

**Town of Kentville  
MUNICIPAL PLANNING STRATEGY 2001  
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# **TOWN OF KENTVILLE MUNICIPAL PLANNING STRATEGY 2001**

## **1.0 Preparation of the Municipal Planning Strategy**

This Municipal Planning Strategy (M.P.S.) for the Town of Kentville has been prepared according to SECTION 212, PART 8 OF THE MUNICIPAL GOVERNMENT ACT. (adopted April 1, 1999)

This Strategy was developed under the auspices of the Council of the Town of Kentville through the Planning Advisory Committee (P.A.C.), as permitted under Section 200 of the MUNICIPAL GOVERNMENT ACT. This Strategy concerns itself with the area within the official boundaries of the Town of Kentville.

## **1.2 Purpose of the Municipal Planning Strategy**

The purpose of the Municipal Planning Strategy is to establish policy with regard to the management of land uses, healthy growth and community development, and the provision of public services and facilities. Policies within this Strategy shall focus on methods to address limitations and opportunities related to the development of land in Kentville.

A Municipal Planning Strategy is a legal document and is adopted as a Bylaw of the Town of Kentville. Once reviewed by the Minister of Municipal Affairs, it acquires the status of law of the Town and, as such, should be readily understood and comprehensible by the local citizens.

When a Municipal Planning Strategy contains statements of policy with respect to land use management and development control, as is the case with this Strategy, it must be accompanied by a supporting *Land Use Bylaw*. A Land Use Bylaw is the principal mechanism for implementing the land use policies established in the Municipal Planning Strategy.

## **1.3 Document Structure**

This Strategy is divided into ten chapters, each of which addresses specific areas of community development or provincial interest. Each chapter contains a number of policy statements with a supporting preamble to explain the establishment for such policy.

In addition to the written text there are a number of maps, referred to throughout the policy statements and the preamble. These maps constitute a part of the Strategy, and should be referred to in order to fully understand policy intent.

## **1.4 Chronology of Planning in Kentville**

Planning for orderly and responsible development has been a major objective for Kentville since 1978 when the Town approved the formation of the Planning and Development Department. Prior to that time only general zoning and provincial subdivision regulations were in place, with no clear objectives or policies established for the long term growth and development of the Town. In 1980, Kentville approved its first Municipal Development Plan (now referred to as the Municipal Planning Strategy) and Land Use By-law.

The Municipal Planning Strategy 2001 is a document that underwent extensive brainstorming and thorough examination. It is a positive revision of the 1994 Municipal Planning Strategy.

The Planning Advisory Committee was responsible for overseeing and directing staff in the review and rewriting of this 2001 document. A number of public meetings were held and suggestions were collected from citizens in the preparation of the Municipal Planning Strategy 2001.

## **1.5 Historical Context**

Kentville was first called Horton Corner. However, in 1826 the name was changed to Kentville in honor of the Duke of Kent, father of Queen Victoria, who had paid a visit to the area in 1794.

What is now Kentville was first settled by New England Planters in 1760. Shortly after, its favorable geography and location helped to establish it as the commercial centre of the entire Annapolis Valley region.

The importance of the agricultural processing industry within the area had its beginning in 1798, when Henry Magee built a grist mill on Mill Brook.

By 1800, the Town had fourteen houses, a store, and a tavern which earned the nickname "The Devil's Half Acre". By 1830, Kentville was well on its way to becoming the administrative, professional, and commercial centre for Kings County. By this time the Town contained a courthouse, a jail, four general stores, two doctors, five lawyers, a school and an inn.

In 1829, Kentville became the stage coach stop on the two day Halifax to Annapolis Royal journey. The apartment house presently located at 268 Main Street provided overnight lodging to these travelers. This building is presently owned by Stage Coach Properties and continues to be referred as "The Stage Coach Property". In 1869, the railway from Halifax to Annapolis was completed and Kentville soon became the main headquarters for the Dominion Atlantic Railroad by 1894.



to

In keeping with the agricultural economic base of the area, a Federal Government Agricultural Research Centre was established in 1911, consisting of some 375 acres of land located in the east end of Town. The experimental farm continues to provide research and development into the production problems associated with the fruit industry.

Many changes have taken place in Kentville since the community was first settled by the New England Planters in 1760. Today, the Town remains an integral part of the overall well being of Kings County and the entire Annapolis Valley region. Kentville currently continues to serve as the administrative and professional centre for the region. A successful industrial park, combined with several other valuable industries, has provided Kentville with a strong industrial base. With a population of approximately 5,600, and an estimated surrounding population of 25,000, optimism for continued prosperity is shared by all local citizens.

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# **CHAPTER I COMMUNITY DEVELOPMENT, HERITAGE CONSERVATION AND STATEMENTS OF PROVINCIAL INTEREST**

## **1. Community Participation**

### **1.1 Introduction**

If you haven't lived or worked in a small town before, it's important to recognize that the entire environment, business and social is different from that in a big city. There is decreased anonymity and increased expectations for community involvement. The scale of small towns makes it possible to see the results, which is one of the best rewards a community can achieve.

In a small town, the feeling of belonging to a community, knowing others are enduring the same discomforts and pleasures, is a good one. Perhaps the best way for someone to experience the ambiance and get a sense or feel for our community is to visit our fair town--spend a day, a week or a lifetime and you'll soon see the benefits of living in a small town. Kentville is a great place that offers peaceful family living, fantastic outdoor activities, and economic stability.

### **1.2 Communication**

The Town of Kentville has strived to maintain a high degree of community participation. For many years, citizens have been active in volunteer organizations. This active interest in community affairs is evident in the planning process as well. It is seen in the resident's attendance at public hearings and their participation in numerous civic committees established to help Council make decisions regarding the provision of all municipal services. There are members of the community who sit on boards, commissions and committees dealing with planning, recreation, police, fire protection, water, economic development, and youth council.

Within the planning process it is imperative to assist and maintain a high level of community involvement in the public decision making process. Town Council will continue to strive to provide adequate information to the public on matters which are before Council for decisions. Policies have been established to advertise Council meetings and various other advisory committee meetings. All advisory committee meetings are held at regular and consistent times to permit citizens to become familiar with their scheduling and location.

**Policy CP-1**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL to encourage public attendance at Town Council and committee meetings by means such as notices in the local newspaper, bulletin boards, and community announcements on the local radio and cable television networks.**

**Policy CP-2**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL to make available, through the internet and Town offices, all approved minutes of Council and committees, and all Town bylaws, and regulations to provide an opportunity for a more informed public.**

**1.3 Participation in the Planning Process**

**Policy CP-3**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL to keep residents of the Town informed about planning matters and inform them how they may provide input into the planning process on a regular basis and at all stages of the process.**

**Policy CP-4**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL to require a sign to be posted within the front yard setback of any property for which a rezoning or site plan is being sought, in addition to the advertising requirements of the Municipal Government Act. The "notice" sign shall be posted by the Town, indicating the nature of the request and a contact for further information.**

**1.4 Town Council and Advisory Committee Meetings**

**Policy CP-5**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL to establish and/or maintain legislative and ad hoc advisory committees to address issues and provide advice to Council on all matters specific to local interest.**

**Policy CP-6**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL that positions available for public appointment upon various Town boards and/or committees and/or commissions be advertised.**

## **Policy CP-7**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL to encourage and facilitate public participation and input at meetings of Town Council and advisory committees of Council and to establish guidelines and procedures regarding the participation of the public at such meetings.**

## **2. Community Development**

### **2.1 Introduction**

It has been a goal of the Planning Advisory Committee to assist the citizens of Kentville to become integral stakeholders in the planning process and to promote the fact that 'real planning' begins from the community itself.

The social and cultural development of any community is contingent upon many elements. Schools, museums, libraries, churches, recreational spaces and community organizations, all play a key role in providing individuals with an opportunity to socially and culturally interact. The participation of Kentville's residents in community groups, clubs, events, and volunteer organizations has contributed to the development of a strong sense of community in the Town.

It shall be Council's intention to encourage the active participation of Town residents in community groups, clubs, organizations, activities and events.

## **Policy CP-8**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL to continue to provide various citizen groups and organizations access to municipally owned facilities for recreational, community, and cultural purposes.**

## **Policy CP-9**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL to recognize the value of service clubs, corporations, volunteers, and humanitarian organizations in the Town and to encourage their active participation in the community.**

## **Policy CP-10**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL to support and encourage cultural, social, and recreational events and activities in the Town which will provide opportunities for the participation of residents.**

## **Policy CP-11**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL to establish and maintain community and business directories containing information on service and volunteer organizations, businesses, industries, and Town government and administration, to be made available upon request.**

### **3. Heritage Preservation**

#### **3.1 Introduction**

Heritage is an important element in the composition of any community. It often contributes to the overall character, or "sense of place", and projects a sense of pride from within the community.

Kentville is blessed with a rich and interesting past. Books have been written by local historians which portray events that have helped shape the community. The Kings Courthouse museum is located within the downtown and houses artifacts and pictures that depict our heritage. Many structures built prior to the turn of the century still remain in Kentville as a constant reminder of the past. However, many beautiful buildings have been demolished to make way for new structures, or have been renovated to a point where they have lost their historical appeal. Pressure to redevelop older structures continues to jeopardize remaining historic buildings.

Council, in the past Strategy, included limited provisions to protect these remaining historic structures. For the most part, these provisions did afford some protection, however, as continued interest mounts for the protection, preservation and rehabilitation of Kentville's remaining historic buildings, Council felt the Town must consider further measures to provide heritage protection.

## **Policy CP-12**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL to establish a program of identification of heritage properties. The Planning Department, in conjunction with the Kings Historical Society, and other heritage groups shall identify properties which have significance to the Town's heritage.**

## **Policy CP-13**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL to encourage a closer relationship with all heritage societies and to develop a program to investigate the establishment of a Heritage By-Law for the Town.**

## 4. Statements of Provincial Interest

Included in the Municipal Government Act are statements of Provincial interest with respect to the use and development of land. The five specific statements of provincial interest include:

- A) Drinking Water Supply**
- B) Flood Risk Areas**
- C) Agricultural Land**
- D) Housing**
- E) Infrastructure**

### A) Drinking Water Supply

The goal of this statement of provincial interest is to protect the quality of drinking water within municipal watershed areas.

The Town of Kentville begins this millennium with a major change slated for its municipal water supply. For many years the Town has been dependent on Magee Lake for its water supply. This source of drinking water, although having been a fairly safe and dependable over the years, is becoming increasingly more expensive to treat, operate and maintain. Facing the prospects of major renewal of the distribution line, as well as, the ever-increasing cost of water treatment, the Town investigated a well system of supply. In the spring and summer of 1999, several deep-water wells were drilled within the boundaries of the Town. The results were most gratifying. In the fall of '99, the Engineers for the Town recommended the discontinuance of the surface water supply, in favour of the deep-water wells. Construction of the distribution system, as well as, a new high level reservoir, began in fall of 2000.

Provisions are included in this Municipal Planning Strategy (see Chapter VIII, Section 2,) and the accompanying Land Use By-Law to ensure a safe supply of drinking water for the residents of the Town and customers of the Kentville Water Commission.

**(Amended April 2006)**

### B) Flood Risk Areas

The goal of this statement of provincial interest is to protect public safety and property and to reduce the requirement for flood control works and flood damage restoration in flood plains.

The Town has determined that lands below the nine meter contour are susceptible to flooding. To respond to this threat, a specific zone has been established for undeveloped areas below the nine meter contour. In addition, existing developed areas below the nine meter contour are subject to special development criteria. Specific Policy statements respecting our flood plains can be found in Chapter VIII, Section 4, Sub-

section 4.1. The Land Use By-law establishes specific development criteria for those properties below the nine meter contour.

### **C) Agricultural Land**

The goal of this statement of provincial interest is to protect agricultural land for the development of a viable and sustainable agriculture and food industry.

Within the Town there is but one remaining active agricultural property, this being the Stirling pear orchard in north Kentville. The property is 70 acres (more or less) in size, and in addition to the orchard, there exists a turkey barn. The Stirling family have, for past number of years, been interested in the redevelopment of the property for residential purposes.

The property is located at the most northeasterly boundary in the urban area of the Town and the County of Kings. This entire area surrounding the subject site has been fully developed for residential purposes. Therefore, existing land use patterns, location and its size would not be conducive to the on-going use of this property for agriculture. Additionally, the Stirling property is the single largest undeveloped parcel of land in the Town of Kentville, north of the Cornwallis River, and as such will play an important future role in the development of the Town.

### **D) Housing**

Chapter II of the Municipal Planning Strategy deals with Residential development. The Council, for the Town have demonstrated their desire to ensure equal housing opportunities for all segments of its population, specifically the elderly, single parent families, the disabled and those households with low or moderate incomes.

The Town has established six separate residential zones, in addition to provisions for the establishment of mobile home parks, all with the intention of providing alternate housing types for every income group. The provision, in the Land Use By-law, to permit by right, an auxiliary dwelling unit in the residential single family zone, provisions to permit boarders in all residential zones and a specific zone created to allow for the conversion of older larger homes for multiple family units and rooming and boarding houses, the provisions for the splitting of duplexes, and the provisions for the establishment of group homes are all examples of Kentville's sincerity respecting this issue.

### **E) Infrastructure**

The Town, in 1979, established a Development Boundary, beyond which development was limited to, primarily a low density residential development on large lots. The purpose of the Development Boundary was to encourage development to locate in areas where municipal trunk services were available. The extension (or relaxation) of this Development Boundary was always hampered by the inability of the Town to supply municipal water by gravity means to areas above the 60 meter contour. Booster pumps were the only alternative and very expensive to install and maintain.

The Development Boundary has worked very well, in directing development to existing serviced areas over the years. However, with the upgrading of the municipal water supply system the Town will eliminate its Development Boundary.

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## **CHAPTER II - RESIDENTIAL**

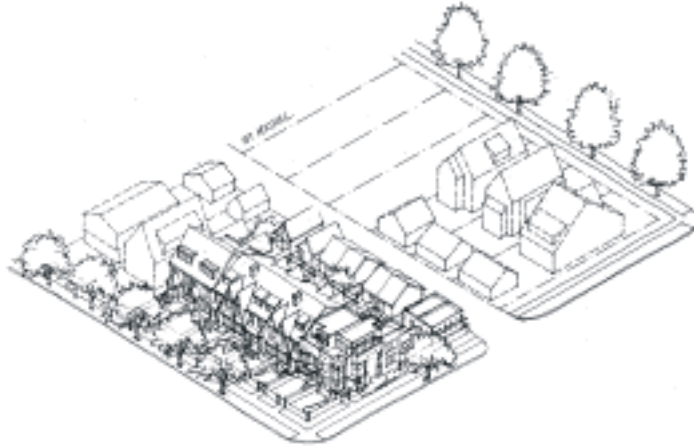
### **1. INTRODUCTION**

#### **1.1 Population and Housing Trends**

The population of the Town of Kentville increased only slightly during the Census period 1991 - 1996. The total population of the Town (according to the 1996 Census data) was 5551, up .8% from the 1991 Census total of 5,506. The two other Valley towns, Berwick and Wolfville, as well, posted positive net population gains for the same period. Berwick's population increased from 2,158 to 2,195 (1.7%) and Wolfville's from 3,475 to 3,833 (10.3%) during the same period (see chart 1991 -1996 POPULATION CHANGE FOR TOWNS following page).

At first glance, with the exception of the Wolfville increase of 10.3%, the statistics do not warrant an overly positive attitude with respect to the Region's growth, and in particular, Kentville's performance during the five-year interval between Census dates. However, when overall Provincial data is analyzed, it becomes apparent this Region, as a whole, has done very well with respect to population growth.

There are thirty-one towns in the Province. Just seven (22.5%) had a positive population change in the 1996 Census over that of 1991, and of the seven, four were from the Valley Region (Berwick, Kentville, Wolfville, and, Windsor). There may be many reasons why one particular town would have a greater growth rate than that of a neighbouring municipality only twelve kilometers away, however, the fact remains Kentville must be assertive when it comes to promoting and encouraging new development.



**1991 - 1996  
CHANGE  
FOR TOWNS**

**POPULATION**

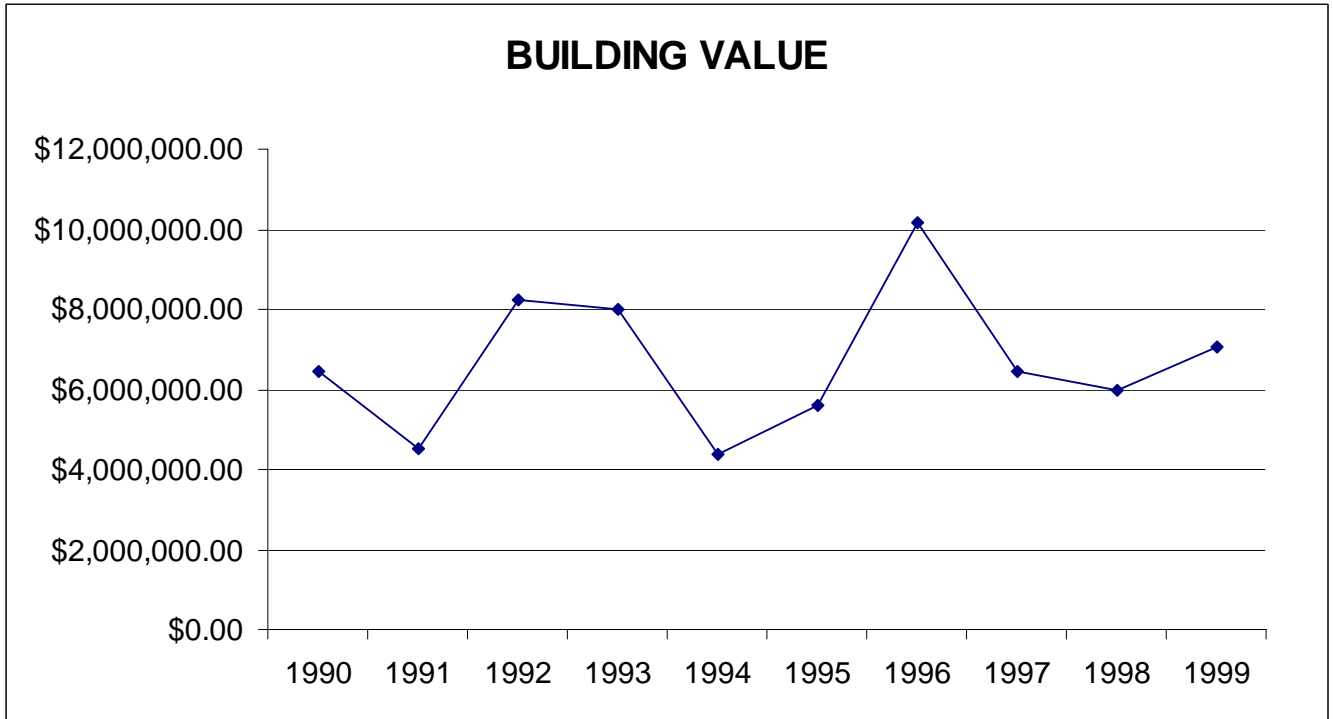
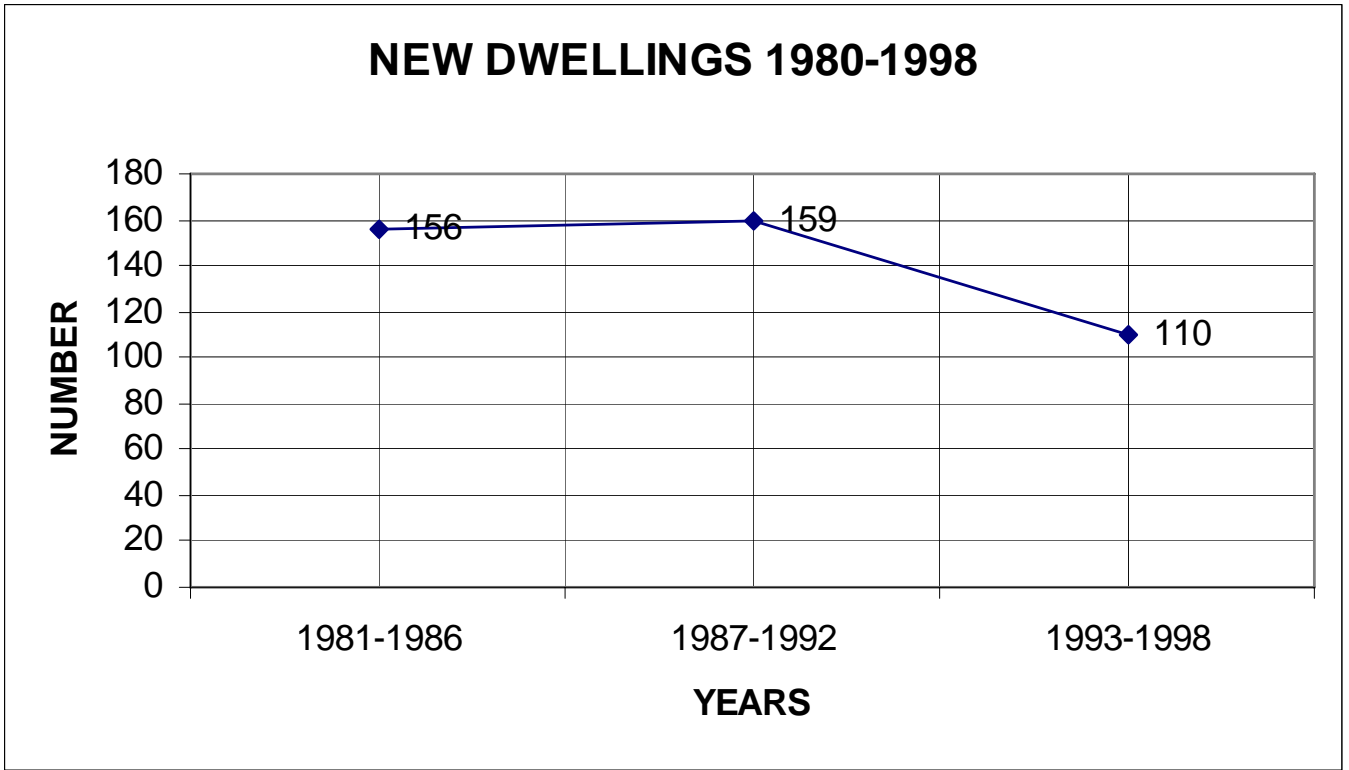
<b>TOWN</b>	<b>1991</b>	<b>1996</b>	<b>%</b>
Amherst	9,742	9,669	-0.7%
Annapolis Royal	633	583	-7.9%
Antigonish	4,924	4,860	-1.3%
Berwick	2,158	2,195	1.7%
Bridgetown	1,021	994	-2.6%
Bridgewater	7,248	7,351	1.4%
Canso	1,228	1,127	-8.2%
Clark's Harbour	1,076	980	-8.9%
Digby	2,311	2,199	-4.8%
Hantsport	1,274	1,252	-1.7%
<b>Kentville</b>	<b>5,506</b>	<b>5,551</b>	<b>0.8%</b>
Lockeport	798	692	-13.3%
Lunenburg	2,781	2,599	-6.5%
Mahone Bay	1,096	1,017	-7.2%
Middleton	1,819	1,800	-1.0%
Mulgrave	935	896	-4.2%
New Glasgow	9,905	9,812	-0.9%
Oxford	1,384	1,352	-2.3%
Parrsboro	1,634	1,617	-1.0%
Pictou	4,134	4,022	-2.7%
Port Hawkesbury	3,991	3,809	-4.6%
Shelburne	2,245	2,132	-5.0%
Springhill	4,373	4,193	-4.1%
Stellarton	5,237	4,968	-5.1%
Stewiacke	1,306	1,405	7.7%
Trenton	2,957	2,952	-0.2%
Truro	11,683	11,938	2.2%
Westville	4,228	3,976	-6.0%
Windsor	3,625	3,726	2.8%
Wolfville	3,475	3,833	10.3%
Yarmouth	7,781	7,568	-2.7%
<b>Total</b>	<b>112,508</b>	<b>111,069</b>	<b>-1.3%</b>

Kentville, as well as Berwick and Wolfville have maintained their share of the total population of Kings County. Kentville, in 1991, made up 9.7% of the total population of the County. This share dropped only slightly to 9.37% according to Statistics Canada 1996 Census data.

### **Regional Community Statistical Profile:**

Characteristics	Kentville	Berwick	Wolfville	County of Kings	N.S.
Population in 1996	5,551	2,195	3,833	47,486	909,282
Population in 1991	5,506	2,158	3,475	45,087	899,942
1991 - 1996 Population Change (%)	0.8	1.7	10.3	5.3	1.0
Land Area (square km)	17.12	5.9	7.31	2,150.13	52,840.83
Average Age of Population	38.7	42.4	38.6	35.5	36.4
% of Population 25 Years of Age and Over, who Have Completed University	23.5	18	48.8	12.25	15.8
Average Total Income of Persons Reporting Income (\$)	23,227	21,036	21,798	19,647	21,552
1996 Unemployment Rate	10.4%	11%	12.9%	11.1%	13.3%
Total - Number of Private Occupied Dwellings	2,295	825	1,660	17,145	342,590
Average Value of Owned Occupied Dwellings \$	104,710	87,607	147,176	86,184	86,568

According to Statistics Canada the total number of occupied dwellings in Kings County, from 1991 to 1996, increased by 1,724 (8.4%). Of this increase, Kentville's share of growth was 3.9% of the total, or 88 units. The following charts indicate the number of new dwellings from 1980 to 1998.

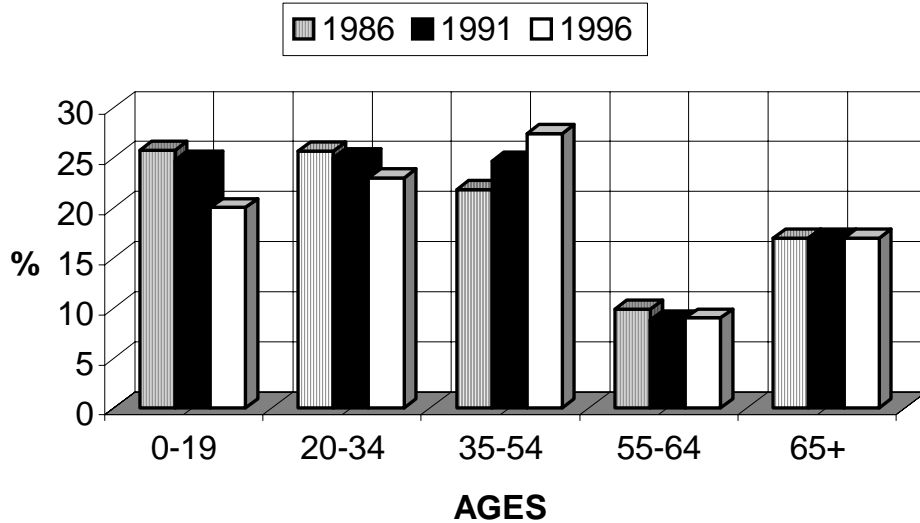


### 1.2 Projected Future Trends

A recent report by Statistics Canada (Growing Old in Canada) said that most of Nova Scotia will have Census Divisions where, by 2011, over 18% of the population is projected to be 65 years and older. Moreover, the National Advisory Council on Ageing predicts by the year 2021, that one of every five Canadians will be 65 and older. The following graph shows that Kentville has maintained an elderly population of 17% for the past 10 years. If future predictions hold true for Nova Scotia and Canada, Kentville's population of persons 65 years and older will climb to 20-25%, or one of every four persons.



### POPULATION TRENDS



## Housing Industry

Given the rising proportion of older households, older Canadians on the move may present a considerable challenge to the housing industry. The fact that a substantial share of older movers seek smaller homes is significant. If the trend persists, the supply of larger homes available to younger families should increase, leading to a better use of housing stock in some communities. At the same time, there may be a surge in demand for other types of housing. Innovative housing options and technology will help Canadians, especially those with activity limitations, to remain in their own homes as they age. An increasing number of alternatives, such as senior's residences and sheltered housing are also becoming available to seniors who want housing that is designed to meet their needs for a low maintenance home, health care or convenient access to recreation and leisure activities. Janet Che-Alford & Kathryn Stevenson (Housing, Family and Social Statistics Division, Statistics Canada)



### 1.3 General Residential Policies

This strategy addresses a number of residential issues considered general in nature and has developed appropriate policies to respond to these issues.

### 1.4 Rate of Residential Growth

As previously noted, the Town during the past two census periods has shown an increase in its population base. This increase has partly been due to Town Council's commitment to foster sound community planning principles which, in turn, has resulted in increased development. Accordingly, the Town should continue to pursue an aggressive approach, through sound, innovative planning policy, to attract new development to the Town and, therefore, continue to strengthen its population base.

#### **POLICY R-1**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL to encourage and promote residential development within the Town.**

## **1.5 Housing Type and Affordability**

There are two fundamental changes which will have dramatic consequences on every municipal unit as we enter the twenty-first century. These changes include the increasing age of the population and the anticipated reduction in average household incomes. Coupled with these two fundamental changes, we are becoming increasingly aware of the residential needs of the disabled and single parent households. Upon examination and deliberations pertaining to residential housing needs, all of these factors were considered. Therefore, it is Council's desire to ensure equal housing opportunities exist for all.

### **POLICY R-2**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL to encourage the development of housing stock to meet the needs of individuals experiencing difficulties obtaining suitable residences due to problems associated with housing affordability and/or housing design by working with and assisting where possible, service clubs, churches, non-profit housing corporations and various levels of government. Residents experiencing these difficulties may include the elderly, single parent families, the disabled or households with low or moderate incomes.**

## **1.6 Residential Subdivision Design**

In recent years, subdivision design methods have improved significantly. However, many subdividers are not aware of more innovative techniques which can increase the overall attractiveness, efficiency, and marketability of their lands. Due to increased municipal operational servicing costs, the Town also gains financially when subdivisions are designed and built incorporating more innovative and efficient techniques. The savings result from reduced costs associated with snow clearing, municipal sewer and water installation, and other infrastructure servicing expenditures.

### **POLICY R-3**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL to encourage subdividers to improve subdivision design by providing planning consultation through the Planning and Development Department.**

### **POLICY R-4**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL to encourage owners and developers to construct residential buildings with varying setbacks from the street boundary such that no two adjacent buildings will have the same setback distance. This variation is desired to create a diversified, and more appealing streetscape.**

## **2. RESIDENTIAL LAND USE DESIGNATIONS AND ZONES**

### **2.1 Residential (R) Designation**

The Residential (R) designation has been assigned to areas, where, in the opinion of Council, the predominant land use is intended to be residential in nature. Areas designated (R) on the Generalized Future Land Use Map are either presently serviced with both municipal water and sanitary sewer services, or are areas where the extension of trunk water and sanitary sewer services is both desirable and economically feasible.

The (R) designated lands are presently comprised of existing developed residential lands and vacant land intended for future residential development.

#### **POLICY R-5**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL to establish a Residential (R) designation on the Generalized Future Land Use Map. Lands designated (R) are intended to include both existing residentially developed areas, fully serviced by municipal sanitary sewer and water, and, areas considered for future residential development, presently unserved and economically viable in terms of their ability to connect to existing trunk services.**

Within the (R) designation, as mentioned above, there are two separate land use categories, the existing serviced areas and vacant presently unserved areas. Each of these categories will be reviewed separately.

#### **2.1.1 Serviced Lands Within the Residential (R) Designation**

Large portions of the areas designated (R) on the Generalized Future Land Use Map consist of existing residential uses presently serviced by both municipal sanitary sewer and water.

In addition to the various existing residential land uses, there are vacant parcels of land that, for whatever reasons, have never been subdivided and/or developed for residential uses.

#### **2.1.2 Un-served Lands Within the Residential (R) Designation**

Within the areas designated Residential (R) on the Generalized Future Land Use Map, there are areas of undeveloped land. This undeveloped land, for the most part, abuts existing arterial roads presently serviced by municipal trunk services. The Town, if development pressure were to be experienced within any of these areas, could respond positively to such demand, without subjecting itself to the costs associated with the extension of trunk services.

### 3. Residential (R) Designation Zoning

Within the Residential (R) designation, Council shall initially have six (6) residential zones. These zones are:

- (1) Residential Single Unit Dwelling (R-1) Zone;
- (2) Residential Two-Unit Dwelling (R-2) Zone;
- (3) Residential Multiple Unit Dwelling (R-3) Zone;
- (4) Residential Converted Multiple Unit Dwelling (R-3A) Zone
- (5) Residential Townhouse (TH) Zone;
- (6) Residential Future (R-F) Zone
- (7) Residential Comprehensive Development District (RCDD)  
(Repealed April, 2006)

#### **POLICY R-6**

IT SHALL BE THE INTENTION OF TOWN COUNCIL to establish the following zones within the Residential (R) designation as shown on the Generalized Future Land Use Map:

- Residential Single Unit Dwelling (R-1) Zone
- Residential Two Unit Dwelling (R-2) Zone
- Residential Multiple Unit Dwelling (R-3) Zone
- Residential Converted Multiple Unit Dwelling (R-3A) Zone
- Townhouse (TH) Zone,
- Residential Future (RF) Zone
- Residential Comprehensive Development District (RCDD) (Repealed April, 2006)

#### 3.1 Residential Single Unit Dwelling (R-1) Zone

The single detached dwelling unit is the lowest density and least efficient residential use in terms of servicing and land utilization. However, the demand for this form of housing is substantial and this strategy recognizes that fact.

#### **POLICY R-7**

IT SHALL BE THE INTENTION OF TOWN COUNCIL to establish the Residential Single Unit Dwelling (R-1) Zone which shall permit single detached dwellings and auxiliary dwelling units, day care centres to a maximum of fourteen (14) persons, homes for special care or group homes (*as defined in the Land Use By-Law*) to a maximum of three (3) bedrooms devoted to resident use.

#### **POLICY R-8**

IT SHALL BE THE INTENTION OF TOWN COUNCIL to zone all existing single unit structures R-1 except for:

- (a) those single unit structures located on arterial roads pursuant to POLICY R-17; and,
- (b) those single unit structures within areas zoned R-2 on the Land Use Bylaw Zoning Map, pursuant to POLICY R-17.

Council in 1994 provided for auxiliary dwelling units within single unit dwellings. This concept of allowing auxiliary units within single unit dwellings has proven most successful and will continue. Provisions to regulate the external appearance of a structure are to be incorporated in the Town's Land Use By-law to ensure that any residential single unit dwelling is not altered by the addition of an auxiliary dwelling unit.

### **POLICY R-9**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL to permit an auxiliary dwelling unit within any single detached dwelling in an R-1 zone, subject to the following:**

- (i) when creating an auxiliary dwelling unit there is no increase in the number of entrances in the front of the existing principle dwelling;
- (ii) when creating an auxiliary dwelling unit there is no change in the roofline or height of the existing dwelling except the possible addition of dormers;
- (iii) parking spaces for the dwelling units are provided within the required side or rear yards or both.

#### **3.1.1 Evaluation Criteria for Rezoning to an R-1 Zone**

From time to time it will be necessary to consider an amendment to the Land Use By-law to rezone a particular parcel of land from its existing residential zoning to the Residential Single Unit Dwelling (R-1) Zone. In most cases this request for rezoning will originate from the desire to have a property rezoned from Residential Future (RF) Zone to R-1.

In considering and evaluating such a request, Council shall have regard for specific criteria established in POLICY R-10.

### **POLICY R-10**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL, when considering a development proposal, which requires an amendment to the Land Use Bylaw to establish a Residential Single Unit Dwelling (R-1) Zone, to have regard for the following:**

- (a) the lands to be rezoned are within the Residential (R) designation on the Generalized Future Land Use Map;

- (b) the financial ability of the Town to absorb any costs related to the development;**
- (c) the adequacy and proximity of:**
  - (i) municipal sewer (sanitary and storm) and water services and utilities;**
  - (ii) recreation, and other community facilities;**
  - (iii) the road network in, adjacent to, or leading to the proposed site;**
- (d) environmental considerations including:**
  - (i) the impact the development will have on natural water courses or other natural land features by way of erosion and sedimentation;**
  - (ii) previous uses of the site which may negatively impact the development by way of soil or groundwater contamination;**
  - (iii) emissions, including air, water, and noise pollutants that the proposed development may have on adjacent uses;**
- (e) the impact of the proposed development on municipal services, with particular regard to the demands on the water and sewer system, fire protection, refuse collections, and police protection.**
- (f) the suitability of the site in terms of slope, soil and bedrock conditions, location of watercourses, marshes, swamps, or bogs; and,**
- (g) the compatibility of the development in terms of height, scale, lot coverage with adjacent properties; and,**
- (h) the proposal is in conformance with the intent of this Strategy and with the requirements of all other Town By-laws and regulations.**

**3.1.2 SUBDIVISION DESIGN, RESIDENTIAL USE(S) AND COMPATIBILITY CONSIDERATIONS WHEN REZONING RESIDENTIAL FUTURE (RF) LANDS ADJACENT TO RESIDENTIAL SINGLE UNIT DWELLING ZONE**

The previous Municipal Planning Strategy (1994) implemented various residential policies intended to promote and encourage a mixture of housing types within new subdivisions and existing developed residential areas.

Although some of the policies have proven successful in meeting Council's expectations (for example, auxiliary dwelling units within single unit dwellings), there were others that did not meet Council's nor staff's expectations and proved somewhat unpopular with certain citizen groups, as well as, some developers. The most striking example was that of mandatory residential multiple unit content in all new subdivisions where land was rezoned from the former Residential Holding (R-5) Zone. The mandatory content requirement was an attempt to increase the residential density, in new subdivisions, while at the same time providing for alternative housing types.

Local citizen groups adjacent undeveloped tracts of R-5 zoned property were concerned that the higher density housing forms would not be in keeping with their existing low density, single family housing units. Developers, on the other hand, felt that demand should be the determining factor in any request for change to a specific land category. In addition, they did not want their rezoning request held up on appeal as a result of their compliance to the Town's mandatory higher density requirement.

The underlying reasoning for the encouragement of mixed residential developments is still sound. The Town must provide for alternative housing needs if it is to grow. The Municipal Government Act (MGA) states, (Schedule B, Statements of Provincial Interest) in part, ***"Planning documents must include housing policies addressing affordable housing, special-needs housing and rental accommodations."*** The Act further states ***"...the measures that should be considered in planning documents include: enabling higher densities, smaller lot sizes and reduced yard requirements that encourage a range of housing types."*** Aside from compliance with the MGA, the following are but a few of the reasons the Town should pursue its support for mixed use residential developments.

- The seniors housing market is one which every municipality, including Kentville, is trying to attract. The demand here is not for larger single unit residential lots, but rather, multiple unit residential housing.
- The larger lot, single unit subdivisions are becoming increasingly more expensive for both the developer to construct and for the Town to maintain. Lot costs have a dramatic effect on the eventual cost of housing and in turn, is a factor in determining the socio-economic mix of a community.
- The Town, over the years, has committed taxpayers money in providing its residents with some of the very finest recreational facilities in Nova Scotia. In order to capitalize on this investment, the Town must now ensure it not only retains its present population base but also strives to increase its population, especially in child-bearing 25 to 34 year age group. Affordable housing for this age group is the key to attracting them to live in Kentville.

Council's desire to promote mixed use residential development must not overshadow the need to ensure existing adjacent residential uses are given some degree of protection with respect to the impact such new development will have on them. This is most relevant in areas where new residential developed adjacent an existing Residential Single Unit Dwelling (R-1) Zone.

**POLICY R- 11**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL when considering any request for the rezoning of Residential Future (RF) Zone lands, adjacent an existing Residential Single Unit (R-1) Zone, to ensure:**

- (i) The overall lot layout and proposed street network system, of any proposed subdivision, are designed so as to minimize the impact the proposed development will have on abutting lands. This Policy is not intended to restrict nor discourage street connections between existing and new subdivisions, but rather, to ensure the existing subdivision or developed parcel of land, is not unduly disrupted by any significant increase in vehicular traffic; and
- (ii) That the proposed zoning and land use intended to abut existing residential development is compatible with that of existing development in terms of height, scale and lot coverage.

**3.2 Residential Two Unit Dwelling (R-2) Zone**

**POLICY R-12**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL to establish the Residential Two Unit Dwelling (R-2) Zone which shall permit single detached dwellings, day care centres to a maximum of fourteen (14) persons, two unit dwellings, homes for special care or group homes (*as defined in the Land Use By-Law*) to a maximum of three (3) bedrooms devoted to resident use, and B&B's (bed and breakfasts establishments). (Amended July, 2003)**

**POLICY R-13**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL to zone:**

- 1) lots fronting on arterial roads pursuant to policy R-17 within the (R) designation on the Generalized Future Land Use Map, Residential Two Unit Dwelling (R-2) Zone.

**2) Notwithstanding (1) above, large tracts of undeveloped lands fronting on arterial roads shall be subject to Policy R-33 and R-34.**

**POLICY R-14**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL to retain the character of existing neighbourhoods zoned Residential Single Unit Dwelling (R-1) by not entertaining any requests for rezonings from R-1 to R-2.**

Council shall continue its commitment to zone land located on arterial roads, as shown on the Transportation Map, and located within the Residential (R) designation on the Generalized Future Land Use Map, Residential Two Unit (R-2). The depth of the zone boundary along these arterial roads is intended to follow the rear lot lines of properties fronting on these roads or a maximum depth of two hundred-fifty (250) feet from the centre line of the abutting street, or whichever is the less. In addition, those properties which have been developed for uses other than uses permitted within the (R-2) zone, shall be zoned so as not to be non-conforming.

**POLICY R-15**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL, within the Residential (R) designation on the Generalized Future Land Use Map, to zone properties serviced by Town water and sewer fronting on arterial roads, as defined on the Transportation Map, Residential Two Unit Dwelling (R-2) Zone, except for those properties where the existing use would not be a permitted use in an (R-2) zone, these uses will be appropriately zoned.**

**POLICY R-16**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL to limit the depth of the (R-2) zoned properties along arterial roads to the rear property lines, or two hundred-fifty (250) feet from the centre line of the abutting road right-of-way, whichever is the less.**

As per policy R-13, and R-15, the Town has zoned not only existing two unit structures R-2, but also lots fronting on arterial roads and within neighbourhoods where the predominant land use was residential two unit. In addition, since the adoption of Kentville's first Strategy in 1980, one subdivision, Bonavista Estates, received approval for a portion of their subdivision to be zoned for two unit dwellings. Based on Council's desire to promote this type of residential construction, and the acceptance of this zoning on affected areas, Council shall maintain the two unit zoning on these properties.

**POLICY R-17**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL to retain the R-2 zoning, established under the previous Strategies, for properties along arterial roads,**

**existing two unit dwellings, neighbourhoods where two unit dwellings are the predominant land use, and in subdivisions where areas have been rezoned for two unit dwellings.**

### **3.2.1 Evaluation Criteria For Rezoning to an R-2 Zone**

From time to time it may be necessary to consider an amendment to the Land Use By-law to permit a rezoning of a particular parcel of land from its existing residential zoning to the Residential Two Unit Dwelling (R-2) Zone.

In considering and evaluating such a request, Council shall have regard for specific criteria established in POLICY R-11, and, POLICY R-18.

#### **POLICY R-18**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL, when considering a development proposal which requires an amendment to the Land Use Bylaw to establish a Residential Two Unit Dwelling (R-2) Zone, to have regard for the following:**

- (a) the lands to be rezoned are within the Residential (R) designation on the Generalized Future Land Use Map, and are not presently zoned R-1;**
- (b) the financial ability of the Town to absorb any costs related to the development;**
- (c) the adequacy and proximity of:**
  - (i) municipal sewer (sanitary and storm) and water services and utilities;**
  - (ii) recreation, and other community facilities;**
  - (iii) the road network in, adjacent to, or leading to the proposed site;**
- (d) environmental considerations including:**
  - (i) the impact the development will have on natural water courses or other natural land features by way of erosion and sedimentation;**
  - (ii) previous uses of the site which may negatively impact the development by way of soil or groundwater contamination;**

- (iii) **emissions, including air, water, and noise pollutants that the proposed development may have on adjacent uses;**
- (e) **the impact of the proposed development on municipal services, with particular regard to the demands on the water and sewer system, fire protection, refuse collections, and police protection.**
- (f) **the suitability of the site in terms of slope, soil and bedrock conditions, location of watercourses, marshes, swamps, or bogs;**
- (g) **the compatibility of the development in terms of height, scale and lot coverage with adjacent properties; and,**
- (h) **the proposal is in conformance with the intent of this Strategy and with the requirements of all other Town By-laws and regulations.**

### **3.3A Site Plan Approval for all Multiple Unit Zones**

The Town has previously used the development agreement process to gain control over items other than the use of land. The development agreement process can be a lengthy and expensive process, resulting in a legal contract between a developer and the Town. The Municipal Government Act (section 231), provides for a **site plan approval** process.

The site plan approval process enables a municipal unit to require a developer to provide specific graphic and written detail of his/her proposal to the Development Officer, at the development permit stage. Approval or refusal of a site plan by the development officer is subject to appeal in the same manner as a variance. As provided for in Section 231 of the Municipal Government Act, the Town shall require site plan approvals for all new multiple unit residential developments within residential R-3, R-3A, and TH Zones, when such new development(s) abut a Residential Single Unit Dwelling (R-1) Zone or a Residential Two Unit Dwelling (R-2) Zone. **(Amended July, 2003)**

#### **POLICY R-19**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL that all new residential development proposals, within Residential Multiple Unit Dwelling (R-3) Zone, the Residential Converted Multiple Unit Dwelling (R-3A) Zone, and the Townhouse (TH) Zone to be subject to the site plan approval process when such new development proposals abut a Residential Single Unit Dwelling(R-1) Zone or a Residential Two Unit Dwelling (R-2) Zone. **(Amended July, 2003)****

### **3.3B Evaluation Criteria and Site Plan Requirements**

Pursuant to Policy R-19, and in conjunction to section 231 of the Municipal Government Act, council shall establish specific criteria in the Land Use By-Law for consideration by the Development Officer in his review of a site plan.

#### **POLICY R-20**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL to establish criteria in the Land Use By-Law for consideration by the Development Officer in his review of a Site Plan.**

#### **POLICY R-21**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL that the Site Plan requirements, as well as, Evaluation Criteria shall be as noted in Policy Z-14 and Z-14A of Chapter IX – IMPLEMENTATION. (Amended July, 2003)**

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### **3.3 Residential Multiple Unit Dwelling (R-3) Zone**

The Town has used, over the past number of years, both conventional zoning and more comprehensive control techniques, such as development agreements, to regulate residential multiple unit development. There are pros and cons to both approaches. The major benefits of a development agreement approach to development, above and beyond that of conventional zoning, was the ability to regulate not only all matters that a Land Use By-law might contain, but also, hours of operation and maintenance of the development. The major disadvantage was the time required to process an application four to six months, and the costs associated with the actual legal document itself.

Council opted, in the 1994 Plan, to exercise such control with respect to, among other land use categories, residential multiple unit structures.

The Municipal Government Act, proclaimed in 1999, provided for Site Plan Approval, as an option to Development Agreements. Site Plan Approval allows a Development Officer to negotiate, at the Development Permit stage, for specific items as a condition of approval, which would previously only been permitted through a Development Agreement. Site Plan Approval is, in essence, a “mini” development agreement, with approvals and appeals similar to variances.

The advent of Site Plan Approval has virtually eliminated the need for many development agreements.

Council has decided to revert to the traditional method of development control that being the rezoning and Site Plan Approval, as noted in Policies R-19, R-20, and R-21.

#### **POLICY R-22**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL to establish a Residential Multiple Unit Dwelling (R-3) Zone, which shall permit new multiple unit structures, nursing homes, and, public parks and playgrounds.**

#### **3.3.1 Evaluation Criteria for Rezoning to an R-3 Zone**

It shall not be the intent of Town Council to pre-zone areas for this type of residential development, but rather, to consider each application, in terms of compliance with the various policies established in this Strategy.

#### **POLICY R-23**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL, rather than pre-zoning areas for residential multiple dwellings, to permit the development of new multiple unit**

**dwellings by amendment to the Land Use By-Law and when considering such amendments to have regard for the following:**

- (a) the lands to be rezoned are within the Residential (R) designation on the Generalized Future Land Use Map, and are not presently zoned R-1;**
- (b) the proposed development has direct access to, an arterial or collector road as indicated on the Transportation Map of this Strategy;**
- (c) the financial ability of the Town to absorb any costs related to the development;**
- (d) the adequacy and proximity of:**
  - (i) municipal sewer (sanitary and storm) and water services and utilities;**
  - (ii) recreation, and other community facilities;**
  - (iii) the road network in, adjacent to, or leading to the proposed site;**
- (e) environmental considerations including:**
  - (i) the impact the development will have on natural water courses or other natural land features by way of erosion and sedimentation;**
  - (ii) previous uses of the site which may negatively impact the development by way of soil or groundwater contamination;**
  - (iii) emissions, including air, water, and noise pollutants that the proposed development may have on adjacent uses;**
- (f) the impact of the proposed on municipal services with particular regard to the water and sewer system, fire protection, refuse collections and police protection;**
- (g) the suitability of the site in terms of slope, soil and bedrock conditions, location of watercourses, marshes, swamps, or bogs;**

- (h) the compatibility of the development in terms of height, scale, and lot coverage with adjacent properties; and,
- (j) the proposal is in conformance with the intent of this strategy and with the requirements of all other Town By-Laws and regulations.

In addition, Council shall require any application for rezoning to be accompanied by a detailed graphic representation of the proposed development, showing:

- (a) the location of the subject property, to scale, showing lot dimensions, area, and street frontages;
- (b) the method of servicing the site with water, sanitary sewer, storm, sewer, electrical and telephone services;
- (c) the existing or proposed location of driveway(s) and parking areas;
- (d) the areas to be landscaped and/or buffered; and,
- (e) the location of all existing and proposed buildings intended for the site.

### **3.3.2 Existing Multiple Unit Dwellings, Excluding Converted Dwellings**

Existing residential multiple unit dwellings fall within one of two main categories. The first category is older, initially single unit or two unit dwellings which have been converted to three or more units. The second encompasses structures specifically designed to house three or more units. This subsection is intended for those structures specifically designed and constructed to accommodate three or more units. All existing multiple unit dwellings in this category shall be zoned R-3.

### **POLICY R-24**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL to zone all existing residential multiple unit dwellings (excluding converted dwellings) located within the Residential (R) designation on the Generalized Future Land Use Map, Residential Multiple Unit Dwelling (R-3).**

### **3.4 Residential Converted Multiple Unit Dwelling (R-3A) Zone**

Within various residential areas of Kentville there exists a number of older single unit and/or two unit dwellings that are becoming increasingly uneconomical to maintain.

Although considered older housing stock, many of these structures remain aesthetically pleasing, historically significant, and structurally sound despite their age. In order to encourage and promote the continued existence of these older homes, Council will consider development proposals to convert these structures for uses other than single or two unit dwellings. Currently, there are two popular alternative uses for such structures; multiple unit residential and, tourist commercial uses such as Bed and Breakfasts. This section of the MPS will concentrate heavily upon the multiple unit residential option. The commercial potential will be further explored in Chapter III.

### **3.4.1 Evaluation Criteria for Rezoning to an R-3A Zone**

In contemplating the various ramifications of providing for the conversion of these older residential structures, Council identified several concerns. These concerns included:

- (a) the number of units that should be permitted;
- (b) the impact on adjacent residential uses;
- (c) the ability to provide sufficient on-site parking; and,
- (d) fire and traffic concerns.

After much study and debate, it was agreed that this form of housing warranted a separate residential designation in the Land Use By-law. Furthermore, it was determined that the above noted concerns could be adequately handled either through zone requirements of the Land Use By-law or the evaluation process at the rezoning stage. As is the case with new residential multiple unit dwellings, Council shall not pre-zone for converted dwellings, but rather, require such development proposals by amendment to the Land Use By-law.

The site-plan approval process, as noted in Policy R-20 and R-21 shall apply to any development proposed for the R-3A Zone.

### **POLICY R-25**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL within the Residential (R) designation on the Generalized Future Land Use Map, to consider the conversion of existing residential single unit and two unit dwellings to multiple unit dwellings by amendment to the Land Use By-Law. This zone shall be referred to as the Residential Converted Multiple Unit Dwelling (R-3A) Zone, and shall permit in addition to converted dwellings, boarding and lodging houses, and public and private parks.**

**POLICY R-26**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL when considering proposals for residential multiple unit conversions, Council shall have regard for the following:**

- (a) the lands to be rezoned must not presently be zoned R-1;  
(Amended July, 2003)**
- (b) the external appearance of the dwelling shall not be altered;  
(Amended July, 2003)**
- (c) parking shall be provided as per PART 6, Subsection 6-5 of the Land Use By-law; (Amended July, 2003)**
- (d) the financial ability of the Town to absorb any costs related to the development;**
- (e) the adequacy and proximity of:
  - (i) municipal sewer (sanitary and storm) and water services and utilities;**
  - (ii) recreation, and other community facilities;**
  - (iii) the road network in, adjacent to, or leading to the proposed site;****
- (f) environmental considerations including:
  - (i) the impact the development will have on natural water courses or other natural land features by way of erosion and sedimentation;**
  - (ii) previous uses of the site which may have negatively impact the development by way of soil and ground water contamination;**
  - (iii) emissions, including air, water, and noise pollutants that the proposed development may have on adjacent uses****
- (g) the impact of the proposed development on: municipal services with particular regard to the demands on the water and sewer system, fire protection, refuse collections and police protection;**
- (h) the compatibility of the development in terms of height, scale and lot coverage with adjacent properties; and,**
- (j) any other criteria contained in this Strategy that Council may, from time to time, determine is necessary to properly assess the**

**impact of the proposed multiple unit residential development on the community;**

**In addition, Council shall require any application for rezoning to be accompanied by a detailed graphic representation of the proposed development, showing:**

- (a) the location of the subject property, to scale, showing lot dimensions, area, and street frontages;**
- (b) the existing or proposed location of all driveways and parking areas;**
- (c) the areas to be landscaped and/or buffered; and,**
- (d) the location of existing and proposed structure(s) intended for the site.**

### **3.4.2 Existing Residential Converted Dwellings**

Kentville, like many older towns, has a significant number of large older dwellings, many of which were built in the 1800's. The properties are to be considered a legacy of our past and one we must endeavor to preserve. High operating and maintenance costs associated with these structures results in a demand for the change of use of these dwellings, from the traditional single residential unit to that of a multiple residential use.

These dwellings, generally speaking, are located in the older areas of the Town, on smaller lots, with resulting space restrictions for on-site parking of vehicles and open space or green areas for residents. Modern multiple unit residential structures on the other hand, are required to provide large areas for the parking of vehicles, adequate open space for residents of the building, appropriate landscaping and buffers from adjoining properties, and, as the term "multiple" would imply, larger structures housing many families. To create a single multiple zone that would respond to the special needs of both types of structures, would be very difficult to achieve. Therefore, the Town has opted for a special zone, called the Residential Converted Multiple Unit Dwelling (R-3A) Zone. The Town will not prezone any properties R-3A, but as they have in the R-3 zone, consider by By-law amendment the rezoning of older dwellings for multiple unit residential use.

Existing "converted" dwellings were identified as part of the MPS Review. The structures fell within one of three distinct categories:

- A) those older type dwellings as described above, on small lots;
- B) older structures on large lots, that could in fact, be further expanded to create additional units;
- C) fairly recently constructed dwellings (25-30 years) that would appear to have been intended for multiple family use, however were built in predominately single unit dwelling areas with no formal attempt to buffer the use from neighbouring properties.

After review of the existing converted dwellings, it was determined the structures within the "A" category would be placed in the R-3A Zone. The properties in the "B" category, because of their ability to meet the more stringent R-3 zone requirements, would be placed in the R-3 Zone. Finally, those in the "C" category, because of the potential for further non-compatibility with adjacent residential uses, would be zoned the same as adjacent properties and would become non-conforming structures as define by the Municipal Government Act.

**POLICY R-27**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL to zone existing converted multiple unit structures, having less than 100 feet street frontage and less than 15,000 square feet in lot area, Residential Converted Multiple Unit Dwelling (R-3A).**

**POLICY R-28**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL to zone existing converted multiple unit structures, having 100 feet or more, of street frontage, and 15,000 square feet or more of lot area, Residential Multiple Unit (R-3).**

**POLICY R-29**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL to zone existing converted multiple unit structures, located in Residential Single Unit Dwelling (R-1) Zone(s), Residential Single Unit Dwelling (R-1). Such converted dwellings will become non-conforming structures as defined by the Municipal Government Act.**

**3.5 Residential Townhouse (TH) Zone**

Townhouse development (sometimes referred to as "rowhousing") is not a prevalent housing form in Kentville. However, this economical and increasingly attractive form of housing is becoming more popular. Due to this fact, a brief explanation and/or definition of this particular form of residential multiple unit dwelling is warranted.

Townhouses are generally viewed as being medium density residential multiple unit developments, with the number of individual units within one structure varying from 3 to 8 units or more.

**POLICY R-30**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL to establish a Residential Townhouse (TH) Zone, which shall permit up to a maximum of eight (8) units per structure, day care centers to a maximum of fourteen (14) persons, and, public parks and playgrounds.**

### 3.5.1 Evaluation Criteria for Rezoning to a Residential Townhouse (TH) Zone

As is the case for other forms of residential multiple unit dwellings, Council shall not prezone areas for this type of development, but rather permit townhouse development by an amendment to the Land Use By-law. (Amended July, 2003)

#### **POLICY R-31**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL, rather than pre-zone areas for townhouse dwellings, to permit the development of new townhouse dwellings by an amendment to the Land Use By-law. and when considering such amendments, to have regard for the following;**

- (a) the lands to be rezoned are within the Residential (R) designation on the Generalized Future Land Use Map, and are not presently zoned R-1;**
- (b) the proposed development has direct access to, an arterial or collector road as indicated on the Transportation Map of this Strategy;**
- (c) the financial ability of the Town to absorb any costs related to the development;**
- (d) the adequacy and proximity of:**
  - (i) municipal sewer (sanitary and storm) and water services and utilities;**
  - (ii) recreation, and other community facilities;**
  - (iii) the road network in, adjacent to, or leading to the proposed site;**
- (e) environmental considerations including:**
  - (i) the impact the development will have on natural water courses or other natural land features by way of erosion and sedimentation;**
  - (ii) previous uses of the site which may negatively impact the development by way of soil or groundwater contamination;**
  - (iii) emissions, including air, water, and noise pollutants that the proposed development may have on adjacent uses;**

- (f) the impact of the proposed on municipal services with particular regard to the water and sewer system, fire protection, refuse collections and police protection;
- (g) the suitability of the site in terms of slope, soil and bedrock conditions, location of watercourses, marshes, swamps, or bogs;
- (h) the compatibility of the development in terms of height, scale and lot coverage with adjacent properties; and,
- (i) the proposal is in conformance with the intent of this Strategy and with the requirements of all other Town By-laws and regulations.

In addition, Council shall require any application for rezoning to be accompanied by a detailed graphic representation of the proposed development, showing:

- (a) the location of the subject property, to scale, showing lot dimensions, area, and street frontages;
- (b) the method of servicing the site with water, sanitary sewer, storm sewer, electrical and telephone services;
- (c) the existing or proposed location of driveway(s) and parking areas;
- (d) the areas to be landscaped and/or buffered; and,
- (e) the location of all existing and proposed buildings intended for the site

### **3.5.2 Existing Townhouse Dwellings**

#### **POLICY R-32**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL to zone existing Townhouse development, within the Residential (R) designation of the Generalized Future Land Use Map, Residential Townhouse (TH).**

### **3.6 Residential Future (RF) Zone**

Policies have been developed within this Strategy to regulate and encourage various types of residential development.

Within the Residential I designation on the Generalized Future Land Use Map, there are specific residential zones including the Residential Future (RF) Zone. This zone was created and is intended to include primarily large tracts of undeveloped land suitable for future residential development of all types.

Although some parcels are not presently serviced with municipal sanitary sewer and water, these lands do have the capability of being serviced. Therefore, provisions have been made in the Land Use By-law for differing lot sizes for those lots having primary municipal services and those without. Those lots without existing municipal sanitary sewer and water will be subject to the unserviced lot size requirements of the Residential Future (RF) Zone and those with services will be subject to lot size requirements for serviced areas within the (RF) Zone.

Rather than predetermine the particular type of residential development best suited for these lands, Council, through policy, has established specific guidelines and criteria to evaluate such development proposals. Until such time as a specific residential development proposal are proposed and the lands rezoned, Council will establish, in the Land Use By-law, limited uses within this zone.

**POLICY R-33**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL, within areas designated Residential I on the Generalized Future Land Use Map, to establish a Residential Future (RF) zone which shall permit single detached dwellings on large lots, auxiliary dwelling units, agriculture / forestry related uses, animal kennels and stables, day care centers to a maximum of fourteen (14) persons, bed and breakfasts, public, and private parks and playgrounds.**

**POLICY R-34**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL to establish in the Land Use By-Law, separate lot size requirements for both serviced and unserviced lots within the Residential Future (RF) Zone.**

**3.6.1 Residential Future (RF) Zone Existing Undersized and Unserviced Lots**

Within the RF zone there are a number of existing undersized and unserviced lots that do not meet the minimum requirements as set out in the Land Use By-Law. Council shall permit development on these lots through requirements contained in the Land Use By-Law.

**POLICY R-35**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL, through the Land Use By-law, to permit residential development within the Residential Future (RF) Zone that do not meet the lot size requirements and are unserviced. Development of unserviced lots**

shall be permitted only after all necessary permits are secured for on site sewer and water services.

**POLICY R-36**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL to consider any residential development proposal within an RF zone by amendment to the Land Use By-law.**

**POLICY R-37**

**(Repealed April 2006)**

**POLICY R-38**

**(Repealed April 2006)**

**4. Mobile Home Parks by Development Agreement**

The nature of mobile home parks has changed considerably in recent years as a result of improved prefabricated housing technology. While mobiles, or “mini-homes” as they are now frequently called, remain an affordable means of housing, they are also becoming increasingly attractive to groups such as senior citizens, young couples, and so called “empty-nesters”.

Previously unregulated development of mobile housing resulted in several unattractive developments throughout the Province. Stronger regulatory controls on the establishment of mobile home parks, combined with improved mobile home construction, will help ensure attractive and well-maintained developments in the future. Therefore, the Town will permit the establishment of mobile home parks through the development agreement process.

**POLICY R-39**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL, within the Residential I designation on the Generalized Future Land Use Map, to consider a mobile home park by development agreement. The mobile home park may include mobile homes, and related recreational, commercial, and open space uses.**

**POLICY R-40**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL, when considering a request for a development agreement for a Mobile Home Park, to have regard for the following:**

- (a) the lands to be rezoned are within the Residential I designation on the Generalized Future Land Use Map and are presently zoned Residential Future (RF);**
- (b) that the mobile home park proposal conforms to the intent of this Strategy;**
- (c) the lands to be rezoned are a minimum of five (5) acres;**
- (d) the proposed development has direct access to an arterial or collector road as indicated on the Transportation Map of the Strategy;**
- (e) the financial ability of the Town to absorb any cost related to the development;**
- (f) the adequacy and proximity of:**
  - (i) municipal sewer (sanitary and storm) and water services and utilities;**
  - (ii) recreation, and other community facilities;**
  - (iii) the road network in, adjacent to, or leading to the proposed site;**
- (g) environmental considerations including:**
  - (i) the impact the development will have on natural water courses or other natural land features by way of erosion and sedimentation;**
  - (ii) previous uses of the site which may negatively impact the development by way of soil or groundwater contamination;**
  - (iii) emissions, including air, water, and noise pollutants that the proposed development may have on adjacent uses;**
- (h) the impact of the proposed development on municipal services with particular regard to the water and sewer system, fire protection, refuse collections and police protection;**
- (i) the suitability of the proposed site in terms of slope, soil and bedrock conditions, location of watercourses, marshes, swamps, or bogs;**

- (j) the compatibility of the development in terms of height, scale and lot coverage with adjacent properties;
- (k) the proposal is in conformance with the intent of this Strategy and with the requirements of all other Town by-laws and regulations
- (l) all other matters enabled by the Municipal Government Act (Sections 225 to 230).

**POLICY R-41**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL that the agreement for a mobile home park include the following information:**

- (a) a legal description of the land;
- (b) the total number, and location of mobile homes or structures associated with the development;
- (c) the total number, type and location of any commercial facilities associated with the development;
- (d) the lot size, proposed lot coverage, and approximate gross and net population densities;
- (e) the total open space and usable open space;
- (f) the locations and type of any recreational and/or institutional facilities associated with the development proposal;
- (g) time limits for the initiation and completion of development (and may include a phased development);
- (h) a site plan and supporting maps to describe existing topographic conditions and vegetation;
- (i) maintenance and upkeep of the property;
- (j) the location and size of all existing and proposed buildings and structures, including maximum heights;

- (k) the location and size of all areas to be dedicated or reserved as common open spaces, public parks, recreational areas, and other public uses;**
- (l) road or street layout, including parking and service areas, and major points of ingress and egress to the development;**
- (m) existing and proposed pedestrian circulation systems including the interrelationship with the vehicular circulation system;**
- (n) a general schematic landscape plan indicating the treatment of private and public open spaces;**
- (o) any other matter that may be dealt with in a land use by-law and as enacted in Sections 225 – 230 of the Municipal Government Act.**

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## **5. Business Uses in Residential Zones**

For the most part, business or commercial type land-uses are generally not compatible within residential zones. When we initially think of business uses we tend to think of obvious land-use conflicts such as traffic, parking, noise, pollution, lighting and external architectural appearance. There are, however, certain business uses that, if properly regulated, are compatible within residential areas.

### **5.1 Home Occupations**

A home occupation is a business operated from a private dwelling by the occupant of that particular dwelling. There are a number of reasons why there has been an increased demand for home occupation type businesses within residential zones.

Today, due to increasing telecommunication technology, it is not necessary to leave your place of residence to operate in a business environment. Most businesses presently operating out of residential dwellings would cease to exist if forced to locate in established commercial areas due to higher operational costs.

Home occupation business uses are generally innocuous and do not disturb the neighbourhood or necessitate any changes to the structure. However, it was determined that permitted home occupation uses be restricted in order to prevent potential conflicts.

#### **POLICY R-42**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL to permit a range of business uses in residential zones. Such uses shall include those associated with domestic arts, business offices, personal service industries, and counselling.**

#### **POLICY R-43**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL to require a Home Occupation Business Permit prior to the commencement of the business use.**

#### **POLICY R-44**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL to permit home occupations in residential zones. These home occupations are to be clearly accessory to the use of the building as a dwelling. In order to maintain the residential character of these buildings, controls on home occupations will be included as provisions of the Land Use By-law. The Land Use By-law will be the regulatory device to control such factors as:**

- (a) size and type of signs;**

- (b) prohibition of outside storage;
- (c) maximum size or percentage of floor area which may be permitted for the home occupation;
- (d) exterior renovations;
- (e) parking;
- (f) commercial vehicles;
- (g) types of businesses permitted;
- (h) prevention of obnoxious uses;
- (i) the number of persons employed in the home occupation and,
- (j) the types of articles which may be stored and sold.

## 5.2 Day Care Operations

The demand for private day care centres continues to grow within many communities. Although traditionally located in residential areas, there is a growing demand for day care centres to locate in both commercial and industrial areas. Some companies, in various locations throughout the Province, provide on-site day care for persons.

The Town will continue to allow day care centres to locate throughout the residential areas and, in addition, allow for this type of use within commercial and industrial zones.

### **POLICY R-45**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL to permit the operation of day care facilities as of right in commercial and industrial areas, and within dwelling units in areas zoned residential. Day care operations within residential areas shall be limited to a maximum of 14 persons. Day care facilities within commercial and industrial areas may be of a size permitted by Provincial regulations.**

## 5.3 Bed and Breakfast Establishments

Growing in popularity, it has been decided that "Bed and Breakfast" establishments should be regulated within Kentville to ensure that they do not have a negative impact on surrounding residential uses. Controls regarding their size, location, and neighbourhood impacts, in terms of traffic generation, parking, signage, public safety and noise, must all be considered. Therefore, bed and breakfast establishments will be permitted to locate,

as of right, within a Residential Two Unit Dwelling (R-2) Zone, provided that the dwelling is located upon, or has direct access to an arterial or collector road. Provincial requirements shall determine the maximum number of rooms which can be devoted to the use.  
**(Amended July, 2003)**

#### **POLICY R-46**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL to permit, as of right, bed and breakfast establishments within the Residential (R) designation provided that the subject property provides no more than three (3) guest rooms if located upon, or having direct access to, a local street; and if the subject property is located upon, or has direct access to, an arterial or collector road, as identified on the Transportation Map, the number of guest rooms shall comply with Provincial Regulations.**

#### **POLICY R-47**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL, within the Residential (R) designation on the Generalized Future Land Use Map, to permit bed and breakfast establishments provided that:**

- (a) the dwelling is occupied as a residence by the operator of the bed and breakfast;**
- (b) the external appearance of the dwelling is not altered;**
- (c) parking requirements as set out in the Land Use By-law are satisfied; and,**
- (d) signage requirements as set out in Land Use By-law are satisfied.**

#### **5.4 Inns in Residential Zones**

It is Council's desire to ensure that there is continued support for commercial uses associated with the tourist industry in Kentville. Several Bed and Breakfast establishments have been developed within Kentville over the past number of years and have reflected positively upon the community.

In addition to bed and breakfast uses, Council recognizes the potential demand for a higher degree of tourist commercial type uses within residential areas.

By definition, a Bed and Breakfast provides overnight accommodation for the travelling public, and may possibly provide meals for their guests. An Inn, on the other hand, not only provides overnight accommodation and meals to their guests, but is also permitted to serve meals to the general public.

In some municipal units, specific zones are established to permit Inns. Rather than establishing a specific zone, Council will consider such uses under the provisions of a development agreement.

**POLICY R-48**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL to permit Inns (as defined in the Land Use By-law) to locate in residential areas designated Residential (R) on the Generalized Future Land Use Map, by development agreement. Council, when considering a request to permit an Inn in a residential zone, to have regard for the following:**

- (a) the lands are not presently zoned R-1;**
- (b) the proposed development has direct access to an arterial or collector road as indicated on the Transportation Map of the Strategy;**
- (c) the financial ability of the Town to absorb any cost related to the development;**
- (d) the adequacy and proximity of:**
  - (i) municipal sewer (sanitary and storm) and water services and utilities;**
  - (ii) recreation, and other community facilities;**
  - (iii) the road network in, adjacent to, or leading to the proposed site;**
- (e) environmental considerations including;**
  - (i) the impact the development will have on natural water courses or other natural land features by way of erosion and sedimentation;**
  - (ii) previous uses of the site which may negatively impact the development by way of soil or groundwater contamination;**
  - (iii) emissions, including air, water, and noise pollutants that the proposed development may have on adjacent uses;**

- (f) the impact of the proposed development on municipal services with particular regard to the water and sewer system, fire protection, refuse collections and police protection;
- (g) the suitability of the proposed site in terms of slope, soil and bedrock conditions, location of watercourses, marshes, swamps, or bogs;
- (h) the compatibility of the development in terms of height, scale and lot coverage with adjacent properties;
- (i) the proposal is in conformance with the intent of this Strategy and with the requirements of all other Town by-laws and regulations
- (j) all other matters enabled by the Municipal Government Act (Sections 225 to 230).

**POLICY R-49**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL that the agreement for an Inn, include the following:**

- (a) a legal description of the land;
- (b) the total number, type, hours of operation, and location of any commercial facilities associated with the development proposal;
- (c) architectural drawings of exterior of structure;
- (d) the lot size and proposed lot coverage;
- (e) the total open space and useable open space;
- (f) a site plan and supporting maps to describe existing topographic conditions and vegetation;
- (g) the location and size of all existing and proposed additions of any structures, including maximum heights;
- (h) the location and size of all areas to be dedicated or reserved as common open spaces, public parks, recreational areas, and other public uses;
- (i) time limits for the initiation and completion of the development (and may include a phased development):

- (j) existing and proposed circulation systems including parking and service areas, and major points of ingress and egress to the development;
- (k) existing and proposed pedestrian circulation systems including the interrelationship with the vehicular circulation system;
- (l) a general schematic landscape plan indicating the treatment of private and public open spaces;
- (m) maintenance and upkeep of property; and,
- (n) any other matter that may be dealt within a Land Use By-law and as enacted in Section 225 - 230 of the Municipal Government Act.

## **6. General Policies Related to Residential Zones**

### **6.1 Boarders and Lodgers**

#### **POLICY R-50**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL, within any residential zone, to permit a maximum of two bedrooms for use by boarders and lodgers.**

### **6.2 Commercial Vehicle Parking in Residential Areas**

The parking of commercial vehicles in residential areas has been of particular concern over the past several years.

The integrity of the neighborhood and the aesthetic quality of the street are jeopardized when commercial vehicles are permitted to be stored in residential neighborhoods overnight or for longer periods of time. Therefore, the parking of commercial vehicles beyond a certain size or number will be restricted within residential zones.

#### **POLICY R-51**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL to regulate the parking and storage of commercial motor vehicles in all areas zoned residential**

### **6.3 Infill Lots Within Existing Residential Areas**

#### **POLICY R-52**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL, notwithstanding lot frontage and lot area requirements of the Land Use By-law, to permit the development of**

**existing lots within residential areas. Provisions shall be included within the Land Use By-law to regulate such infill development.**

#### **6.4 Homes for Special Care and Group Homes**

Council recognizes the need for specialized home care facilities and feels that group homes and homes for special care can successfully be integrated into lower density residential areas. Therefore, it is Council's intent to allow small special care and group home operations to locate within low density residential areas with provisions. These provisions to limit the size of homes for special care and group homes will be established in the Land Use By-law.

#### **POLICY R-53**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL to permit smaller sized homes for special care and group homes to locate in low to medium density residential areas. However, provisions shall be established in the land use by-law to limit the number of bedrooms that such uses may devote to resident use.**

#### **6.5 Nursing Homes**

In addition to the need for homes for special care and group homes, as described in Section 6.4, Council recognizes that larger special care facilities, such as nursing homes, provide a valuable service to the Town of Kentville. However, due to their larger size and higher population densities, nursing homes shall only be permitted to operate in areas zoned for higher density land use. Therefore, it is an intention of Council that nursing homes be considered an allowable use within the Residential Multiple Unit Dwelling (R-3) Zone.

#### **POLICY R-54**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL to permit nursing homes to locate within Residential Multiple Unit Dwelling (R-3) Zones, by amendment to the Land Use By-law, and, subject to the evaluation criteria as established in POLICY R-23.**

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## **CHAPTER III - COMMERCIAL**

### **1. Introduction**

The heading for this Chapter may seem somewhat misleading when considering the extent of land uses, other than commercial, that are discussed. As an example, we can not establish policies for the downtown without considering issues such as residential development, parking, park and open space requirements, and institutional uses. The central business district is a complex mix of interrelated land uses dependent on one another.

Apart from the downtown, there is a need to establish policy with regard to highway orientated uses as well as commercial uses at a local or neighbourhood level.

Accordingly, the Commercial Chapter of this Strategy will be divided into three sections for review purposes. These sections are:

- (a) Commercial General (C-1)**
- (b) Highway Commercial (C-2)**
- (c) Local (Neighbourhood) Commercial (C-3)**

### **2. (Commercial Business District) Commercial General (C-1) Zone**

The Town of Kentville has historically been the centre of business and commerce in Kings County. During the early 1960's, in following with a North American trend towards suburban sprawl, the importance of Kentville as the centre of business was somewhat diminished as commercial and residential development spread to the county areas on the Town's periphery.

Despite this trend, downtown Kentville remains strong and vibrant with a fairly healthy mix of commercial, institutional, and residential uses within the downtown area.

The first step towards the establishment of specific policies relating to the Central Business District (CBD) is to identify the exact boundaries of what is considered the downtown. These boundaries, in some cases, may be easily defined, while somewhat subjective in nature. Be that as it may, after review, Council has defined the boundaries of the CBD as indicated on the Zoning Map.

#### **2.1 Commercial (C) Designation**

The Commercial (C) designation is intended to reflect, for the most part, that portion of the Town considered to be the downtown commercial core area. This Strategy has included, within this land use designation, all existing commercial and residential land uses in the downtown and all vacant lands within the Central Business District (C.B.D.) boundaries.

### **POLICY C-1**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL, to establish a Commercial (C) designation on the Generalized Future Land Use Map. Lands designated (C) are intended to include both existing developed and undeveloped areas of the Central Business District.**

### **POLICY C-2**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL, to establish the boundaries of the Central Business District (C.B.D.) on the Zoning Map.**

## **2.2 Site Plan Approval for all Commercial Zones**

The Town has previously used the development agreement process to gain control over items other than the use of land. The development agreement process can be a lengthy and expensive process, resulting in a legal contract between a developer and the Town. The Municipal Government Act (section 231), provides for a **site plan approval** process.

The site plan approval process enables a municipal unit to require a developer to provide specific graphic and written detail of his/her proposal to the Development Officer, at the development permit stage. Approval or refusal of a site plan by the development officer is subject to appeal in the same manner as a variance. As provided for in Section 231 of the Municipal Government Act, the Town shall require site plan approvals for all new commercial developments, when such new development(s) abut a Residential Single Unit Dwelling (R-1) Zone or a Residential Two Unit Dwelling (R-2) Zone. **(Amended July 2003)**

### **POLICY C-3**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL that all new commercial development proposals, within the Commercial General (C-1) Zone, the Commercial Highway (C-2) Zone, and the Commercial Local (C-3) Zone, to be subject to a site plan approval process when such new development proposals abut a Residential Single Unit Dwelling (R-1) Zone or a Residential Two Unit Dwelling (R-2) Zone. **(Amended July, 2003)****

## **2.3 Evaluation Criteria and Site Plan Requirements**

Pursuant to Policy C-3, and in conjunction to section 231 of the Municipal Government Act, council shall establish specific criteria in the Land Use By-Law for consideration by the Development Officer in his review of a site plan.

**POLICY C-4**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL to establish criteria in the Land Use By-law for consideration by the Development Officer in his review of a Site Plan. (Amended July, 2003)**

**POLICY C-5**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL that the Site Plan requirements, as well as, Evaluation Criteria shall be as noted in Policy Z-14 and Policy Z-14A of CHAPTER IX – IMPLEMENTATION. (Amended July, 2003)**

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## **2.4 Commercial General (C-1) Zone**

### **POLICY C-6**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL, within the area designated Commercial (C) on the Generalized Future Land Use Map, to establish the Commercial General (C-1) Zone. Within the C-1 zone, the Land Use Bylaw shall provide for a range of commercial, residential, institutional, and park and open space uses.**

#### **2.4.1 Restricted Property Access within the C-1 Zone**

Within the C-1 zone, apart from the normal parking and driveway access as required in the Land Use By-law, there is a portion of the C-1 zone, principally that section of the western side of Cornwallis Street from Brooklyn Street north to Exhibition Street, where it is necessary to restrict property access. Access to commercial uses and any new residential development, in this area shall be restricted to Blair Avenue. Existing residential uses shall be permitted to use Cornwallis Street as their primary access.

### **POLICY C-7**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL, that vehicular access to all commercial uses and any new residential development located or proposed for the western side of Cornwallis Street, from Brooklyn Street to Exhibition Street, be restricted to Blair Avenue. Existing residential structures shall be permitted to have direct access to Cornwallis Street.**

#### **2.4.2 Parking Requirements in the Commercial General (C-1) Zone**

Apart from the Town's initiative to create public parking lots within the C.B.D., there is still a need to promote, encourage, and legislate requirements to ensure that adequate on-site parking is available for certain land uses locating in the C-1 Zone. The two major land use classifications within the C-1 Zone are commercial and residential. It is necessary to analyze both land use classifications in terms of the need and desirability of providing on-site parking.

##### **2.4.2.1 On-site Parking Requirements for the Commercial Uses in the C-1 Zone.**

Development within the Central Business District has traditionally been located on small lots with the commercial structure, in many cases, covering the entire lot. It is unreasonable at this point in time to require existing commercial structures, within the C-1 zone, to provide on-site parking for the customers and employees. Council will continue to monitor parking requirements for commercial uses in the C-1 zone, however, any new development or any addition, expansion or change of use of existing commercial structures will be required to provide on-site parking. Council shall include provisions

within the Land Use By-law to allow for "Cash in Lieu" of parking. Monies derived from payments of cash-in-lieu shall be used by Council to acquire and maintain public parking lots.

**POLICY C-8**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL to include, within the Land Use By-law, requirements for on-site parking for new structures or expansions or additions to existing commercial and institutional structures within the C-1 zone.**

**POLICY C-9**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL to establish, in the C-1 zone of the Land Use By-law, a provision to accept cash-in-lieu payment for the requirement of on-site parking. Monies acquired, shall be used to purchase, construct, or maintain, municipally owned parking lots within the Commercial General (C-1) Zone.**

**2.4.2.2 On-site Parking Requirements for Residential Uses in the C-1 Zone.**

Residential uses will be encouraged to locate within the Central Business District (C.B.D.). In considering residential uses for the C.B.D., one component of this particular land-use is parking. Existing residential uses fall within two categories:

- (a) residential uses and commercial uses within the same structure; and,
- (b) residential uses occupying an entire structure.

When existing residential uses are in conjunction with commercially occupied structures, the adequacy of on-sight parking is almost non-existent. Residential tenants with automobiles, living in the C.B.D. are responsible to secure their own off-premise parking.

The Town has permitted these residential tenants to park in Town owned parking lots throughout the downtown.

**POLICY C-10**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL, within the C-1 zone, to permit tenants within existing residential units in the (C-1) zone, to park in municipally owned parking lots designated for all-day parking.**

## **POLICY C-11**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL, within the C-1 zone, to require property owners, to provide on-site parking for residential tenants as provided for in the Land Use By-law. When on-site parking cannot be provided, Council shall consider the cash-in-lieu provisions of Policy C-9.**

### **2.4.3 Residential Uses in the Commercial Downtown (C-1) Zone**

It is Council's intent to encourage residential uses to locate in the downtown. There are a number of reasons why a strong residential component is desirable for a healthy C.B.D. These reasons may include:

- (a) better utilization of existing municipal infrastructure;
- (b) higher population densities resulting in an overall reduction in servicing costs;
- (c) improved social atmosphere and quality of life for local residents;
- (d) anticipated reductions in crime and vandalism as a result of more "round the clock" activity in the downtown;
- (e) a broadened tax base to stabilize or reduce the commercial sectors responsibility towards maintenance and servicing of the downtown;
- (f) an increased local clientele for downtown merchants;
- (g) convenient accessibility to public and private amenities for downtown residents; and,
- (e) a reduced dependence upon the private automobile.

The demand for residential accommodation in the downtown is anticipated in response to a growing trend to live in the downtown.

There are a number of areas within the C-1 zone appropriate for residential development. Development, in this context, includes a revitalization of existing structures as well as the encouragement of new residential construction in vacant areas.

Although a range of residential densities is desirable due to the traditionally high land costs within any C.B.D., it is anticipated that residential demand, for the most part, will be in the form of medium density, multiple unit residential development.

## **POLICY C-12**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL to permit, as-of-right, the following residential uses within the C-1 zone:**

- (a) single unit dwellings**
- (b) auxiliary dwelling units**
- (c) two unit dwellings**
- (d) converted dwellings**
- (e) multiple unit dwellings, and**
- (f) townhouse units**

### **2.4.4 Signage in the C-1 Zone**

As part of the overall beautification efforts for the downtown, Council shall establish controls within the Land Use By-law, to regulate the size and type of signage permitted in the downtown.

## **POLICY C-13**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL to regulate the nature, type, size, number, and location of signs proposed for the C-1 zone in the Land Use By-law.**

### **3. Highway Commercial (HC) Designation**

The purpose of the highway commercial land use designation is to allow for certain areas outside the downtown to be developed for various retail, service, and business uses. As the name would imply, this land use designation is generally located along designated highways or arterial roads, and tends to serve the needs of the regional, rather than local, population.

In this Strategy, the Highway Commercial designation was assigned to:

- (a) those lands fronting on Number 1 Highway (Park Street), north of the Number 1 Highway, and opposite the Annapolis Valley Regional Industrial Park;**
- (b) lands adjacent to and immediately east of the industrial park**
- (c) in north Kentville, at the east boundary of the Town, on the south side of Belcher Street.**

These areas presently designated highway commercial on the Generalized Future Land Use Map will continue to be designated accordingly.

## **POLICY C-14**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL to establish a Highway Commercial (HC) designation on the Generalized Future Land Use Map on the following areas:**

- (a) lands in west Kentville, north of the Annapolis Valley Regional Industrial Park, and on the north side of Highway 1 (Park Street);and**
- (b) lands in west Kentville, on the south side of Highway 1 (Park Street), east of the Annapolis Valley Regional Industrial Park);and**
- (c) in north Kentville, at the east boundary of the Town, on the south side of Belcher Street.**

### **3.1 Highway Commercial (C-2) Zone**

It is essential to ensure that the commercial uses permitted in the Land Use By-law pertaining to the Highway Commercial (C-2) zone are appropriate. It is generally accepted there are three identifying characteristics of highway commercial uses. They are:

- (a) highway dependent, in that they are operationally dependent upon the proximity and access to a major highway;
- (b) low traffic generators as traffic destined for frequently visited uses may impede the primary function of the access or entry road into the community; and,
- (c) land intensive, uses that require large quantities of land for operational use, such as lumber yards and car dealerships.

## **POLICY C-15**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL, within areas designated (HC) on the Generalized Future Land Use Map, to establish the Highway Commercial (C-2) Zone, which shall permit a range of retail, service, and business uses. Existing residential uses shall also be permitted.**

## **POLICY C-16**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL to have regard for the permitted commercial uses included in the C-2 zone of the Land Use By-law and permit only those uses which are either highway dependent, land intensive, and/or low traffic generators.**

### **3.1.1 Signage in the Highway Commercial (C-2) Zone**

The use of signs is necessary in order to attract business. Within the Land Use By-law appropriate requirements will be established for the size, number and location of various types of signs which will be permitted within the C-2 zone.

#### **POLICY C-17**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL within the Land Use By-law, to establish regulations regarding signage for the C-2 zone.**

#### **4. Commercial Uses Within Existing Residential Areas**

One of the most difficult, sensitive, and controversial sections of any Strategy is that of establishing appropriate policy to permit commercial uses within residential areas.

Part 5 of the Residential Chapter (Chapter II) of this Strategy relates to several commercial uses within residential zones. The uses specified, for the most part, dealt with home occupation type uses permitted as-of-right. The commercial uses discussed under this Chapter will be uses of a more commercial nature usually referred to as local or neighbourhood commercial.

#### **POLICY C-18**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL to establish a Local Commercial (C-3) zone in the Land Use By-law in order to allow a limited range of commercial uses within a residential zone.**

When considering uses for the Local Commercial zone there are two fundamental questions Council has had to address. Firstly, what type of commercial uses are to be permitted, and secondly, what control techniques (for example zoning or the requirement for a site plan approval) offers the best and most effective results.

The first step in the review process was to identify those existing properties presently zoned local commercial. Under the previous Strategy, there were several properties within existing residential areas, which could be labeled local commercial, but only four were zoned accordingly. These four properties are:

- (1) 15 Mee Road
- (2) 221 Belcher Street
- (3) 264 Cornwallis Street
- (4) 311 Cornwallis Street

Other properties were placed within various residential zones and became non-conforming.

**POLICY C-29**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL, to recognize the following four existing commercial uses within the Town of Kentville and place them within the Local Commercial (C-3) zone.**

- (a) 15 Mee Road**
- (b) 221 Belcher Street**
- (c) 264 Cornwallis Street**
- (d) 311 Cornwallis Street**

**POLICY C-20**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL, to permit residential uses in conjunction with commercial uses permitted in the local commercial (C-3) zone.**

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## CHAPTER IV - INDUSTRIAL

### 1. Introduction

Over the past fifteen years industrial development in Kentville has grown at a steady rate. Future growth is seen as a desirable element in an attempt to maintain a strong tax base for the Town.

Because industrial development is not a function of population increase but rather related to a regional economic environment, Kentville itself can do little to stimulate industrial activity. However, the past performance of the Valley region in terms of economic growth, indicates a continuation of development in the industrial sector over the coming years. The anticipation of future growth must be recognized and long range plans formulated in order to ensure Kentville is capable or responding to such needs.

Kentville's primary industrial area is the Annapolis Valley Regional Industrial Park. Owned and operated by the Provincial Government, this park consists of approximately 200 acres and is located on the extreme west boundary of the Town. Of the total land area of the park, over two thirds is presently developed and a continued high demand for additional land is anticipated in the future.

#### **Policy I -1**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL to encourage the establishment of industries within the Town, and to promote their location within the Annapolis Valley Regional Industrial Park.**

### 2. Industrial Land Use Designation

Industrial uses tend to operate most effectively when concentrated within areas where municipal infrastructure (water, sewer and roadways) is capable of accommodating their use. These industrial areas or industrial parks also provide appropriate separations between industrial uses and other surrounding land uses, therefore, reducing land use conflicts. Land use controls shall be implemented in the Land Use By-law to further reduce potential impacts between industrial use and the adjacent land uses.

#### **Policy I-2**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL to establish an Industrial (I) designation on the Generalized Future Land Use Map.**

## 2.1 Industrial Zone

The purpose of an industrial zone is to permit industrial uses and commercial uses deemed consistent or compatible with the industrial use of land. The commercial uses referred to above shall include activities connected to the automobile trade, marine or all terrain vehicle sales and service, building supply stores and related storage areas, and restaurants. Industrial land uses permitted in the park have been identified in the Land Use By-law and reflect industrial uses that are light to medium in nature. These uses relate to, but are not limited to, construction industries, manufacturing, processing, warehousing, assembly, automobile related industries, breweries, marine supplies, landscaping, telecommunications, research and development, service industries, and recycling processes. By limiting the allowable uses within the industrial zone, the Town will ensure full utilization of industrial lands and infrastructure as well as lessen the opportunity for incompatible uses locating in these areas.

### **Policy I-3**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL to establish the Industrial (M-1) Zone in the Land Use By-law, within areas designated (I) on the Generalized Future Land Use Map, to permit a limited range of industrial uses, that do not impact negatively upon the environment, and a select number of commercial uses. This zone shall also permit commercial, business and professional offices, day care facilities, and existing residential uses.**

### **Policy I-4**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL to permit a limited range of industrial uses to locate in the Industrial General (M-1) zone. These uses will include those associated with the construction industry, manufacturing, processing, warehousing, assembly, automobile related industries, breweries, marine supplies, landscaping, telecommunications, research and development, service industries, and recycling processes. By limiting the allowable uses within the industrial zone, the Town will ensure full utilization of industrial lands and infrastructure as well as lesson the opportunity for incompatible uses locating in these areas.**

## 2.2 Evaluation Criteria for Site Plan Approval

As provided for in Section 231 of the Municipal Government Act, the Town shall require site plan approvals for all new industrial developments within Industrial General (M-1) Zone, when such new development(s) abut a Residential Single Unit Dwelling (R-1) Zone or a Residential Two Unit Dwelling (R-2) Zone. No Development Permit shall be issued for such a development in an Industrial General (M-1) Zone unless the Development Officer has approved an application for site plan approval. **(Amended July, 2003)**

**POLICY I-5**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL that a site plan approval process shall be required for new developments within the Industrial General (M-1) Zone (or any additions to an existing industrial structure), when such new development proposals immediately abut a Residential Single Unit Dwelling (R-1) Zone or a Residential Two Unit Dwelling (R-2) Zone. (Amended July, 2003)**

**POLICY I-6**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL to establish criteria in the Land Use By-Law for consideration by the Development Officer in his review of a Site Plan.**

**POLICY I-7**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL the Site Plan Requirements, as well as, Evaluation Criteria shall be noted in Policy Z-14 and Z-14A of Chapter IX – IMPLEMENTATION. (Amended July, 2003)**

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### 2.3 Aesthetic Considerations

The Annapolis Valley Regional Industrial Park is perhaps one of the most aesthetically appealing industrial parks in Atlantic Canada. The park was developed by the Provincial Government with great care being taken to provide for adequate road widths, curbs and gutters, and water and sewer systems capable of handling the needs of industry. The Province included covenants to regulate locations of buildings and structures, landscaping, architectural appearance, underground electrical service, and many other requirements to ensure the park retained its aesthetic appeal. The Park Manager continues to take responsibility for landscaping and maintaining areas located in the street rights-of-way. In addition, trees have been planted and maintained along the streets within the park.

Such care and emphasis on the aesthetics has undoubtedly resulted in attracting numerous companies to locate within the park. Other large industries located in Kentville, but outside the industrial park, have been equally responsible in insuring their properties are well maintained and attractive. These industries must be encouraged to continue their efforts to insure that industrial facilities remain not only as attractive developments to residents of Kentville but also for other potential industrial investors to the Town.

#### **Policy I-8**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL to encourage and promote existing industries to continue their efforts to enhance and beautify their properties. Council shall make every effort to formally recognize the improvements in the appearance of existing industrial sites and encourage new industry to maintain these existing standards.**

### 2.4 Buffer Zones

In order to offer adjacent land uses some degree of visual and acoustic protection, the use of landscaped buffer zones will continue to be a requirement. In the past, buffer zones were established in the Annapolis Valley Regional Industrial Park, at the subdivision stage of development. The Province, through the use of covenants, restricted the removal of trees within this zone. The result was a continuous green belt along the rear of all industrial properties abutting residentially zoned areas. This process has proven to be very successful in providing adequate protection to adjacent lands and shall be encouraged to continue.

#### **Policy I-9**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL, in the Land Use By-law, to require buffer zones between industrial and non-industrial zones.**

### 3. Industrial Park Expansion

The industrial park has proven itself to be a success, in terms of both the number of industries, which have located there and the number of employees currently working in the park. The parks' success has also created a dwindling number of available lots. At the current rate of sales, it is estimated that within the next 3-5 years all lots will have been sold within the park. This estimate, cannot be relied upon exclusively as there are many variables which impact on development that are outside of local control. The estimate, however, does have an effect of requiring a decision as to where future development should occur.

The most obvious expansion to the parks' boundaries would appear to be to the east, on what is referred to as the Palmetter lands. This parcel of land, in excess of 100 acres, has the potential to almost double the industrial area of west Kentville. The Palmetter lands are currently vacant and extend to the western boundary of the Weavexx property. These lands are located between two existing industrial land uses and it has been determined that this would provide for a logical expansion of industrial land in west Kentville.

Anticipated demands for both industrial and highway commercial uses within this area of the Town suggests that in addition to the lands required for industrial expansion, a portion of the Palmetter lands, adjacent Park Street, should be designated and zoned for Highway Commercial on the Generalized Future Land Use Map and Zoning Map.

#### **Policy I-10**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL to designate a portion of the Palmetter Lands, immediately south of Park Street, as Highway Commercial (HC) on the Generalized Future Land Use Map and zone these lands, from the centreline of Park Street, Highway Commercial (C-2) to a depth of approximately 500 feet.**

#### **Policy I-11**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL, to designate the remaining portion of the Palmetter Lands, south of the Highway Commercial (HC) designation, as Industrial (I) on the Generalized Future Land Use Map and zone these lands as Industrial (M-1) on the Zoning Map.**

### 4. Existing Industrial Uses Outside The Annapolis Valley Regional Industrial Park

#### 4.1 Existing Industrial Uses

The previous section discussed industrial uses within the Industrial Park. However, there are a number of existing industrial uses, which exist outside the boundaries of the park. This section will address these industries.

Industrial uses located outside the Industrial Park include:

- (a) 650 Park Street;
- (b) 705 Park Street
- (c) 2 West Main Street
- (d) Bulk petroleum storage facilities on West Main Street and River Street;
- (e) 133 River Street
- (f) 245 Main Street.

The first two industries listed above (Weavexx and Crown Fibre and Tube), are well established large industries, located in close proximity to the Industrial Park. They are large employers and have a very positive impact on Kentville's financial well being. Both industries are located on large tracts of land and have demonstrated a positive approach to the beautification and maintenance of their properties. Their close proximity to the Industrial Park, lack of adjacent conflicting land uses, and concern for their physical appearance, has made these properties quite acceptable in terms of their present locations.

### **Policy I-12**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL to designate the Weavexx property and the Crown Fibre and Tube property, both of which are located upon Park Street, as Industrial General (M-1) on the Zoning Map.**

However, the remaining properties listed above warrant additional attention. To have a better understanding of the problems associated with these remaining industries, a detailed review of these industrial uses is warranted.

**1.Great Valley Juices**, is located on Main Street in an area commonly referred to as West Main Street. The property is within the downtown, immediately adjacent the former Dominion Atlantic Railway marshalling yards and bounded on the north by the Cornwallis River.

This site was originally chosen for its proximity to the main rail line as the majority of the processed foods were distributed to markets by rail. The rail line is now gone as well as the need for this use to be located within the downtown. The present use depends entirely on road transportation to ship product and, therefore, creates additional heavy truck ("tractor trailer") traffic within the downtown.

Apart from traffic concerns this site is immediately adjacent to an established residential area. The use of this property currently depends on large areas of outdoor storage with no attempt to buffer adjacent residential areas. Although this particular land use is not consistent with current long range plans for redevelopment of the downtown, it is realized that Great Valley Juices will continue to operate from this site.

**Policy I-13**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL to designate the Great Valley Juices property, on West Main Street, as Commercial on the Generalized Future Land Use Map and place it within the C-1 zone. (Amended July, 2003)**

**2. Bulk Storage facilities**, and other industrial and/or commercial uses located on West Main Street, are another example of existing uses which are not considered compatible with the adjacent residential and recreational uses. The present industrial and/or commercial uses in this area were initially permitted because of their close proximity to the former rail line (presently the Kentville Trail). With the rail line now abandoned, such uses are now dependent upon road transport for their supply and distribution. West Main Street is a predominately residential neighbourhood with only one access from Park Street. Therefore, all truck traffic must access these industrial and commercial uses through the residential neighbourhood. In addition to the residential component of the surrounding neighbourhood, the industrial uses on West Main Street abut Memorial Park, the Town's main recreational facility.

Therefore, it is Council's intent to zone the present industrial and commercial properties on West Main Street residential, with present uses becoming non-conforming. Council shall make no provisions for any variations to the requirement in the Planning Act dealing with non-conforming uses.

**Policy I-14**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL to encourage the existing industrial bulk storage uses and other commercial uses located on West Main Street to relocate to other, more appropriate, areas.**

**Policy I-15**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL to designate the West Main Street area Residential (R) on the Generalized Future Land Use Map, and zone this area Residential Two Unit Dwelling (R-2).**

**Policy I-16**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL to permit the present industrial bulk storage and commercial uses to continue, however, these uses shall be non-**

**conforming, with no provision for a variation to the requirements of Section 241 of the Municipal Government Act.**

**3. Cornwallis Machine Shop** located on River Street, once served the needs of the Dominion Atlantic Railroad which was the major adjacent industrial use in the area at that time. With the DAR no longer operating, the machine shop finds itself within an area, which has begun a transition from industrial to commercial with future uses to include strong residential, park, and recreational components (i.e. Kentville Trail).

Therefore, Council shall encourage the existing machine shop to relocate within the Annapolis Valley Regional Industrial Park. Future development plans of the downtown place the machine shop property within the Commercial General (C-1) Zone.

**Policy I-17**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL encourage the Cornwallis Machine Shop located on River Street to relocate to the Annapolis Valley Regional Industrial Park.**

**Policy I-18**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL to designate the Cornwallis Machine Shop property, on River Street, within the Commercial General (C-1) Zone in the Land Use By-law.**

**Policy I-19**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL to permit the present industrial use of the Cornwallis Machine Shop to continue, however, this use shall be non-conforming, with no provision for a variation to the requirements of Section 241 of the Municipal Government Act.**

**4. Rafuse Equipment**, a machine shop located in an existing residential zone on east Main Street, is another example of a land use that is not compatible with its' adjacent uses. This use has been in existence at this location for approximately thirty years. The structure covers most of the lot, with the remaining portion of the property paved. There is no setback from either Main Street or Crescent Avenue and only a paved driveway and parking lot separate the structure from adjacent residential properties. No attempt has been made to landscape or buffer this use from adjacent properties. The use is undoubtedly better suited in an industrial area.

Therefore, Council will encourage the relocation of this use to the Industrial Park and will continue to zone the property residential.

**Policy I-20**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL to encourage the Rafuse Equipment machine shop, located on Main Street, to relocate to the Annapolis Valley Regional Industrial Parks.**

**Policy I-21**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL to designate the Rafuse Equipment property on Main Street, Residential (R) on the Generalized Future Land Use Map, and zone the property Residential Two Unit Dwelling (R-2).**

**Policy I-22**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL to permit the present industrial use of Rafuse Equipment to continue, however, this use shall be non-conforming, with no provision for a variation to the requirements of Section 241 of the Municipal Government Act.**

**4.2 Existing Industrial Uses (Site Orientated)**

North of Highway One (Park Street) the topography of the Town changes dramatically. Not only is there a topographic difference, related to the floodplain of the Cornwallis River, but the type of soil above the floodplain is significantly different. Soil conditions range from a sandy loam to sand. Vast areas consist exclusively of sand. Thousands of tons of sand have already been extracted and there remains a great deal more of this material. Council does not want to restrict the extraction of this natural resource but does wish to ensure that the topography is restored to a reasonable state once extraction has ceased. Control of this type of industrial use must also be considered for other sites in the future. Therefore, Council will consider new industrial uses of this nature by Site Plan Approval. Existing uses shall be zoned Residential Future (RF). In addition, Council shall investigate the best method of controlling the restoration and reclamation of these lands once this sand has been extracted.

**Policy I-23**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL to permit the extraction of sand within areas designated Residential (R) on the Generalized Future Land Use Map, through a Site Plan Approval Process as per Policy I-7.**

**Policy I-24**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL to investigate the land reclamation methods by which industry can be required to restore lands to an acceptable state following the extraction of sand and/or gravel.**

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## Chapter V - Institutional

### 1. Introduction

Institutional uses within Kentville have had a profound influence on the overall well being of this community. Not only are there institutional uses normally found in most communities, such as schools, churches, firehalls, libraries, and other local government offices, Kentville also possesses a number of Federal and Provincial government offices, offices of the Municipality of the County of Kings, and the Government of Canada Kentville Agricultural Research Centre.

These institutional offices and facilities provide a wide variety of employment opportunities for our citizens, stimulate the commercial sector, and attract development in all other land use categories. Therefore, Council will continue to encourage and support institutional uses within its boundaries.

#### **Policy G-1**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL to encourage the continued presence and growth of institutional uses within the Town.**

### 2. Institutional Land Use

#### 2.1 Institutional Land Use Designation

As with all other land uses, institutional uses have their own identifiable characteristics, which require specific controls to ensure compatibility with adjacent land uses. Therefore, Council will establish a separate land use designation for major institutional land uses.

#### **Policy G-2**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL to establish the Government and Institutional (G) designation on the Generalized Future Land Use Map.**

Areas designated (G) on the Generalized Future Land Use Map will include:

- (a) Government of Canada Experimental Station on Main Street; and,
- (b) Oakgrove Cemetery on Main Street and St. Joseph Cemeteries on Park Street.

#### 2.2A Site Plan Approval for Institutional Zone Uses

A wide variety of institutional uses can be found throughout the community, however, most are located within the downtown area. The impact of institutional uses on adjacent low density residential zones may be a cause of concern. The Town previously relied on abutting zone requirements found in the Land Use By-law to lessen the impact of Institutional developments that were proposed to be located adjacent to low density residentially zoned property. The Municipal Government Act (s.231), provides for a **site plan approval** process. (Amended July, 2003)

The site plan approval process enables a municipal unit to require a developer to provide specific graphic and written detail of its proposal to the Development Officer, at the Development Permit stage. Approval or refusal of a site plan by the Development Officer is subject to appeal in the same manner as a variance. As provided for in s.231 of the Municipal Government Act, the Town shall require site plan approvals for all new institutional development(s), when such new development(s) abut a Residential Single Unit Dwelling (R-1) Zone or a Residential Two Unit Dwelling (R-2) Zone. (Amended July, 2003)

### **Policy G-3**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL to establish the Institutional (I) zone in the Land Use By-Law, which shall permit a range of institutional uses.**

### **Policy G-4**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL that all new institutional development proposals, within the Institutional (I) Zone be subject to a site plan approval process, when such new development proposals abut a Residential Single Unit Dwelling (R-1) Zone or a Residential Two Unit Dwelling (R-2) Zone.** (Amended July, 2003)

## **2.2B Evaluation Criteria and Site Plan Requirements**

Pursuant to Policy G-4, and in conjunction with s.231 of the Municipal Government Act, Council shall establish specific criteria in the Land Use By-law for consideration by the Development Officer in his review of a site plan. (Adopted July, 2003)

### **POLICY G-4A**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL to establish criteria in the Land Use By-law for consideration by the Development Officer in his review of a Site Plan.** (Adopted July, 2003)

**POLICY G-4B**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL that the Site Plan requirements and Evaluation Criteria shall be as noted in Policy Z-14 and Z-14A of Chapter IX – IMPLEMENTATION. (Adopted July, 2003)**

**3. Institutional Uses Within Other Land Use Designations**

It is generally desirable to permit institutional uses to locate throughout the community, provided proper consideration is given to such items as buffering, road access, and other standards as provided for in the Land Use By-law. Council will consider permitting institutional uses to locate in most land use designations on the Generalized Future Land Use Map, by amendment to the Land Use By-law.

**Policy G-5**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL to permit institutional land uses to locate within most land use designations on the Generalized Future Land Use Map by amendment to the Land Use By-law.**

**Policy G-6**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL when considering an amendment to the Land Use By-law (a rezoning) to establish an Institutional (I) zone, to have regard for the following:**

- (a) the proposed development has direct access to, an arterial or collector road as indicated on the Transportation Map of this Strategy;
- (b) the financial ability of the Town to absorb any costs related to the development;
- (c) the adequacy and proximity of:
  - (i) municipal sewer (sanitary and storm) and water services and utilities;
  - (ii) recreation, and other community facilities;
  - (iii) the road network in, adjacent to, or leading to the proposed site;
- (d) environmental considerations including:

- (i) the impact the development will have on natural water courses or other natural land features by way of erosion and sedimentation;
  - (ii) previous uses of the site which may negatively impact the development by way of soil or groundwater contamination;
  - (iii) emissions, including air, water, and noise pollutants that the proposed development may have on adjacent uses;
- (e) the impact of the proposed on municipal services with particular regard to the water and sewer system, fire protection, refuse collections and police protection;
- (f) the suitability of the site in terms of slope, soil and bedrock conditions, location of watercourses, marshes, swamps, or bogs;
- (g) the compatibility of the development in terms of height, scale and lot coverage with adjacent properties; and,
- (h) the proposal is in conformance with the intent of this Strategy and with the requirements of all other Town By-laws and regulations.

In addition, Council shall require any application for rezoning to be accompanied by a detailed graphic representation, of the proposed development, showing:

- (a) the location of the subject property, to scale, showing lot dimensions, area, and street frontages;
- (b) the method of servicing the site with water, sanitary sewer, storm sewer, electrical, and telephone services;
- (c) the proposed location of all driveways and parking areas;
- (d) the areas to be landscaped and/or buffered; and,
- (e) the location of all proposed building intended for the site.

### **Policy G-7**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL, notwithstanding Policy G-6, that institutional uses shall be permitted within all commercial zones, except the Local Commercial (C-3) Zone and some Residential zones, as-of-right, provided such uses conform to the requirements of the zone in which they are located.**

## **CHAPTER VI PARKS AND RECREATION**

### **1. Introduction**

Park and recreational facilities are both important components of an urban environment. They provide local residents the opportunity to engage in both passive and active recreational activities and are a determining factor in assessing any community's overall "quality of life". Kentville is fortunate to possess one of the most progressive and diversified park and recreational programs in the Province. Kentville's programs provide residents with a wide range of opportunities and options for leisure time activities. For the purposes of this Strategy, the word "recreation" is taken in its broad interpretation to include parks, cultural, social, and sport uses alike.

### **2. Recreational Land Use Designation and Zone**

#### **2.1 Public Park & Open Space Land Use Designation**

To be consistent with other major land uses, it is necessary to establish an appropriate land use designation for recreational lands. This land use designation shall apply to large scale publicly owned recreational lands such as Memorial Park and Oakdene Park. Memorial Park contains both the active recreational area north of Park Street and the passive recreational lands on the south side of Park Street. While Oakdene Park contains a small recreation area east of Oakdene Avenue and west of Campbell Road.

Smaller park areas within subdivisions, or throughout other areas of Town, need not be designated as recreational, but rather be classified as allowable uses within those zones as defined in the Land Use Bylaw.

#### **Policy P-1**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL to designate certain areas of publicly owned lands as Park and Open Space (P) on the Generalized Future Land Use Map.**

##### **2.1.1 Park and Open Space (P) Zone**

It is the intention of Council to establish a zone, which will permit a range of recreational uses. This zone shall be applied only to publicly held lands which are to be used for public recreational use, and may be established within any land use designation on the Generalized Future Land Use Map.

## **Policy P-2**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL to establish the Park and Open Space (P) Zone, which shall permit all recreational land uses contemplated in the Kentville Recreation Master Plan.**

### **2.1.2 Park and Recreational Uses in Other Zones**

There has been a trend, in recent years, for business and industry to provide on-site recreational facilities and/or passive recreational areas for their employees.

For example, there is some evidence that would indicate that any future expansion plans for the Annapolis Valley Regional Industrial Park will include areas set aside for park and recreational purposes. Such initiatives are applauded and encouraged by Council.

## **Policy P-3**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL to permit park and recreational uses to locate within any zone provided such uses do not conflict with the intent of policies or regulations directly associated with these zones.**

### **2.2 Private Recreation Designation**

Within the Town boundaries there are a number of private commercial recreational uses. These uses include:

- (a) Glengary Pines Golf Course, Park Street;
- (b) Glooscap Curling Club, Crescent Avenue;
- (c) Camelot Camp Grounds, Canaan Avenue; and,
- (d) Palmeters Camp Ground - Park Street.
- (e) Island Green Golf Course – Chester Avenue

Under the provisions of the Municipal Government Act if privately owned lands are zoned for park or open space purposes on a zoning map, the municipality must acquire the land or pay compensation. Therefore, it is necessary to create a second recreational designation, which recognizes the private commercial nature of those facilities mentioned above.

**Policy P-4**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL to designate privately owned commercial recreation facilities, outside the Central Business District, as Commercial Recreation (CR) on the Generalized Future Land Use Map.**

**2.2.1 Special Use (SU) Zone**

In conjunction with Policy P-4, it is necessary to establish a zone, which will provide for commercial recreation facilities.

**Policy P-5**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL to establish the Special Use (SU) zone which shall permit campgrounds, driving ranges, golf and miniature golf courses, multiple purpose recreational facilities (comprising of miniature golf, driving ranges, batting cages, water slides, and similar facilities), and private recreational clubs (such as a curling club, a tennis club, a boys and girls club, a soccer club, and a lawn bowling club).**

**2.2.2 Existing Commercial Recreational Facilities**

Council shall identify all existing commercial recreational facilities and, with the exception of those within the various commercial designations of the Central Business District as shown on the Generalized Future Land Use Map, zone such areas as Special Use (SU).

**Policy P-6**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL to zone all existing commercial recreation facilities, except those within the Commercial (C) designation on the Generalized Future Land Use Map, as a Special Use (SU) zone.**

**2.2.3 Future Establishment of Commercial Recreation Facilities**

The type of uses permitted in the Special Use (SU) zone may not be compatible within certain residential areas due to traffic and noise that might be associated with commercial recreation facilities. Therefore, all future commercial recreational facilities will be dealt with by Site Plan Approval.

**2.2.4 Evaluation Criteria for Site Plan Approval**

No Development Permit shall be issued for future commercial recreational facilities, when such development(s) abut a Residential Single Unit Dwelling (R-1)Zone or a

Residential Two Unit Dwelling (R-2) Zone, unless the Development Officer has approved a site plan. (Amended July, 2003)

**POLICY P-7**

IT SHALL BE THE INTENTION OF TOWN COUNCIL that a site plan approval process shall be required for new developments within the Special Use (SU) Zone (or any additions to an existing Special Use (SU) structure), when such development(s) about a Residential Single Unit Dwelling (R-1) Zone or a Residential Two Unit Dwelling (R-2) Zone. (Amended July, 2003)

**POLICY P-8**

IT SHALL BE THE INTENTION OF TOWN COUNCIL to establish criteria in the Land Use By-Law for consideration by the Development Officer in his review of a Site Plan.

**POLICY P-9**

IT SHALL BE THE INTENTION OF TOWN COUNCIL that the Site Plan requirements, as well as, Evaluation Criteria Shall be as noted in Policy Z-14 and Z-14A of CHAPTER IX – IMPLEMENTATION. (Amended July, 2003)

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### **3. Kentville Parks and Recreation Advisory Committee**

The Kentville Parks and Recreation Advisory Committee has jurisdiction over the operation and maintenance of Centennial Arena, Memorial Park, Memorial pool, tennis courts, Recreation Centre, Oakdene Park, Kinsmen Participark, the library, the Kentville Tourist Bureau as well as maintenance of the Kentville Trail, playgrounds and Burger Hill located east of the Research Station. In addition, the Committee is responsible for the development and operation of programs, special events and green areas throughout the Town. This Committee is also responsible for the development of recreation policies and activities.

Recreation demands change as a result of the demographic, social, and economic make-up of a community's population. Therefore, recreational policy must be continually reviewed, with citizen input and assistance in delivery, in order to ensure that ample programs and management are provided to meet current and future demands. The facilitation of community involvement, as opposed to a "direct delivery" of services and programs, is the preferred administrative approach of the Committee.

#### **Policy P-10**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL to support the Kentville Parks and Recreation Advisory Committee in the provision of facilities and programs for the citizens of Kentville.**

### **4. Kentville Recreation Master Plan**

The Recreational Master Plan was developed and approved in 1990. The document made a number of recommendations and policies pursuant to the recreational needs of the community as identified during public deliberations.

This Plan provides Council with a reference document, which will allow it to focus its annual support for the Committee. The frequent maintenance and updating of the Plan, with Council's support, will ensure that recreation policy in the Town will be adequately directed.

#### **Policy P-11**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL to consider approving the Kentville Recreation Master Plan, developed by the Recreation Advisory Committee, as the source of recreation policy of this Strategy.**

**Policy P-12**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL to require that the Recreation Advisory Committee regularly maintain and update the Kentville Recreation Master Plan.**

**Policy P-13**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL through the Parks and Recreation Department, the Recreation Advisory Committee, and with public input, to continually evaluate, review, and update the Kentville Recreation Master Plan.**

**Policy P-14**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL through the Parks and Recreation Department, the Recreation Advisory Committee, and with public input, to set annual priorities for the acquisition, development, and maintenance of present and future parkland and recreational facilities which are related to the annual budget of the Recreation Department.**

**5. Recreation Issues**

**5.1 Amenity Space Requirements for Residential Uses**

Within the Land Use By-law there are provisions which require multiple unit residential developments to provide on-site recreation and amenity space. In some instances, due to lot size or development costs, it may be desirable to permit such space allocation in the form of internal recreational facilities such as exercise rooms, pools, or balconies rather than conventional outdoor recreation open space.

**Policy P-15**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL to require that recreation and amenity space be provided in any new multiple unit residential structure on a per dwelling unit basis. The Land Use By-law shall provide for the provision of such space either externally or internally. Such space may consist of common or individual unit space.**

**5.2 Co-ordination of Recreation Land Dedication**

The Town's Development Officer is responsible for review and approval of proposed subdivisions under the Subdivision Bylaw. In order to ensure that park land dedications or cash-in-lieu of parkland, is in keeping with established recreation policy, the Development Officer shall co-ordinate such acquisition with the Director of Recreation.

**Policy P-16**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL that the Development Officer shall co-ordinate recreation land dedication, or cash-in-lieu of land dedication, and the use of such dedicated land, with the Director of Parks and Recreation.**

**5.3 Accessibility to Individuals with a Disability**

Council recognizes the fact that there are residents and visitors to Kentville who may require special needs. These individuals may have limited mobility, therefore, requiring additional aids to assist in their accessibility to Kentville's streets, public buildings, parks and recreational facilities.

**Policy P-17**

**IT SHALL BE INTENTION OF TOWN COUNCIL to make every effort where appropriate and feasible, to make park areas and recreational facilities accessible to the disabled.**

**5.4 Preservation of the Kentville Trail System.**

The Town of Kentville is fortunate to own continuous linear rights-of-ways stretching from its most eastern boundary to the most western. With these right-of-ways, greenbelts, recreational links, and the Kentville Trail exist. Council recognizes the fact that these former rail lines serve as a valuable recreational opportunity to further enhance the quality of life for Kentville residents.

**Policy P-18**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL to preserve these linear rights-of-ways, wherever possible, in order to create a continuous recreational link throughout the length of the Town.**

**5.5 Support for Community Economic Development Plan Initiatives**

Council recognizes the fact that there is a great opportunity for residential and passive recreational green space corridors within the C.P. lands and Town of Kentville linear rights-of-ways. These uses would not only complement and improve the business district but would also inject a greater number of residents into the downtown area after regular working hours.

**Policy P-19**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL to encourage the development of greenbelts and recreational trails through the linear rights-of-ways and C.P. lands**

**to increase the amount of greenspace in the downtown and to allow for easy access to recreational trails throughout the Town.**

## CHAPTER VII - TRANSPORTATION

### 1. INTRODUCTION

The present road transportation network has evolved as a direct result of the Town's importance as a major commercial, financial, industrial, and service centre of Kings County. Highway 1, locally referred to as Main Street and Park Street, extends the entire length of the Town in an east/west direction. From the downtown, other major Provincial Highway systems service the northern regions of the County as well as link this area of the Annapolis Valley to the South Shore area of the Province via Highway 12 from Kentville to Chester Basin.

In the early 1970's the construction of Highway 101 had a positive impact in reducing large volumes of through traffic on local streets in Kentville. However, significant residential, commercial, and industrial development in Kentville and the surrounding area over the past twenty five years continues to place a strain on the capacity of the local street system.

#### 1.1 Traffic Management Study

Several events, over the past number of years, including the relocation of the Valley Regional Hospital, combined with continued residential and commercial growth of the western portion of Kentville and the Coldbrook area, justify the need for an overall traffic management study.

#### **Policy T-1**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL to commission a traffic management study to determine the adequacy of the existing road system and identify future needs.**

#### 1.2 Transportation Map

A transportation map has been provided in order to more clearly illustrate the policies contained within this Strategy. This map shows the classification of all streets as well as future roads and is intended to be used in conjunction with the Generalized Future Land Use Map.

#### **Policy T-2**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL to maintain a Transportation Map as part of this Strategy and which shall be used in conjunction with the Generalized Future Land Use Map.**

## **2. ROAD CLASSIFICATION HIERARCHY**

In any transportation network each road provides a certain level of service to vehicular, bicycle, and pedestrian traffic that is both local and regional in nature. For planning purposes, it is important to develop a proper classification hierarchy and apply it to both existing and future street systems in order to ensure that rational and efficient service is provided.

In order to accommodate both local and regional transportation needs, the Town has adopted a three-tiered roadway system containing arterial, collector, and local street classifications. Appropriate use, access, and design criteria will be developed for each classification and applied to all existing and future streets. This road network is to be shown on the Transportation Map, and is to be interpreted as part of the Generalized Future Land Use Map. A primary function of this map is to guide future placements of certain types of development, according to the developments anticipated future land use and trip generation. The Town's Subdivision By-law is intended to recognize this classification hierarchy, and will contain construction specifications for each type of street.

### **Policy T-3**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL to adopt road classification standards, which will designate all existing and future streets in the Town as either arterial, collector, or local streets.**

### **Policy T-4**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL to indicate on the Transportation Map the classification of all existing streets as well as future arterial roads.**

### **Policy T-5**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL to utilize the Transportation Map and road classification standards in determining the location of future development.**

### **Policy T-6**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL to develop specific technical specifications in the Town's Subdivision By-law for each level of street classification to ensure that new roads are properly constructed.**

## **2.1 Local Streets**

Local streets are at the lower end of the hierarchy and are intended to serve only a limited area. Their primary purpose is to provide access from predominantly residential areas onto collector roads, and accordingly should have the lowest traffic volumes. Design criteria will reflect this function by requiring a 50 foot (15m) right-of-way. Exceptions to certain criteria may occur only under a Comprehensive Development District approach as discussed in the Residential and Commercial Chapters.

### **Policy T-7**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL to upgrade whenever possible existing local streets in the Town to meet the design standards pursuant to Policy T-6.**

## **2.2 Collector Streets**

Collector roads gather traffic generated by local streets and direct this traffic to destination points via arterial roads. The right-of-way is wider than a local street, at 60 feet (18.3m), and the spacing of intersections along this type of road are intended to be further apart. Deeper lot size and frontage requirements, as well as larger front yard setbacks, will be instituted in the Land Use By-law to ensure the integrity of this type of roadway.

### **Policy T-8**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL on new collector streets to:**

- (a) require a minimum 60 feet (18.3m) right-of-way;**
- (b) limit on-street parking;**
- (c) develop regulations to require larger frontage, depth, and front yard setbacks;**
- (d) provide for turning lanes at all intersections; and,**
- (e) limit distances between intersections.**

### **Policy T-9**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL to upgrade wherever possible existing collector streets in the Town to the standards set out under Policy T-8.**

## **2.3 Arterial Streets**

The function of an arterial road is to expedite the flow of through traffic as well as provide a direct link between the major sources of traffic within the Town.

### **Policy T-10**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL on new arterial streets to:**

- (a) require a 100 foot (30.5 metre) right-of-way;**
- (b) regulate on-street parking;**
- (c) develop regulations, which limit private driveway access to local or collector streets unless such access is physically not possible;**
- (d) provide for turning lanes at all intersections; and,**
- (e) limit distances between intersections, and not permit local streets to intersect.**

### **Policy T-11**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL to upgrade wherever possible existing arterial streets to the standards set out under Policy T-10.**

## **3. GENERAL RECOMMENDATIONS**

### **3.1 Use of Professional Engineers**

#### **Policy T-12**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL to consider utilizing the services of a professional traffic engineer on all major street and transportation infrastructure projects.**

### **3.2 Acquisition of New Street Rights-Of-Way**

Present Subdivision By-law requirements provide that all local and collector roads are built by the developer and turned over to the Town. The Town, however, will be responsible for the construction of new arterial roads on rights-of-way. An example of this is the proposed Donald E. Hilts Road across the southern section of the Town. New arterial roads will form the basis of later collector and local street networks, and will help encourage development in presently undeveloped portions of the Town. It is important

during the subdivision stage to acquire rights-of-way that will properly complement the overall transportation system within the Town. The Development Officer is responsible for subdivision approval and should be encouraged to ensure that the rights-of-way for any proposed arterial road system are secured.

### **Policy T-13**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL to require the Development Officer to co-ordinate appropriate land acquisition for rights-of-way for arterial street systems.**

### **3.3 Bicycle/Pedestrian Routes**

Transportation is not confined to automobiles only. Many Town residents travel regularly by foot or bicycle. Given the economic, environmental, and health benefits derived from these modes of transportation, the Town is to make provision for this segment of the population in planning future transportation routes. Such routes can be linked into existing and future park systems throughout the Town.

### **Policy T-14**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL to recognize cycling and walking as valid forms of transportation which should be encouraged to reduce automobile pollution, promote health, and reduce vehicular congestion in the Town.**

### **Policy T-15**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL to provide for pedestrian and bicycle trails when planning future roads and subdivision designs in the Town.**

### **3.4 Cross Town Collector**

The Cross-Town (Donald E. Hiltz) Collector Road is a proposed collector road across the southern undeveloped portion of the Town, extending from the Industrial Park in the west to Chester Avenue in the east. Presently this road network has been constructed through the Industrial Park, from Harrington Road eastward approximately 2,500 feet. In addition, preliminary negotiations have occurred between the Town and land owners through which the remaining 2.4 mile (3.8 Km) roadway is planned. Therefore, it is imperative that Council undertake a program to survey and acquire title to these lands in order to ensure this proposed arterial road system is protected.

### **Policy T-16**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL to acquire the rights-of-way for the proposed cross Town Collector, referred to and shown on the Transportation Map as the Donald E. Hiltz Collector Road.**

### **3.5 Restricted Commercial Access**

Under the provisions of this Strategy, the Commercial General (C-1) zone was expanded north from the downtown to include portions of lands located on Exhibition Street, west of Cornwallis Street, and north of Brooklyn Avenue. Due to this expansion of the Commercial General C-1 zone, existing residential properties within this zone may, as of right, change their land use to one that is commercial in nature. In light of this situation, additional traffic generation may occur along Cornwallis Street, where most of these properties have their principal access. Additional traffic generation from commercial uses along this portion of Cornwallis Street may cause additional traffic concerns and congestion. It is for this reason that vehicular access to commercial land uses located within the aforementioned C-1 zone must be via Blair Avenue or Exhibition Street. Existing residential land uses within this area may continue to have direct access to Cornwallis Street. However, if there is any commercial land use present on the same property all vehicular access, residential or commercial, must be via Blair Avenue or Exhibition Street.

#### **Policy T-17**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL to restrict vehicular access to commercial land uses located north of Brooklyn Avenue, west of Cornwallis Street, and south of Exhibition Street via Blair Avenue. Existing residential land uses may continue to have direct access to Cornwallis Street provided that no commercial land use is present on the same property. If a commercial land use is present all vehicular access must occur directly from Blair Avenue.**

## **CHAPTER VIII ENVIRONMENTAL SERVICES**

### **1. INTRODUCTION**

The term Environmental Services, in the context of this Strategy, is intended to mean all conditions, circumstances, and influences surrounding and effecting the development of the Town and a system or method of providing or responding to the wants and needs of its residents. The extent and quality of these services is also a factor in attracting new development and investment to the Town.

### **2. WATER SUPPLY**

#### **2.1 Distribution System (Adopted April 2006)**

The Town presently has a piped water supply serving 99% of eligible users in the Town and is presently servicing approximately 636 customers in the County.

There are two open reservoirs located on Chester Avenue each with a 1,000,000 gallon capacity, a 300,000 gallon tank reservoir on Belcher Street and a 650,000 gallon tank reservoir in the Annapolis Valley Industrial Park. All water is chemically treated. Magee Lake supplies water for the two open reservoirs and a deep well system on Canaan Avenue is capable of providing 144,000 gallons of water daily to the Chester Avenue reservoirs.

The tank reservoir located in the Industrial Park is supplied by two deep wells on Mitchell Avenue. These wells are capable of supplying 1,400,000 gallons of water daily.

Although there is no deficiency of water, the elevation of all reservoirs will permit only those areas of the Town below the 60 metre contour line to be serviced with adequate pressure. Lands above the 60 metre contour must be serviced by means of water pump stations.

Considering nearly one half of the total vacant land within the Town is above the 60 metre contour, provisions must be made for the construction of a high level reservoir to supply water to these areas.

#### **Policy ES-1**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL, until a high level reservoir is constructed, to consider, when deemed financially feasible, water pump stations to service areas above the 60 metre contour line.**

### **Policy ES-2**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL to consider, when deemed financially feasible, the extension of trunk line services. Such extension both for municipal water and sewer may be cost shared by the Town or may be the sole responsibility of the developer.**

### **Policy ES-3**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL not to undertake financial expenditures for further extensions of the main trunk services that are premature by virtue of the availability of serviceable land.**

## **2.2 Water Resource Management and Protection**

In 1999 the Town of Kentville undertook to replace Magee Lake as the primary source of drinking water for the Town and other customers of the Kentville Water Commission. Professional engineering and hydrogeology evaluations, a test well drilling and a large scale water sampling program assisted in the identification of a wellfield area capable of providing a high quality ground source supply capable of supporting the Town's long term water needs. While no longer serving as the primary source of water for the Town Magee Lake continues to serve as a secondary source.

The Kentville wellfield area was identified and delineated in a report, the Kentville West Wellfield Resource Management Plan (January 2002) prepared by Hiltz & Seamone Co. Ltd., Consulting Engineers in association with W.G. Shaw and Associates., Consulting Geoscientists. The consultants analyzed test well yield data, investigated the local geology, hydrogeologic characteristics of the local aquifer, projected water demand, estimated aquifer recharge and developed a water budget to confirm sustainable yield estimates. Utilizing the data and computer models the study delineated the total area of contributions for the wellfield as well as various "zones" of sensitivity of lands within the wellfield. The study also provided a variety of recommendations concerning land use management and control as it would relate to protection of the groundwater within the wellfield area.

The decision to transfer from a surface water supply to a ground water source affords the Town a number of benefits such as an improved water quality; the development of the wellfield has also presented challenges. The most significant of these is perhaps that the wellfield, due to environmental and hydrogeologic necessity, has been located in an area with considerable existing commercial, residential and industrial development. The need to balance the rights of existing development with the need to protect the groundwater source is and will be a primary challenge for planning and development in the wellfield area.

The wellfield area is 24 square kilometers, of which three quarters falls within the Kentville Town Boundary, and the remainder extending into Kings County, more specifically the eastern portion of the community of Coldbrook. The Kentville West Wellfield Resource Management Plan identifies 4 different “zones” within the wellfield area, corresponding to areas of differing sensitivity to contamination and degradation by land use activities. Lands with the highest sensitivity are those located closet to the wells, and are the wellfield protection zone(s) identified as “Zone A”. These areas have the shortest “time of travel” for a contaminant to enter the groundwater as a result of land use activities. The Kentville West Wellfield Resource Management Plan calls for a significant degree of land use controls in these areas to ensure the long-term protection of the water supply. The Plan recommends incrementally reduced land use control measures for lands located increasingly further away for the wellheads, the Well Capture Protection Zone, Zone B; the Wellfield Protection Zone, Zone C; and the Wellfield Recharge Zone, Zone D.

The Kentville West Wellfield Resource Management Plan recommends that development control provisions be placed on certain activities which, due to the nature of the operation and/or the materials used. Included in this list of uses is the bulk storage of petroleum fuels and solvents, bulk storage of chlorinated solvents and the bulk storage of pesticides and herbicides.

The purpose of this section of the Strategy is to identify and implement land use control provisions consistent with the recommendations of the Kentville West Wellfield Resource Management Plan. This Strategy adopts the Wellfield protection zoning for lands in the wellfield area located within the Town as recommended by the Plan and implements land use control provisions by means of an overlay technique. Lands within the wellfield area are designated and zoned pursuant to all relevant policies of this Strategy, and the relevant land use and development control provisions for these zones are identified in the Land Use Bylaw. The properties that fall within “overlay” zone will be subject to provisions restricting, or prohibiting specific uses.

Existing uses within the wellfield protection area which have been permitted pursuant to the Land Use Bylaw, but are otherwise prohibited by the overlay zone, will be able to continue to operate as an existing non-conforming use. These uses may be considered for expansion or redevelopment by means of a development agreement subject to the provisions of the Strategy. (Adopted April 2006)

#### **Policy ES-4**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL to ensure the provision of high quality, sustainable water supply for current and future needs of the Town. (Amended April 2006)**

**Policy ES-5**

IT SHALL BE THE INTENTION OF TOWN COUNCIL to promote practices aimed at groundwater conservation, protection and management as well as matters beyond the authorities of this Strategy and accompanying Land Use Bylaw. These measures may include, but not limited to, public education and awareness, promotion of best practices for business operations and property maintenance, emergency/hazardous materials database and incident response planning, management of the use and application of potentially hazardous materials and monitoring of land use activities such as aggregate removal. (Adopted April 2006)

**Policy ES-6**

IT SHALL BE THE INTENTION OF TOWN COUNCIL to work cooperatively with other communities, interest groups, municipalities and other levels of government to promote conservation, protection and management of groundwater resources. (Adopted April 2006)

**Policy ES-7**

IT SHALL BE THE INTENTION OF TOWN COUNCIL to accept the findings and recommendations of the Hiltz & Seamone Co. Ltd., Kentville West Wellfield Resource Management Plan. (Adopted April 2006)

**Policy ES-8**

IT SHALL BE THE INTENTION OF TOWN COUNCIL to implement through the Land Use By-Law, land use control measures directed at mitigating the potential for contamination of groundwater within the wellfield area. (Adopted April 2006)

**Policy ES-9**

IT SHALL BE THE INTENTION OF TOWN COUNCIL to request that the Municipality of the County of Kings implement planning and land use control provisions consistent with the recommendations of the Hiltz & Seamone Co. Ltd., Kentville West Wellfield Management Plan for those lands in the County which are located within the wellfield area.

**Policy ES-10**

IT SHALL BE THE INTENTION OF TOWN COUNCIL to identify in the Land Use By-Law the “Kentville Wellfield Protection Area” (Map 3) as the lands delineated as the Kentville Wellfield Area, in the Hiltz & Seamone Co. Ltd., Kentville West Wellfield Management Plan. (Adopted April 2006)

### **Policy ES-11**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL to identify in the Land Use By-Law four zones within the Kentville Wellfield Protection Area: the Wellhead Protection Zone – Zone A; the Well Caption Protection Zone – Zone B; the Wellfield Protection Zone – Zone C; and the Wellfield Recharge Zone – Zone D. These zones shall be applied to lands within the Kentville Wellfield Protection Area as set out in the Hilts & Seamone Kentville West Wellfield Water resource Management Plan.**

**(Adopted April 2006)**

### **Policy ES-12**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL to implement through Part 4.4 of the Land Use By-Law, Wellfield Protection Area, and specific development control provisions within each of the Kentville Wellfield Protection Area Zones directed at protecting the groundwater resource which shall supersede all other conflicting By-Law provisions. (Adopted April 2006)**

#### **Wellhead Protection Zone, Zone A**

The Wellhead Protection Zone, Zone A includes those lands which contain or are immediately adjacent to the wellhead. The limits of this zone, as identified in the Kentville West Wellfield Water Resource Management Plan, are determined by a less than a 2-week time of travel for a contaminant to reach the wellhead through the groundwater system. These lands are the most sensitive lands within the wellfield and critical to the operation of the Kentville Water Commission and therefore permitted uses within this zone shall be limited to:

- Uses relating to the operation of the Kentville Water Commission
- Existing Residential Uses
- Public Parkland

#### **Well Capture Zone, Zone B**

The Well Capture Zone contains lands which provide and support the short and medium-term groundwater production at the wellheads. The limits of this zone, as identified in the Kentville West Wellfield Water Resource Management Plan, are delineated by a 2-week to 3-month time of travel for a contaminant to reach the wellhead through the groundwater system. Certain land uses, which by their nature present a significant risk to the groundwater contamination, shall be prohibited within this zone including:

- Any manufacturing, industrial, assembly, processing, or warehousing operation
- Automobile Scrap Yard
- Cement Plants
- Open storage of new goods and materials

- Light manufacturing, fabrication, welding etc
- Bulk Storage, excluding sand and gravel, and supply depots
- Power utility sub-stations
- Recycling depots
- Transport and Trucking Uses
- Agricultural uses
- Commercial Livestock Operations
- Licensed Zoos
- Commercial Storage and/or Distribution of Petroleum
- Commercial Storage and/or Distribution of Petroleum Solvents
- Commercial Storage and/or Distribution of Chlorinated Solvents
- Bulk Storage of Salt
- Commercial Storage and/or Distribution of Pesticides and Herbicides
- Commercial Storage and/or Distribution of Fertilizers
- Bulk Chemical Storage
- Dry Cleaners
- Scrap metal and Salvage yards and/or processing
- Gas Stations or Accessory Gas Bars
- Automobile washing establishments
- Automobile Painting, Engine and Auto Body Repair Shops
- Cemeteries
- Golf Courses
- Campgrounds
- Driving Ranges
- Private Parks
- Commercial Nurseries

### **Wellfield Protection Zone, Zone C**

The Wellfield Protection Zone contains lands which provide and support the short and medium-term groundwater recharge process. The limits of this zone, as identified in the Kentville West Wellfield Water Resource Management Plan, are determined by a 3-month to 1-year time of travel for a contaminant to reach the wellhead through the groundwater system. Certain land uses, which by their nature present a significant risk to the groundwater contamination, shall be prohibited including:

- Commercial Storage and/or Distribution of Petroleum Fuel
- Commercial Storage and/or Distribution of Petroleum Solvents
- Commercial Storage and/or Distribution of Chlorinated Solvents
- Bulk Storage of Salt
- Commercial Storage and/or Distribution of Pesticides and Herbicides
- Commercial Storage and/or Distribution of Fertilizers
- Bulk Chemical Storage
- Dry Cleaners

- Scrap Metal and Salvage Yards and/or processing
- Gas Stations or Accessory Gas Bars
- Automobile Painting, Engine and Auto Body Repair Shops
- Commercial Nurseries

### **Wellfield Recharge Zone, Zone D**

The Wellfield Recharge Zone contains lands which provide and support the long-term recharge to the wellfield protection, well capture and wellhead areas. The limits of this zone, as identified in the Kentville West Wellfield Water Resource Management Plan are delineated by a 1-year to 25-year time of travel rating. Similar to the Well Capture and Wellfield Protection Zone certain land uses, which by their nature present an identified risk to groundwater contamination, shall be prohibited including:

- Commercial Storage and/or Distribution of Petroleum Fuel
- Commercial storage and/or Distribution of Petroleum Solvents
- Commercial Storage and/or Distribution of Chlorinated Solvents
- Bulk Storage of Salt in excess of 100 tonnes
- Commercial Storage and/or Distribution of Pesticides and Herbicides
- Dry Cleaners
- Scrap metal and Salvage yards and/or processing
- Gas Stations or Accessory Gas Bars
- Automobile painting, Engine and Auto Body Repair Shops (Adopted April 2006)

### **Policy ES-13**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL, where financial considerations allow, to purchase lands within the Wellhead Protection Zone, Zone A. (Adopted April 2006)**

### **Policy ES-14**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL to require a 100-foot separation distance from all watercourses for development within the Kentville Wellfield Area. (Adopted April 2006)**

### **Policy ES-15**

**Notwithstanding Policy ES-14, IT SHALL BE THE INTENTION OF TOWN COUNCIL to consider development within the 100-foot separation distance requirement from a watercourse by Development Agreement and in addition to provisions contained in Policy Z-12, Criteria for Development Agreements, Council shall be satisfied that**

the proposal does not increase the potential for contamination of groundwater or impact negatively on hydrogeologic processes. (Adopted April 2006)

### **Policy ES-16**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL to undertake an inventory and assessment of all existing uses on lands within the Kentville West Wellfield Area identify uses which may, due to the nature of their operation, present a risk of contamination to the wellfield area, and prepare contingency plans for such uses in the case of emergency response requirements. (Adopted April 2006)**

#### NON-CONFORMING USES

Within the Town there are some commercial and industrial uses which are not permitted by the Land Use Bylaw. The *Municipal Government Act* provides a level of protection for uses that were in existence prior to a Land Use Bylaw, namely the 2001 Land Use Bylaw, coming into effect or any subsequent amendments. The Act refers to them as Non-Conforming uses and provides legal status for their continuance subject to qualifications. In the Town of Kentville uses have become non-conforming because either they existed prior to and were not permitted within the 2001 Municipal Planning Strategy and Land Use Bylaw, or were permitted under the 2001 Bylaw but became non-conforming as the result of subsequent amendments to the Land Use Bylaw.

In addition to the *Municipal Government Act* provisions, Council intends to allow either the expansion of nonconforming uses, or the redevelopment or change in use to non-conforming uses, provided no greater impact on the surrounding land uses or environment is anticipated. Because the range of non-conforming uses and settings in which they occur are so varied, Council will require a Development Agreement prior to allowing a proposed expansion or alternative use. (Adopted April 2006)

### **Policy ES-17**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL that existing uses within the Wellhead Protection, Well Capture and Wellfield Recharge Zones, which pursuant to Policy ES-12 have otherwise been identified as being prohibited, shall be permitted to continue to operate in their current form and scope as provided for by the Land Use Bylaw but may be considered for expansion, redevelopment or change in use only by Development Agreement. Council in considering an application for approval of a Development Agreement shall ensure that the proposal does not increase the potential for contamination of groundwater, impact negatively on hydrogeologic processes or on the quality of the groundwater. To determine the potential impact of the proposed use and to set out the specific restrictions in the Development Agreement, Council shall consider the degree to which the proposed use falls into any of the following uses:**

- (a) Storage and/or Distribution of Petroleum Fuel
- (b) Storage and/or Distribution of Petroleum Solvents
- (c) Storage and/or Distribution of Chlorinated Solvents
- (d) Bulk Storage of Salt
- (e) Storage and/or Distribution of Pesticides and Herbicides
- (f) Storage and/or Distribution of Fertilizers
- (g) Chemical Storage
- (h) Dry Cleaning
- (i) Scrap Metal and Salvage Yards and/or processing (j) Gas station or accessory Gas Bars
- (k) Automotive Painting, Engine and Autobody Repair Shops
- (l) Commercial Nurseries (Adopted April 2006)

In considering a Development Agreement Council shall ensure:

- a. the proposed use does not extend beyond the boundaries of the existing lot containing that use;
- b. the proposed use will not adversely affect adjacent land uses or pose a potential problem to any applicable Wellfield Protection Zones;
- c. that adequate buffering and separation distances are maintained from all watercourses and residential uses, that siltation dams are installed where needed and that landscaping treatments are included to reduce the visual impact;
- d. the expanded or converted use is not obnoxious by virtue of noise, odor, dust vibration, smoke, or other emissions. (Adopted April 2006)

### **3. SEWAGE COLLECTION AND TREATMENT**

#### **3.1 Regional Sanitary Sewage System**

Kentville is serviced by the Regional Sanitary Sewage System. This Regional System carries raw sewage from Coldbrook, Kentville and New Minas to a treatment plant located in New Minas.

Prior to the construction of this system, raw sewage was being discharged into the Cornwallis River at the rate of 500,000 gallons daily. Since the completion of the Regional Sanitary Sewage System in 1979, the various sewer lines discharging this effluent have been connected to the regional system to avoid any illegal discharging directly into the Cornwallis River.

Kentville, as one of the participants of this regional system, has been allocated a portion of the total capacity of the system. As the town continues to grow and more

demands from residential growth as well as industrial growth is experienced, the need for more capacity within the system is anticipated.

### **Policy ES-18**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL to ensure adequate capacity is available within the Regional Sanitary Sewage System to meet present and future needs of the Town.**

## **3.2 Industrial Waste**

As the industrial base of the Town expands, it will be necessary for the Town to monitor and control the emissions and waste generated by various types of industries. To this end, the Town shall work in close co-operation with the Provincial Department of the Environment who, under authority of the Environmental Protection Act, require all new industrial and commercial operations that may cause environmental problems, either through emissions or waste, to obtain a permit prior to construction. The Department of the Environment may deny the permit, or issue same, subject to various restrictions in terms of acceptable levels of emissions, and acceptable disposal levels of emissions and acceptable systems for their waste material, including settling ponds.

### **Policy ES-19**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL to advise the Department of the Environment of all development permit applications for commercial or industrial development that may create, or are suspected of having the potential of creating an emission or waste problem.**

## **4. STORM WATER MANAGEMENT**

### **4.1 Flood Plain**

Flooding in various areas of the Town has been an ongoing concern especially in the area of Main Street, commonly referred to as "the Flats" and as well, the Memorial Park area of Park Street.

### **Policy ES-20**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL to zone developed areas within the downtown and east Main Street, below the 9 metre contour, appropriate with existing land use. A development permit shall only be issued when a proposal is in conformance with the criteria referred to in the Land Use By-Law.**

**Policy ES-21**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL to permit existing development in the areas indicated as being subject to special flood proofing criteria on the Zoning Map.**

**4.2 Steep Slopes**

The topography of Kentville reflects a number of prominent gully systems. These gullies are an intricate component of the Town's natural drainage system. As future development occurs, the Town must recognize the importance of these gullies and work with the developers to ensure proper utilization of these natural drainage systems.

**Policy ES-22**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL to encourage developers to deed to the Town, notwithstanding the 5% Park Fees allocation for subdivision of land, lands adjacent to streams or brooks deemed unsuitable for development. Such areas shall be maintained in their natural state and designated as passive recreational areas.**

**4.3 Environmentally Sensitive Areas**

Environmental protection has become a major issue in recent years, not only for organized environmental groups, but also for the general public. This section of the Strategy will designate areas within the Town that Council feels warrant protection and strict development control due to their delicate nature and environmental importance. These areas include the steep slopes of along Elderkin Brook and most of the dykeland and marshes located along the Cornwallis River.

**Policy ES- 23**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL to designate, on the Generalized Future Land Use Map, the floodplain areas adjacent to the Cornwallis River and north of Park Street, the floodplain area east of the downtown, and the floodplain area north of Main Street and south of Orchard Heights Subdivision as Environmentally Sensitive (ES). Council also recognizes ravine areas containing slopes in excess of 25% as Environmentally Sensitive, primarily those lands located between Chester Avenue and Canaan Avenue.**

**4.4 Zone Designations within Environmentally Sensitive Areas**

Within the Environmentally Sensitive (ES) designation there is only one zoning designation, the Conservation (O-1) zone. The Conservation (O-1) zone in Kentville is intended, for the most part, to follow the eight (8) meter contour line and those areas of excessively steep slopes. It has been determined that the eight (8) meter boundary best identifies those areas in Kentville which have in the past, or could conceivably in the future, be affected by flood waters of the Cornwallis River or Mill Brook.

Slopes in excess of eight percent (8%) are not uncommon along what is commonly referred to as the Chester Avenue ravine. Although this example may be extreme, the fact remains that there are areas in Kentville that would be susceptible to erosion should the ground cover be excessively disturbed.

**Policy ES-24**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL to establish the Conservation (O-1) zone and restrict the uses to those included in Policy ES-12. The Conservation (O-1) zone will be established primarily within floodplain areas in the ES designation. However, Council will apply the O-1 provisions within other zones where slopes are in excess of 25%.**

**Policy ES-25**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL to prohibit development in the areas designated as Conservation (O-1) on the zoning map except for one or more of the following:**

- i) conservation related projects**
- ii) crop farming, grazing, pastures**
- iii) passive recreational facilities**
- iv) public or private parks involving no buildings**

**5. SOLID WASTE MANAGEMENT**

In 1997, the Valley Regional Solid Waste-Resource Management Authority was formed under the Inter-Municipal Services Agreement, which represented the Municipality of the County of Annapolis, the Municipality of the County of Kings, the Town of Berwick, the Town of Bridgetown, the Town of Kentville, the Town of Middleton, and the Town of Wolfville. The municipal parties have given the Authority the responsibility for the management of the three stream solid waste-resources within their jurisdictions

**Policy ES-26**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL to support the efforts of the Valley Regional Solid Waste-Resource Management Authority.**

**5.1 Sanitary Landfill**

The Meadowview landfill was closed as a landfill in June 1999. All solid waste which includes garbage, compostables and recyclables are now being trucked out of the

valley region. Tipping fees are being administered to cover part of the cost of the new Authority.

## **5.2 Rehabilitation of Existing Sanitary Landfill**

The County of Kings has retained the Planning and Engineering firm of Porter Dillon to prepare a plan to decommission the existing Meadowview Sanitary Landfill. This plan, which must be approved by the Department of the Environment, will involve monitoring of ground water and methane for approximately thirty years after the site closes.

## **6. PEST CONTROL (DUTCH ELM DISEASE)**

Trees are a distinctive part of the landscape in Kentville. Among those of more particular beauty are the stately elms. However, these beautiful trees are under constant threat of Dutch Elm Disease. The presence of Dutch Elm Disease is neither new or unique to Kentville. Dutch Elm Disease was first discovered in Nova Scotia in 1969 at Liverpool; and in the following year fourteen trees in Kentville were found diseased. Since that time over 250 trees have had to be removed.

The disease was first observed in the Netherlands and northern France in 1919. In North America, the first cases were identified in Ohio in 1930 and New Jersey in 1932. The fungus was probably introduced in elm burl logs imported for the manufacture of veneers. Dutch Elm Disease now affects elms from the eastern shore of Lake Superior to the Atlantic Ocean excluding Newfoundland, Prince Edward Island and eastern Nova Scotia.

The Town embarked on its own Dutch Elm Disease Program in 1974. Prior to this date, only the Nova Scotia Department of Natural Resources were involved in combating the disease. Kentville continues its uphill battle with Dutch Elm Disease.

### **Policy ES-27**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL to continue to monitor and endeavour to control the spread of Dutch Elm Disease in Kentville.**

### **Policy ES-28**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL to continue a program of tree planting, which as a minimum, will replace those trees which have had to be removed because of disease.**

## **CHAPTER IX - IMPLEMENTATION**

### **1. INTRODUCTION**

The Implementation Chapter, as the name implies, describes how the policies established in this strategy are carried out by Town Council. Amendments will inevitably be required to the Land Use By-law and the Municipal Planning Strategy over time, therefore, this Chapter lays out the procedures for such amendments, as well as the public participation requirements for such exercises. At the back of this chapter there are five flow charts indicating the proper procedures for various implementation processes

### **2. MUNICIPAL PLANNING STRATEGY AMENDMENTS AND REVIEW**

#### **2.1 M. P. S. Amendments**

Any amendments to the M.P.S. must follow the same procedure as the actual adoption of the document.

The Municipal Government Act establishes the formal procedure starting with advertisements in the local newspaper advising residents of Council's decision to amend the Strategy. Public hearings are held to give interested persons an opportunity to make suggestions to proposed amendments and provide input into developments in their neighbourhood. Council, by a majority vote will approve such amendments with the Minister of Municipal Affairs receiving a copy. Amendments to a Municipal Planning Strategy are not appealable. (see Chart 2)

Municipal Planning Strategy Amendments are required when:

- an adjustment is necessitated due to changing circumstances;
- a proposed zoning amendment change is in conflict with the Generalized Future Land Use Plan;
- studies have been carried out as a refinement to the Municipal Planning Strategy and it is the desire of Council to incorporate such studies into the Strategy; or,
- Provincial Land Use Policy is adopted which differs from policies established in the Municipal Planning Strategy. Municipal Planning Strategies must agree with established Provincial policy on land use issues.

When a Municipal Planning Strategy amendment is requested by a citizen or developer, the Town should not be required to undertake all research and studies. Accordingly, the applicant may be required to provide sufficient reason and information in order to support the amendment.

### **Policy Z-1**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL to consider amendments to the Municipal Planning Strategy when:**

- (a) there is an apparent need to adjust policy due to changing circumstances;**
- (b) a zoning amendment change is in conflict with the Generalized Future Land Use plan;**
- (c) detailed studies have been carried out by Council as a refinement to the Municipal Planning Strategy; or,**
- (d) a Provincial Land Use Policy has been adopted that requires a change in policy for the Town.**

### **Policy Z-2**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL to require, from an applicant, sufficient information and reasons in support any requests of Council to amend the Municipal Planning Strategy.**

## **3. DEVELOPMENT CONTROL METHODS AND CRITERIA FOR CONSIDERATION**

### **3.1. Common Considerations**

Although there are major differences in the use and application of various development control methods, there are common factors and requirements to be considered by Council in rezoning and development agreements.

#### **3.1.1 Clear Proposal Required**

A detailed graphic proposal is required to be submitted with any application for rezoning or development agreement. This graphic presentation will permit staff, Planning Advisory Committee members, Council, and the public to clearly understand the proposed development. This requirement will be considered mandatory for all applications.

### **Policy Z-3**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL to require any application for a rezoning or a development agreement, to be accompanied by a detailed graphic representation of the proposed development showing:**

- (a) the location of the subject property, to scale, showing lot dimensions, area, and street frontages;**
- (b) the method of servicing the site with water, sanitary sewer, and storm sewer;**
- (c) the proposed location of all driveways and parking areas;**
- (d) the areas to be landscaped and/or buffered;**
- (e) the location of all proposed buildings intended for the site; and,**
- (f) the exterior appearance of all buildings and materials to be used.**

#### **3.1.2 Criteria to be Considered**

When considering a rezoning or a development agreement, Council shall ensure that the development proposal meets specific policies established within this Strategy, and that general criteria is deemed to be appropriate for evaluation of the proposed development. Other factors are unique to a certain situation, whether it be a rezoning or a development agreement. Each will be discussed under their appropriate section.

### **Policy Z-4**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL to consider all appropriate policies as set out in this Strategy and to have regard for the following matters:**

- (a) the financial ability of the Town to absorb any costs related to the development;**
- (b) the adequacy of municipal sewer (sanitary and storm) and water services and utilities;**
- (c) the adequacy and proximity of recreation and community facilities;**
- (d) the adequacy of the road network in, adjacent to, or leading to the proposed site;**
- (e) the potential for the contamination or sedimentation of watercourses or erosion;**

- (f) environmental impacts such as air, water and soil pollution and noise impacts;
- (g) previous uses of the site which may have caused soil and groundwater contamination;
- (h) suitability of the site in terms of slope, soil and bedrock conditions, location of watercourses, marshes, swamps, or bogs;
- (i) compatibility of the development in terms of height, scale, lot coverage and bulk with adjacent properties; and,
- (j) that the proposal is in conformance with the intent of this Strategy and with the requirements of all other Town By-laws and regulations.

### **3.1.3 Professional Advice**

From time to time, Council may determine it necessary and/or helpful to seek additional professional advice, other than that of the Town planning staff, to properly evaluate a specific development proposal.

#### **Policy Z-5**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL to retain outside professional advice on any development proposal or application should it feel that such advice is warranted or required.**

### **3.1.4 Co-ordination with Other Municipal Plans**

The Town of Kentville has a number of other Municipal Plans that have been created over the past several years. These plans include the Recreational Master Plan and the Community Economic Development Plan. Both of these plans were developed under the auspices of well qualified public committees and contain policies that are vital to the betterment of economic and social health within the Town. Therefore, it is important for the planning staff and for Council to recognize and consider the initiatives contained within these Plans when reviewing development proposals.

#### **Policy Z-6**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL to recognize the policies established in specialized municipal plans and consider the goals and objectives contained within them when reviewing future development proposals.**

## **3.2 Land Use By-law Amendments (Rezoning)**

### **3.2.1 Introduction**

The Land Use By-law is the mechanism or tool by which policies contained in the Municipal Planning Strategy are implemented. Zones, permitted uses, and development standards contained in the Land Use Bylaw are directly related to specific policies within the Municipal Planning Strategy. The Zoning Map, forming part of the Land Use By-law is a graphic representation of specific zones established throughout the Town. The Development Officer for the Town grants development permits and administers the regulations of the Land Use By-law.

#### **3.2.1.1 "Simple" Land Use Bylaw Amendments**

"Simple" Land Use By-law amendments are considered consistent with policies in a strategy and do not require a strategy amendment or ministerial approval. There are two types of "Simple" Land Use By-law amendments: text amendments and map amendments (rezoning).

A text amendment does not involve the rezoning of a property. A text amendment merely requires a minor change to a particular zone's requirements or a minor change to the general provisions of the Land Use By-law.

A map amendment involves the rezoning of a particular property to comply with the provisions established for another zone, most frequently used to allow the property to develop to a more intensive use.

The changing of one particular zone designation to another designation has the potential to substantially alter the type of development and land use which may be permitted on the site. Although the term "simple" is used to describe this process, the impacts of such a development must be carefully considered. The word does not reflect any inherent lack of complexity to this amendment process. The process can be as complex as any By-law amendment requiring a Strategy amendment and ministerial approval.

An intricate part of any By-law amendment is that of public consultation. Any amendment to the Land Use By-law must first be brought before a public hearing on the matter. Unlike an M.P.S. amendment requiring ministerial approval with no appeal process, an amendment to the Land Use By-law can be appealed by any interested person. Therefore, it is important to provide sufficient opportunity for the public to become aware of proposed amendments to the Land Use By-law which could impact on adjacent properties or their neighbourhoods.

In addition to advertising requirements as stated in the Municipal Government Act, the Town will require signs to be erected and properties for which an application has been received for rezoning or development agreement.

### **Policy Z-7**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL to require properties being considered for a rezoning, development agreement to be clearly identified with a posted notice provided by the Town.**

This notice will state the intention of the rezoning request and will remain in public view on the property for the time period required between the first newspaper notification to the day following the public hearing.

#### **3.2.2 M. P. S. Amendment Not Required**

The Generalized Future Land Use Map designates the overall general land uses that are permitted in various areas throughout the Town. Residential rezonings, for example, will only be considered by Council if the property in question is within the area designated Residential on the Generalized Future Land Use Map. In order for Council to approve a rezoning that does not fall within the appropriate designation the property owner would have to propose a concurrent amendment to both the M.P.S. and the Land Use By-law.

However, occasionally an application may be received where the property in question borders on two land use designations. Should this occur, Council shall be permitted to rezone the property as if it were wholly contained with one or the other designations. This will not require an amendment to the M.P.S.

### **Policy Z-8**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL when interpreting the Generalized Future Land Use Map, allow an area immediately adjacent to a given generalized land use designation to be considered for a rezoning to a use permitted within the adjacent designation without requiring a Municipal Planning Strategy amendment, provided that policies of this Strategy are satisfied.**

#### **3.2.3 MPS Review**

The Planning Act requires a municipality to undertake a review a Municipal Planning Strategy no later than five years from its original adoption by Council, or five years from the date of the last renew, or upon the request of the Minister of Municipal Affairs, or when Council deems necessary.

### **Policy Z-9**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL to review the Municipal Planning Strategy:**

- (a) no later than five years from its original adoption by Council; or;
- (b) from the date of its last review; or;
- (c) when instructed to do so by the Minister of Municipal Affairs; or;
- (d) at such other times as Council deems appropriate.

### **3.2.4 Criteria for Amendments to the Land Use By-law**

As noted in Policy Z-4 general criteria has been established for the review of a development proposal, whether it be a zoning amendment or an agreement. In addition to the general criteria established in Policy Z-4, there shall be specific criteria for a Land Use By-law amendment.

#### **Policy Z-10**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL, when considering a Land Use By-law amendment, to be guided by the policies in this Strategy when considering a Land Use By-law amendment. In addition Council shall have regard to the following matters:**

- (a) that the proposal conforms with the M.P.S. and with the requirements of all other applicable Town By-laws and Regulations;
- (b) that the proposal is not premature or inappropriate by reason of:
  - (i) the financial ability of the Town to absorb any costs relating to the development;
  - (ii) the adequacy of water and sewer services and utilities;
  - (iii) the adequacy of road networks adjacent to, or leading to the development;
  - (iv) the potential for the contamination of watercourse or the creation of erosion or sedimentation;
  - (v) emissions including air and water pollutants and noise;
- (c) That adequate requirements are contained in the Land Use By-law to reduce conflict between a development and any adjacent or nearby land use by reason of:
  - (i) the type of use;

- (ii) **bulk and lot coverage of the proposed building;**
  - (iii) **traffic generation, access to and egress from the site, and parking;**
  - (iv) **open storage;**
  - (v) **signs;**
  - (vi) **provision is made for buffering, landscaping, screening and access control to reduce potential incompatibility with adjacent land uses and traffic;**
  - (vii) **development can be located so as not to obstruct any natural drainage channels or watercourses;**
  - (viii) **potential environmental degradation to adjacent natural or protected areas;**
  - (ix) **that building separations provided are sufficient to permit access to fire fighting equipment and to prevent the spread of fire; and,**
  - (x) **other similar matters of planning concern.**
- (d) **Suitability of the proposed site in terms of steepness of grades, soil and geological conditions, location of watercourses, marshes, swamps or bogs.**

### **3.3 Development Agreements**

#### **3.3.1 Introduction**

A development agreement is a legal agreement negotiated between the Town and a developer which regulates and controls the manner in which a property is to be developed. A development agreement is a legal contract and, when approved, essentially overrides any zoning controls placed on the property.

All factors addressed under conventional zoning may be included in the development agreement, as well as, site specific information such as, hours of operation and maintenance requirements. The use of these agreements allows greater flexibility and more accurately addresses the concerns of adjacent landowners and provides a greater degree of flexibility to the developer. Development agreements also provide for termination by either party, at which time the prevailing zoning on the property will come

back into effect. The property must then conform to the zoning requirements originally placed on the property.

### **3.3.2 The Adoption of Development Agreements**

The use of development agreements is relatively new practice for the Town of Kentville. Therefore, development agreements are to be used in a limited fashion. The reason for this limited use because areas under development agreement require additional monitoring and enforcement as compared to conventionally zoned properties. The Planning and Development Department has limited staff and resources, therefore, excess numbers of agreements will tend to cause administrative problems and inefficient development management. Accordingly, development agreements will be used only in limited circumstances (Mobile Home Parks & Inns) as provided for in specific policies of this Strategy. (Amended July, 2003)

### **3.3.3 Evaluation Criteria For Development Agreements**

#### **Policy Z-11**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL to consider certain developments, which would not otherwise be permitted by the Land Use By-law, by development agreement as provided for by policy of this Strategy.**

#### **Policy Z-12**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL to include in any agreement to be entered into as set out in Policy Z-10 terms and conditions necessary to ensure that the development is consistent with the policies of this strategy. The agreement shall include, but shall not be limited to, some or all of the following:**

- (a) that the proposal conforms with the intent of this strategy;**
- (b) the financial ability of the Town to absorb any cost related to the development;**
- (c) that the proposed development would not have a negative impact or effect on natural watercourses or other natural land features by way of erosion and sedimentation;**
- (d) the impact of the proposed development on:**
  - (i) municipal services with particular regard to the demands on the sewer and water system, fire protection, refuse collection and police protection;**

- (ii) existing uses in the area with particular regard to the specific use, size, and lot coverage of the structure whether new, or an expansion, or renovation of an existing structure is proposed;
- (iii) the compatibility of the structure with adjacent uses in terms of architecture and appearance;
- (iv) the compatibility of the site, in terms of landscape design, with adjacent uses;
- (v) provision for adequate buffering to screen the development from adjacent and dissimilar land uses which conform to this Municipal Planning Strategy;
- (vi) provision for adequate setbacks from adjacent land uses;
- (vii) the suitability of the proposed site in terms of topography, grade, soil and geological conditions, drainage and other physical constraints;
- (viii) pedestrian and vehicle traffic circulation and the adequacy of affected roads, access to and egress from the site and parking and loading areas;
- (ix) the adequacy of recreation and other community facilities;
- (x) any matter which may be addressed in the Land Use By-Law;
- (xi) time limits for the initiation and completion of construction (and may include phased construction);
- (xii) flood damage reduction controls with regard to possible floodplain development;
- (xiii) hours of operation;
- (xiv) maintenance and upkeep of the property;
- (xv) all other matters enabled by the Municipal Government Act (Sections 225 to 230)..

### **3.4 Site Plan Approvals**

#### **3.4.1 Site Plan Approval (MGA1999)**

In the past the Town has used the development agreement process to gain control over items other than the use of land. The development agreement process can be a

lengthy and expensive process, resulting in a legal contract between a developer and the Town. The recent adoption of the Municipal Government Act, and in particular Section 231, provides for a so-called site plan approval process. This legislation enables a municipal unit to require a developer to provide specific graphic or written detail of his proposal to the Development Officer, at the development permit stage. The Town has opted to adopt the site plan approval process, as provided for in the Act, and requires that certain developments, as provided for by policy in this Strategy, be subject to such approval. (Amended July, 2003)

### **POLICY Z-13**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL to consider certain developments by the Site Plan Approval Process as provided for by policy of this Strategy.**

#### **3.4.2 Evaluation Criteria for Site Plan Approval and Site Plan Requirements**

No Development Permit shall be issued for any development identified by the Development Officer as requiring a Site Plan Approval unless the Development Officer has approved an application for Site Plan Approval. The evaluation criteria, as well as the necessary information that is required to be shown on any Site Plan, shall conform with the requirements stated in Policy Z-14 and Policy Z-14A. (Amended July, 2003)

### **POLICY Z-14**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL that a site plan indicates;**

- (i) the location of existing and proposed structures on the site;**
- ii. the location of existing and proposed off-street parking or loading facilities;**
- iii. the location, number and width of existing and proposed driveway accesses to streets; (Amended July, 2003)**
- iv. the type, location and height of existing and proposed walls, fences, hedges, trees, shrubs, ground cover or landscaping elements; (Amended July, 2003)**
- v. the location of existing vegetation; (Amended July, 2003)**
- vi. the location of existing and proposed walkways, including the type of surfacing material; (Amended July, 2003)**
- vii. the type and location of existing and proposed outdoor lighting; (Amended July, 2003)**
- viii. the location of existing and proposed facilities for storage of solid waste; (Amended July, 2003)**

- ix. the location of existing and proposed easements;** (Amended July, 2003)
- x. any existing or proposed grade alteration and/ or any storm or surface water control infrastructure;** (Amended July, 2003)
- xi. the type, location, number and size of existing and proposed signs and sign structures;** (Amended July, 2003)
- xii. (Repealed July, 2003)**

**POLICY Z-14A**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL that the Development Officer have regard for the following when considering an application for a Site Plan Approval:**

- (a) that the new structure (or an addition to an existing structure) is located on the lot, so as to minimize any adverse impact of driveway entrances and exits on the surrounding neighbourhood;**
- (b) that the location, number and width of such driveways are designed so as to prevent congestion, nuisance and inconvenience in the area and minimize the impact on the surrounding neighbourhood;**
- (c) that parking and loading facilities are located and designed so as to minimize the impact on the surrounding neighbourhood;**
- (d) that the type, location and height of walls, fences, hedges, trees, shrubs, groundcover or other landscaping elements, are designed and built so as to protect and minimize the impact on neighbouring properties;**
- (e) that the existing vegetation, where possible and deemed practical, be retained so as to lessen or reduce any negative impact on abutting properties or the surrounding neighbourhood;**
- (f) that the location of the proposed walkways and other pedestrian access be located and designed so as to minimize the impact on the surrounding neighbourhood;**
- (g) the type and location of outdoor lighting is designed to light the structure, driveways and any pedestrian access with minimum light directed at or spilled onto neighbouring properties;**

- (h) that the location and design of facilities for the storage of solid waste provides for maximum separation from adjoining properties;
- (i) that storm and surface water management plans are provided;
- (j) that the type, location, number and size of signs or sign structures do not significantly alter the appearance of the neighbourhood; and
- (k) that the above listed items are maintained in a manner suitable to a residential neighbourhood. (Adopted July, 2003)

#### **4. PUBLIC PARTICIPATION**

The Municipal Government Act possesses legislated means by which the public can be involved in the planning process. The Act does require that an element of involvement by local citizens be included in regard to specific planning issues. The Town recognizes these standards and promotes public involvement in the planning process.

##### **4.1 Public Participation Program**

The Municipal Government Act, under Section 204 requires the Town to adopt a "public participation program". The program sets out ways and means that Council intends to involve the public in the planning process. Public Participation Program meetings are carried out whenever Council is undertaking the preparation of, or an amendment to, the Municipal Planning Strategy; the adoption of a Land Use By-law, in conjunction with the adoption of a strategy; and when amendments to both the M.P.S. and Land Use By-law are made concurrently.

##### **Policy Z-15**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL to adopt a standard resolution to arrange for a Public Participation Program when considering the adoption of, or the amendment to, the Municipal Planning Strategy.**

##### **4.2 Municipal Planning Strategy Public Hearing**

An adoption of a new Municipal Planning Strategy or an amendment to the existing Strategy, requires a public hearing be held. Verbal and/or written submissions will be received from interested groups, individuals, and businesses at this meeting to be considered with the amendment. Advertisements will be published in a newspaper, in order to be circulated throughout the local area. The first ad will appear at least fourteen clear days before the hearing is to be held.

The advertisement will contain a brief description of the amendment, state the time and location of the meeting, and, where and when a copy of the proposed document can be inspected.

### **Policy Z-16**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL to subscribe to the requirements of the Municipal Government Act as they apply to the adoption of or amendment to the Municipal Planning Strategy for the Town of Kentville.**

#### **4.3 Land Use By-law Amendments**

As mentioned previously in this Strategy there are two types of amendments to a Land Use By-law.

In Section 3.2.1.1 in this Chapter we referred to a "simple" Land Use By-law amendment. In this process an appeal to Council's decision by interested individuals or groups, or the applicant of such a request to amend, is permitted. When an amendment to the Land Use By-law is approved by Council in conjunction with an amendment to the Strategy there is no right of appeal. Such an amendment requires Ministerial approval only.

### **Policy Z-17**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL to subscribe to the requirements of the Municipal Government Act as they apply to the adoption of or the amendment to the Land Use By-law for the Town of Kentville.**

#### **4.4 Development Agreements**

### **Policy Z-18**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL to advertise a public hearing in the matter of a development agreement. The ad shall be in a newspaper circulating in the local area, at least one advertisement a week for two consecutive weeks.**

The first advertisement to appear must be at least fourteen (14) clear days before the date affixed for the public hearing.

### **Policy Z-19**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL to consider any submission received under Policy Z-18 before voting on any development agreement.**

### **Policy Z-20**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL to hold a public hearing in regard to any proposed development agreement at which time verbal and/or written submissions will be received from any interested party.**

## **5. OTHER DEVELOPMENT CONTROL CONSIDERATIONS**

### **5.1 Development Officer**

#### **Policy Z-21**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL to appoint a Development Officer who is responsible for the administration of the Land Use By-law and the Subdivision By-law, and will issue development permits and approve subdivision plans subject to the Municipal Government Act.**

### **5.2 Variances**

The Municipal Government Act empowers the Development Officer to grant minor variances from requirements set in the Land Use By-law.

#### **Policy Z-23**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL to permit the Development Officer to grant variances from the Land Use By-law as provided for, and provisions for appeal and notification of adjoining property owners, as set out in the Municipal Government Act.**

### **5.3 Non-Conforming Uses and Structures**

Non-conforming uses and structures are typically created through the adoption of any new Municipal Planning Strategy and supporting Land Use By-law.

#### **Policy Z-24**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL to adopt sections 238-242 of the Municipal Government Act 1999 with respect to non-conforming uses and structures.**

#### **Policy Z-25**

**IT SHALL BE THE INTENTION OF TOWN COUNCIL, except for specific non-conforming uses and structures addressed in other policies, to consider with respect to residential, commercial, and industrial non-conforming uses and structures:**

- (a) (i) the extension, enlargement, or alteration of non-conforming structures, or structures containing non-conforming uses;**

- (ii) the extension of a non-conforming use of land;
  - (iii) the rebuilding of a non-conforming structure or structures containing a non-conforming use after destruction.
  - (iv) the recommencement of a non-conforming use of land or a structure after it has been discontinued for a continuous period in excess of six months;
  - (v) the change in use of a non-conforming structure to another use in the non-conforming structure, or a non-conforming use of land or structure to another non-conforming use.
- (b) by agreement pursuant to section 225 of the Municipal Government Act and subject to the following criteria, where applicable:
  - (i) adequacy of adjacent street(s) to handle additional traffic generated,
  - (ii) adequacy of municipal sewer and water services to handle additional demand,
  - (iii) that the character of a neighborhood is not adversely affected,
  - (iv) compatibility of proposed development with adjacent structures in terms of exterior materials used, and the scale and bulk of the structure,
  - (v) the placement of structures upon a lot,
  - (vi) publicly displayed advertising and the type, size, location, character, and nature of such advertising,
  - (vii) the placement of adequate buffering and/or screening and may include such items as fencing, walkways, landscaping or outdoor lighting,
  - (viii) open storage and outdoor display, and the buffering, screening, and/or landscaping of such uses and/or structures,
  - (ix) time limits for the initiation of construction,

- (x) establishment of the hours of operation and maintenance requirements of the proposed use and all other matters enabled by the Municipal Government Act in Sections 225 to 230.**