool is approximately 10%, which would mean the general public use is 90%.
- A review of the pool calendar published for a week in late November would seem to yield the following data points:
  - 76.5 hours - Total hours available to all users
  - 25 ¼ hours set aside for Acadia University programs (mainly Varsity Team, but also includes SMILE Program). The hours represent 33% of total hours available.
  - 14 ¾ hours scheduled for the Wolfville Tritons program, or almost 19% of available hours.
  - 37 hours are open swims (public swims, lesson, and lap swims) representing 48% of available time.
  - The Sierra Report was referenced in Town RFD 018-2021 in which 2018/19 data showed Acadia use at 25%, 16% for the Tritons and approximately 60% for community activities.
- Of the times available for general public use, the ratio of users noted by the Sierra Report was 51% from Wolfville, 28% from Kings County, and 13% from Kentville. This was based on

## REQUEST FOR DECISION 033-2022

Title: Funding Request – Acadia University Pool

Date: updated 2023-01-17

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membership data. This does not account for “drop in” or “pay as you go” users. Staff believe it is possible for drop in use to include Acadia students.

- Typically requests from any organizations would be vetted through the Town’s Grant to Organizations Policy (#710-003) most recently updated in December 2021. Neither the Strategic Partner Program (section 5.3 of the Policy), nor the Community Partnership Program (section 5.4) apply to this request. This leaves section 5.1 which deals with one-time requests as a possible reference point, although this section only allows grants once every four years for an organization (5.1.1.b).
  - If the request did fit section 5.1, it would generally score medium to high on each of the scoring criteria noted in Appendix c of the Policy.
  - The entire current budget allowance for the Grant Policy is \$65,000 (refer to Ops Plan page 103, less the \$10,000 allowance noted below for Acadia under Economic Development).
- Acadia University currently can receive, in accordance with the Town/Acadia Memorandum of Understanding, upwards of \$71,000 annually, of which \$56,000 (\$35,000 general contribution to the Athletic Complex, \$10,000 for support of major events, and \$11,000 scholar/bursary support to students) with a further \$15,000 contracted service for summer camps. The Town has over the years provided additional one time supports towards other projects at Acadia such as the new turf.

No specific dollar amount has been recommended in this current Request for Decision, largely due to the lack of supporting data needed for an ongoing annual grant consideration of this magnitude. Members of Council will need to consider the importance of the pool to the community, but within the Town’s capacity to provide funding. Council could consider providing a grant but at an amount less than the dollars paid in 2021/22 (which was just under \$72,000).

## 6) FINANCIAL IMPLICATIONS

See above for majority of financial information. As noted, if a grant is paid the funding would have to come from Operating Reserves. It is important to note that use of Reserves is influenced by the Town’s capacity to use “surplus” reserves at any point in time. One of the potential impacts on Operating Reserve balances will be the net bottom line results for the upcoming year end.

Staff have started the work on the 3<sup>rd</sup> Quarter, December 31<sup>st</sup> financial update to be reviewed by the Audit Committee on January 29<sup>th</sup> at which time analysis will include review of year forecast results. Based on early analysis it appears the Town is likely to end the year in a deficit position, pending potential decisions to use reserves to cover cost overages expected by March 31<sup>st</sup>. Ultimately the Town may have fewer reserve dollars than would have been considered last winter during development of the current year budget.

## REQUEST FOR DECISION 033-2022

Title: Funding Request – Acadia University Pool

Date: **updated 2023-01-17**

Department: Office of CAO/Finance

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### 7) REFERENCES TO COUNCIL STRATEGIC PLAN AND TOWN REPORTS

Reference the appropriate strategic directions from the 2021-2025 Strategic Plan:

- Community Wellness

Reference, if applicable, how the RFD links to a Council Priority Initiative:

- Multi-purpose regional complex (with an aquatics facility) – while the feasibility of this regional facility is still being examined, the use of the Acadia pool by local residents is the short to medium term option for a local aquatics facility.

### 8) COMMUNICATION REQUIREMENTS

The decision of Council will be shared with Acadia.

### 9) ALTERNATIVES

Council can choose to not financially support the Acadia pool operations in 2022-23.

## Development Agreement Proposal

360 Main Street PID 55278758

Date: December 8<sup>th</sup> 2022

Department: Planning & Development



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## SUMMARY

### 360 Main Street – Devour Studios – Digital Signage Proposal

#### Development Agreement Application

For Committee of the Whole to consider the PAC recommendation regarding the draft development agreement amendment 360 Main Street (PID 55278758) to erect and operate a digital marquee sign at 360 Main Street – Devour Studios.

PAC Motion (September 9<sup>th</sup>, 2022):

#### MOTION:

**MOTION: THAT THE PLANNING ADVISORY COMMITTEE PROVIDE A POSITIVE RECOMMENDATION TO COUNCIL THAT THE DRAFT DEVELOPMENT AGREEMENT FOR PID 55278758 BE SUBMITTED FOR ADDITIONAL INFORMATION FROM THE DESIGN REVIEW COMMITTEE AND FOR IT TO BE FURTHER RECOMMENDED TO THE COMMITTEE OF THE WHOLE BY THE DESIGN REVIEW COMMITTEE.**

*CARRIED*

This report was held by Staff between PAC and Committee of the Whole so additional work could be carried out – including going back to the Design Review Committee (as suggested by PAC) and to allow the applicant to complete additional design development. Meetings were held September 26<sup>th</sup> and November 23<sup>rd</sup> with the Town’s Design Review Committee to refine the design and work with the applicant. The Draft Development Agreement has been updated – and is attached to this report – to reflect the PAC and DRC discussions.

The Development Agreement has now been finalized after legal review – no substantive changes were made from the version presented to Committee of the Whole/Council.

#### Draft Motion:

That the Committee of the Whole recommend the Development Agreement application to erect a digital marquee sign at Devour Studios (360 Main Street) be forwarded to a Public Hearing before a decision is made on the application by Council.

**REQUEST FOR DECISION (DA 2022-001) – update for Public Hearing**  
**Development Agreement Proposal**

360 Main Street PID 55278758

Date: December 8<sup>th</sup> 2022

Department: Planning & Development



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## CAO COMMENTS

The CAO supports the recommendation of Staff.

### 1) LEGISLATIVE AUTHORITY

The *Municipal Government Act* and Municipal Planning Strategy establishes the ability to enter into development agreements.

### 2) STAFF RECOMMENDATION

Staff considers the application consistent with the relevant policies of the Municipal Planning Strategy (MPS) and have spent significant time with the applicant and the design review committee on design development. Staff recommends that it be forwarded to a Public Hearing before a decision is made by Council on the application. A legal review on the Draft DA would take place before the Public Hearing is advertised.

### 3) REFERENCES AND ATTACHMENTS

- Attachment 1: **Development Agreement**
- Reference 1: September 8, 2022 PAC report – see [here](#) (includes 1<sup>st</sup> Draft of DA)

### 4) DISCUSSION

The Applicant is seeking to erect and operate a digital marquee sign at 360 Main Street. The Design Review Committee and Planning Advisory Committee have reviewed the application and provided positive recommendations. See attached/referenced PAC Staff report for additional details.

#### **Planning Advisory Committee:**

PAC were in support of the application in general but requested that the application be brought back to DRC for a more fulsome review prior to moving the application to Committee of the Whole.

During the PAC meeting, members asked whether the DA could include regulations for the signage to ensure the information shared on the sign is up to date. Members asked whether the signage will include 3 different advertisements across the 3 LED panels and suggested limiting the number of events promoted to 1 as 3 events would appear cluttered and disorganized. Members also asked if the sign will be used to promote off-site events.



**REQUEST FOR DECISION (DA 2022-001) – update for Public Hearing**  
**Development Agreement Proposal**

360 Main Street PID 55278758

Date: December 8<sup>th</sup> 2022

Department: Planning & Development



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The Draft Development Agreement has been updated to reflect the PAC comments.

**Motion:**

That the Planning Advisory Committee provide a positive recommendation to Council for the Draft Development Agreement for PID 55278758 with additional information being provided by the Design Review Committee that is brought to Committee of the Whole and then be forwarded to Council for initial consideration.

**Design Development:**

Initially gathered comment by email, before the PAC meeting. There has now been 2 reviews by the Design Review Committee.

There have been 2 designs proposed. The first had a few ways of using the fork as part of the signage and a different support system for the sign that went beyond the parapet and through the canopy. This concept was preferred by most – being more playful and less literal. See concepts shown below:

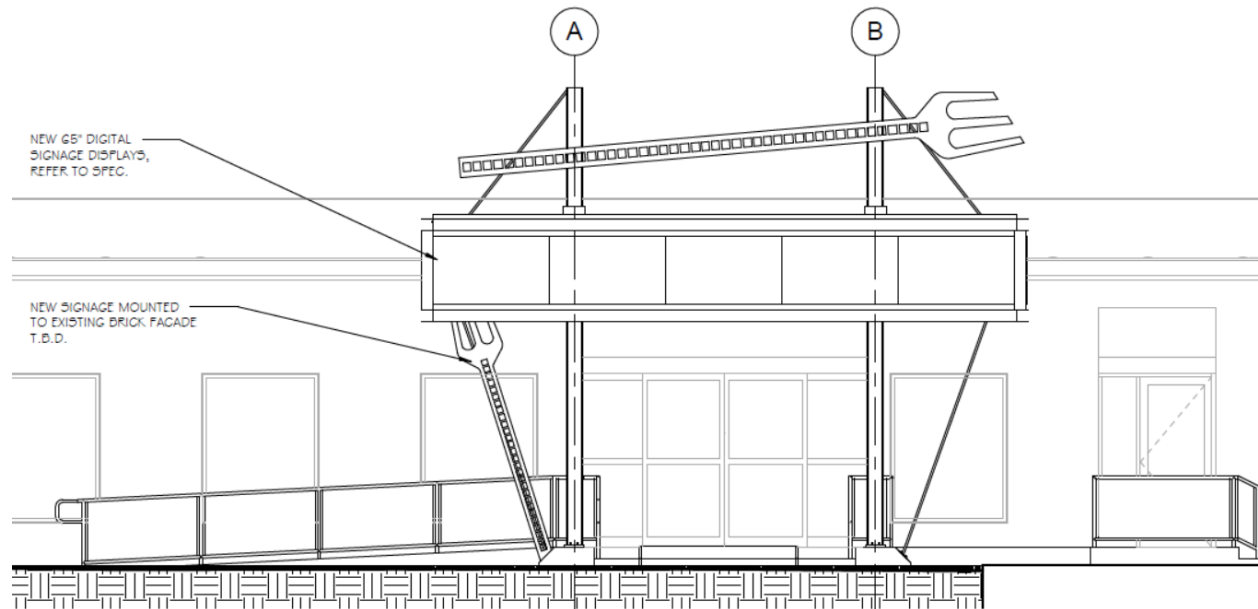


**REQUEST FOR DECISION (DA 2022-001) – update for Public Hearing**  
**Development Agreement Proposal**

360 Main Street PID 55278758

Date: December 8<sup>th</sup> 2022

Department: Planning & Development



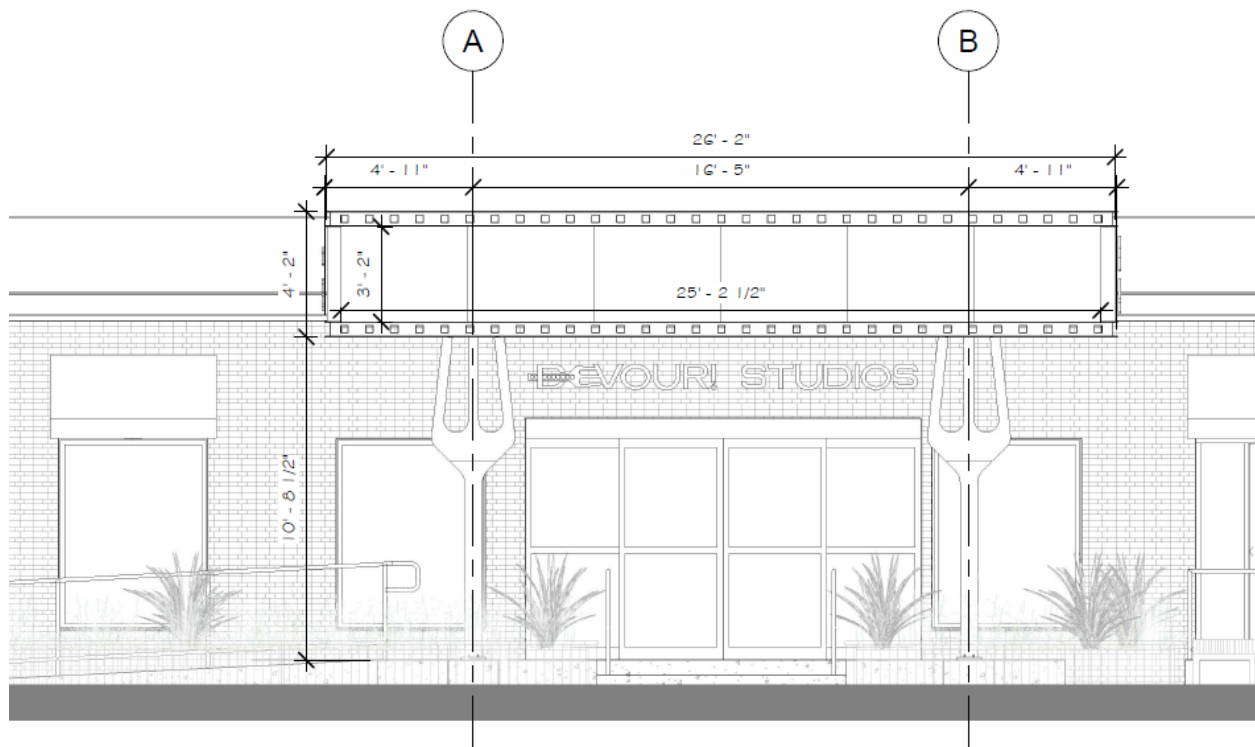
After an initial meeting with the design review committee, the Architect completed some additional design development and came back with a revised design, similar but with some key differences, such as nothing protruding beyond the parapet/above the canopy; details on the east and west sides of the sign (no digital component), and other details/finishes on canopy. The forks in this version are more utilitarian and are used as supports for the canopy structure.

REQUEST FOR DECISION (DA 2022-001) – **update for Public Hearing**  
Development Agreement Proposal

360 Main Street PID 55278758

Date: December 8<sup>th</sup> 2022

Department: Planning & Development



**REQUEST FOR DECISION (DA 2022-001) – update for Public Hearing**  
**Development Agreement Proposal**

360 Main Street PID 55278758

Date: December 8<sup>th</sup> 2022

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**REQUEST FOR DECISION (DA 2022-001) – update for Public Hearing**  
**Development Agreement Proposal**

360 Main Street PID 55278758

Date: December 8<sup>th</sup> 2022

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**REQUEST FOR DECISION (DA 2022-001) – update for Public Hearing**  
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Supported by discussions with the Design Review Committee, the applicant will continue to develop the way the fork is used and smaller details but generally, the design will be some combination of the 2 concepts shown here. The general feeling of the group was the use of the fork in the first concept was preferred while other details from the second would carry forward. The DA has been drafted to provide the applicant some flexibility in the way the signage is detailed/finished. See attached DA for details.

**Design Review Discussion:**

The Design Review Committee is a benefit to both Staff and Council as we navigate proposals in the downtown and along Main Street in our design guidelines areas. The group met on September 26<sup>th</sup> meeting and November 23<sup>rd</sup> – there were also comments solicited via email before the September 9<sup>th</sup> PAC meeting.

The Design Review have endorsed the digital signage – broadly – at meetings held or comments received from the group. The discussions have focused on the details of the design (e.g. making this a landmark, fun, artistic addition to the downtown). The committee endorsed some flexibility in the DA language while ensuring the fork element is included. The end product will be a combination of the 2 concepts developed to-date. Most preferred the initial concept.

**REQUEST FOR DECISION (DA 2022-001) – update for Public Hearing**  
**Development Agreement Proposal**

360 Main Street PID 55278758

Date: December 8<sup>th</sup> 2022

Department: Planning & Development



## 4.0 Design Review Checklist

The following checklist shall be considered when an applicant is subject to these guidelines. Example questions/considerations are provided, based on the Design Principals this document is based on.



### **CHARACTER**

Does the proposed development maintain clear development patterns and continuous built form within the area? Is the existing scale and rhythm of buildings and open spaces respected?



### **PEDESTRIAN EXPERIENCE**

Will the proposed development improve the pedestrian experience, and safety, of residents and visitors to the Town of Wolfville?



### **DIVERSITY**

Does this proposed development increase the diversity of housing types, land uses and architectural styles within the Town of Wolfville while reflecting local values and culture? Does the edge on the street show diversity?



### **PATTERNS**

Will the proposed development maintain or create a pattern of trees or building walls? Does it include a landscaped public sphere?



### **PUBLIC REALM**

Does the proposed development improve the quality of the public realm and contribute to a safe and vibrant community?



### **SUSTAINABILITY & RESILIENCE:**

Will this proposed development reduce fossil fuel use and/or contribute to low carbon community outcomes.

## FINANCIAL IMPLICATIONS

None

## 5) REFERENCES TO COUNCIL STRATEGIC PLAN AND TOWN REPORTS

Full policy review provided in the referenced PAC Staff Report.

## 6) COMMUNICATION REQUIREMENTS

If approved, a public hearing will require advertising and direct mail to residents.

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

**REQUEST FOR DECISION (DA 2022-001) – update for Public Hearing**  
**Development Agreement Proposal**

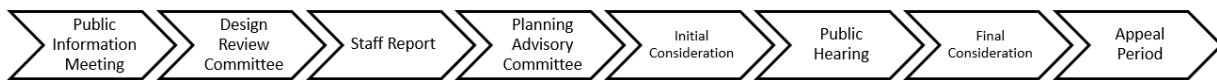
360 Main Street PID 55278758

Date: December 8<sup>th</sup> 2022

Department: Planning & Development



The next step in the Development Agreement application process is for the application to go forward to a public hearing, which will be scheduled (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. The existing sign will remain placed on the property indicating the property is subject to a planning application. Following the public hearing, Council will then give consideration/make a decision on the development agreement.



## ALTERNATIVES

1. COTW forwards the application to Council to refer the application to the Planning Advisory Committee with specific direction or questions for consideration.
2. COTW forwards the application to Council with a recommendation to reject the application.



**Development Agreement Proposal**

360 Main Street PID 55278758

Date: December 8<sup>th</sup> 2022

Department: Planning & Development



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**ATTACHMENT 1 – Draft Development Agreement (FINAL)**

This **Development Agreement** is made this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

BETWEEN:

**Devour! Studios (Slow Motion Food Film Fest Society)**

(Hereinafter called the “Developer”)

OF THE FIRST PART

- and -

**TOWN OF WOLFVILLE**

A municipal body corporate,

(Hereinafter called the “Town”)

OF THE SECOND PART

WHEREAS the Developer has requested that the Town enter into a Development Agreement relating to the use and development of the Lands (PID 55278758) pursuant to the provisions of the Municipal Government Act and the Municipal Planning Strategy for the Town of Wolfville;

AND WHEREAS a condition of granting approval for the development of the Lands is that the parties enter into this Development Agreement;

AND WHEREAS the Town Council of the Town, at its meeting on January 24, 2023 approved entering into this Development Agreement to permit a digital sign, subject to the Developer (registered owner and/or heirs, successors, assigns) of the Lands entering into this Development Agreement;

NOW THEREFORE THIS AGREEMENT WITNESSES THAT in consideration of the covenants made in this Development Agreement and other valuable consideration the Developer and the Tenant and the Town agree to the following terms.

**REQUEST FOR DECISION (DA 2022-001) – update for Public Hearing**  
**Development Agreement Proposal**

360 Main Street PID 55278758

Date: December 8<sup>th</sup> 2022

Department: Planning & Development



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## **1. Schedules**

The following schedules form part of this Development Agreement:

- Schedule “A” – Property Description
- Schedule “B” – Digital Marquee Signage Concepts
- Schedule “C” – Design Guidelines Areas Map

## **2. Definitions**

### **2.1** In this Development Agreement:

“Building By-Law” means Chapter 65 of the By-Laws of the Town of Wolfville.

“Developer” means the owner(s) of the lands, their heirs, successors, assigns, and all subsequent owners of the lands.

“Development” means a digital marquee sign, generally in accordance with the concepts provided and included as Schedule B and the other provisions of this Development Agreement.

“Development Officer” means the Development Officer appointed by the Town of Wolfville under the provisions of the *Municipal Government Act*.

“Engineer” means the Engineer appointed by the Town of Wolfville under the provisions of the *Municipal Government Act*.

“Effective date” means the date on which this Development Agreement is deemed to be entered into under the terms of this Development Agreement.

“Lands” means the real property in the Town of Wolfville owned by the Developer, PID 55278758, and as described in Schedule “A”.

“Land Use By-Law” means the Land Use By-Law of the Town of Wolfville in force from time to time, adopted and amended by the Wolfville Town Council under the provisions of the *Municipal Government Act*. At the date of this Development Agreement, it is the Land Use By-Law as adopted by Council on June 30, 2020, effective September 3, 2020.

“Municipal Planning Strategy” means the municipal planning strategy of the Town of Wolfville in force from time to time, adopted and amended by the Wolfville Town Council under the provisions of the *Municipal Government Act*. At the date of this Development

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Agreement, it is the Municipal Planning Strategy adopted by Council as adopted by Council on June 30, 2020, effective September 3, 2020.

“MGA” means the *Municipal Government Act*, S.N.S. 1998, c. 18, as amended.

“Planning Documents” means Land Use Bylaw, Municipal Planning Strategy, and Subdivision Bylaw.

“Sign, Digital Marquee” means any sign made as part of a marquee and designed to have changeable copy.

- 2.2** Where terms (words or phrases) are not defined in this Development Agreement, definitions in the Town’s planning documents shall apply. Where terms are not defined in the planning documents, definitions in the MGA shall apply. Where terms are not defined in the aforementioned sources, their ordinary meaning shall apply.

### **3. Relevance of Planning Documents and Other Regulations**

- 3.1** This Development Agreement contains definitions and regulations for the Development. It complements the Town’s Planning Documents. Unless specified in this Development Agreement, requirements in the Town’s Planning Documents shall apply. Where there is a conflict between this Development Agreement and the Planning Documents, this Development Agreement shall prevail.
- 3.2** Regulations outside of this Development Agreement or the Town’s Planning Documents may be applicable to the Development. However, the terms of this Development Agreement shall not be materially changed in order to comply with such regulations without an amendment to this Development Agreement.

### **4. Background**

The Developer wishes to enter into a development agreement to erect and operate a digital marquee sign to promote events, activities and organizations and groups that use the Devour Studios building at 360 Main Street. Illuminated signs or reader board signs are not permitted under the land use bylaw in the Core Commercial zone, however Council may consider unique and site-specific uses in the Core Commercial (C-1) zone through Development Agreement.

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## **5. Terms**

### **5.1 Development Conditions**

#### **5.1.1 Permits and Approvals**

- 5.1.1.1** This Development Agreement allows the Developer to obtain development permits, other permits, and permissions to allow uses permitted by this Agreement.
- 5.1.1.2** The Developer shall be responsible for obtaining all necessary permits and approvals required by law for the Development, including but not limited to development permits, building permits, and any approvals required from the Province of Nova Scotia.
- 5.1.1.3** Obligations or other requirements in this Development Agreement are those of the Developer, unless otherwise specified.

#### **5.1.2 Land Use**

- 5.1.2.1** The following uses are permitted:
  - (a)** A digital marquee sign subject to the requirements as laid out in this development agreement.
  - (b)** Other uses in accordance with the zone standards of the Land Use By-law.

#### **5.1.3 General Requirements**

- 5.1.3.1** The Development shall conform to the zone standards of the Land Use By-law, except as otherwise established by this Agreement.
- 5.1.3.2** The Developer agrees that no scrolling, flashing or moving lights, text, images or videos may be illuminated on the signage.
- 5.1.3.3** The Developer agrees that no noise shall be produced by the signage.
- 5.1.3.4** The Developer agrees that the sign must revert to an unlit, black screen during any malfunction.

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**5.1.3.5** The Developer agrees that the sign shall not advertise or promote events or happenings that are not happening on the 360 Main Street property or as part of Devour programming.

**5.1.3.6** Text or graphics may only change every 2 hours.

**5.1.3.7** The night time brightness of the sign must not exceed 100 NITS and may not operate between 1:00am and 7:00am

**5.1.3.8** The sign must be equipped with a sensor which automatically lowers light output in accordance with atmospheric conditions and so not to exceed the maximum number of NITS permitted.

**5.1.3.9** The applicant shall submit the operational specifications at the time of Development Permit application demonstrating compliance with the requirements of this agreement.

**5.1.4 Design Requirements**

**5.1.4.1** The signage shall be generally in accordance with the Design Concepts – some combination of the packages reviewed, as shown in Schedule B, at the discretion of the Director of Planning during the Development Permit process.

**5.1.4.2** The digital component shall only be permitted on the south side of the signage (not all 3 sides of the canopy).

**5.1.4.3** The signage shall include a fork element(s), generally in accordance with the concepts provided during design development.

**5.1.5 Utility Equipment**

**5.1.5.1** Utility equipment such as mechanical and electrical equipment related to the digital sign shall be visually screened by fencing or landscaping.

**5.1.6 Timing**

**5.1.6.1** This Development Agreement shall be deemed entered into on the day following the day on which the time for appeal of Town Council's approval has

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elapsed, or the day on which any appeals have been disposed of and the policy of the Wolfville Town Council approving this Development Agreement has been affirmed by the Nova Scotia Utilities and Review Board, under the provisions of the MGA, or other judiciary body as applicable.

**5.1.6.2** This Development Agreement does not come into effect until the requirement of Section 228(3) of the Municipal Government Act are fulfilled and this development agreement is filed in the Registry of Deeds. All other time requirements imposed in this Development Agreement shall be calculated from that date, the effective date.

**5.1.6.3** All Development enabled by this Agreement shall be completed within three (3) years. Upon failure to meet this timing requirement, the Town may discharge this Development Agreement without the consent of the Developer or Tenant.

**5.1.7 Amendment**

**5.1.7.1** With the exception of matters which the Town and the Developer do not consider to be substantive, the amendment of any other matter in this Development Agreement can only be made under the provisions of Section 230 of the MGA, including the holding of a Public Hearing.

**5.1.7.2** Following are matters in this Development Agreement which the Town and the Developer do not consider to be substantive:

**(a)** The requirements for completion imposed by section 5.1.6.3.

**(b)** Design in accordance with concepts, as per 5.1.4.1 an Schedule B

**5.1.8 Expenses**

**5.1.8.1** The Developer shall pay all costs and expenses incurred by the Town related to this Development Agreement.

**5.1.9 Liability**

**5.1.9.1** The Developer shall be liable for any damage caused to persons or public or private property by the Developer or any contractor or other individual doing

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work related to the Development. The Developer shall indemnify the Town and save it harmless from any claim, cause of action, or liability in any way relating to the Development. The Developer shall obtain and maintain in force throughout the course of construction on the Development, liability insurance coverage to insure the responsibilities which the Developer is assuming in this section.

#### **5.1.10 Default**

- 5.1.10.1** If the Developer fails to comply strictly with any term of this Development Agreement or any legislation applicable to this Development Agreement, the Town may, after 30 days notice in writing to the Developer, enter the lands and perform any obligation with which the Developer has failed to comply strictly. All expenses arising out of the entry of the Lands and performance of the obligations may be recovered by the Town from the Developer by direct suit and shall form a charge upon the Lands. The Developer shall pay interest on any sum so expended by the Town at the same monthly rate charged by the Town for tax arrears on the outstanding balance from time to time. Such interest costs shall be treated as an expense.
- 5.1.10.2** If the Developer breaches any of the terms of this Development Agreement, the Town, at its sole option, may:
- (a)** Terminate this Development Agreement;
  - (b)** Exercise its rights under paragraph 5.1.10.1 above; or,
  - (c)** Take no action.
- 5.1.10.3** Any election by the Town to take no action on a breach of this Development Agreement by the Developer shall not bar the Town from exercising its rights under this Development Agreement on any other breach.
- 5.1.10.4** Any expenses incurred by the Town in exercising its rights under sections 5.1.10.1 and 5.1.10.2, or either of them, shall be paid by the Developer to the Town.

#### **5.1.11 Administration**

The Development Officer administers this Agreement. His/Her decision is final and binding on all parties.

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## **6. Warranties by the Developer**

### **6.1 Title and Authority**

#### **6.1.1** The Developer warrants as follows:

- (a) The Developer has good title in fee simple to the Lands or good beneficial title subject to a normal financing encumbrance or is the sole holder of a Registered Interest in the Lands. No other entity has an interest in the Lands which would require their signature on this Development Agreement to validly bind the Lands or the Developer has obtained the approval of every other entity which has an interest in the Lands whose authorization is required for the Developer to sign this Development Agreement to validly bind the Lands.
- (b) The Developer has taken all steps necessary to, and it has full authority to, enter this Development Agreement.

## **7. Full Agreement**

### **7.1 Other Agreements**

- 7.1.1** This Development Agreement constitutes the entire agreement and contract entered into by the Town and the Developer. No other agreement or representation, whether oral or written, shall be binding.
- 7.1.2** This Development Agreement shall not be a precedent for any other agreement either between the Town and the Developer or between the Town and any other party.

## **8. Notice**

Any notice to be given under this Development Agreement shall be made in writing and either served personally or forwarded by courier or by registered mail, postage prepaid, if to the Town to:

Town of Wolfville  
359 Main Street  
Wolfville, Nova Scotia  
B4P 1A1  
Attention: Development Officer

and if to the Developer:



**REQUEST FOR DECISION (DA 2022-001) – update for Public Hearing**  
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Devour! Studios (Slow Motion Food Film Fest Society)

360 Main Street

Wolfville, NS

B4P 1E2

**9. Headings**

The headings used in this Development Agreement are for convenience only. If any of the headings are inconsistent with the provisions of the Development Agreement which it introduces, the provisions of the Development Agreement shall apply.

**10. Binding Effect**

This Development Agreement shall ensure to the benefit of and be binding upon the parties to this Development Agreement, their respective successors, administrators, and assigns.

**11. Execution**

In witness of this Development Agreement the parties have signed and delivered it to each other on the date set out at the top of the first page.

SIGNED AND DELIVERED

In the presence of:

\_\_\_\_\_  
Witness

)

)

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)

)

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)

)

TOWN OF WOLFVILLE

By \_\_\_\_\_

MAYOR

By \_\_\_\_\_

TOWN CLERK

REQUEST FOR DECISION (DA 2022-001) – update for Public Hearing  
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SIGNED AND DELIVERED

)

In the presence of:

) By \_\_\_\_\_  
DEVOUR! STUDIOS (SLOW MOTION FILM  
FEST SOCIETY)

\_\_\_\_\_  
Witness

CANADA  
PROVINCE OF NOVA SCOTIA  
COUNTY OF KINGS

I certify that on \_\_\_\_\_, 2022, \_\_\_\_\_  
a witness to this agreement came before me, made oath, and swore that the **TOWN OF WOLFVILLE**, caused the same to be executed by its proper officers who affixed its Corporate Seal and subscribed their hands in its name and in its behalf in his/her presence.

\_\_\_\_\_  
A Commissioner of the Supreme Court of Nova Scotia

CANADA  
PROVINCE OF NOVA SCOTIA  
COUNTY OF KINGS

I certify that on \_\_\_\_\_, 2022, \_\_\_\_\_  
a witness to this agreement came before me, made oath, and swore **that DEVOUR! STUDIOS (SLOW MOTION FILM FEST SOCIETY)**. caused the same to be executed by its proper officers who affixed its Corporate Seal and subscribed their hands in its name and in its behalf in his/her presence.

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A Commissioner of the Supreme Court of Nova Scotia

**Schedule “A” – Property Description**

Parcel is as described as of Plan 8381, registered 1990-10-22.

Municipality/County: Town of Wolfville

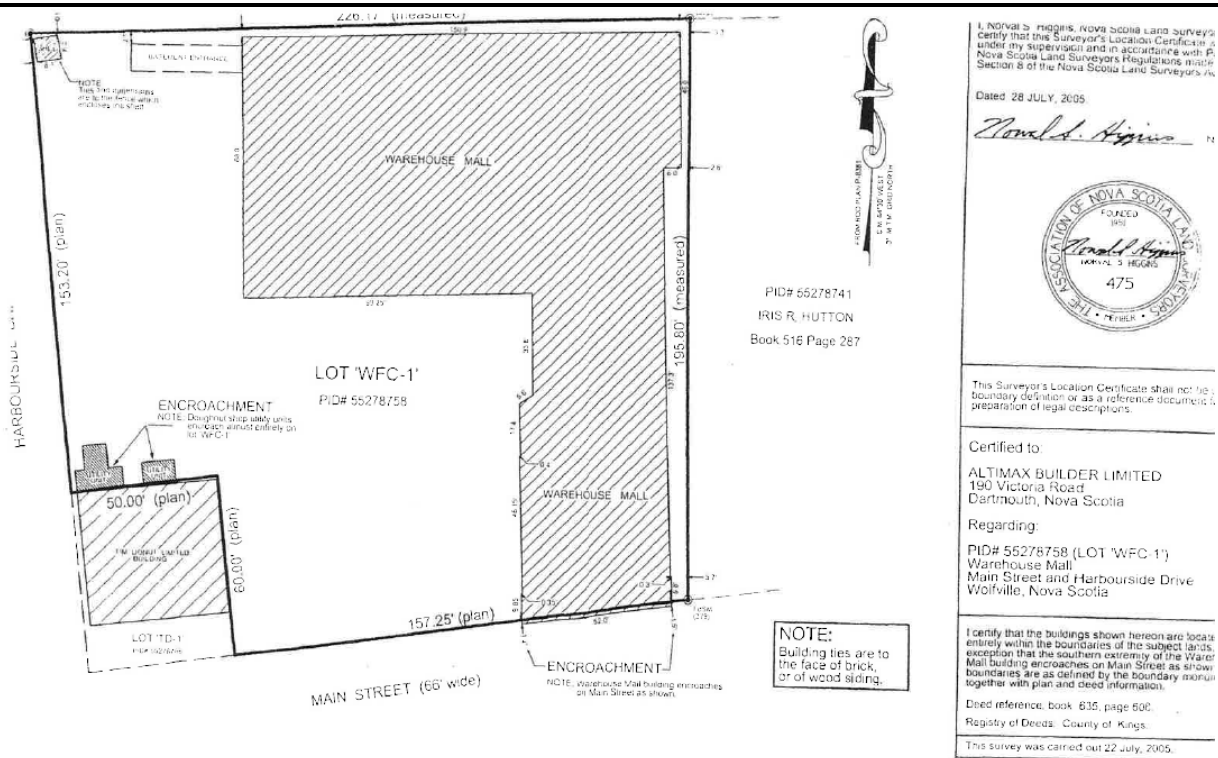
Designation of Parcel on Plan: Lot WFC-1

Registration County: Kings County

Registration Number of Plan: P-8381

Registration Date of Plan: 1990-10-22

Department: Planning & Development



SCHEDULE "B"

REQUEST FOR DECISION (DA 2022-001) – update for Public Hearing  
Development Agreement Proposal

360 Main Street PID 55278758

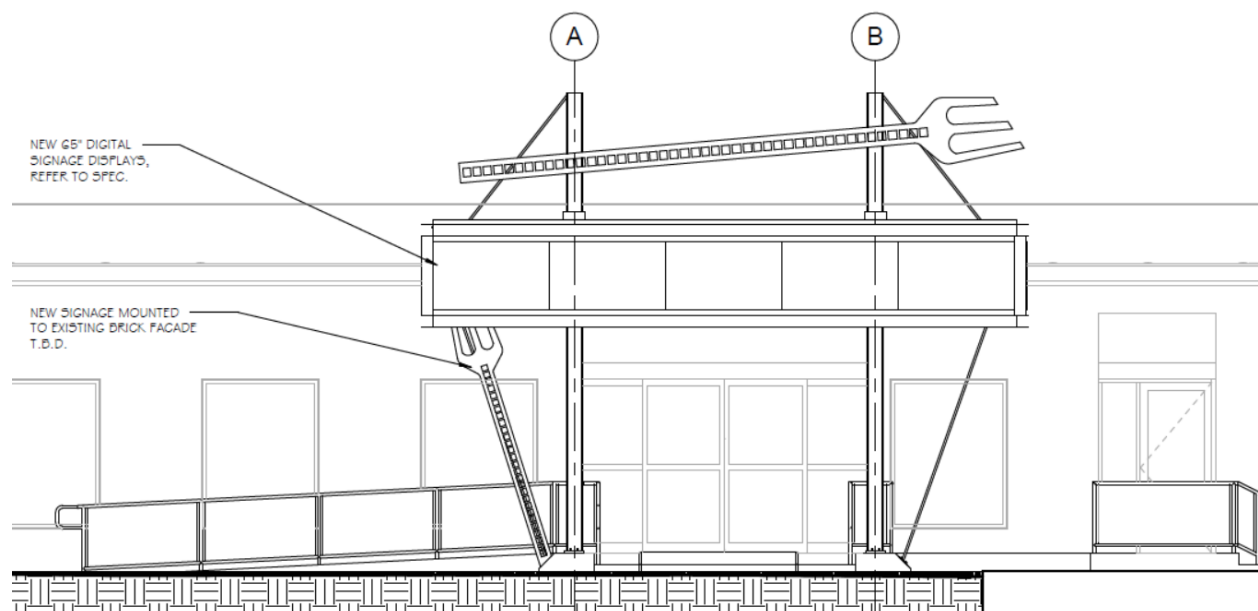
Date: December 8<sup>th</sup> 2022

Department: Planning & Development



**Schedule B: Digital Marquee Signage Concepts**

**CONCEPT #1**



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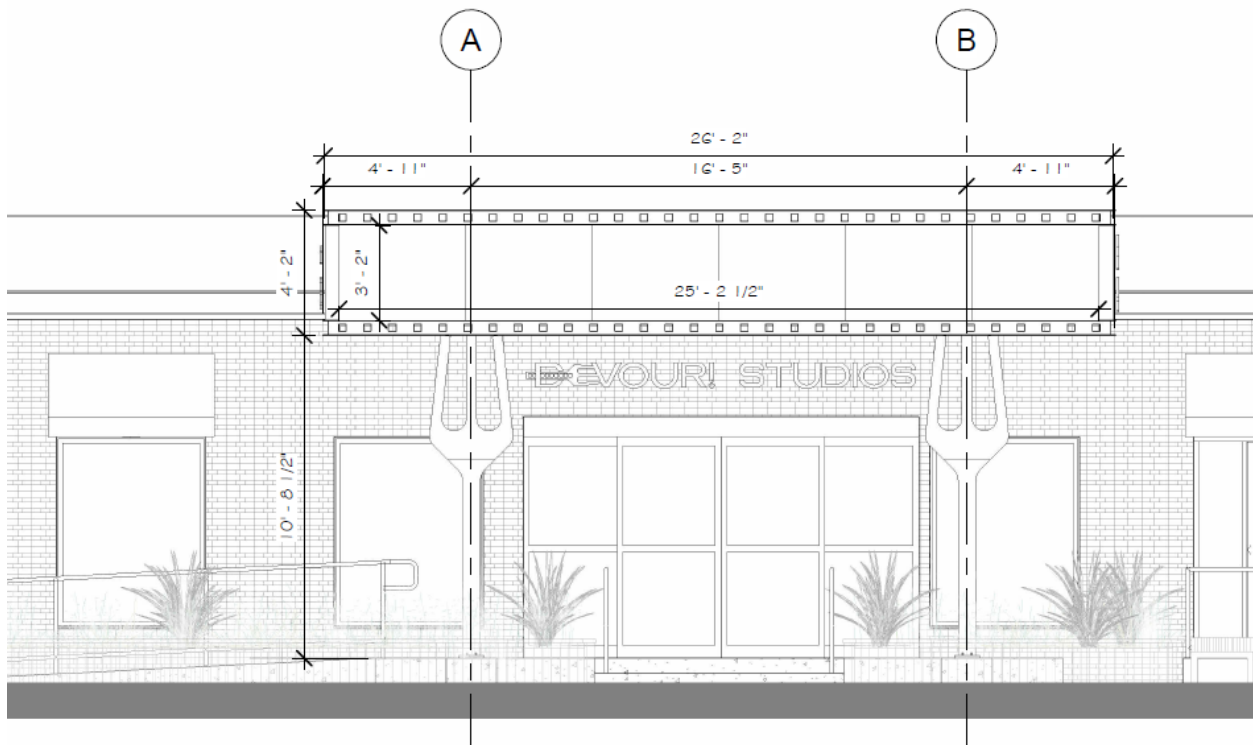
360 Main Street PID 55278758

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CONCEPT #2



**REQUEST FOR DECISION (DA 2022-001) – update for Public Hearing**  
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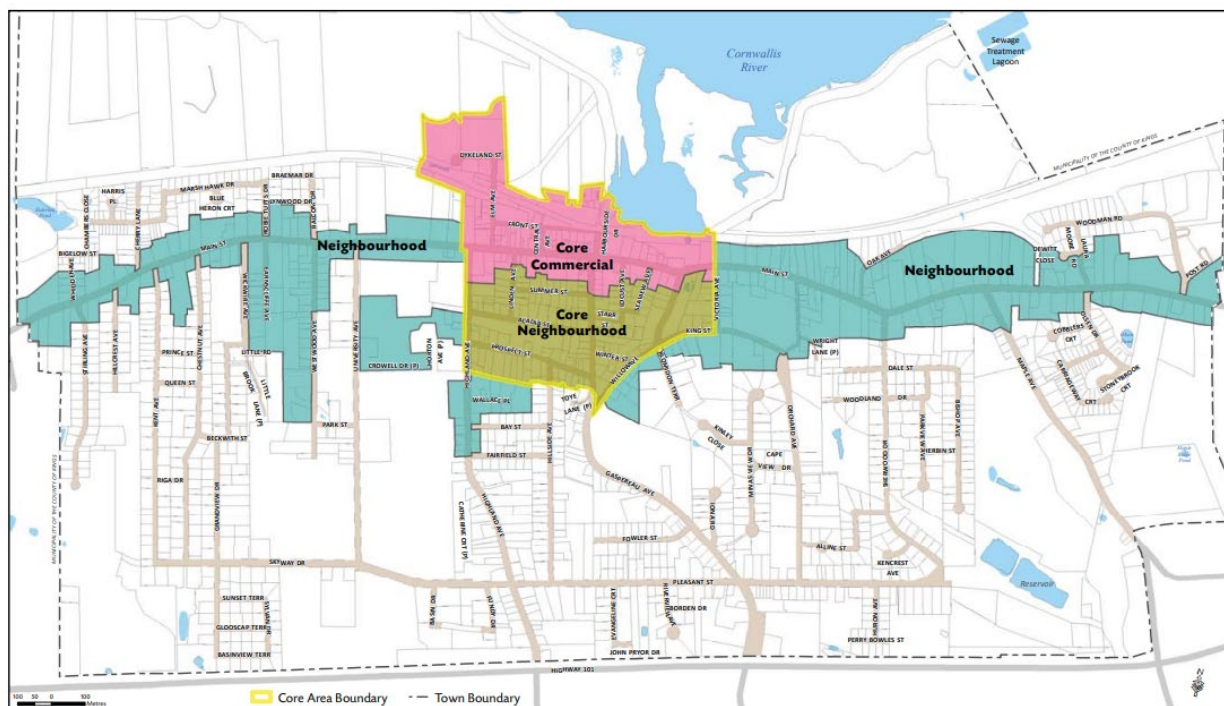
360 Main Street PID 55278758

Date: December 8<sup>th</sup> 2022

Department: Planning & Development



**Schedule C: Design Guidelines Area Map**





## SUMMARY

### Land Use Bylaw Text Amendments: Daycares and Architectural Drawings

Committee of the Whole supported the amendments presented in this report moving forward to 1<sup>st</sup> 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 9<sup>th</sup>, 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 1<sup>st</sup> READING**

Department: Planning & Economic Development

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### 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:

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

LUB Text Amendments: Daycares and Architectural Drawings

Date: 2022-09-22 **UPDATED FOR 1<sup>st</sup> READING**

Department: Planning & Economic Development



(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 XXXXXX, 2022.

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**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

1. 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 7 or more persons <del>to a maximum of 30</del> )			SP	SP		P

Table 14.1 Commercial zones:

Commercial zones	C-1	C-2	C-3
Daycare Facilities (4 7 or more persons <del>to a maximum of 30</del> )	P	P	SP

Table 19.2 Institutional zones:

Institutional	I-1	I-2	P-1	P-2	A	AT
Daycare Facilities (4 7 or more persons <del>to a maximum of 30</del> )	P	P				

2. Amend definition of Daycare Facility to read:

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

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

**2.10(5) Architectural plans prepared by a licensed Architect for applications located in a Design Guidelines Area (as shown on Schedule C) or plans prepared by a ~~licensed~~ relevant professional or technician in ~~other~~ areas outside a Design Guidelines Area, 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



<b>PROPOSAL</b>	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.
<b>LOCATION</b>	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:

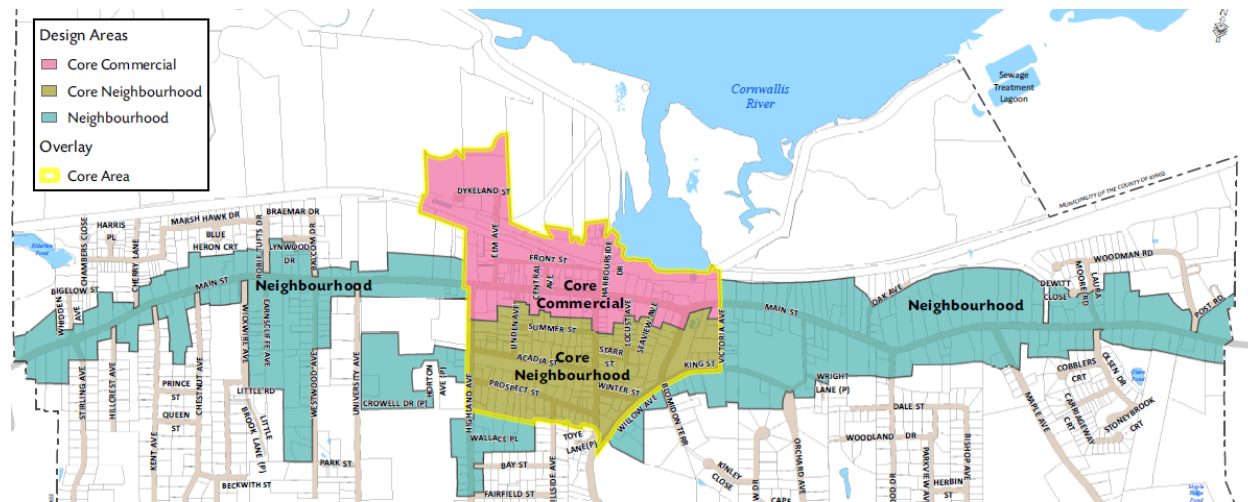


# REPORT TO PLANNING ADVISORY COMMITTEE

## 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

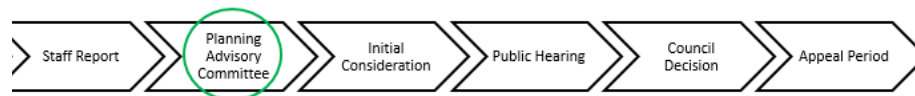
Date: September 2022

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
<b>GENERAL CONSIDERATIONS</b>  a. The financial ability of the Town to absorb any costs relating to the proposal; and	<ul style="list-style-type: none"> <li>Not applicable</li> </ul>
b. The proposal's conformance with the intent of the Municipal Planning Strategy and to all other applicable Town Bylaws and regulations.	<ul style="list-style-type: none"> <li>conforms with the intent of the MPS and would be regulated at the site level through applicable process (as-of-right, site plan, DA).</li> </ul>
c. The proposal's conformance with relevant portions of the Town's 'Sustainability Checklist', where applicable.	<ul style="list-style-type: none"> <li>Not applicable</li> </ul>
<b>COMPATIBILITY OF THE DEVELOPMENT</b>  d. Compatibility of the proposed land use with adjacent land uses; and	<ul style="list-style-type: none"> <li>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.</li> <li>N/A for architectural drawing requirement.</li> </ul>
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"> <li>See above comment re: compatibility.</li> </ul>
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"> <li>See above comment re: compatibility.</li> </ul>

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"> <li>• Subject to Land Use By-law requirements</li> </ul>
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"> <li>• N/A</li> </ul>
j. public access to shorelines, parks, and public and community facilities; and	<ul style="list-style-type: none"> <li>• N/A</li> </ul>
k. important and significant cultural features, natural land features and vegetation.	<ul style="list-style-type: none"> <li>• N/A</li> </ul>
<b>SERVICING CONSIDERATIONS</b>  l. The adequacy of sanitary services, water services, and storm water management services; and	<ul style="list-style-type: none"> <li>• To be reviewed at time of application</li> </ul>
M. Contribution of the proposal towards an orderly and compact development pattern that makes efficient use of existing and new municipal infrastructure and services.	<ul style="list-style-type: none"> <li>• 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.</li> </ul>
<b>MOBILITY CONSIDERATIONS</b>  n. The adequacy of the road network in, and adjacent to, or leading to the development, regarding connectivity, congestion and traffic hazards; and	<ul style="list-style-type: none"> <li>• To be reviewed with applications</li> </ul>
o. The adequacy of site access as determined by the Traffic Authority; and	<ul style="list-style-type: none"> <li>• To be reviewed with applications</li> </ul>
p. The ability of emergency services to respond to an emergency at the location of the proposed development; and	<ul style="list-style-type: none"> <li>• To be reviewed with applications</li> </ul>

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

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

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

120 Highland Avenue, Ahmed Nassrat

Date: 2022-10-04

Department: Planning & Economic Development

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## **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 9<sup>th</sup>, 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.



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

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

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

120 Highland Avenue, Ahmed Nassrat

Date: 2022-10-04

Department: Planning & Economic Development

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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 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**

**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

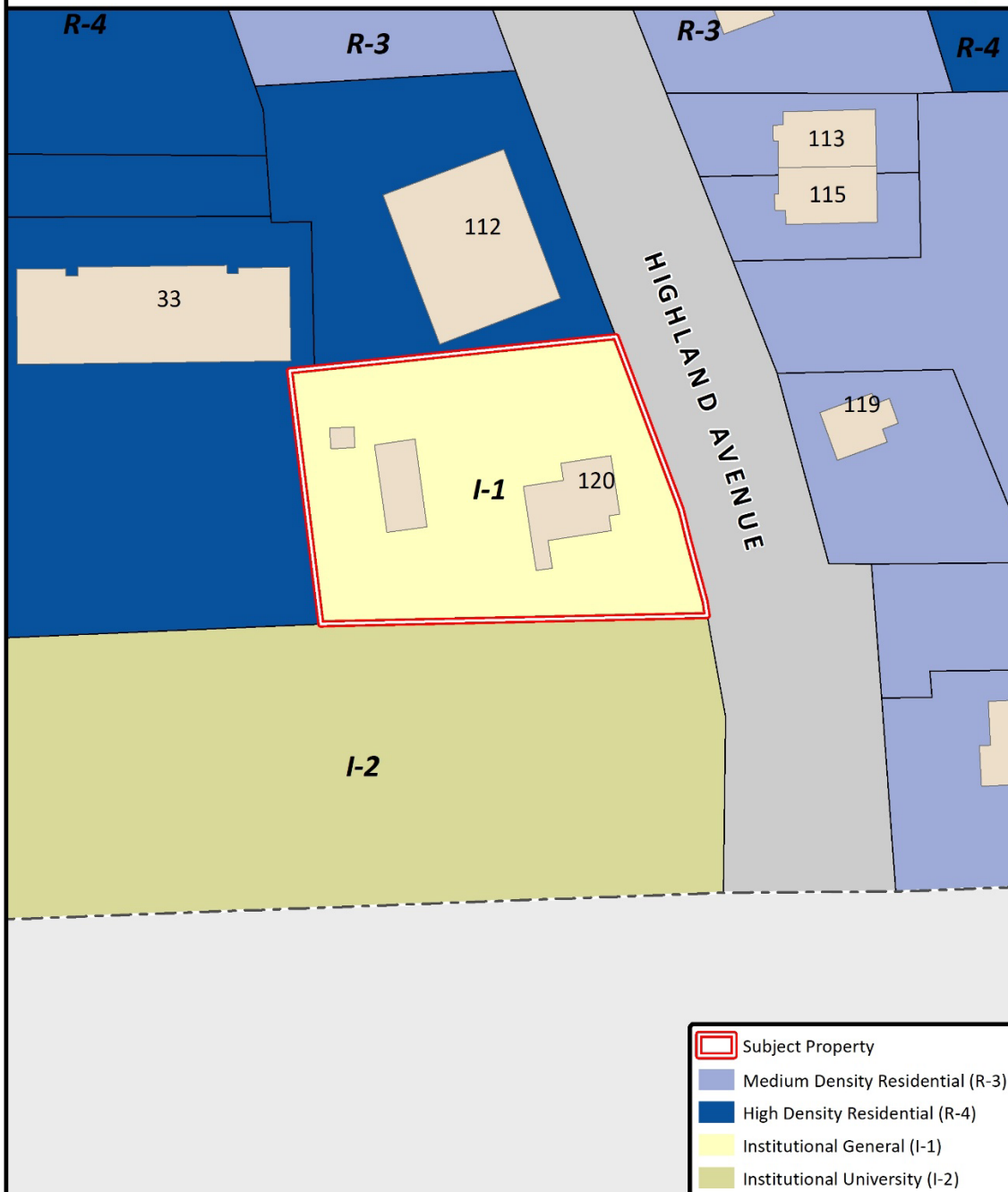
120 Highland Avenue

1 in = 63 ft 1 cm = 8 meters

MAP S58

Date: 2022-09-26

This map should not be  
used for navigation or legal  
purposes. It is intended for  
general reference use only.  
© Town of Wolfville 2022.



**REPORT TO PLANNING ADVISORY COMMITTEE**  
**Land Use Bylaw Amendment Proposal - Rezoning**

PID 55271563 – 120 Highland Avenue

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<b>APPLICANT</b>	Ahmed Nassrat (Ummah Society)
<b>PROPOSAL</b>	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.
<b>LOCATION</b>	120 Highland Avenue (PID 55271563)
<b>LOT SIZE</b>	0.6 acres/27,340 square feet
<b>DESIGNATION</b>	Neighbourhood Residential Designation
<b>ZONE</b>	Medium Density Residential (R-3)
<b>SURROUNDING USES</b>	Institutional University (I-2) unoccupied property, Medium Density (R-3) and High Density (R-4) properties.
<b>ARCHITECTURAL GUIDELINES</b>	N/A
<b>NEIGHBOUR NOTIFICATION</b>	Newspaper ads and notices mailed to surrounding property owners within 100 metres; Sign placed on property

**REPORT TO PLANNING ADVISORY COMMITTEE**  
**Land Use Bylaw Amendment Proposal - Rezoning**

PID 55271563 – 120 Highland Avenue

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**PROPERTY LOCATION**



**Figure 1 – Context map**



**REPORT TO PLANNING ADVISORY COMMITTEE**  
**Land Use Bylaw Amendment Proposal - Rezoning**

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.



# REPORT TO PLANNING ADVISORY COMMITTEE

## Land Use Bylaw Amendment Proposal - Rezoning

PID 55271563 – 120 Highland Avenue

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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

# REPORT TO PLANNING ADVISORY COMMITTEE

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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)

# REPORT TO PLANNING ADVISORY COMMITTEE

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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:

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

# REPORT TO PLANNING ADVISORY COMMITTEE

## Land Use Bylaw Amendment Proposal - Rezoning

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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.	
<b>ANTICIPATED RESULTS</b>		<b>ANTICIPATED RESULTS</b>	
<ul style="list-style-type: none"><li>Expand neighbourhood commercial opportunities.</li><li>Focus on infill development and gentle density.</li></ul>		<ul style="list-style-type: none"><li>Strive for top quality facilities and services, including an enhanced public library.</li><li>Further our brand as a hub of tourism, food and libations through additional opportunities along Main Street and in the Core Area.</li></ul>	

### 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.*

# REPORT TO PLANNING ADVISORY COMMITTEE

## Land Use Bylaw Amendment Proposal - Rezoning

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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**



# REPORT TO PLANNING ADVISORY COMMITTEE

## Land Use Bylaw Amendment Proposal - Rezoning

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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 4<sup>th</sup>, 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](http://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.

## REPORT TO PLANNING ADVISORY COMMITTEE

### Land Use Bylaw Amendment Proposal - Rezoning

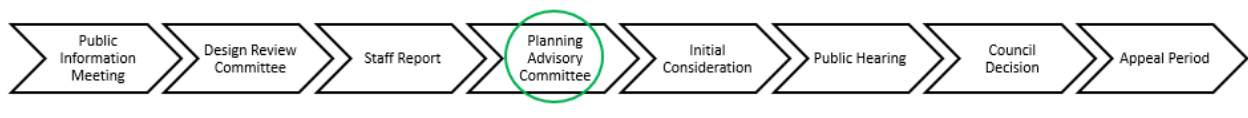
PID 55271563 – 120 Highland Avenue

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.



**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 4<sup>th</sup>, 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.



**REPORT TO PLANNING ADVISORY COMMITTEE**  
**Land Use Bylaw Amendment Proposal - Rezoning**

PID 55271563 – 120 Highland Avenue

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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**

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

# REPORT TO PLANNING ADVISORY COMMITTEE

## Land Use Bylaw Amendment Proposal - Rezoning

PID 55271563 – 120 Highland Avenue

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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"> <li>Not applicable</li> </ul>
<b>COMPATIBILITY OF THE DEVELOPMENT</b>  d. Compatibility of the proposed land use with adjacent land uses; and	<ul style="list-style-type: none"> <li>The proposed land use is compatible with the adjacent land uses.</li> </ul>
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"> <li>The development is compatible with the adjacent properties in terms of height, scale, lot coverage, density, bulk and architectural style.</li> </ul>
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"> <li>The proposed development will be required to minimize any impact on neighbouring properties by adhering to set hours of operation.</li> </ul>
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"> <li>Requirements will be applied during the permitting process.</li> </ul>
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"> <li>The proposal does not require alteration of historically significant buildings.</li> </ul>
j. public access to shorelines, parks, and public and community facilities; and	<ul style="list-style-type: none"> <li>The plan does not interfere with any shorelines, parks, or public and community facilities.</li> </ul>

# REPORT TO PLANNING ADVISORY COMMITTEE

## Land Use Bylaw Amendment Proposal - Rezoning

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

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<b>ENVIRONMENTAL CONSIDERATIONS</b>  s. Consideration of any previous uses of the site which may have caused soil or groundwater contamination; and	<ul style="list-style-type: none"><li>• Not applicable</li></ul>
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	<ul style="list-style-type: none"><li>• Not applicable</li></ul>
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	<ul style="list-style-type: none"><li>• Not applicable</li></ul>
v. The application of sustainable design principles and energy efficient technology, including but not limited to renewable energy infrastructure; and	<ul style="list-style-type: none"><li>• N/A at this time</li></ul>
w. Environmentally friendly paving alternatives, provision of alternative transportation parking, integration of	<ul style="list-style-type: none"><li>• N/A at this time</li></ul>

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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. Kadrav: 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