



TO: CAC

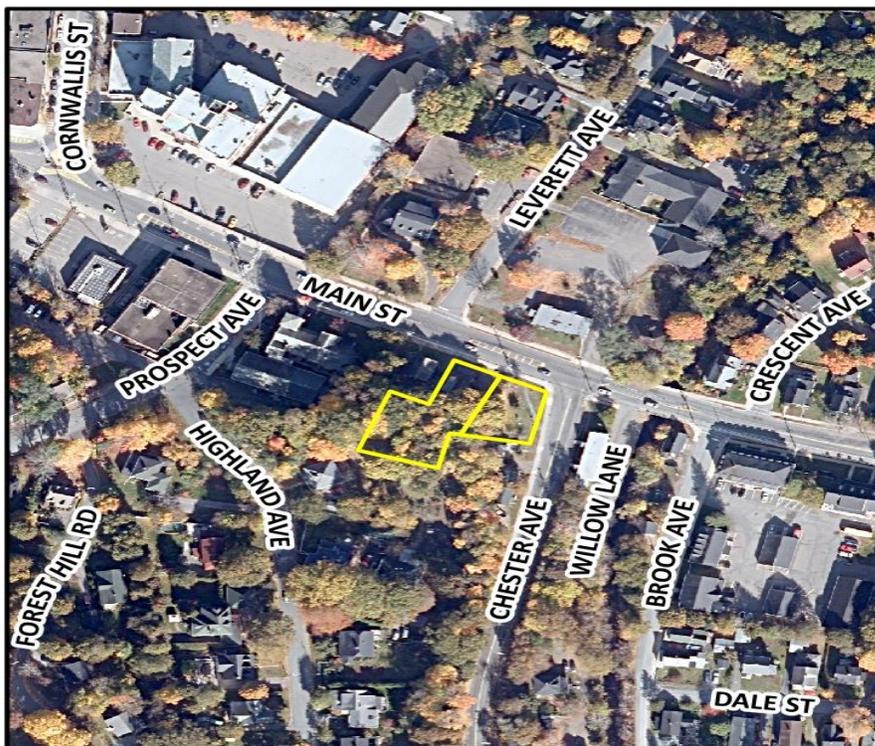
FROM: Beverly Gentleman, Director of Planning and Development

DATE: April 11, 2022

SUBJECT: Sand and Sea Dive Shop Inc. Land Use Bylaw (LUB) amendment to rezone PID# 5526044 from General Commercial (C-1) to One-and two-unit dwelling (R-2); and town-initiated amendment to rezone PID# 55246813 from General Commercial (C-1) to One-and two-unit dwelling (R-2)

PROPERT LOCATION

The subject properties are located at 294 and 288 Main Street, just west of Chester Ave.



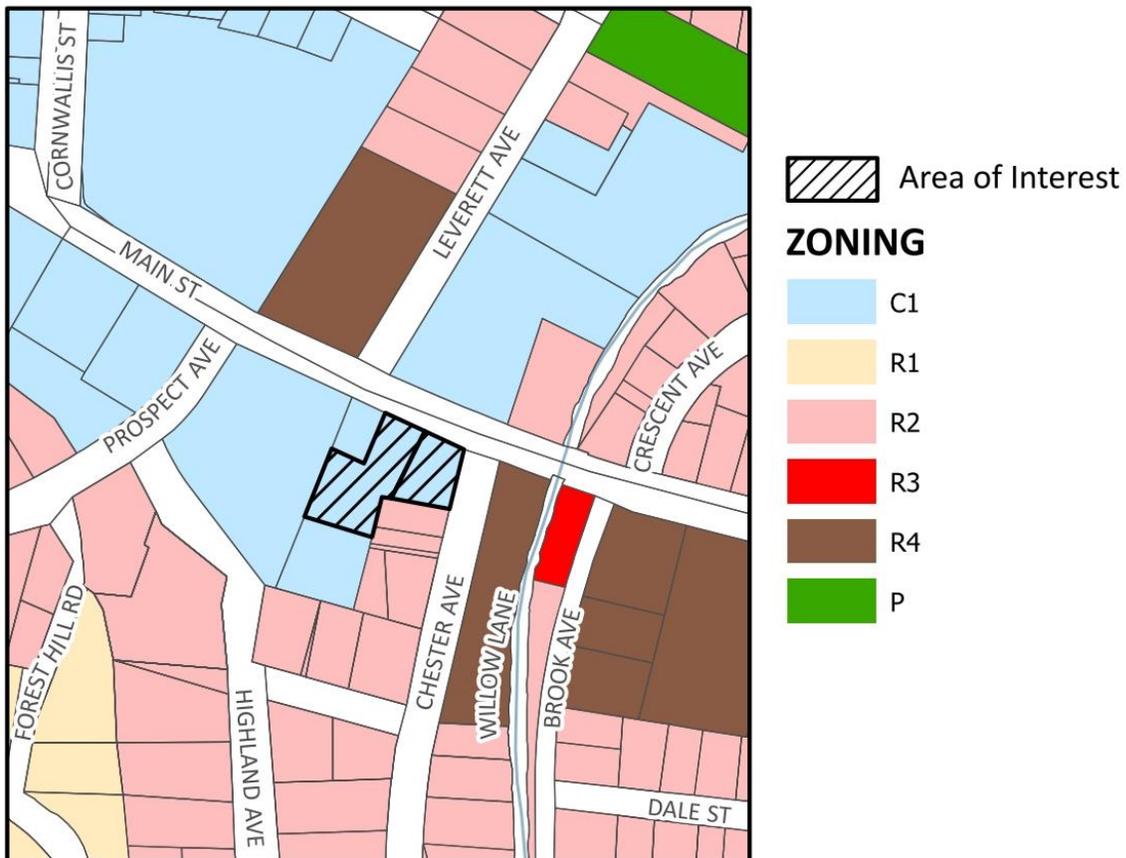
 Area of Interest

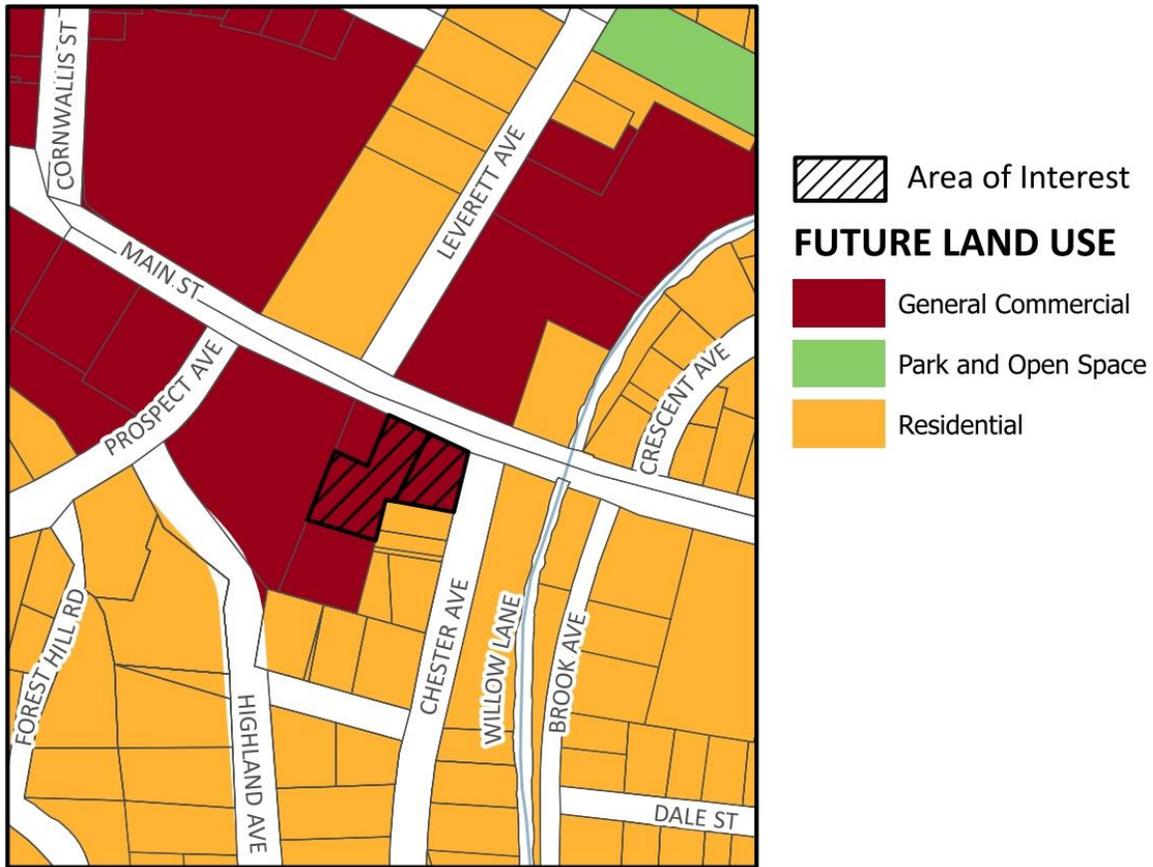
CURRENT USE

The properties are zoned General Commercial (C-1). The building on PID# 5526044 was originally built as a single-family dwelling; however, the ground floor has been used as retail space for several years; and PID#55246813 is a town park.

ADJACENT ZONING AND LAND USES

The subject properties are located at the eastern end of the General Commercial (C-1) Zone. The adjacent properties are zoned General Commercial (C-1) and One and Two-Unit Dwellings (R-2) and is bounded by residential dwellings, a church, and a town park. Directly across Main Street was a funeral home that has been torn down and purchased by the owners of Wedgewood House for Seniors.





FUTURE LAND USE DESIGNATION

The future land use designation in the Municipal Planning Strategy (MPS) for the property is Commercial (C). To be able to consider a rezoning from commercial to a residential zone the future land use designation, in most cases, must be Residential (R). However, if a property borders on 2 or more land use designations, Council may consider a rezoning of the property as if it were wholly contained within one of the other designations in accordance with Section 15.6 of the Municipal Planning Strategy.

15.6 Municipal Planning Strategy Amendment Not Required

The Generalized Future Land Use Map designates the overall general land uses that are permitted in various areas throughout Town. Residential rezoning's, for example, will only be considered by Council if the property in question is within the area designated residential on the GFLUM. 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 MPS and LUB.

However, where a property borders on two or more land use designations, Council may consider a rezoning of the property as if it were wholly contained within one or the other designations. This will not require an amendment to the MPS.

Policy IM-4 *It shall be the intention of Council* to consider applications to amend the Land Use By-law Zoning Map and rezone lands abutting a given designation on the Future

Land Use Map to a zone supported by that designation, without requiring a Municipal Planning Strategy amendment, provided such an application is consistent with other polices in this Strategy

PROPOSAL

The applicant is seeking the rezoning to allow for the property to revert to a single-family home. The C-1 zone only allows for existing single family and two-unit dwellings. As a result, the property cannot revert to a residential dwelling under the C-1 zone.

DISCUSSION

The age of the dwelling is unknown; however the property is shown on the fire insurance map dating 1951. Mike Huntley is seeking this amendment to sell the property as a single-family home. Though the property has had a retail use on the ground floor for several years, to use it for any other type of commercial use would require the building to be brought up to current building code, including making the space accessible and other upgrades depending on the use of the second floor. The property is 13,064 square feet and is encumbered with steep slopes of 25% or more on almost 50% of the lot as depicted on the Environment Constraints. These constraints limit the expansion of the structure for other uses.



It is therefore the opinion of staff that the property is best suited as a residential property.

As part of the review for this proposed amendment staff acknowledges that the property is zoned (C-1) and is bordered mainly by the (C-1) zone, but the nature of the uses are not commercial. The property to the east is a town park/open space. Both properties are zoned (R-2). Staff initially had concerns about the perception of "spot zoning" if PID# 5526044 was rezoned residential. However, the property to the east is the last property zoned (C-1) and is a town park so to include the rezoning of this lot as part of the application makes sense. Therefore, staff is recommending that the town park be rezoned from General Commercial (C-1) to (R-2) as well in accordance with Policy P-3 of the MPS which permits parks within any zone:

Policy IM-4 *It shall be the intention of Council to permit parks and playgrounds in any zone provided accessory buildings are small in scale, and the other requirements of the land use bylaw are met.*

POLICY ANALYSIS

Council, through its Policy IM-8 of Municipal Planning Strategy, provides guidance for rezoning requests to ensure resulting development has a positive impact on the community. Since the 2 subject lots are fully developed the criteria listed in Policy IM-8 is inconsequential. (Policy IM-8 is attached)

SUMMARY

The proposal to rezone PID's 5526044 and 55246813 from General Commercial (C-1) to One-and Two-Unit Dwelling (R-2) is consistent with the policies of the Municipal Planning Strategy.

Recommendation

The application to rezone the PID's 5526044 and 55246813 from General Commercial (C-1) to One and Two Unit Dwelling (R-2) has been reviewed for compliance with the Municipal Planning Strategy (MPS) and other pertinent by-laws and regulations for the Town of Kentville.

Therefore, I recommend that CAC recommend Council give first reading on the request to rezone PID's 5526044 and 55246813 from General Commercial (C-1) to One- and Two-Unit Dwelling (R-2)

Respectfully Submitted,

Beverly Gentleman
Director of Planning