



WEST HANTS REGIONAL MUNICIPALITY REPORT

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To: Members of Planning and Heritage Advisory Committee (PAC/HAC)

Submitted by: _____
Mark Fredericks, Senior Planner

Date: February 8, 2024

Subject: WHMPS and WHLUB Text Amendments: Hamlet Designation and Rural Residential (R-4) zone File #23-45

LEGISLATIVE AUTHORITY

Section 205 of the Municipal Government Act.

RECOMMENDATION

To enable the repurposing of the former church at 20 Musgrave Road, Summerville to permit 5 residential units, staff recommends that the PAC/HAC forward a positive recommendation by passing the following motion:

...that PAC/HAC recommends that Council give First Reading and hold a Public Hearing to consider amending the text of the West Hants Municipal Planning Strategy and West Hants Land Use By-law as shown in Attachment B of the report #23-45 to the Planning and Heritage Advisory Committee dated February 8, 2024.

BACKGROUND

An application was received from Andrea Parker, on behalf of *August 16 Developments*, on November 24, 2023. *August 16 Developments* own the property at 20 Musgrave Road in Summerville, the former Kempt United Baptist Church. The applicants purchased the former church with the intention of repurposing the building to include 5 residential units and to maintain a space in the lower level of the building as community space, which may be used for continued church service or other events.

The property's zoning does not permit more than 2 residential units as-of-right. Staff explored alternatives within the West Hants Municipal Planning Strategy (WHMPS) including the options

for rezoning or a development agreement but did not find any suitable mechanisms to enable the conversion of this structure to include 5 units. The property is within the Hamlet designation. Hamlets are intended to provide limited residential density. It was recognised that with the divestment of churches, an opportunity to repurpose these buildings could be a reasonable policy exception to permit slightly more residential density than currently allowed under the Rural Residential (R-4) zone, while still maintaining the rural character of the Hamlet communities.

DISCUSSION

The subject lot (PID 45207792) is approximately 53,830 sq. ft. or approximately 1.23 acres in size with approximately 197 ft. (60 m.) of road frontage. The lot is currently designated Hamlet on the Generalized Future Land Use Map (GFLUM) of the WHMPS (*Figure 1*). The subject lot is zoned Rural Residential (R-4) on Schedule A of the West Hants Land Use By-law (WHLUB) (*Figure 2*).

Approximately 7 other churches exist within the designated Hamlets. All of these are zoned Rural Residential (R-4). Staff believe a text amendment to the Rural Residential (R-4) zone to permit up to 5 residential units would be a reasonable level of density and provide for the creative repurposing of former churches. Many of these existing churches are often large enough to be split into more than 2 residential units and already include several parking spaces and road access that could support up to 5 residential units.

Surrounding Context

All properties surrounding the subject lot are also within the Rural Residential (R-4) zone and within either the Hamlet or Community Use designations. Some of the surrounding properties are vacant or include low-density single unit dwellings. Two significant community landmarks are on the opposite side of the street, including the Summerville Fire Hall, and Summerville Elementary school. The subject lot is positioned in the centre of the community with close access to a variety of community amenities.

Many of the other churches within the Rural Residential (R-4) zone are located on main roads. If the proposed amendments are approved, the ability would also apply to these properties without the site-specific review of a planning application. However, staff believe that the historic use and nature of these properties would support the conversion of up to 5 residential units without creating land use compatibility issues as these churches are often on larger properties with sufficient parking and a history of community use.

West Hants Municipal Planning Strategy

Section 7 of the WHMPS describes the Council's intention with the 11 designated Hamlets. These rural communities often include low density residential, and a mixture of community amenities and landmarks including schools, fire halls, community halls, parks, and rural services and occasional commercial or industrial uses. The current and former churches within these communities have historic importance or relevance and if they are sold, staff believe it is important to support their re-use as residential which may help preserve the structures and

ensure their community presence is maintained. Staff believe that it is reasonable to permit the conversion of these building to a limited scale of residential development that re-uses the buildings to a density that still maintains the rural character of the designated Hamlets.

For clarity, staff are proposing the following wording be added to Policy 7.1.4 to support the ability to repurpose churches for residential re-use. The specific amendments to the WHMPS can be found in Appendix B.

Policy 7.1.4 *It shall be the policy of Council not to permit multiple unit residential development in Hamlets, except as provided in Policy 7.1.3 and within repurposed churches in the Rural Residential (R-4) zone.*

West Hants Land Use By-law

The Rural Residential (R-4) zone of the WHLUB also requires amendments to add the land use to the list of permitted uses. These text changes are illustrated in Attachment B. The proposed text amendments add “**Former churches to include up to 5 residential units**” to the list of permitted uses in the Rural Residential (R-4) zone and clarifies that new windows, doors and minor extensions can be constructed to enable up to 5 residential units within a former church building.

West Hants Municipal Planning Strategy - General Criteria

WHMPS Policy 16.3.1 establishes the general criteria that must be considered for all amendments to the Land Use By-law (Attachment A). In summary, the proposal meets the criteria as:

- the proposal is not considered premature or inappropriate for the area;
- no municipal costs related to the proposal are anticipated;
- adequate schools and fire protection services are available; and
- no concerns with the suitability of the site or the pattern of development the proposal might create.

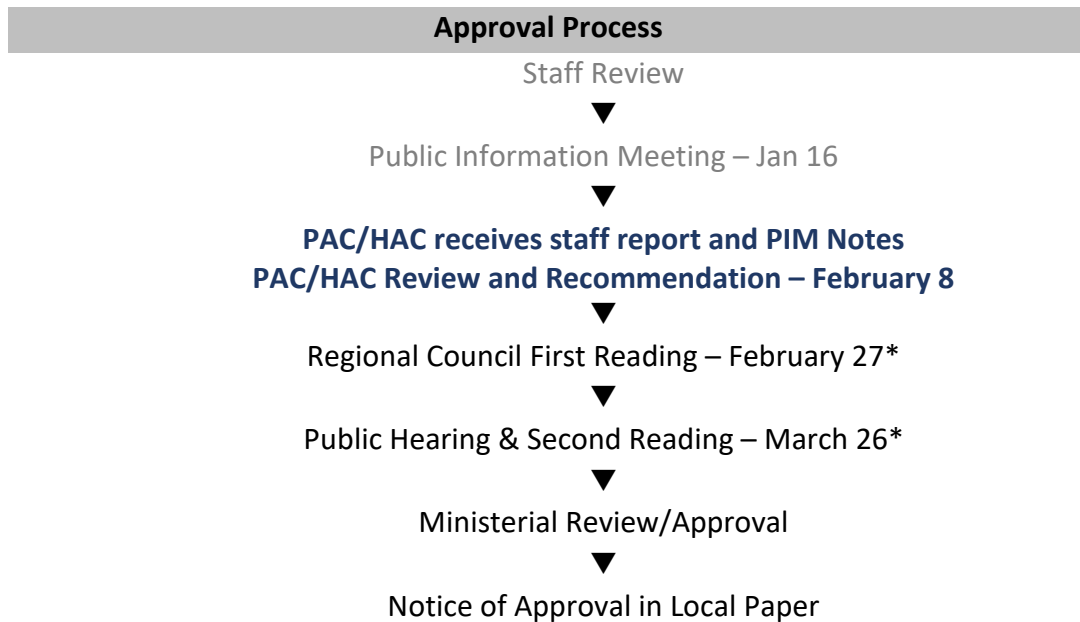
MUNICIPAL CLIMATE CHANGE ACTION PLAN

The Municipal Climate Change Action Plan (MCCAP) Inland Flooding and Coastal Flooding maps do not show any risks of either inland or coastal flooding on the subject lot. The subject lot also has a low risk shown on the Seawater Intrusion Vulnerability map.

Property owners are responsible for ensuring that their lot is suitable for the proposed uses.

NEXT STEPS

As noted above, the proposed text amendments have been considered within the context of both the specific Hamlet policies and general amendment policies of the WHMPS and are consistent with the intent, objectives, and policies of the WHMPS. The proposed text amendments meet the general criteria for amendments to the WHLUB or WHMPS. As a result, it is reasonable to permit the requested changes to allow up to 5 residential units to locate within former church buildings in the Rural Residential (R-4) zone.



*anticipated dates; final dates set by Council

FINANCIAL IMPLICATIONS

There are no financial implications to the Municipality or residents with regard to the filing of this report.

ALTERNATIVES

In response to the application, PAC/HAC may recommend that Council:

- hold First Reading and authorize a Public Hearing to approve the amendments as drafted or as specifically revised by direction of PAC/HAC;
- consider the application through the creation of a specific policy and DA process; or
- provide alternative direction, such as requesting further information on a specific topic.

ATTACHMENTS

Figure 1

West Hants GFLUM Extract

Figure 2	West Hants Zoning Map Extract
Figure 3	West Hants Zoning Map Extract – churches within Hamlets
Attachment A	Policy Summary for WHLUB Amendments
Attachment B	Proposed Text Amendments
Attachment C	Public Information Meeting Notes

Report Prepared by: _____
Mark Fredericks, Senior Planner

Report Reviewed by: _____
Sara Poirier, Director of Planning and Development

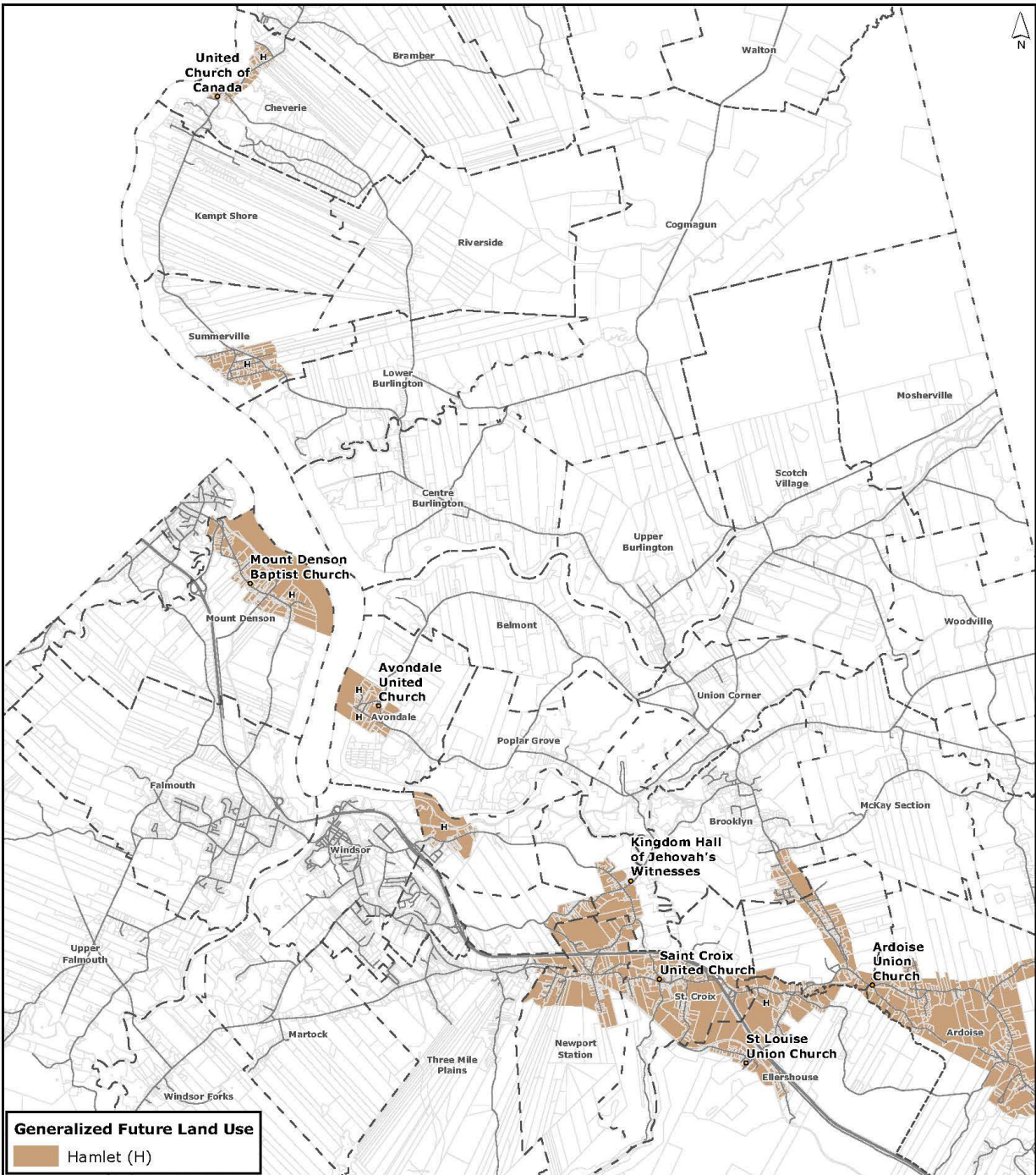
Figure 1 - West Hants GFLUM Extract



Figure 2 - West Hants Zoning Map Extract

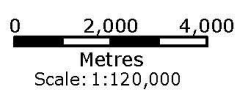


Figure 3 - West Hants Zoning Map Extract – Churches within Hamlets



Base data derived from the Nova Scotia Property Records Database (NSPRD) and the Nova Scotia, Geomatics Centre (NSGC), Copyright Her Majesty The Queen in Right of the Province of Nova Scotia. This map is a graphical representation only. It is not a land survey and is not intended for use for legal descriptions or to calculate exact dimensions or area. Prepared by: West Hants Regional Planning and Development Department December 2023.

Hamlet Churches



- Places of Worship
- ▭ Parcels
- Roads

Attachment A - Policy Summary for WHLUB Amendments

Policy 16.3.1 In considering development agreements and amendments to the West Hants Land Use By-law, in addition to the criteria set out in various policies of this Strategy, Council shall consider:

<i>(a) whether the proposal is considered premature or inappropriate in terms of:</i>	
<i>(i) the adequacy of sewer and water services;</i>	<p>No central sewer or water services are available in this community or the other designated Hamlets.</p> <p>The subject property has adequate lot area to meet the minimum standard for un-serviced lots. This indicates the lot should be capable of accommodating an on-site well and septic system to service up to 5 residential units. The existing on-site systems may be adequate or may require upgrades, but these details are determined at the time of permitting, with the approval coming from Nova Scotia Department of Environment and Climate Change who has jurisdiction over septic systems and wells.</p> <p>For any other property, the owners will have to determine the suitability of water and sewer services during the permitting process.</p>
<i>(ii) the adequacy of school facilities;</i>	<p>Summerville Elementary School is located across the street from the subject property. The proposed building is intended to provide housing for seniors, but if young families were to live here, 5 units represents a small potential increase in school population which is expected to be accommodated by local schools.</p>
<i>(iii) The adequacy of fire protection and other emergency services;</i>	<p>The Summerville Fire Department is immediately across the street from the subject property.</p>
<i>(iv) the adequacy of road networks adjacent to, or leading to the development; and</i>	<p>The Provincial Department of Public Works (DPW) indicated the surrounding road network was adequate for the proposed residential use. They have also confirmed that the existing driveways</p>

	<p>are adequate and appropriate for the proposed use.</p> <p>Other properties would be checked at the permitting stage.</p>
<p><i>(v) the financial capacity of the Town to absorb any costs relating to the development.</i></p>	<p>There are no anticipated costs to the Municipality regarding this development.</p>
<p><i>(b) whether the development is serviced, or capable of being serviced, by a potable water supply and either central sewer or an approved on site sewage disposal system;</i></p>	<p>See 16.3.1 (a) (i) above.</p>
<p><i>(c) the suitability with any aspect relative to the movement of auto, rail and pedestrian traffic;</i></p>	<p>The Provincial DPW indicated they had no concerns with the suitability of the proposed development for automobiles or pedestrians. Generally, in Hamlets there are limited to no sidewalk infrastructure.</p> <p>Suitability for other properties would be considered at the permitting stage.</p>
<p><i>(d) the adequacy of the dimensions and shape of the lot for the intended use;</i></p>	<p>The shape of the lot is a rectangle, and similar to the surrounding residential lots and presents no concerns for the proposed use.</p>
<p><i>(e) the pattern of development which the proposal might create;</i></p>	<p>The arrangement of properties in this area would be consistent with typical rural residential lots, and changing from a church to 5 residential units should not create any unusual development patterns, as the site has a history of community use, and adequate parking.</p>
<p><i>(f) the suitability of the area in terms of steepness of grade, soil and geological conditions, location of water courses or wetlands, and susceptibility of flooding;</i></p>	<p>The site and surrounding area appear suitable for the proposed residential development. No concerns with grade or soil conditions as the amendments will apply to existing structures, the site conditions are established.</p>
<p><i>(g) whether the proposal meets the requirements of the appropriate provincial or federal agencies as well as whether it conforms to all other</i></p>	<p>All Municipal, Provincial, and Federal regulations will have to be met.</p>

<i>relevant municipal by laws and regulations; and</i>	
<i>(h) any other matter required by relevant policies of this Strategy.</i>	All relevant matters have been addressed in this report.

Attachment B – Proposed Text Amendments

Note: *red text indicates a change from the present WHLUB as recommended by staff and is provided only for the convenience of PAC/HAC and Council.*

Text amendments to section 11.0 in the West Hants Land Use By-law to allow churches to be converted into a residential use, with up to 5 residential units.

11.0 RURAL RESIDENTIAL (R-4)

Permitted Uses

11.1 The following uses shall be permitted in the Rural Residential (R-4) zone:

- Existing churches, community centres, fire halls, schools and post offices
- Manufactured homes
- Seasonal dwellings subject to the GR zone requirements
- Single and two-unit dwellings
- **Former churches to include up to 5 residential units**

R-4 Zone General Requirements

11.2 In the R-4 zone, no development permit shall be issued except in conformity with the following:

		Single unit and seasonal dwellings, manufactured homes	Two units	Other uses
Minimum lot area		29,000 ft ² (2,694.10 m ²)	29,000 ft ² (2,694.10 m ²)/unit	40,000 ft ² (3,716.00 m ²)
Minimum lot frontage		100 ft (30.48 m)	100 ft (30.48 m)/unit	100 ft (30.48 m)
Minimum front yard		25 ft (7.62 m)		
Minimum rear yard		25 ft (7.62 m)		
Minimum side yard	one side	6 ft (1.83 m)		
	other side	10 ft (3.05 m)		
Maximum height of main building		35 ft (10.67 m)		

11.3 **When a church is repurposed, the majority of the building form shall be maintained, with opportunity for alternate window and door alterations and architecturally compatible expansions to accommodate up to 5 residential units.**

Note: red text indicates a change from the present WH LUB as recommended by staff and is provided only for the convenience of PAC/HAC and Council.

Text amendments to section 7.0 in the West Hants Municipal Planning Strategy to allow churches to be converted into a residential use, with up to 5 residential units within the Rural Residential (R-4) zone.

Policy 7.1.4 *It shall be the policy of Council not to permit multiple unit residential development in Hamlets, except as provided in Policy 7.1.3 and within repurposed churches in the Rural Residential (R4) zone.*

Attachment C - Public Information Meeting Notes

January 16 – 30, 2024

WHMPS and WHLUB Text Amendments: Hamlet Designation and Rural Residential (R-4) zone;
File #23-45

Meeting date and time	A Public Information Meeting was held on January 16, 2024 beginning at 6 p.m. in Council Chambers, 76 Morison Drive in Windsor.
Attending	In attendance: <ul style="list-style-type: none">• Mayor Zebian• Senior Planner, Mark Fredericks• Planner, Alex Dunphy• Director of Planning and Development, Sara Poirier• Planning Administrative Assistant, Vanessa Lake• Chief Administrative Officer, Mark Phillips• 11 members of the public
WHMPS and WHLUB Text Amendments: Hamlet Designation and Rural Residential (R-4) zone Origin: 20 Musgrave Road, Summerville.	Planner Fredericks outlined the request and described the general amendments to permit repurposing of churches within the Hamlet designation. The general text amendments originated from the new owner of the former Kempt United Baptist Church in Summerville. Andrea Parker and Jermey Parker made a presentation describing their intention with the building, including the conversion of the church to 5 residential units, maintaining a community/church space within the building, and providing transportation for weekly trips to Windsor for tenants, energy efficiency and the desire to keep seniors living in their community.
Comments	No comments were made during the Public Information Meeting or following the meeting.
Adjournment	The meeting adjourned at 6:19 p.m.