



# PLANNING ADVISORY COMMITTEE MEETINGS

THURSDAY, OCTOBER 25, 2018

9:00 A.M.

COUNCIL CHAMBERS

## A G E N D A

### PLANNING ADVISORY COMMITTEE MEETING

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## PLANNING ADVISORY COMMITTEE

**Meeting, Date and Time** A meeting of the Planning Advisory Committee (PAC) was held on Tuesday, September 25<sup>th</sup>, at 9:02 a.m. in the Council Chambers of the Municipal Complex, Kentville, NS.

**Attending** In Attendance:

**PAC Members**

Councillor Brian Hirtle – District 3 (Chair)  
Councillor Jim Winsor – District 8  
Councillor Paul Spicer – District 5  
Councillor Peter Allen – District 9 ( for Deputy Mayor Lutz )  
Councillor Meg Hodges – District 1  
Tom Cosman – Citizen Member  
Emile Fournier – Citizen Member  
Evan Fairn – Citizen Member

**Municipal Staff**

Rob Frost – Deputy CAO  
Trish Javorek – Manager Community Development  
Laura Mosher – Manager of Planning and Development Services  
Mark Fredericks – Planner  
Will Robinson-Mushkat – Planner  
Jasmine Bradet – Planner

**Public** 6 Members

**Others in Attendance**

1. **Meeting to Order** The Chair, Councillor Brian Hirtle, called the meeting to order.
2. **Roll Call** Roll call was taken and all Committee members were in attendance with the exception of Deputy Mayor Lutz. Councillor Peter Allen was in attendance as an alternate for Deputy Mayor Lutz.
3. **Amendments to Agenda** No amendments.
4. **Approval of the Agenda** **On motion of Councillor Allen and Tom Cosman, that the agenda be approved as circulated. Motion Carried.**
5. **Approval of Minutes** **None.**
6. **Business Arising from the Minutes** There was no business arising from the minutes.
7. **Disclosure of Conflict of Interest Issues** There were no disclosures of conflict of interest issues.
8. **Business** There was no regular business.

9. **Other Business**

a. **Staff Report on Motions Deferred as part of Review of draft Municipal Planning Strategy**

Laura Mosher presented the first deferred motion for discussion, as it was given on December 18, 2017.

***That the Planning Advisory Committee direct staff to maintain the proposed policies and regulations related to locating large scale solar farms on lands within the Agricultural (A1) Zone as currently.***

Laura Mosher presented a report on large scale solar farms and the options staff recommend, as per the request of the committee in a subsequent motion from December 18, 2017. The report is attached to the September 25, 2018 Planning Advisory Committee agenda package.

Discussion points/comments

- Councillor Hodges was reassured by the report, and voiced her preference to see it be as-of-right rather than through a Development Agreement. There was discussion of the concrete footings of the panels, and staff made a note that a DA would be needed for removal.
- Councillor Winsor agreed that as-of-right would fit farmer's needs today, and if the rules changed in the future, production could be adjusted accordingly.
- Tom Cosman voiced his agreement with Councillor Hodges, though added he believed it best to have accessory use of solar power as per the definition used, not just solar power as-of-right. It was clarified that the third option to be put forward by staff, as per the report, was as-of-right as accessory use with or without additional restrictions.
- Councillors Spicer and Allen voiced their approval of lessening any 'red tape', allowing for farmers in the county to remain competitive in the world market.
- A discussion about rules for the ground based solar panels vs building mounted was had, and it was stated by staff that different criteria would be used for different classifications, as there are four at this moment. The PAC was reminded that the maximum 100 kW restriction was only in the case of those wishing to feed into the grid. For personal use, to be stored in batteries or not to be used, there is no limit.
- The limitation of as-of-right being only in A1 was discussed, as was the definition of 'large scale' and whether it was appropriate in the motion. It was clarified as a total area of greater than 1720 square feet. It was also the opinion of the staff that having the distinction between 'small' (smaller than 215 square feet) and 'large' would prohibit large scale being built in growth areas.

**On motion of Councilor Hodges and Councilor Spicer, that the Planning Advisory Committee direct staff to permit Large-Scale Solar Collector Systems as-of-right as an accessory use within the Agricultural (A1) Zone. Motion passed.**

Laura Mosher presented the second deferred motion for discussion, as it was given on January 22, 2018.

***That the Planning Advisory Committee affirm that the Agricultural (A1) Zone not be enabled within Growth Centres.***

Laura Mosher presented a report on the allowance of farmland in Growth Centres, the current boundaries, and the staff response to questions set by the PAC, as per the request of the committee in a subsequent motion from January 22, 2017. The report is attached to the September 25, 2018 Planning Advisory Committee agenda package.

It was staff's view that any measure of protection would go against their approach and desire for urban style growth, allowing for at least 30 years of potential in Growth Centre boundaries.

Discussion points/comments:

- Tom Cosman had a concern about land that might be used for farming not being used to its full potential.
- Councillor Allen had questions about the longevity of approval, and staff clarified that approval is not indefinite—applicants must meet the standards in place at the time of applying.
- Councillor Hodges voiced concern for farming in the Growth Centre, and any conflicting issues for both farmers and non-farmers. She was worried about the use of sprays, bird cannons, and chemicals, and restricting ability to farm the land as they wish due to fear of displeasing neighbours. Staff commented on their desire for everyone in the Municipality to have their place, and reassured PAC that existing farming is allowed to continue, no matter the outcome of the discussion.
- Councillor Winsor reminded the PAC that they are to consider the long term, and to anticipate the needs of the Municipality down the road. He stated there should be a balance between consideration for agricultural land and Growth Centres. While staff made the point that the greatest protection for farmland is to own it, thus having control over whether it is farmed or not, Councillor Winsor disagreed that it should be down to the whim of the owner. It was his opinion that those who want it zoned are going beyond their interests.
- Tom Cosman was concerned that staff had not addressed the second question put forward in the motion. He voiced issue with the lack of research presented, and felt a question from the PAC was ignored. Staff responded that they presented the best option in their opinion. Mr. Cosman voiced a desire to have the question asked again and some research presented to the PAC. Staff spoke to a similarity in their approach with Ontario's Places to Grow Act, where there is no protection for agricultural land, making note that the Municipality is more restrictive in their policies. Councillor Windsor also agreed that staff showed not recognition that the question was asked.

*A break was taken at this time, 10:09 a.m., PAC returning at 10:22 a.m.*

Laura Mosher presented the third deferred motion for discussion, as it was given on January 22, 2018:

***That the Planning Advisory Committee refer recommendation #7 back to staff for further information and discussion at a later date.***

Laura Mosher clarified it was a poor choice of words, as it is not Staff's intent or councillor's intent to place Growth Centre boundaries arbitrarily, but rather in a way that is consistent with all the policies, specifically policy 2.1.7. of the draft Municipal Planning Strategy. Staff looked to PAC for discussion and potential motion.

Discussion points/comments:

- A discussion was had over the frustration of some members of the committee with Staff, their expectation being that they would be presented with new wording, or a proposal for new wording. Staff recognized this point, however felt the wording of the motion was more to do with the PAC getting more experience with Growth Centre policies before making a decision on the use of the word 'arbitrary' or not.

**On motion of Councillor Hodges and Councillor Winsor, that the Planning Advisory Committee direct staff to clarify the contextual language prior to policy 2.1.11 of the draft Municipal Planning Strategy to remove the word 'arbitrary' and to better reflect Council's intent with regard to the placement of future Growth Centre boundaries. Motion Passed.**

Laura Mosher presented the third deferred motion for discussion, as it was given on May 30, 2018.

***That the Planning Advisory Committee direct staff to report back to Planning Advisory Committee on the considerations for requiring active transportation infrastructure in new subdivisions.***

It was staff recommendation that the provision of active transportation infrastructure form part of the negotiation with staff as part of the subdivision negotiation and that the Subdivision By-law be the governing document for this negotiation.

Laura Mosher presented a report on sidewalks in new residential subdivisions. The report is attached to the September 25, 2018 Planning Advisory Committee agenda package.

**On motion of Councillor Winsor and Emile Fournier, that the Planning Advisory Committee direct staff to include a new policy in section 2.3 of the draft Municipal Planning Strategy indicating that appropriate active transportation infrastructure shall be included in all new residential subdivisions.**

## Discussion points/comments:

- A discussion was had about the definition of 'active transport', which could be various definitions, depending on the subdivision.
- Councillor Hodges voiced her concern for sub-divisions without sidewalks and the accessibility for those living in them. She did not believe the motion to be clear enough. Staff responded that the wording was made vague due to the Municipality not owning the sidewalks within Villages, so it leaves room for discussion as to what cost the Village is able to take on. While this was recognized by Councillor Hodges, it was her view that accessibility should be the topmost priority, and she would not support the motion with the above wording.
- A discussion was had about the responsibility of snow removal, and why this is a practice paid for by taxes here, but not in other places around the country. A comparison with HRM was requested so as to get another example of how a Municipality handles the issue of active transportation needs and maintenance.
- A discussion was had about the imposition of a cost on Villages that may or may not want it, if sidewalks are required for each subdivision.
- Staff commented that most concerns being voiced were more to do with the Subdivision By-Law, not the MPS. It was observed that Development Officers would be using the Subdivision By-law, not the MPS.
- Support for the motion was voiced by Councillor Winsor, who thought it was in accordance with the vision statement.

**The question was called on the motion and the motion was defeated.**

Laura Mosher drafted a follow-up motion, read into minutes by Councillor Hodges.

**On motion of Councillor Hodges and Emile Fournier, that the Planning Advisory Committee direct staff to bring back information related to the Halifax Regional Municipality Subdivision By-law(s) with regard to the provision of active transportation infrastructure. Motion passed.**

**b. Review of timeline for Adoption of the draft Municipal Planning Strategy and draft Land Use By-Law**

Laura Mosher presented the timeline presented to the Committee of the Whole, reporting Council's desire to see the timeline be compressed so that the adoption could occur faster. The timeline is attached to the September 25, 2018 Planning Advisory Committee agenda package.

## Discussion points/Comments:

- The question was asked where the time was shortened on the timeline, per Council's request, and staff responded that time was cut from staff edit time, as well as from the time between the release of staff edits to the PAC and release of PAC redline documents to public.

- Councillor Winsor voiced concern with the short review time left for the PAC, however also felt that the whole process is taking too long. Staff clarified that they wish to take time with the document to avoid items being missed due to rush, to consider the implications that might not have been considered, and to ensure consistency. PAC was also reminded that Staff resources are directed through many endeavours. This brought forth a concern from Councillor Winsor with regard to staff commitment, and he voiced how the length of time the process is taking has become an embarrassment.
- Rob Frost commented that some direction from PAC would be helpful, if the timeline was not acceptable. A discussion was had about whether or not the timeline was realistic. PAC was reminded that the Council would be presented with the timeline in the upcoming meeting, without PAC support with the motion's defeat. Further discussion of the timeline was deferred to Friday, September 28<sup>th</sup>'s PAC meeting.

**On motion of Councillor Hodges and Councillor Spicer, that the Planning Advisory Committee adopt the timeline for adoption of the draft Municipal Planning documents presented on September 25, 2018. Motion defeated.**

Tom Cosman requested that staff release a map of the proposed North Kentville zoning. Staff responded that it was their intention to discuss options in Friday, September 28<sup>th</sup>'s PAC meeting, their preference being to wait to release anything to prevent confusion. Tom Cosman was not satisfied with this response.

**On motion of Tom Cosman and Councillor Hodges, that the Planning Advisory Committee direct staff to release to the public on September 25, 2018 all Growth Centre maps that are up for discussion at the next meeting of the Planning Advisory Committee. Motion passed.**

Staff recommended PAC keep in mind the maps to be released will have room for interpretation without the presentation they were intended to be released with, and there would be potential for unanswered questions. It was pointed out by one of the members that the agenda package for the meeting did contain staff notes to be viewed in support of the released maps.

10. **Correspondence Question**      **No correspondence.**

11. **Date of Next Meeting**      The next PAC meeting will take place in the Council Chambers on Friday, September 28<sup>th</sup>, 9 a.m. start time.

A PAC meeting will also take place in the Council Chambers on October 9<sup>th</sup>, 1 p.m. start time.

After discussion, there was a consensus that there would be a PAC meeting in the Council Chambers on Thursday, October 25<sup>th</sup>, 9 a.m. start time.



After discussion, there was a consensus that there would be a PAC meeting in the Council Chambers on Tuesday, October 30<sup>th</sup>, 9 a.m. start time.

**12. Public Comments**

Tom Taylor, 305 Nicholas Road, North Kentville

- Requested a physical copy of the North Kentville map be made available for those without internet. He voiced his ability to pick them up whenever ready, and gave contact information.
- Mr.Taylor also voiced that, while those in North Kentville are frustrated, they are happy to hear some decisions are being made, and stated his desire not to be made part of a Growth Centre.

David Daniels, Wolfville

- Made a note of recent principles released by the Province with regard to accessibility, and wondered if this may relate to sidewalks in subdivisions. Mr.Daniels suggested that perhaps the PAC could get info from the Province in regards to proposed plans.

Chris Cann, Baxter's Harbour

- Voiced concern that the County is opening up to large scale private business for electricity off shore. He commented on how PAC seemed to lack reflection upon how scale can matter in these alternative energy processes.
- Also concerned about the 'vision of community' the County is creating with the 'rural urban' subdivision, as it occupies the 'buffer' between rural and urban, and this is a 'critical space'.

**13. Adjournment**

**On motion of Councillor Allen and Councillor Spicer, there being no further business, the meeting adjourned at 12:08 PM.**

**Approved by:**

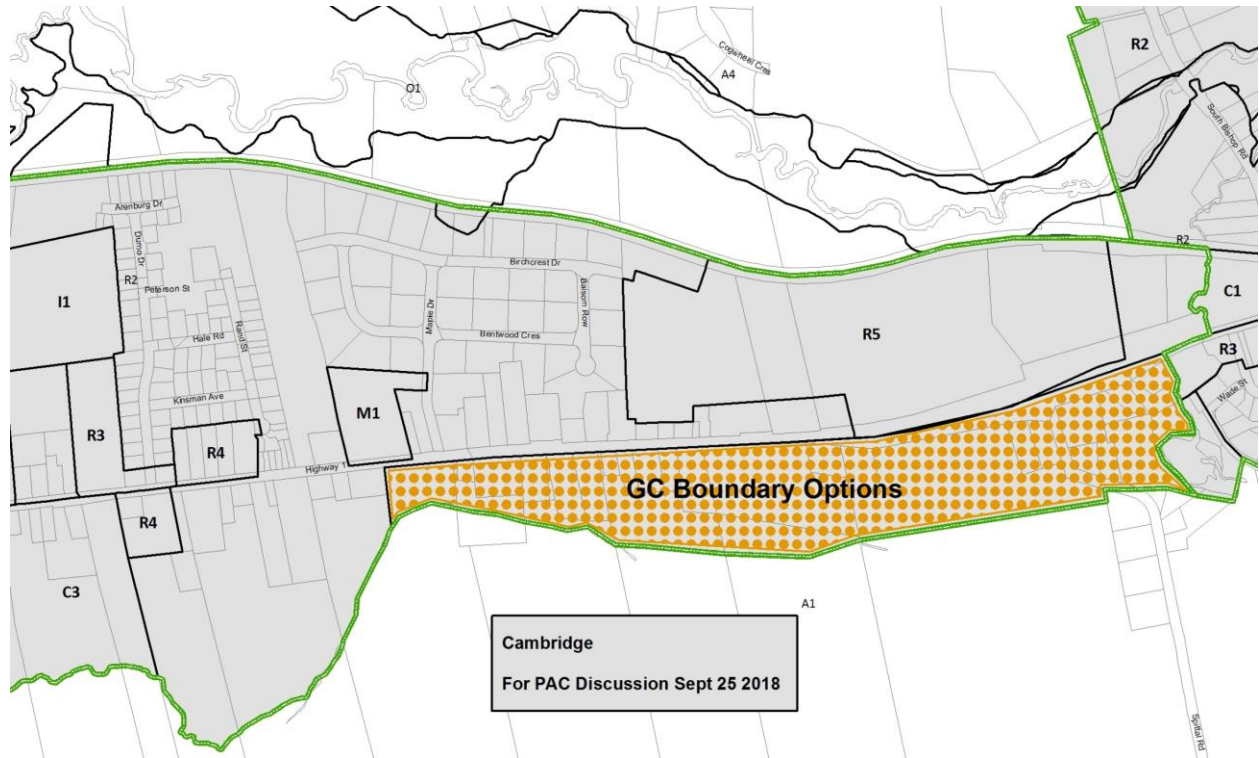
\_\_\_\_\_  
Councillor Brian Hirtle  
PAC Chairperson

\_\_\_\_\_  
Lilly Ashdown  
Recording Secretary

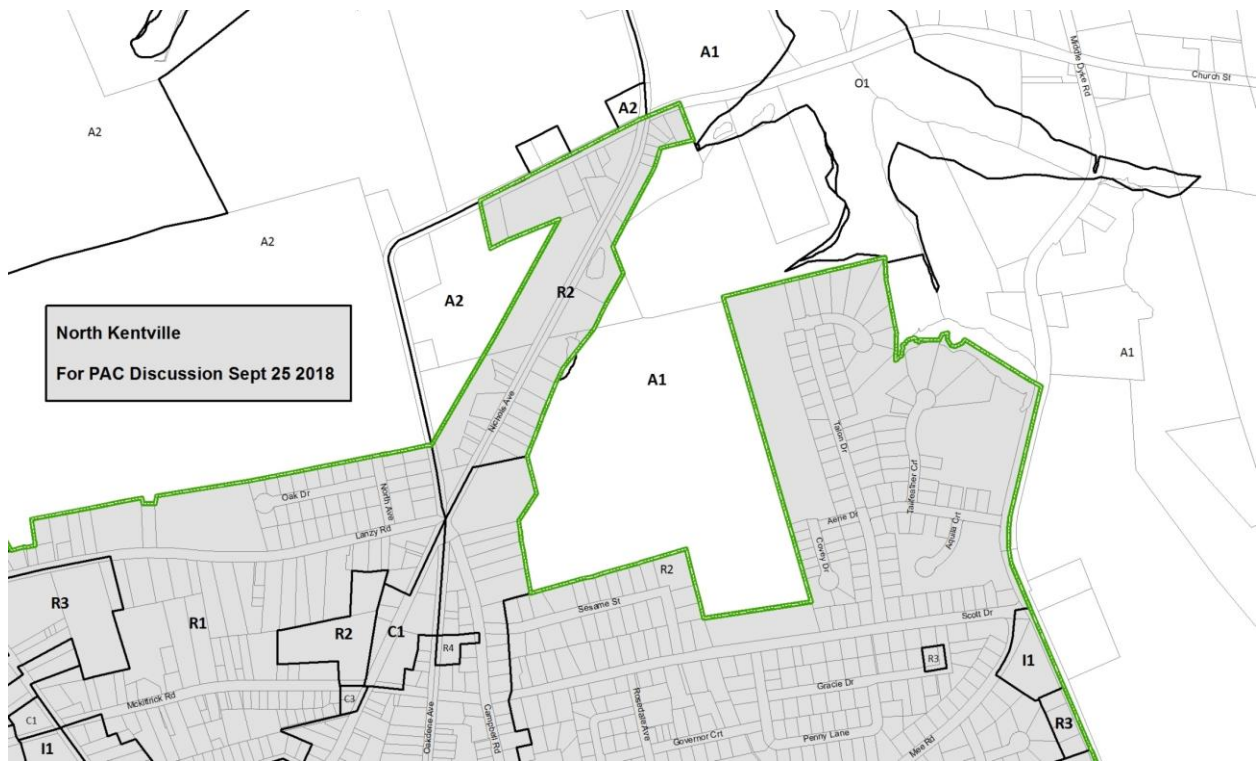
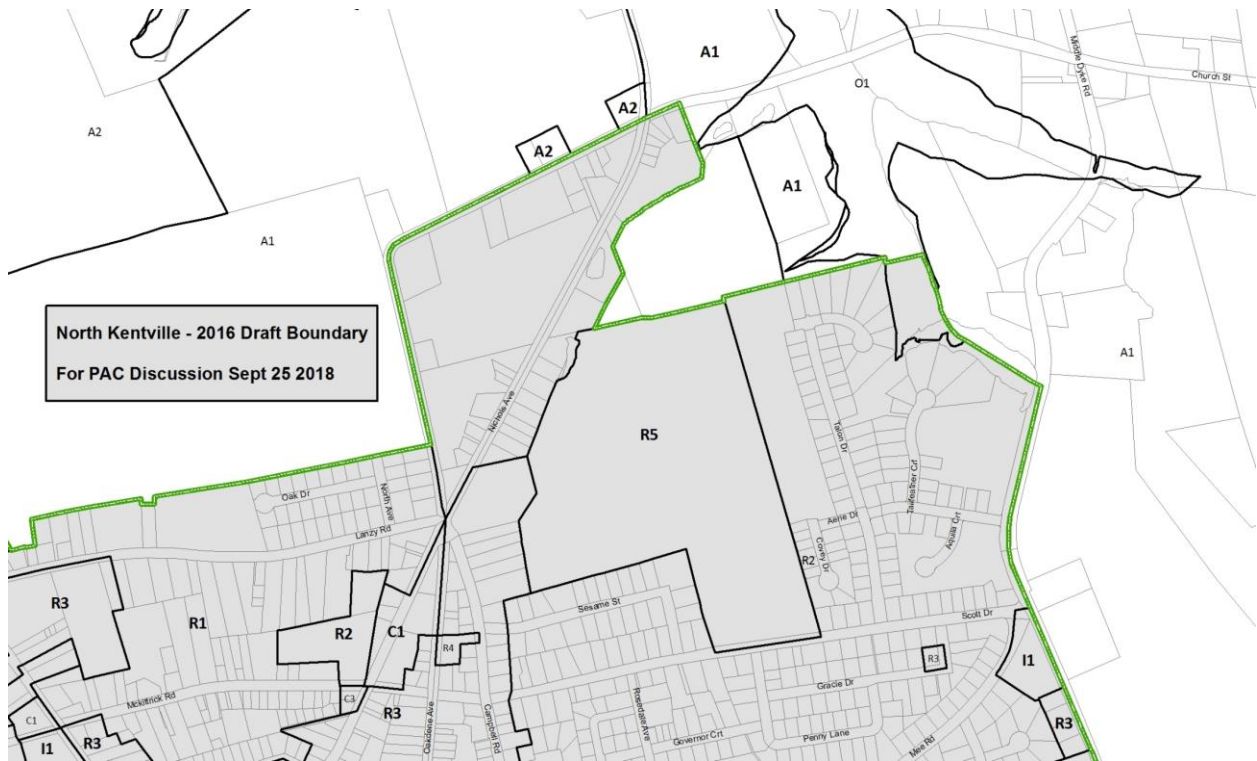
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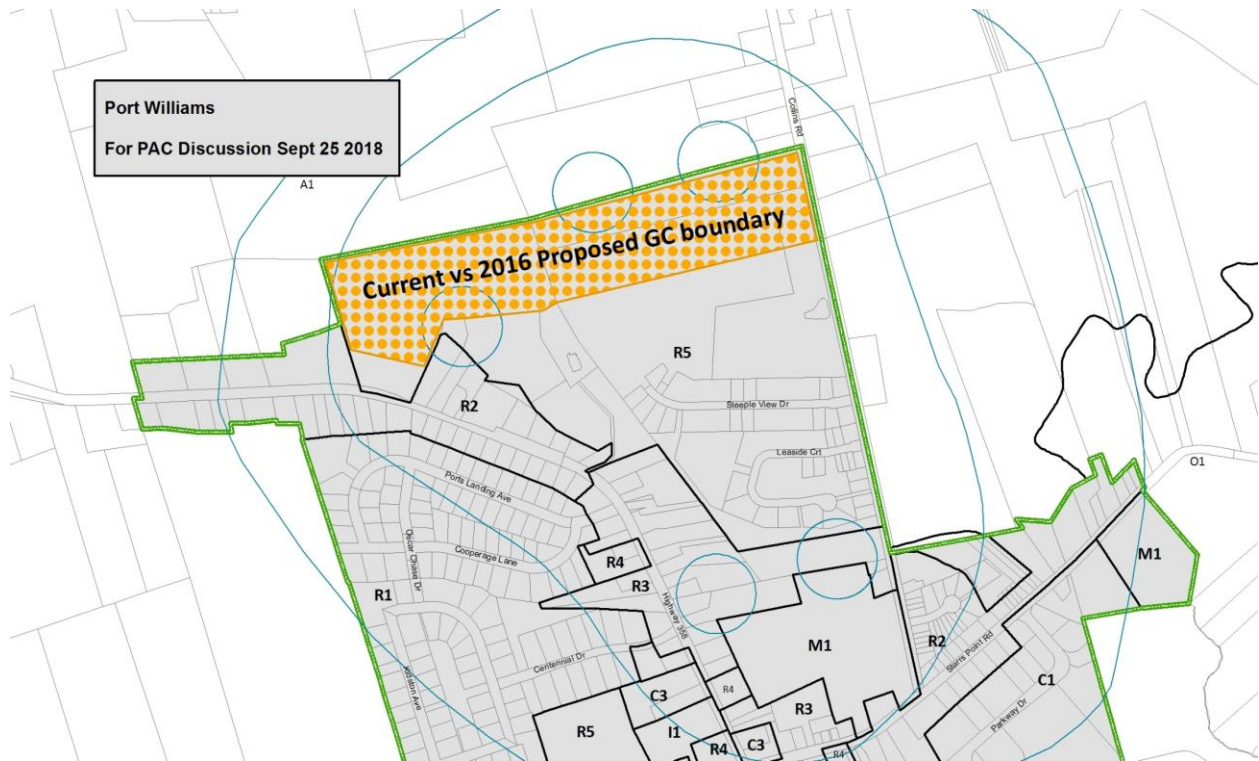
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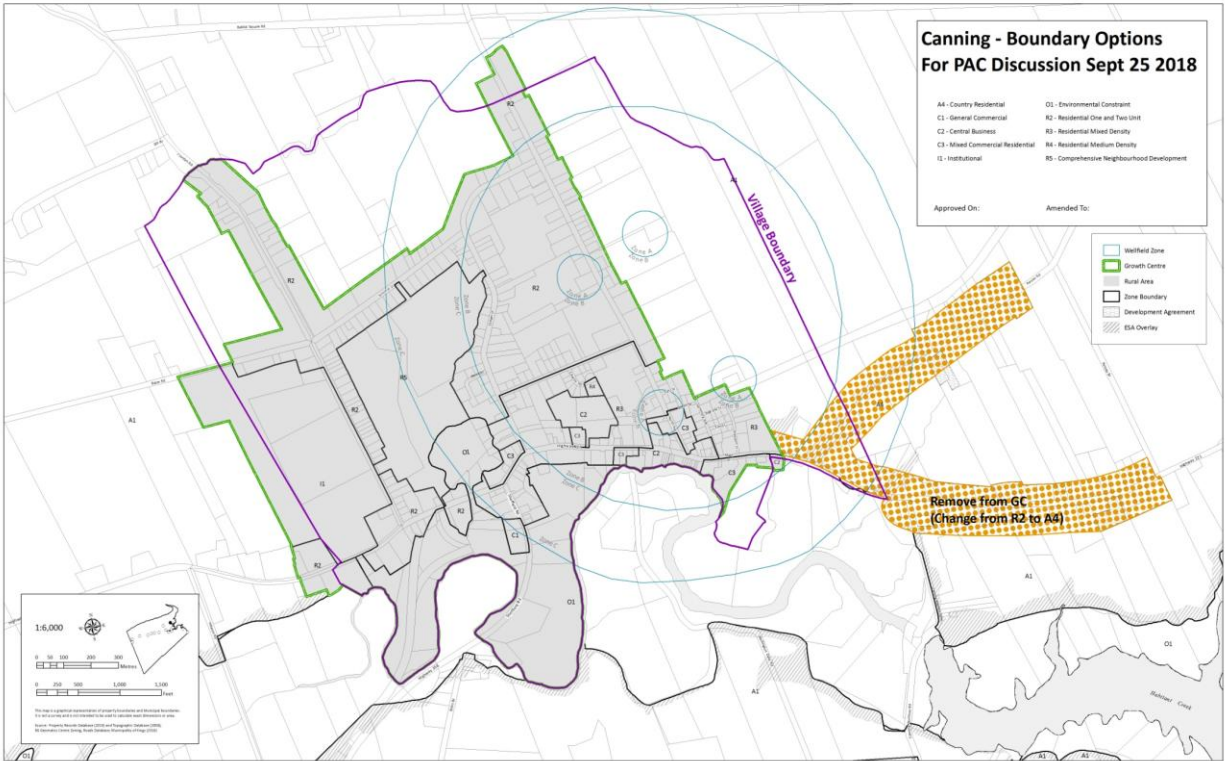
North Kentville



Port Williams

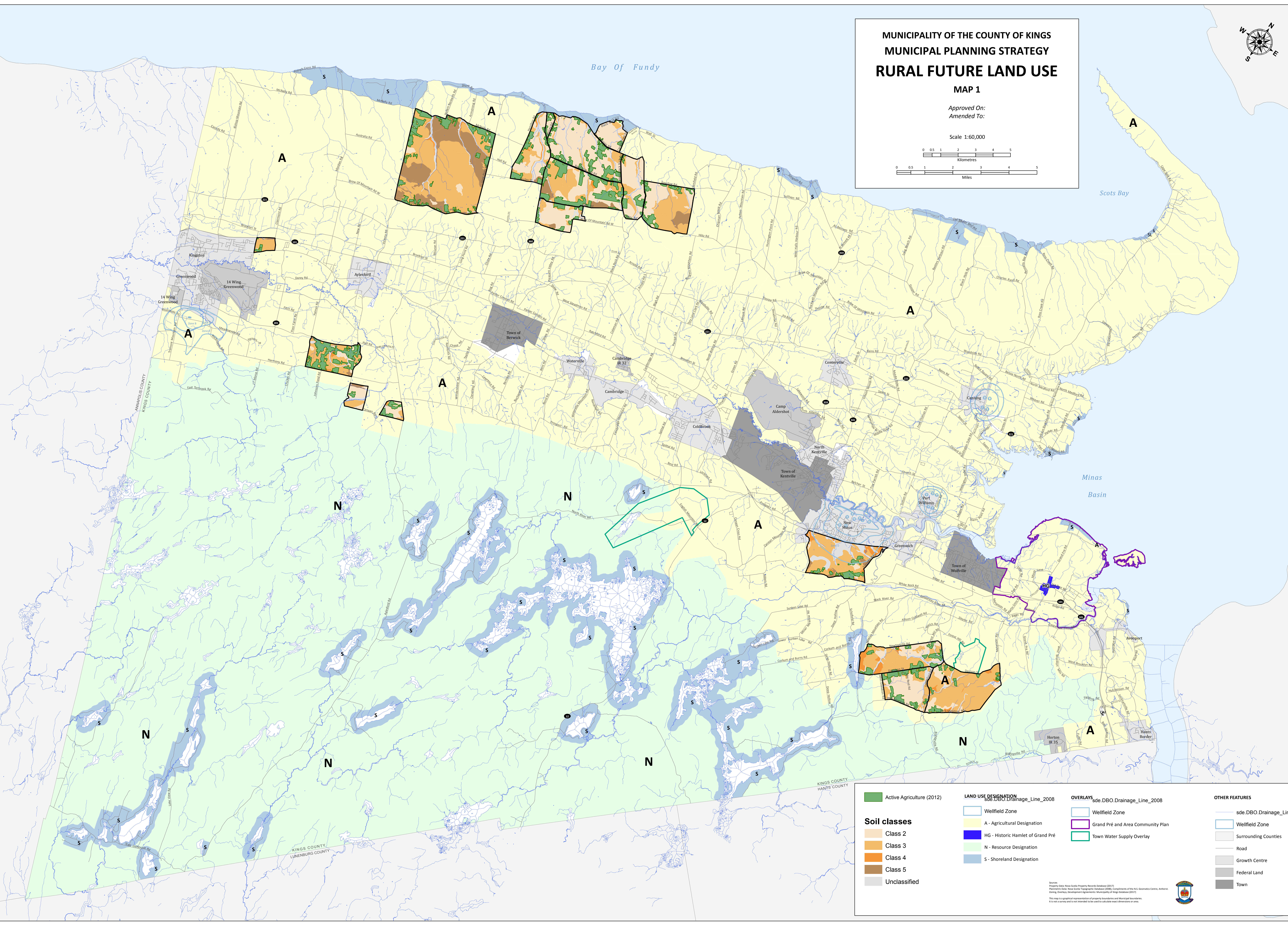
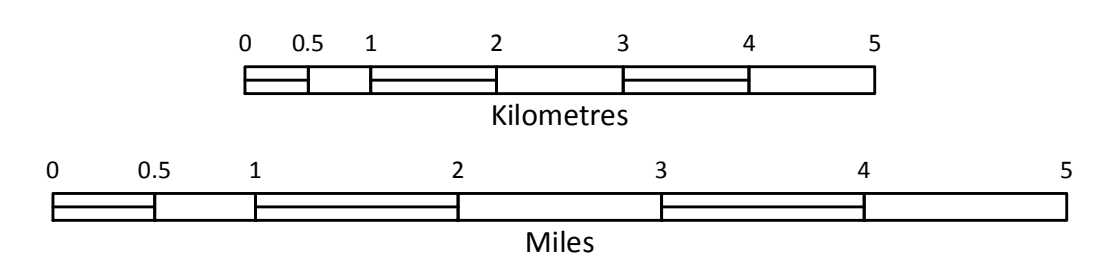


# Canning





**MUNICIPALITY OF THE COUNTY OF KINGS**  
**MUNICIPAL PLANNING STRATEGY**  
**RURAL FUTURE LAND USE**  
**MAP 1**  
 Approved On:  
 Amended To:  
 Scale 1:60,000



|                           |   |   |                       |
|---------------------------|---|---|-----------------------|
| Active Agriculture (2012) | <b>LAND USE DESIGNATION</b><br>sde.DBO.Drainage_Line_2008 | <b>OVERLAYS</b><br>sde.DBO.Drainage_Line_2008 | <b>OTHER FEATURES</b> |
| <b>Soil classes</b>       | Wellfield Zone  | Wellfield Zone                                | Wellfield Zone        |
| Class 2                   | A - Agricultural Designation                              | Grand Pré and Area Community Plan             | Surrounding Counties  |
| Class 3                   | HG - Historic Hamlet of Grand Pré                         | Town Water Supply Overlay                     | Road                  |
| Class 4                   | N - Resource Designation                                  |   | Growth Centre         |
| Class 5                   | S - Shoreland Designation                                 |   | Federal Land          |
| Unclassified              |   |   | Town                  |

Sources:  
 Property Data: Nova Scotia Property Review Database (2007)  
 Municipal Data: Nova Scotia Property Review Database (2006), Compromises of the N.S. Geographic Centre, Antwerp  
 Land Use Designation: Nova Scotia Property Review Database (2006), Compromises of the N.S. Geographic Centre (2007)  
 This map is a graphical representation of property boundaries and Municipal boundaries.  
 It is not a survey and is not intended to be used to calculate exact dimensions or area.



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## SUMMARY OF DRAFT LAND USE BY-LAW

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Over the past ten months, staff have reviewed the policies of the draft Municipal Planning Strategy with, and have sought direction from the Planning Advisory Committee regarding edits to the 2016 Draft Municipal Planning Strategy coming as a result of public consultation conducted in September 2017.

The Land Use By-law implements the policies of the Municipal Planning Strategy through regulations related to permitted uses and lot requirements. This document provides a summary of the proposed zones, permitted uses and lot requirements contained in the draft Land Use By-law.

The Land Use By-Law is the main regulatory document that implements the vision, goals and objectives set out in the Municipal Planning Strategy. It sets out the detailed regulations that control the size and location of buildings and the uses permitted on a lot.

Our current Land Use Bylaw, together with the New Minas Land Use Bylaw, is nearly 600 pages long and implements 67 different zones. Going forward, the Land Use By-law is proposed to be much more concise and user-friendly, including consolidating the number of zones to 28.

The zoning on some properties within the Municipality are proposed to change as part of the adoption of the new Land Use By-law. Some proposed changes are minor, such as a simple change in the name of the zone, expanded or condensed options for permitted uses, while other could have a significant impact, such as updated flood risk zoning.

Over the course of its review of the Municipal Planning Strategy, the Planning Advisory Committee has reviewed the various land use designations including Residential, Commercial, Industrial, Agricultural, Resource, and Shoreland. Within each of these designations, there are several enabled zones. There are also common zones enabled within one or more land use designations. This report reviews the various zones on the basis of their designations, first and then discusses the common zones after.



## RESIDENTIAL ZONES

The goal of the Residential Designation is “*To identify lands where the development of complete residential neighbourhoods is promoted and generally given priority over other types of land uses*”. This designation is generally consistent with the existing Residential Districts.

The Residential Designation enables several zones described below. Within all zones, notable changes being proposed include:

- Reducing lot size requirements, where appropriate, to enable an increase in the overall density within residential neighbourhoods
- Permitting a broader range of larger home-based business operations on lots that front onto collector roads, rather than requiring Council to approve a special sub-zone on a case by case basis
- Placing more emphasis on connections between neighbourhoods, parks and other amenities
- Allowing a variety of different types of detached dwellings, including manufactured housing and mini-homes
- Only considering new high density residential developments and new mobile-home parks by development agreement in some locations

### **Residential One Unit (R1) Zone and Residential One and Two Unit (R2) Zone**

The Municipality contains a number of low density residential neighbourhoods. People often choose to live in these neighbourhoods because they are quiet and provide privacy, while also offering amenities, such as parks, and a sense of community. Change is not expected or, often, desired. The Residential One Unit (R1) and Residential One and Two Unit (R2) Zones are intended to maintain these neighbourhoods, while encouraging energy efficiency and providing opportunities for limited infill development and home-based businesses. The Residential One Unit (R1) and Residential One and Two Unit (R2) Zones include lands that currently contain, or are intended to consist primarily of, one and two unit dwellings.

While there are many similarities between the current and proposed Residential One Unit (R1) and Residential One and Two Unit (R2) Zones, some changes are being considered, often aimed at allowing more compact and energy efficient development. Notable proposed changes include:

- Reducing minimum lot sizes where central sewer is available
- Reducing minimum road frontage requirements
- Reducing the minimum side yard setback on both sides of a house, with or without a garage
- Allowing the development of a secondary suite within one unit dwellings in the Residential One Unit (R1) Zone provided the dwelling continues to appear as a one unit dwelling
- Mini homes now permitted on their own lots

### **Residential Mixed Density (R3) Zone**

The Residential Mixed Density (R3) Zone is intended to allow for a higher density of residential development by accommodating a wide variety of residential building forms. The Residential Mixed Density (R3) Zone includes lands that currently contain, or are encouraged to contain, a mix of housing forms, including one unit dwellings, two unit dwellings, town houses and small scale apartment buildings up to 8 residential units per structure.

The Residential Mixed Density (R3) Zone is most consistent with the current Residential Mixed Density (R3) Zone, but will also be applied in new areas, such as along major transportation corridors. While there are many similarities some changes are being considered, often to provide greater flexibility. Notable proposed changes include:

- Removing the requirement for lots abutting a lower density zone to only be developed according to the same standards as that lower density zone
- Reducing minimum road frontage
- Permitting Places of Worship as a permitted use without having to be on major collector

### **Residential Multi-unit (R4) Zone**

The Residential Multi-unit (R4) Zone is intended to encourage compact neighbourhood development in strategic locations, such as along important transportation corridors and next to employment and shopping destinations. The Residential Multi-unit (R4) Zone is applied to lands that currently contain, or are encouraged to contain, medium density housing forms, up to 16 units per dwelling, such as apartment buildings.

The Residential Multi-unit (R4) Zone is most consistent with the current Residential Medium Density (R4) Zone. While there are many similarities some changes are being considered, often to provide greater flexibility. Notable proposed changes include:

- Reducing minimum road frontage requirements from 100 to 40 feet
- Allowing Places of Worship as a permitted use without having to be on major collector

Higher density residential uses are accommodated through a development agreement option within residential zones.

## **Comprehensive Neighbourhood Development (R5) Zone**

The Comprehensive Neighbourhood Development (R5) Zone is intended to allow for integrated and comprehensive planning of new large-scale neighbourhoods by development agreement. This zone provides an opportunity for developers to consider alternative lot standards and development forms as well as innovative ways of incorporating open space and community amenities, such as pedestrian pathways and bike lanes, or the use of energy efficient technologies, such as district heating. The Comprehensive Neighbourhood Development (R5) Zone is applied to prominent undeveloped lands.

The Comprehensive Neighbourhood Development (R5) Zone is proposed to generally replace the existing Residential Comprehensive Development District (R10) Zone. While there are many similarities, notable proposed changes being considered include:

- Applying the zone—and the requirement for new development to be reviewed through a public development agreement process—to several new areas, generally large blocks of undeveloped land that are prominently located within Growth Centres
- Clarifying the development agreement policies to allow accessory commercial and community facility uses, where appropriate
- Requiring a mix of housing types within the area covered by the development agreement
- Placing more emphasis on ensuring that any new public infrastructure, such as roads, are cost effective to maintain
- Requiring a minimum density of 4 units per acre

## **Other Zones Enabled within the Residential Designation**

Mixed Commercial Residential (C3) Zone – discussed in Commercial Designation

Environmental Constraint(s)(O1) Zone – discussed in Environmental Protection

Institutional (I1) Zone – discussed in Common Zones

Commercial Recreation (P1) Zone – discussed in Common Zones

Aggregate Related Industry (N2) Zone – discussed in Resource Designation



## COMMERCIAL ZONES

The goal of the Commercial Designation is *“To identify lands where commercial activities are promoted and generally given priority over other types of land uses”*. This designation generally replaces existing Commercial Districts and provides more flexibility for a variety of commercial and mixed-use developments.

The Commercial Designation enables several zones described below. Within all zones, notable changes being considered include:

- Reducing front and side yard setback requirements, except where abutting a residential zone
- Clarification of parking requirements — parking requirements for most uses will be calculated based on gross floor area
- In general, a reduction in parking requirements for commercial uses
- Broader application of Mixed Commercial and Residential (C3) Zone to encourage the development of more mixed-use areas

### **General Commercial (C1) Zone**

The General Commercial (C1) Zone is intended to accommodate a very wide range of commercial uses, such as small stores, auto sales, malls, or large-format retail stores as well as limited residential opportunities and low-impact industrial developments. The General Commercial (C1) Zone is applied to regional shopping and service destinations located along important transportation corridors and existing General Commercial (C1) Uses.

The General Commercial (C1) Zone is proposed to generally refine the General Commercial (C1) Zone, and the Shopping Centre (C3) Zone within the Municipality, as well as replace the Major Commercial I (C1) Zone and Major Commercial II (C2) Zone and Commercial Shopping Centre (C3) Zone found in New Minas. While there are many similarities some changes are being considered to provide greater flexibility to businesses. Notable proposed changes include:

- Allowing residential units above, behind or below commercial buildings, without limiting the floor area of the residential uses to the same area as the commercial floor area

- Allowing lounges and other establishments that sell liquor in New Minas without requiring a development agreement
- Allowing small scale manufacturing & agricultural related uses up to 5,000 square feet in size
- Allowing digital signs, up to 40 square feet in size
- Removing specific buffering requirements with adjacent residential zones due to the difficulty in enforcing effective landscaping and a reluctance to require fencing in all cases. Landscaping is still required but this can consist of a grassed area.

### **Central Business (C2) Zone**

The Central Business (C2) Zone is intended to promote fine-grained, high-quality development on the Municipality’s main streets by allowing for compact development standards, a mixing of uses, and limiting uses only to those that contribute liveliness and continuity to the street. The Central Business (C2) Zone is applied to areas that are considered traditional “Main Street” commercial areas in Canning, Kingston, Aylesford and Port Williams. These areas are intended to be pedestrian friendly, and preserve the existing historic lot fabric and development pattern.

The Central Business (C2) Zone is proposed to generally refine the existing Central Business (C2) Zone. While there are many similarities some changes are being considered, often to provide greater flexibility and preserve the historic streetscapes. Notable proposed changes include:

- Allowing a limited scale of manufacturing and agricultural related industry, such as furniture production or the bottling of beverages, provided the goods produced are sold on-site

### **Mixed Commercial Residential (C3) Zone**

Existing mixed-use development in the Municipality has demonstrated that it is possible for commercial and residential uses to peacefully coexist. The Mixed Commercial Residential (C3) Zone is intended to provide the flexibility to permit both residential and lower impact commercial uses, such as local retail or small business offices, in the same area.

The Mixed Commercial Residential (C3) Zone is proposed to generally replace the existing mixed use zones and is intended to be applied to areas that already contain a mix of commercial and residential uses as well as in areas between commercial areas and residential areas to provide a transition. While there are many similarities to existing zoning, notable changes being proposed to provide greater flexibility in some areas include:

- Applying the Mixed Commercial Residential (C3) Zone to more areas. These additional areas are primarily areas that already contain a mix of commercial and residential land uses or areas where commercial development is currently permitted and appropriate but where a lack of market demand often means commercial buildings have higher vacancy rates

## **Rural Commercial (C4) Zone**

The Rural Commercial (C4) Zone is intended to provide opportunities for commercial uses serving rural industries, visitors and residents to locate and expand in rural communities outside of the Agricultural (A1) Zone.

The Rural Commercial (C4) is proposed to generally replace the existing Agricultural Commercial (C8) Zone, the Rural Commercial (C9) Zone, and the Hamlet Commercial (C10) Zones and is proposed to be applied to existing rural commercial uses. It is not intended that additional properties be pre-zoned to the Rural Commercial (C4) Zone but shall be considered for future uses by rezoning. While there are many similarities to existing zoning, notable changes being considered to provide greater flexibility in some areas include:

- Generally merging the lists of permitted uses within each of the existing zones into one list
- Reduction in or maintenance of front yard setback requirements, minimum frontage requirements also reduced
- Establishing a maximum front yard setback to ensure that residential uses are located close to the road to maintain large tracts of resource lands

## **Highway Commercial (C5) Zone**

The Highway Commercial (C5) Zone is intended to complement established commercial areas by providing opportunities for commercial uses geared to the traveling public, such as gas stations and visitor information centres, in an aesthetically-pleasing way. The Highway Commercial (C5) Zone is also intended to provide close highway access for those uses that require it, such as emergency services.

The Highway Commercial (C5) Zone is proposed to generally replace the existing Highway Commercial (C11) Zone (C6 in New Minas). While there are many similarities some changes are being considered, often to provide greater flexibility. Notable proposed changes include:

- Reducing road frontage requirements
- Introducing building design requirements related to glazing and construction materials for walls facing Highway 101, allowing digital signs, up to 40 square feet in size

## **Other Zones Enabled within the Commercial Designation**

Environmental Constraints (O1) Zone – discussed in Environmental Protection

Institutional (I1) Zone – discussed in Common Zones

Commercial Recreation (P1) Zone – discussed in Common Zones

Aggregate Related Industry (N2) Zone – discussed in Resource Designation





## INDUSTRIAL ZONES

The goal of the Industrial Designation is *“To identify lands where serviced industrial activities are promoted and generally given priority over other types of land uses”*. This designation generally replaces existing Industrial Districts and generally maintains the existing policies and regulations related to the existing Industrial Districts.

The Industrial Designation enables several zones described below. Within all zones, notable changes being considered include:

- Greater flexibility to consider development agreements for uses not otherwise permitted

### **Light Industrial Commercial (M1) Zone**

The Light Industrial Commercial (M1) Zone is intended to provide opportunities for businesses to locate and expand in the Municipality in areas where a business focus is desired. The Light Industrial Commercial (M1) Zone allows for a broad range of industrial and commercial uses, including a variety of lower-impact industrial uses, but specifically excludes heavy industrial uses due to potential conflict with surrounding neighbourhoods.

The Light Industrial Commercial (M1) Zone is consistent with the existing Light Industrial Commercial (M1) Zone.

### **Heavy Industrial (M2) Zone**

The Heavy Industrial (M2) Zone is intended to provide industrial uses with access to transportation routes and raw resources while separating these uses and their potentially noxious outputs from areas containing residential development.

The Heavy Industrial (M2) Zone is proposed to generally replace the existing Heavy Industrial (M2) Zone. While there are many similarities some changes are being proposed, often to provide greater flexibility. Notable proposed changes include:

- Reducing minimum lot sizes
- Reducing minimum road frontage requirements
- Elimination of Lot Coverage limitation

### **Rural Industrial (M3) Zone**

The Rural Industrial (M3) Zone is intended to opportunities for industrial uses that support rural activities including, but not limited to agricultural processing, warehousing and sawmills. This zone is enabled within rural designations outside of the Industrial Designation and the Municipality's Growth Centres.

The Rural Industrial (M3) Zone is proposed to generally replace the existing Agricultural Industrial (M3) Zone, the Resource Industrial (M4) Zone, the Hamlet Industrial (M5) Zone and the Salvage Yard Industrial (M6) Zone and is proposed to be applied to existing rural industrial uses. It is not intended that additional properties be pre-zoned to the Rural Industrial (M3) Zone but shall be considered for future uses by rezoning. While there are many similarities to existing zoning, notable changes being considered to provide greater flexibility in some areas include:

- Generally merging the lists of permitted uses within each of the existing zones into one list
- Reduction of front yard setback requirement, minimum frontage requirements also reduced

### **Other Zones Enabled within the Industrial Designation**

Environmental Constraints (O1) Zone – discussed in Environmental Protection

Institutional (I1) Zone – discussed in Common Zones

Commercial Recreation (P1) Zone – discussed in Common Zones

Aggregate Related Industry (N2) Zone – discussed in Resource Designation



## AGRICULTURAL ZONES

The goal of the Agricultural Designation is *“To identify lands where agricultural and related land uses are encouraged, promoted and given priority over other types of land uses”*. Compared to the current Agricultural Designation, this proposed designation is larger and includes mixed agricultural and rural areas on the North and South Mountains.

The Agricultural Designation enables several zones described below. Notable changes within all or most of the zones include:

- Reducing minimum front setbacks for all agricultural uses from 120 feet to 40 feet
- Permitting livestock operations in all Agricultural zones
- Enabling working farms to offer agritainment uses such as u-picks and petting zoos as-of-right
- Enabling working farms to offer up to five farm stay units per lot in repurposed or temporary structures
- Making it easier for farms and vineyards to include product sampling, including accessory retail sales and restaurants/cafes up to 2,500 sq ft in size
- Expanded options for rural home occupations

### **Agricultural (A1) Zone**

The intent for the Agricultural (A1) Zone is to identify and protect high capability agricultural lands for future agricultural production. This zone will provide maximum flexibility for agricultural and complementary uses and limit non-farm development, including housing. The Agricultural (A1) Zone includes distinct blocks of land that are defined by physical and natural features, such as roads and rivers, where 60% of the area of the block consists of a combination of Class 2 and 3 soils and lower class soils that are actively farmed. The Agricultural (A1) Zone is proposed to generally expand the existing Agriculture (A1) Zone. While there are many similarities, notable changes being considered to place greater priority on agricultural uses include:

- Reducing setback and separation distance requirements for livestock operations to 100 feet from lot boundaries and watercourses, with no separation requirements between dwelling on neighbouring properties and livestock buildings

- Enabling larger restaurants as well as event venues accessory to operating farm business through a development agreement with limits on the size of both temporary and permanent buildings
- Eliminating exemptions that allow non-farm dwellings to be built in this zone, including the pre 1994 lot and poor soils exemptions
- Eliminating the use of soil classification mapping on a site specific basis, including the use of this mapping for permitting non-farm dwelling
- Permitting the development of non-farm dwellings between existing houses, or a house and a road, subject to site plan approval criteria at minimizing impacts on agricultural land and operations
- Establishing a maximum setback for all new non-farm dwellings of 150 feet from the front property line to limit land use conflicts with agricultural uses
- Eliminating options to rezone out of the Agricultural (A1) Zone
- Changing eligibility requirements for the construction of farm dwellings

### **Rural Mixed Use (A2) Zone**

Large areas of the North and South Mountains, as well as pockets on the Valley floor, are characterized by a mix of agricultural, residential, and resource based land uses. While the soils and climate on the North and South Mountains are not generally as productive as the main Valley floor, agricultural uses are still a dominant land form and many agricultural businesses flourish there. Unlike the Valley floor, however, there are also large stretches of forested lands, which have provided space and natural buffers for residential development to take place. The intent of the Rural Mixed Use (A2) Zone is to allow a mix of agricultural, residential and resource land uses to enable the expansion of the agricultural industry, as well as accommodate demand for rural housing.

The Rural Mixed Use (A2) Zone is proposed to generally replace unserved hamlet areas, some areas zoned Forestry (F1), and some areas zoned Country Residential (R6). While there are many similarities with this existing zoning some changes are being proposed, often to increase flexibility for resource based uses and to provide opportunities for supportive uses related to processing, packaging, or shipping of agricultural or forestry products. Notable changes being proposed include:

- Providing flexibility for agriculture related industries and forestry related industries
- Establishing a maximum setback for new dwellings of 1,000 feet from the front property lines to limit land use conflicts with resource based uses

### **Farm Commercial (A3) Zone**

The Farm Commercial (A3) Zone is intended to enable farm businesses in Greenwich to grow and branch out into complementary uses, while continuing to maintain the agricultural character of their current developments. This zone encourages value added processing and agri-tourism uses and limits commercial uses that are not related, or complementary to, farm operations.

The Farm Commercial (A3) Zone is proposed to replace the existing Farm Commercial (C13) Zone. While there are many similarities, notable changes being proposed include:

- Reducing road frontage requirements from 200 feet to 100 feet since all properties in this zone are sewer serviced

### **Country Residential (A4) Zone**

The Country Residential (A4) Zone is intended to provide opportunities for rural residential development while accommodating resource development and agriculture while limiting the potential for new public roads to be constructed in rural areas.

The Country Residential (A4) Zone is proposed to replace the existing Country Residential (R6) Zone in some areas. While there are many similarities, notable changes being proposed include:

- Reduction in the required lot area
- Reduction in the required lot frontage
- Reduction in the required front yard setback

### **Historic Hamlet of Grand Pré (A5) Zone**

The Historic Hamlet of Grand Pré (A5) Zone is intended to contribute to the maintenance of existing residential areas in the Historic Hamlet of Grand Pré while allowing for residential care facilities, non-profit camps and small-scale tourist commercial lodging facilities.

The Historic Hamlet of Grand Pré (A5) Zone is proposed to replace the existing Hamlet Historic Residential (R9) Zone. The proposed permitted uses and regulations associated with this zone are consistent with the current Hamlet Historic Residential (R9) Zone.

### **Other Zones Enabled within the Agricultural Designation**

Environmental Constraints (O1) Zone – discussed in Environmental Protection

Institutional (I1) Zone – discussed in Common Zones

Commercial Recreation (P1) Zone – discussed in Common Zones

Aggregate Related Industry (N2) Zone – discussed in Resource Designation



## SHORELAND ZONES

The goal of the Shoreland Designation is, *“To identify lands where limited shoreland development is appropriate and to minimize the impacts of that development and the natural environment on each other”*. This designation generally replaces existing Shoreland and some Country Residential Districts located around South Mountain lakes and areas along the Fundy and Minas Basin shore.

The Shoreland Designation enables several zones described below. Within all zones, notable changes being proposed include:

- Reducing front yard setback requirements (to the road)
- Providing clarity that one recreational vehicle is permitted on a lot in place of a dwelling or cabin

### **Lakeshore Residential (S1) Zone**

The Lakeshore Residential (S1) Zone is intended to minimize the impact of human development on freshwater lakes in the Municipality while allowing public and private opportunities for freshwater-related recreation, leisure activities, and permanent habitation.

The Lakeshore Residential (S1) Zone is proposed to replace the Seasonal Residential (S1) Zone in areas where there is existing development. While there are many similarities, notable changes being considered include:

- Replacing the “seasonal dwelling” use, which is based on amount of time the property is used and is hard to enforce, with a “recreational cabin” use, which is based on a lower level of ‘finishing’ applied to the building (e.g. no insulation or plumbing)

### **Lakeshore Limited Development (S2) Zone**

The Lakeshore Limited Development (S2) Zone is intended to provide opportunities for freshwater-related recreation, leisure activities and permanent habitation on larger lots with larger water frontages, to reduce the need to clear large areas of the lakeshore for development

and to reduce the numbers of septic systems (and the nutrients they release) around the South Mountain Lakes.

The Lakeshore Limited Development (S2) Zone is proposed to replace areas zoned Future Shoreland (S2) and areas zoned Lakeshore Residential (S1) that do not contain existing development. The Lakeshore Limited Development (S2) Zone arises from the intent of the current Future Shoreland (S2) Zone of protecting sensitive areas or areas where the impacts of development have not yet been analyzed; however, the Lakeshore Limited Development (S2) Zone is in many ways a new zone. Highlights of this zone being proposed include:

- Minimum lot size of 3 acres
- Minimum lot and water frontage of 400 feet each
- Limit subdivision to one lot per area of land per year

### **Tidal Shoreland (T1) Zone**

The Tidal Shoreland (T1) Zone is intended to provide limited opportunities for residential development along the marine coast while protecting this type of development from coastal hazards.

The Tidal Shoreland (T1) Zone is proposed to replace the existing Coastal Shoreland (CS) Zone, areas zoned Hamlet Residential (R7) in former coastal hamlets, areas zoned Forestry (F1) and areas zoned Country Residential (R6) where coastal development has already occurred. While there are many similarities, notable changes being considered include:

- Focusing almost entirely on small residential uses (one and two units), where some of the previous zones allowed uses such as gun ranges and kennels
- Reducing minimum lot size
- Reducing minimum lot frontage
- Reducing side setbacks
- Implementing a minimum setback from the marine coast (the top of the bank) of 75 feet for main buildings and 50 feet for accessory buildings

### **Coastal Commercial (T2) Zone**

The Tidal Commercial (T2) Zone is intended to provide flexibility for a limited range of uses that service the surrounding community and visitors along the marine coast.

The Tidal Commercial (T2) Zone is proposed to replace the Hamlet Commercial (C10) Zone in former hamlets on the Minas and Fundy coasts. While there are many similarities, notable proposed changes include:

- Permitting one- and two-unit dwelling as a primary use as opposed to only accessory to a commercial use
- Tailoring the list of uses to the coastal aspect of these areas, e.g. removing uses that were more focused on the agricultural hamlets (sod operations, etc.)
- Reducing minimum lot size

- Reducing minimum lot
- Reducing minimum side setbacks

### **Other Zones Enabled within the Shoreland Designation**

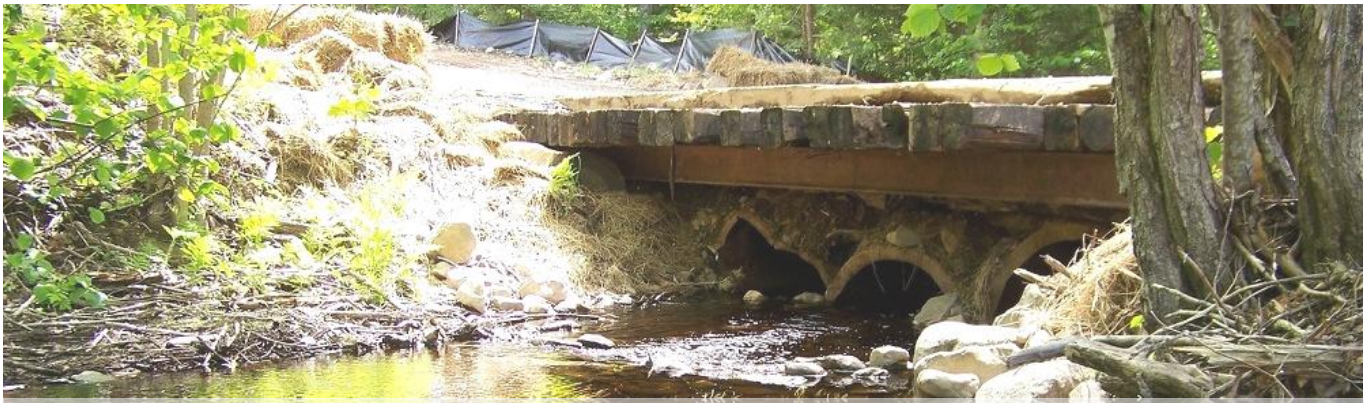
Environmental Constraints (O1) Zone – discussed in Environmental Protection

Institutional (I1) Zone – discussed in Other Zones

Commercial Recreation (P1) Zone – discussed in Common Zones

Aggregate Related Industry (N2) Zone – discussed in Resource Designation





## RESOURCE ZONES

The goal of the Resource Designation is *“To identify lands where recreation and natural resource development, such as forestry, mining, and energy development are encouraged and generally given priority over other types of land uses.”* Compared to the current Forestry Designation, this proposed designation is smaller to focus only on the sparsely populated areas found on the South Mountain.

The Resource Designation enables two zones described below. Within all zones, notable changes being considered include:

- Reducing front yard setbacks for all agricultural uses to 40 feet, compared to the current 120 foot requirement
- Reducing required frontage
- Expanded options for rural home occupations

### **Resource (N1) Zone**

The Resource (N1) Zone is intended to maintain large tracts of uninhabited forested land for resource development, while limiting residential development to ensure there is sufficient space for large resource based industries to locate and expand in these areas.

The Resource (N1) Zone is proposed to generally replace Forestry (F1) Zone found in sparsely populated areas of the South Mountain. While there are many similarities some changes are being proposed that place more priority on resource based uses. Notable changes include:

- Permitting more resource development and processing uses as-of-right
- Expanded options for development agreements for uses not otherwise permitted
- Establishing a maximum setback for new dwellings of up to 1,000 feet from the road to limit land use conflicts with resource based uses

### **Aggregate Related Industry (N2) Zone**

The Aggregate Related Industry (N2) Zone is intended to be applied to existing and future aggregate extraction operations. The approval authority for aggregate extraction is the provincial government, however, there are associated uses that are not addressed by provincial legislation and are permitted through this zone.

The Aggregate Related Industry (N2) Zone is a new zone and permits uses associated with aggregate extraction such as asphalt processing, concrete batching and component manufacturing.

### **Other Zones Enabled within the Resource Designation**

Environmental Constraints (O1) Zone – discussed in Environmental Protection

Institutional (I1) Zone – discussed in Common Zones

Commercial Recreation (P1) Zone – discussed in Common Zones



## ENVIRONMENTAL PROTECTION

The proposed goal related to Environmental Protection is *“To minimize the impact of development on floodplains, areas with steep slopes, and drainage ways, while also reducing the impact of flooding on residents, property and infrastructure.”* Compared to the current zones that serve to protect the environment, the proposed Land Use By-law incorporates one zone and several overlays.

Within the Environmental Protection policies and regulations, notable changes include:

- Establishing an Environmentally Sensitive Areas overlay
- Establishing a Town Water Supply Overlay

### **Environmental Constraint (O1) Zone**

The Environmental Constraint (O1) Zone is intended to restrict land uses and development in areas which have an increased risk of flooding, erosion, slope failure or other unique features which cause them to be environmentally sensitive to development pressure.

The areas identified as Environmental Constraint (O1) have been so identified through mapping exercises performed by the Applied Geomatics Research Group (AGRG) in 2012 through the use of updated LIDAR mapping and additional data collected through the use of a hydrodynamic model that simulates watershed runoff.

The proposed Environmental Constraint (O1) Zone is generally consistent with the existing Environmental Open Space (O1) Zone with the following notable proposed changes:

- Eliminating the ability to adjust the boundary between the Environmental Constraint (O1) Zone and abutting development zones resulting in the removal of lands from the Environmental Constraint (O1) Zone

## **Environmentally Sensitive Areas (ESA) Overlay<sup>1</sup>**

The Environmentally Sensitive Area (ESA) Overlay has been applied to lands that were not previously zoned Environmental Open Space (O1) that are now located within the flood risk areas identified by the 2012 Applied Geomatics Research Group floodplain mapping. This overlay also includes generalized areas with steep slopes greater than 20% and where development could contribute to erosion, sedimentation and flooding areas. This overlay is intended to provide some flexibility regarding development, especially in urban areas, in recognition of the pre-existing development patterns and the hardship that strict limitations would place on property owners. Permitted uses would be determined by the underlying zoning on the property.

The Environmentally Sensitive Areas (ESA) Overlay is proposed to include additional controls on development such as:

- Permitting new development, but subject to new flood resistant engineering design techniques
- Having applicants sign a waiver acknowledging the risk associated with development within this overlay

## **Water Supply (TWS) Overlay**

The Town Water Supply (TWS) Overlay is intended to protect the backup surface water supplies of the Towns of Kentville and Wolfville.

The Town Water Supply (TWS) Zone is proposed to generally replace the existing Water Supply (O2) Zone. While there are many similarities, notable changes being considered include:

- Clarifying that the development of new public roads is not permitted

## **Port Williams Urban Floodplain (UF1) Overlay and Port Williams Urban Floodplain Warning (UF2) Overlay**

The Port Williams Urban Floodplain (UF1) Overlay and Port Williams Urban Floodplain Warning (UF2) Overlay are consistent with the existing floodplain overlays adopted as part of the Port Williams Secondary Plan and are proposed to remain identical moving forward.

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<sup>1</sup> An “overlay zone” is a zone that is applied on top of other zoning. Any development proposed within this area must meet the requirements of both the underlying zoning and the overlay zone



## COMMON ZONES

### **Institutional (I1) Zone**

The Institutional (I1) Zone is intended to accommodate institutions, such as schools, fire halls, and hospitals, and their supportive uses and provide land use controls tailored to the unique potential impacts of these uses.

The Institutional (I1) Zone is proposed to generally replace the existing Institutional (I1) Zone and some areas zoned Community Facility (CF). While there are many similarities, notable changes being considered include:

- Reducing minimum lot size requirement
- Reducing minimum road frontage requirements

### **Commercial Recreation (P1) Zone**

The Commercial Recreation (P1) Zone is intended to include areas within any designation that contain, or are intended to contain, golf courses, campgrounds and similar uses.

The Commercial Recreation (P1) Zone is proposed to replace the existing Recreational Open Space (P2) Zone. While there are similarities, notable changes being proposed are:

- Increasing the required lot area
- Increasing side yard setbacks
- Expanding options for development agreements for high impact recreational uses



## UTILITIES

### Solar Collector Systems

The current Land Use By-law permits solar panels and other solar collector systems as accessory uses and structures to other permitted uses, which can lead to confusion for property owners and potential developers. Consideration is being given to adding a section on solar collector systems with the following highlights:

- Solar collectors mounted on buildings would be explicitly permitted with no limit on the size/area of the system
- Small-scale systems (big enough to meet residential demand) would be permitted as an accessory use in all zones, with a limit on the permitted solar collector area (215 square feet) and subject to the setback requirements for an accessory structure within the zone
- Large-scale systems (greater than 215 square feet in solar collector area) would be permitted in most rural zones, except the Lakeshore Residential (S1), Lakeshore Limited Development (S2) and the Tidal Commercial (T2) Zone, Farm Commercial (A3) Zone, Country Residential (A4) Zone and Historic Hamlet of Grand Pré (A5) Zone, with a minimum setback of 20 feet from all lot lines

### Wind Turbines

The current Land Use Bylaw permits small-scale wind turbines (up to 170 feet tall and 100 kW generating capacity) in most rural areas, and does not permit large-scale turbines pending further policy review by Council. The following policies and regulations are proposed:

- Accessory turbines up to 25 feet in height are proposed to be permitted as an accessory use in all zones and shall not require a development permit subject to the following regulations:
  - Turbines shall be set back from buildings a distance equivalent to twice the length of the rotor blades
  - Turbines shall be set back from lot lines a distance equivalent to 1.5 times the height of the turbine

- Small-scale turbines between 25 feet and 115 feet in height are proposed to be permitted as accessory uses in all rural zones subject to the following regulations:
  - Turbines shall be set back from lot lines a distance equivalent to the height of the turbine
  - Turbines shall have a separation distance of 1.5 times the height of the turbine from existing dwellings on other lots
- Large and Utility-scale Wind Turbines at greater than 115 feet in height shall be permitted in only in the newly developed Wind Power Overlay

### **Telecommunication Towers**

While the placement of telecommunication towers is regulated by Industry Canada, Municipalities can, but are not required to, be involved in the public consultation process. The current Land Use Bylaw requires a Municipal public consultation process for all large telecommunications facilities. Municipal Council is also required to provide a resolution of support or non-support for all proposals. Based on conversations at the Planning Advisory Committee with regard to telecommunications towers, this approach is proposed to be maintained.

### **Other Utilities**

Most other utilities occur outside of municipal jurisdiction or have characteristics/impacts that are unknown or change based on context, which makes the development of straightforward policy direction difficult. Under consideration is a broad policy to allow Council to consider unique utility proposals or new renewable energy technologies by development agreement.



## OTHER PROPOSED CHANGES

There are a number of changes being considered that are not currently included in the draft planning documents. These include:

- Enabling development agreements within areas subject to the Environmentally Sensitive Area (ESA) Overlay to alter steep slopes provided slope stability is confirmed by a geotechnical engineer
- Housekeeping edits
- Clarification of interpretive text throughout the document