



**Planning
Development
Project Management**

To: Annapolis Royal Planning and Heritage
From: Chris Millier
Date: October 3, 2023
Re: Application to Amend the Land Use By-Law, Rezoning of
558 St. George Street, Lands of Michael and Jessica D'Anna
(PID 05002001)

Application

The Town has received an application from Michael and Jessica D'Anna to rezone lands at 558 St. George Street (PID 05002001) from Residential Single Unit (RSU) to Residential Medium Density (RMD) to permit the construction of a new dwelling unit within an existing two unit converted dwelling. The application references proposed construction of a dwelling unit within an accessory building however this component of the proposal has been withdrawn.

The May 15, 2023 application is attached for the Committee's information.

Subject Property, Generalized Future Land Use Designation and Zoning

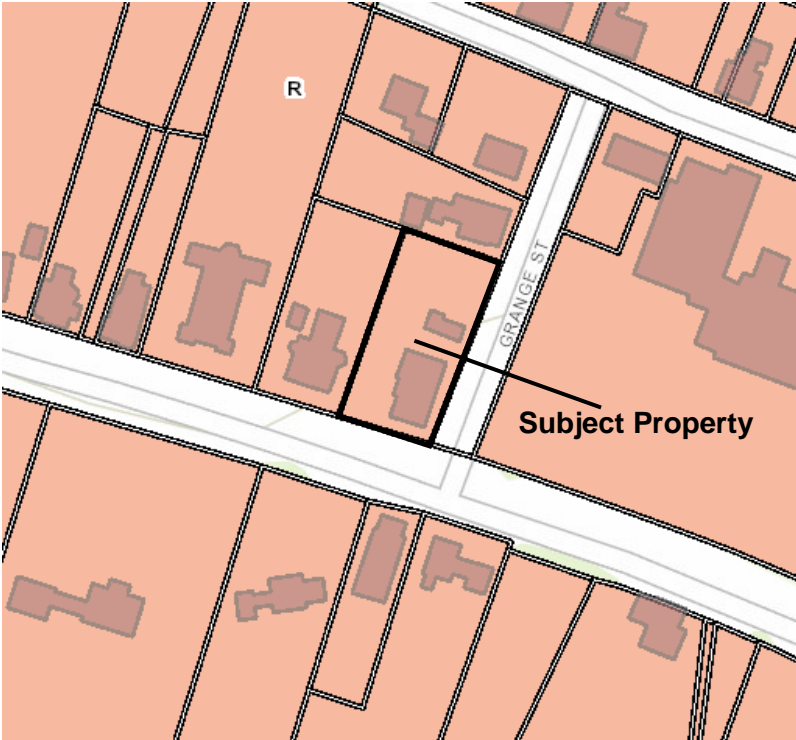
The subject property is located on the south side of St. George Street west of the intersection with Grange Street. The property contains an area of approximately 1560 sq. meters (16791 sq. ft.) and has a frontage of approximately 26 meters (85 ft.) on St. George Street.

The property contains an existing two unit converted residential structure. The property is abutted on the north and west by existing residential uses and structures.

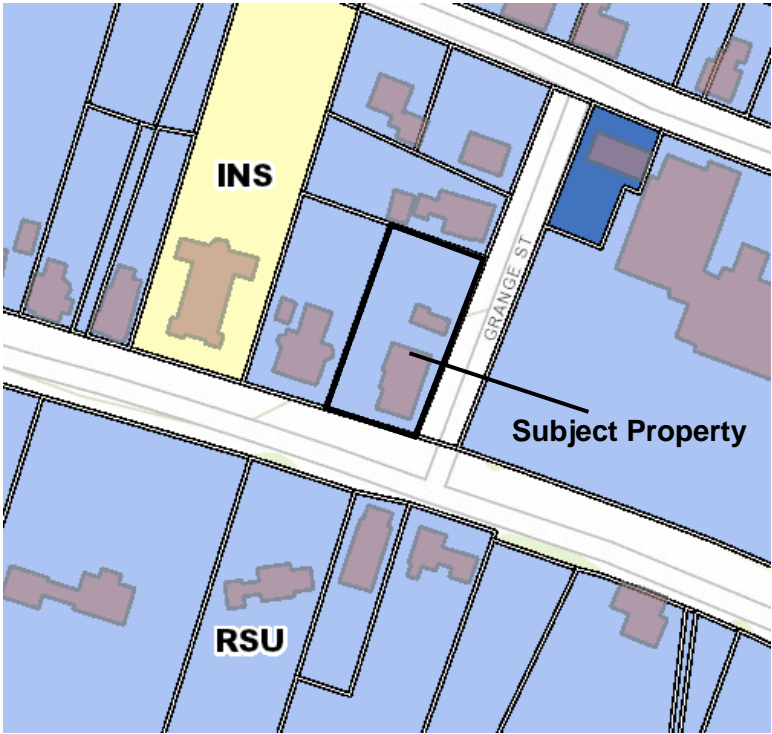
The subject property is a registered municipal heritage property, as are the abutting properties surrounding the subject property.

The subject property is designated as Residential (R) on the Municipal Planning Strategy's Generalized Future Land Use Map and is currently zoned Residential Single Unit (RSU) pursuant to the Town's Land Use By-law.

Generalized Future Land Use



Zoning



From the Annapolis Royal Municipal Planning Strategy.

Part 1 Residential Development Policies

- 1.1 *Council shall designate those areas shown on Map 1, the Generalized Future Land Use Map, as Residential and their use shall be primarily for residential development. The Residential Designation shall recognize existing residential areas and permit a variety of new housing, including affordable housing of various types. Criteria for new development within the Residential Designation shall ensure that it is compatible with existing residential neighbourhoods.*
- 1.2.1 *Designated residential areas shall be developed and maintained primarily for residential purposes. Residential zones shall be established to create and regulate a broad variety of type of residential uses and a range of non-residential uses which are compatible with residential uses and areas, including but not limited to home-based business uses, day nurseries, bed and breakfast establishments, inns and short-term accommodations.*
- 1.6.1 *Permitted uses within the Residential Medium Density (RMD) Zone shall include multiple unit residential dwellings containing between three (3) and six (6) dwelling units.*
- 1.6.2 *The development of new dwellings containing between three (3) and six (6) dwelling units or the conversion of existing dwellings to three (3) to six (6) unit dwellings within the Residential Designation will be considered by amendment to the Land Use By-law (rezoning).*
- 1.6.3 *The conversion of an existing accessory building for residential use containing between two (2) and six (6) units shall be permitted within the Residential Medium Density (RMD) Zone. The maximum number of dwelling units on a lot shall not exceed six (6). In addition to criteria contained in this Strategy, the development of dwelling units within an existing accessory building shall be subject to the provision of adequate on-site parking and that no addition to the accessory building be constructed to accommodate the residential use.*

Part 17 Implementation

- 17.6.1 *In considering amendments to the zoning in the By-law or entering into Development Agreements, Council will, in addition to all other criteria as set out in various policies of this planning strategy, take into consideration the following matters:
 - (a) *that the proposal is in conformance with the intents of this Strategy and with the requirements of all other Town By-laws and regulations;**

- (b) *that the proposal will be sympathetic to the existing Colonial, Georgian, Victorian and early 20th Century architectural styles in the Town and will not damage or destroy historic buildings or sites;*
- (c) *that the proposal may appropriately represent and be sympathetic with First Nations building form and the embodiment and expression of culture;*
- (d) *that development within the National Historic District be compatible with Character Defining Elements relating to the architectural design or external appearance of a proposed structure, in particular its compatibility with adjacent structures;*
- (e) *that the proposal is not premature or inappropriate by reason of:*
 - (i) *the financial capability of the Town to absorb any costs relating to the development;*
 - (ii) *the adequacy of sewer, storm sewer and municipal water services to support the proposed density of development;*
 - (iii) *the adequacy and proximity of school, recreation and other community facilities;*
 - (iv) *the adequacy of road networks adjacent to, or leading to the development;*
 - (v) *the potential for the contamination of water courses or the creation of erosion or sedimentation; and*
 - (vi) *stored water capacity for fire protection.*
- (f) *that controls are contained in a Land Use By-Law or a Development Agreement so as to reduce conflict between the development and any other adjacent or nearby land use by reason of:*
 - (i) *architectural compatibility and character;*
 - (ii) *type of use;*
 - (iii) *emissions, including air and water pollutants and noise;*
 - (iv) *height, bulk, and lot coverage of the proposed building;*
 - (v) *traffic generation, access to and egress from the site, and parking;*
 - (vi) *open storage;*
 - (vii) *signs; and*
 - (viii) *similar matters of planning concern.*
- (g) *that the proposed site meets suitability and development cost criteria in terms of steepness of grades, soil and geological conditions, marshes, swamps, or bogs and proximity of highway ramps, rights-of-way and other nuisance factors;*
- (h) *that provisions are made for buffering, landscaping, screening and access control to reduce potential incompatibility with adjacent land uses and traffic;*
- (i) *that the development is located so as not to obstruct any natural drainage channels or watercourses;*
- (j) *that provisions are made to mitigate the risk and impacts of sea level rise.*

From Annapolis Royal Land Use By-law

Part 9 Residential Medium Density (RMD) Zone

9.1 Uses Permitted

No development permit shall be issued in a Residential Medium Density (RMD) zone, except for one or more of the following uses:

*Multiple Unit Dwellings containing between three (3) and six (6) units
Double Duplex Dwelling
Converted Dwelling containing between three (3) and six (6) units
Townhouse Dwelling containing between three (3) and six (6) units*

9.2 Zone Requirements

In a Residential Medium Density (RMD) Zone, no development permit shall be issued except in conformity with the following requirements:

<i>Minimum Lot Area</i>	<i>1,115 m² (12,002 sq. ft.) for first 3 units and 140 m² (1,506.9 sq. ft.) each additional unit</i>
<i>Minimum Lot Frontage</i>	<i>28 m (91.9 ft.)</i>
<i>Minimum Front Yard</i>	<i>10 m (32.8 ft.)</i>
<i>Minimum Rear Yard</i>	<i>14 m (45.9 ft.)</i>
<i>Minimum Side Yards</i>	<i>3 m (9.8 ft.) one side; 3 m (9.8 ft.) other side</i>
<i>Maximum Height of Structures</i>	<i>11 m (36 ft.)</i>

9.3 Minimum Side Yard for Common Boundary

There is no minimum side yard for the common boundary for an interior Townhouse unit. It is 0 ft.

Planning Considerations and Analysis

The following comments and analysis are presented in the context of evaluating the current application in light of relevant provisions of the Strategy.

Policy 1.6, Residential Medium Density (RMD) Zone

Policy 1.6.2, 1.6.3

The Strategy requires the development of new residential dwellings containing three to six units and the conversion of an existing single unit dwellings or two-unit dwelling to a multiple unit dwelling be considered by rezoning.

Policy 17.6, Implementation Criteria

Policy 17.6.1(a), General Conformity with Strategy

The Municipal Planning Strategy enables an application to convert an existing two-unit dwelling to a three-unit dwelling . While the application references development of a dwelling unit in the existing accessory building, this component has been withdrawn.

Policy 17.6.1(b), Impact on Heritage Resources

The subject property is a registered municipal heritage property. The creation of the new dwelling units is proposed to be accomplished through interior renovation. Any alterations to the exterior of the structure of a heritage would be subject to review and approval by the Town.

Policy 17.6.1(c), First Nations Considerations

Not applicable

Policy 17.6.1(d), National Historic District

The subject property is located within the National Historic District (MPS Map 2). The proposed development will not be incompatible with the character defining elements of the National Historic District.

Policy 17.6.1(e)(i), Financial Impact on Town

The proposed development would not require any direct expenditure by the Town.

Policy 17.6.1(e)(ii), Adequacy of Infrastructure

The subject property is serviced with Town sewer, water and storm sewer services. The proposed development will not require alteration to existing service facilities or capacities.

Policy 17.6.1(e)(iii), Adequacy and Proximity of Community Facilities

The subject property is located in close proximity to other residents and institutional use. The proposed development will not have any impact on the capacities of existing community facilities.

Policy 17.6.1(e)(iv), Adequacy of Road Network

St. George Street is designated as an Arterial Street on the MPS Transportation Map (Map 3) from Prince Albert Road to Highway 201. Grange Street is designated as a Local Street that will remain pursuant to the general traffic flow of the area.

The proposed rezoning will not generate traffic or have an impact on existing road networks or capacities. The existing access to the property will not be altered and has no presented concerns with respect to traffic flow or safety.

Policy 17.6.1(e)(v), Erosion and Sedimentation Control

Not applicable.

Policy 17.6.1(e)(vi), Fire Protection Capacity

The Town's existing fire protection capacity is adequate to provide for the proposed development. The proposed development will be required to comply with all relevant by-laws and codes.

Policy 17.6.1(f)(i), Land Use By-law Provisions – Architectural Control

The subject property is a registered heritage property. The character of the existing residential structure will not be altered as a result of the proposed development. Any requirements relating to architectural controls will be identified through the Town's Heritage Review process.

Policy 17.6.1(f)(ii), Land Use By-law Provisions – Land Use

The subject property is located in an area of well established residential, institutional and community uses. The proposed use will not be inconsistent with the character of land use in the area.

Policy 17.6.1(f)(iii), Land Use By-law Provisions – Emissions

The proposed residential use will not generate emissions, air or water pollution or noise which would be inconsistent with the use of the property or the adjacent properties.

Policy 17.6.1(f)(iv), Land Use By-law Provisions – Proposed Structure

The proposed development will not require alteration to the exterior of the existing structure. Any future alterations will be subject to relevant provisions of the Land Use By-law and heritage approval.

Policy 17.6.1(f)(iv), Land Use By-law Provisions – Traffic Generation and Access

See comments re: Policy 17.6.1(e)(iv) above. It is noted that the property contains sufficient area to provide for adequate on-site parking to accommodate multiple dwelling units.

Policy 17.6.1(f)(vi), Land Use By-law Provisions – Open Storage

No open storage is proposed in relation to the development. Use of the property will be required to comply with all relevant Land Use By-law provisions.

Policy 17.6.1(f)(vii), Land Use By-law Provisions – Signage

No signage is proposed in relation to the development. Any proposed signage on the property will be required to comply with all relevant Land Use By-law provisions.

Policy 17.6.1(f)(viii), Land Use By-law Provisions – Matters of Planning Concern

It is noted that the Residential Medium Density Zone as-of-right development potential of the property, subject to compliance with the Land Use By-law and Municipal Heritage Property designation, exceeds the scope of the application.

Policy 17.6.1(g), Environmental Suitability of the Site

The subject property does not contain any environmental features which would make redevelopment inappropriate.

Policy 17.6.1(h), Buffering

The subject property is located in an area of Town adjacent to residential uses. The proposed development is compatible with the general character of the area and buffering is not required.

Policy 17.6.1(i), Drainage Channels and Water Courses

Not applicable.

Policy 17.6.1(j), Impacts of Sea Level Rise

Not applicable.

Recommendation

In the light of the above noted considerations, including provisions relating to the Residential Medium Density (RMD) Use policies (1.6.1, 1.6.2, 1.6.3) and the general criteria for rezoning contained in Policy 17.6.1, it is recommended that:

The Town of Annapolis Royal amends Schedule A (Map 4) of the Land Use By-law (Zoning Map) be amended to rezone lands of Annapolis Royal at St. George Street (PID 05002001) from Residential Single Use (RSU) to Residential Medium Density (RMD).