

# THE MUNICIPALITY OF THE COUNTY OF KINGS

## REPORT TO COUNCIL

**Subject:** Planning Items

**Date:** June 4, 2019

A	<p>Applications to enable the relocation of an existing building and the development of a mixed-use residential-commercial building at 9209 Commercial Street, New Minas (File 18-10)</p>	<p><i>Be it resolved</i> that Municipal Council give Second Reading to the proposed rezoning of a portion of 9209 Commercial Street (PID55210421), New Minas from the Environmental Open Space (O1) Zone to the Major Commercial I (C1) Zone as described in Appendix C of the report dated April 1, 2019.</p> <p><i>Be it resolved</i> that Municipal Council give Second Reading to an amendment to regulations related to accessory residential uses in the Major Commercial I (C1) Zone of the New Minas Land Use By-law to enable expanded residential floor area behind or above commercial uses as described in Appendix D of the report dated April 1, 2019.</p> <p><i>Be it resolved</i> that Municipal Council give Final Consideration to entering into a development agreement to permit a 40 unit multi-unit residential development at 9209 Commercial Street (PID 55210421), New Minas, which is substantively the same (save for minor differences in form) as the draft set out in Appendix F of the report dated April 1, 2019.</p>
B	<p>Application to enter into a development agreement to permit an excavation business and related activities at 4594 Highway #12, North Alton (File #18-09)</p>	<p><i>Be it resolved</i> that Municipal Council give Final Consideration to entering into a development agreement to permit excavation and related industrial uses at 4594 Highway #12 (PID 55171870), North Alton which is substantively the same (save for minor differences in form) as the draft set out in Appendix C of the report dated April 9, 2019.</p>
C	<p>Application to enter into a development agreement to permit a multi-unit dwelling at 167 Sunnyside Road, Greenwich (File #18-26)</p>	<p><i>Be it resolved</i> that Municipal Council give Final Consideration to entering into a development agreement to permit a multi-unit dwelling at 167 Sunnyside Road (PID 55525620), Greenwich which is substantively the same (save for minor differences in form) as the draft set out in Appendix D of the report dated April 9, 2019.</p>
D	<p>Application to enter into a development agreement legalizing the expansion of a non-conforming residential use at 85 Q-12 Road, Lake George (File # 17-13)</p>	<p><i>Be it resolved</i> that Municipal Council refuse an application to enter into a development agreement to legalize the expansion of a non-conforming residential use at 85 Q-12 Road (PID# 55124630) which is substantively the same (save for minor differences in form) as the draft set out in Appendix C of the report dated April 9, 2019.</p> <p><b><u>*Report attached</u></b></p>
E	<p>Application to rezone 1905 Greenwood Road, Kingston from the Residential Single Dwelling (R1) Zone to the Residential One and Two Unit (R2) Zone (File 19-04)</p>	<p><i>Be it resolved</i> that Municipal Council give First Reading to and hold a Public Hearing regarding the proposed rezoning of the property at 1905 Greenwood Rd, Kingston (PID 55506240) from the Residential Single Unit (R1) Zone to the Residential One and Two Unit (R2) Zone as described in Appendix C of the report dated May 8, 2019.</p> <p><b><u>*Report attached</u></b></p>
F	<p>Public Hearing</p>	<p>July 2, 2019 at 6:00 p.m.</p>



## Municipality of the County of Kings Report to the Planning Advisory Committee

Application to enter into a development agreement legalizing the expansion of a non-conforming residential use at 85 Q-12 Road (P), Lake George (File # 17-13)

April 9<sup>th</sup>, 2019

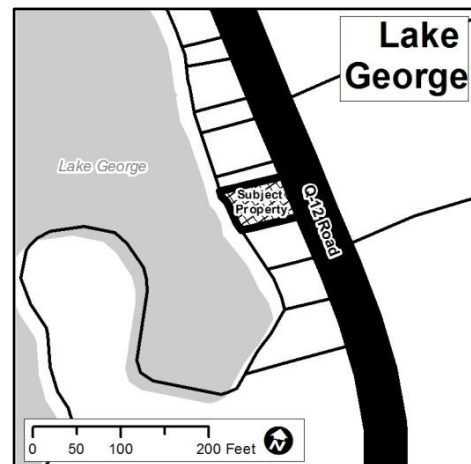
Prepared by: Planning Services

<b>Applicant and Land Owner</b>	Mark Legros and Cheryl Leblanc (also known as Cheryl Abernethy)
<b>Proposal</b>	To legalize the expansion of a non-conforming residential use
<b>Location</b>	85 Q-12 Road (PID 55124630), Lake George
<b>Lot Area</b>	Approximately 2,970 square feet
<b>Designation</b>	Shoreland District
<b>Zone</b>	Seasonal Residential (S1) Zone
<b>Surrounding Uses</b>	Residential uses
<b>Neighbour Notification</b>	Staff sent notification letters to 15 property owners within 500 feet of the subject property.

### 1. PROPOSAL

Mark Legros and Cheryl LeBlanc (also known as Cheryl Abernethy) have applied to enter into a development agreement to legalize the expansion of a legal non-conforming residential use on the property located at 85 Q-12 Road, Lake George. The expansion consists of a deck, an additional shed and two porches.

The draft development agreement is attached to this report as Appendix C.



### 2. OPTIONS

In response to the application, the Planning Advisory Committee may:

- A. Recommend that Council approve the draft development agreement;
- B. Recommend that Council refuse the draft development agreement; or
- C. Provide alternative direction, such as requesting further information on a specific topic, or making changes to the draft development agreement.

### 3. BACKGROUND

The development agreement application was submitted following the receipt of a complaint regarding the construction of an additional shed and the installation of a composting toilet within the additional shed on the subject property without permits from the Municipality. When this matter was brought to the attention of Staff, additional violations of the Land Use Bylaw were

discovered. The applicants purchased the property in 2015. A retracement plan for the property, dated from 2008, indicates that there was a concrete pad near the rear of the dwelling and a dock running parallel to the shoreline of the property. It is understood by staff on the basis of photography of the subject property from 2008, 2009, 2016 and during the site visit conducted in December 2017 that the following renovations and development occurred on the property since its purchase in 2015 by the current owners:

- Relocation of a door located on the rear wall of the dwelling to the south side of the dwelling and replacement of all the rear windows
- Construction of a deck at grade level, that has two-tiers (2017) affixed to the existing dwelling and approximately six inches from the shoreline
- Construction of second shed

The intent of this application is to legalize the new shed and deck, as well as to accommodate the reconstruction of the dwelling's front and side stairs. A development agreement is required because these structures do not meet the minimum setback requirements of the Land Use Bylaw and exceed the maximum as-of-right permitted building footprint

## **4. INFORMATION**

### **4.1 Site Description**

The subject property is situated within the Shoreland District and the Seasonal Residential (S1) Zone. It has approximately 50 feet of frontage running in a north-south direction on Q-12 Road, a private gravel road, as well as a depth of approximately 60 feet running in an east-west direction extending from the road to the shoreline and approximately 56 of frontage along Lake George.

With an approximate area of 2,970 square feet, the subject property falls below the minimum lot size requirement of the S1 Zone (50,000 square feet), for the creation of new lots, therefore, as the lot is considered a legal undersized lot as per Section 3.3.2.1 of the Land Use By-law and the dwelling is a legal non-conforming structure as it does not meet required setbacks and is therefore protected by the *Municipal Government Act* as a Non-Conforming Structure (S. 239).

The surrounding properties fall under the same designation and zoning as the subject property. All those with frontage along Lake George, on this private road do not meet the minimum lot requirements of the Land Use Bylaw and all those having dwellings are also non-conforming.

The built structures on the subject property consist of the following:

1. two legal non-conforming structures:
  - a single-storey dwelling (roughly 28.5 feet by 24 feet) located approximately 8 feet away from the front property line; and
  - a shed (8 feet by 17.5 feet) located approximately 5.5 feet away from the front property line;
2. two structures built without the required permits consisting of:
  - a wooden deck (24 feet by 22.5 feet) which is located approximately 6 inches from the shoreline, on top of the concrete pad; and
  - an additional shed (12 feet by 6 feet) with an approximate area of 72 square feet.

The existing non-conforming shed is used for storage, while the new shed accommodates a motorized composting toilet and changing area. The development agreement is unable to control the location of a toilet, only the location of buildings and structure.

The property owner would like to rebuild and improve the entrances. The draft development agreement controls the size of the landings to the minimum requirements of the Building Code.

The portion of the lot not covered by buildings or structures is generally covered with grass. A small buffer of rocks and shrubs line certain portions of the side property boundaries. Along the shoreline, a small buffer of brush, rock and vegetation is present. These elements help create a natural barrier between the soil and lake water (Figure 1). The deck was built around large natural features, such as boulders, to minimize environmental disturbance. In addition, the deck's two-tiered design maintains the subject property's natural downward slope toward the water (Figure 2). The soil beneath the deck is covered by landscaping fabric and drain rock to limit erosion and the old concrete pad was left undisturbed.



Figure 1: Natural buffer along the shoreline



Figure 2: Two-tiered deck following the natural slope and integrating porous materials

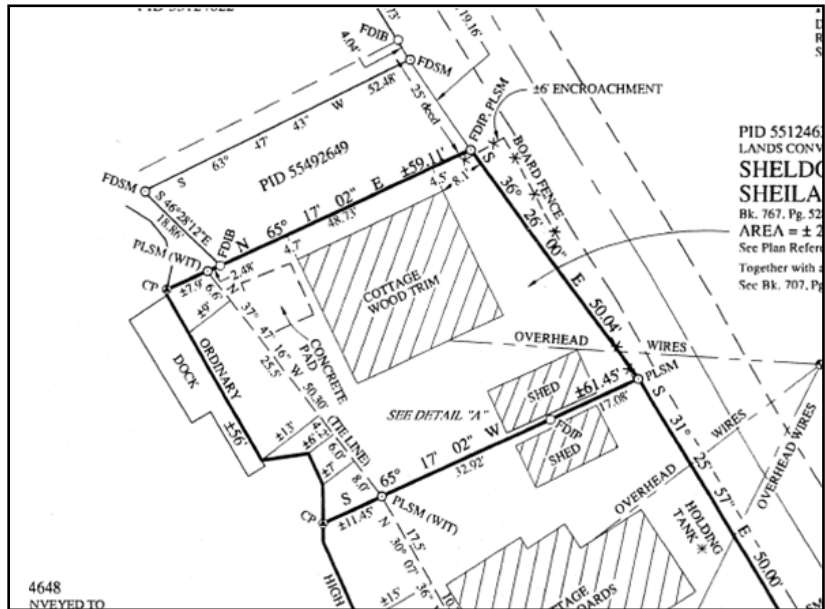


Figure 3: 2008 Retracement plan of property

The 2008 Retracement plan shows the condition of the property prior to the applicant's purchase of the property.



Figure 4: 2009 Photo of Property and Lake George Shoreline



Figure 5: Photo of additional shed

#### **4.2 Site Visit**

A Planner and Development Officer visited the subject property on December 14, 2017 and met with the applicant. They discussed the renovations that had occurred as well as the current use of the property.

#### **4.3 Public Information Meeting**

Council's Planning Policy (PLAN-09-001) requires a Public Information Meeting (PIM) for all development agreement applications involving the construction of new buildings. A Public Information Meeting was therefore held on January 22, 2018 at 10:00 a.m. in the Council Chambers of the Municipal Complex at 87 Cornwallis Street in Kentville, NS, directly prior to a scheduled Planning Advisory Committee.

The purpose of the meeting was to share information about the property and receive preliminary feedback from the community. Both the planner and the applicants made brief presentations regarding the proposal. Concern over the provision of adequate parking on the property for visitors was raised at the meeting. In addition, two letters from the public were received by Staff. One voiced support for the new structures given their improvement to the appearance and functionality of the subject property. The other letter opposed the construction of the second shed on the subject property due to the noise, odours and the impact on the neighbouring view of the water.

The complete notes from the PIM are attached as Appendix B.

#### **4.4 Requests for Comments**

Staff contacted the relevant Municipal departments and external agencies for comments regarding this application and received the following correspondence:

##### **4.4.1 Municipal Building and Enforcement Services (B&E)**

- Did not find any immediate life safety issues on the subject property.
- Recommended a thorough life safety check.

- Confirmed with the Aylesford Fire Chief that the fire department could provide adequate fire protection services and equipment to the site.

#### 4.4.2 Municipal Development Services

Planning staff and Development staff worked together closely to draft the development agreement.

#### 4.4.3 Nova Scotia Environment (NSE)

- Did not respond to Staff's request for comments on the ability of the subject property to meet provincial waste and septic system requirements but the draft development agreement requires proof of NSE approval prior to the issuance of permits.

#### 4.2.4 Nova Scotia Department of Natural Resources (DNR)

- Found no rare or sensitive species in the area.
- Recommended restoring the original topography and taking cautionary measures to minimize the growth of invasive species.

## 5. POLICY REVIEW

A development agreement is a negotiated contract between a landowner and the Municipality through which Council can consider a proposal not permitted as-of-right within a given zone and impose additional controls on the use. The matters that are able to be controlled through a development agreement are outlined in section 227 of the *Municipal Government Act*. The ability to enter into a development agreement for the new use must be enabled in both the Municipal Planning Strategy and Land Use Bylaw. Additionally, the proposal must satisfy the applicable policies and criteria. For this application, consideration of the development agreement is enabled through the following:

Municipal Planning Strategy, Policy 3.7.11.1

*Within the Shoreland Districts around the County's freshwater lakes, Council may consider the expansion of non-conforming residential structures as described in Policy 3.5.12.*

Land Use Bylaw, Section 5.5.2

*The expansion of non-conforming residential structures in the Seasonal Residential (S1) and Future Shoreland (S2) Zones, as provided for in Policy 3.5.12.1 of the Municipal Planning Strategy, shall be permitted by development agreement.*

### 5.1 Review: Expansion of Non-conforming Structures – Residential

Municipal Planning Strategy Policy 3.5.12 acknowledges development within the Shoreland Designation has occurred prior to the adoption of land use policies and regulations. Many dwellings within this designation surrounding lakes in the Municipality are situated on lots that do not meet the minimum lot size or setback requirements contained within the Seasonal

Residential (S1) or Future Shoreland (S2) Zones. Council may consider the expansion of non-conforming structures beyond the current zone regulations by development agreement provided that the expansion does not threaten lake water quality or impose undue impact on neighbouring properties.

Policy 3.5.12.1:

Within the S1 and S2 Zones, Council may consider the expansion of non-conforming residential structures by development agreement provided they meet the following criteria:

- a. the residential structure was constructed prior to June 19, 1979 and thereby became non-conforming with the adoption of the Municipal Planning Strategy and Land Use Bylaw; and
- b. the residential structure is located on a lot that is capable of supporting an approved on-site septic system and well.

The construction of the dwelling located at 85 Q-12 Road most likely pre-dates the adoption of the in force planning documents in June 1979. As part of the development agreement application, the applicant submitted a report authored by a professional engineer that qualified the property is suitable for an on-site wastewater disposal system in the form of a holding tank, which was identified as the only viable option given the size and configuration of the subject property.

Municipal Planning Strategy Policy 3.5.12.2 lists additional criteria with regard to the impact of the development on the environment and neighbouring uses, the provision of adequate parking and the prevention of a further reduction in the size of the property.

3.5.12.2 *In considering development agreement proposals under Subsection 3.5.12.1 Council shall have regard for the following:*

- a. *the expansion will not create or contribute to erosion or surface drainage issues or negatively impact the lake ecosystem;*

The applicant submitted a report assessing the impacts of the development on lake water quality. The report indicated that the structures on the property have not had an observable negative impact on the lake ecosystem. The environmental report recommends additional measures that can be implemented to further mitigate erosion and encourage sedimentation control. Clause 2.8 of the draft development agreement requires the property owner to follow Nova Scotia Environment practices intended to mitigate possible erosion and sedimentation.

- b. *neighbouring uses are adequately buffered and landscaping treatments are provided to reduce noise and visual impacts;*

No buffering is required as the subject property is in keeping with the appearance and use of surrounding properties.



- c. *the expansion does not limit nor interfere with adjacent uses with regards to privacy or views of the lake;*

The expansion does not cause increased negative impacts on adjacent properties.

- d. *adequate on-site parking can be provided;*

The one on-site parking space as identified on the site plan for the subject property is adequate for the use and this is consistent with the LUB (S. 3.4.2.1) which requires only one space for a dwelling be provided on-site for a single dwelling.

- e. *the expansion will not negatively impact sensitive wildlife habitats as identified by the Nova Scotia Department of Natural Resources;*

DNR found no rare or sensitive species in the area.

- f. *any subsequent subdivision shall not result in the reduction of area of the subject property for which the development agreement applies and shall be subject to an amendment to the agreement executed by a resolution of Council; and*

Clause 3.4 of the draft development agreement prohibits further reduction in the size of the subject property.

- g. *the General Development Agreement Criteria contained in Section 6.3.3 of this Strategy can be met.*

Please refer to Section 5.2 of this report for a detailed review of the general criteria for entering into a development agreement within the Municipality of the County of Kings.

The Zone requirements of the Seasonal Residential (S1) as stated in Section 14.4.12 of the Land Use Bylaw requires minimum building setback of 65 feet from the shoreline. The subject property has a lot depth of approximately 61 feet and 59 feet on each sideline, therefore no structures on the property are able to meet the required setback. Municipal Planning Strategy Policy 3.5.12.3 recognizes that while it is preferable for residential expansion to conform to zoning requirements, Council may permit a degree of flexibility where it can be demonstrated that negative impacts on lake water quality or adjacent uses can be mitigated. The intent of this policy is to provide flexibility to the expansion of non-conforming residential uses provided the impact is minimal. The draft development agreement and accompanying site plan include controls that address these concerns. Further, the submitted environmental report noted *“It is unlikely the construction of the wooden deck and shed has created or contributed to erosion or surface drainage issues ultimately having a negative impact on the Lake George ecosystem.”*

- 3.5.12.3 *While it is preferable for expansions to dwelling to conform to the zone requirements, where it can be shown that any negative impact on lake water quality or neighbouring use can be mitigated, Council may provide for the following:*

- a. *The expansions may encroach on the required side yard, provided a minimum 10 foot side yard remains.*

The new shed on the property does not meet the required 10 foot setback, however, subsection (e) of this policy allows the setback to be further relaxed under the condition(s) that transportation routes, snow removal, or a risk to human health and safety is not created or impacted. In this case, the new shed is approximately the same distance from the side property line as the existing shed on the property and does not extend beyond the rear wall of the dwelling, nor would the shed cause an impact to transportation routes, snow removal, or pose a risk to human health and safety.

- b. *The expansions may encroach on the required front yard, provided a minimum 18 foot front yard remains.*

The existing dwelling does not meet the front setback requirements of the Land Use Bylaw. Subsection (e) of this policy allows the setback to be further relaxed under certain conditions. The expansion will encroach on the front yard only insofar as to meet the minimum Building Code requirement for a 3 feet by 3 feet landing associated with stairs to access the dwelling.

- c. *The expansion may result in up to 50% lot coverage to a maximum lot coverage of 4,000 square feet.*

The draft development agreement stipulates the existing structures and expansion to be consistent with the site plan, which results in approximately 30% lot coverage and approximately 896 square feet in total.

- d. *The expansion shall not further encroach on the required shoreline setback.*

The dimensions of the property prevent the proposal from meeting the minimum shoreline setback as the existing structure already is non-conforming. Clause 2.3 of the draft development agreement places conditions and controls on the redevelopment of the subject property in order to mitigate potential negative impacts on the shoreline and water quality of Lake George.

- e. *The setbacks in Subsection a. and b. above may be further relaxed if it can be shown that there would be no negative impact on transportation routes, interference with snow removal or risk to human health and safety.*

The proposal does not cause concern for transportation routes, snow removal, or pose a risk to human health and safety. Therefore, staff are of the opinion that reduced side and front setbacks are appropriate.

Municipal Planning Strategy Policy 3.5.12.4 states that the development agreement must contain specific controls and requirements in order to prevent water and environmental

contamination. The draft development agreement requires that natural vegetation, as well as the soil mantle, is preserved on the lot.

3.5.12.4 *The development agreement will contain specific controls and requirements which are geared to preventing water and environmental contamination including:*

- a. *The preservation of natural vegetation within the required setback from a water body and elsewhere on the property.*

Section 2.7 of the draft DA requires that natural vegetation and features be maintained and that vegetation and soil mantle on the subject property be disturbed or altered as little as possible.

- b. *The planting of additional vegetation to stabilize soil and prevent erosion and surface runoff.*

As the property is generally covered with grass and other plants, no additional vegetation is required. Section 2.7 of the draft DA requires the use of erosion and sedimentation control measures during demolition and construction activities.

- c. *The regular maintenance of septic systems or other facilities which require continued maintenance to ensure proper functioning.*

Section 2.6 of the draft DA requires the maintenance of an on-site wastewater disposal system as approved by the authority having jurisdiction (NSE).

Municipal Planning Strategy Policy 3.5.12.5 enables Council to require an independent environmental report to demonstrate how the proposed development will avoid diminishing the water quality. The environmental report submitted by the applicant was reviewed and accepted by Staff. The report stated that there were no erosion or surface drainage issues at the time of the site's evaluation and further, that construction which has occurred to date on the subject property has not contributed to environmental degradation on the subject property or the surrounding area. However, the environmental report recommended the implementation of erosion and sedimentation control measures. These recommendations include:

- Fitting the activities that occur on the subject property to the topography, soils, waterways and natural vegetation on site;
- Applying soil erosion control practices as a first line of defence against on-site damage, which involves exposing the smallest portion of land for the shortest possible length of time and, during construction, covering exposed soils as soon as practically possible to minimize erosion of the disturbed area;
- Apply sediment control practices as a perimeter protection to prevent off-site damage and during future construction activities maintain natural vegetative features and install temporary slit fences near the shoreline.

These recommendations have been have been incorporated into the draft development agreement under clause 2.6.

## 5.2 Review: General Conditions of Approval of Development Agreements

Policy 6.3.3.1 contains the general conditions for the approval of a development agreement. The criteria consider the impact of the proposal on the road network, services, development pattern, environment, finances, and wellfields, as well as the proposal's consistency with the intent of the Municipal Planning Strategy.

6.3.3.1 *A development agreement shall not require an amendment to the Land Use Bylaw but shall be binding upon the property until the agreement or part thereof is discharged by the Municipality. In considering development agreements under the Municipal Government Act, in addition to all other criteria as set out in various policies of this Strategy, Council shall be satisfied:*

Criteria	Comments
a. the proposal is in keeping with the intent of the Municipal Planning Strategy, including the intent of any Secondary Planning Strategy	The proposal is in keeping with the intent of the MPS, as reviewed in Section 5.1 of this report. There is no Secondary Planning Strategy that applies to the Lake George area.
b. that the proposal is not premature or inappropriate by reason of:	
i. the financial capability of the Municipality to absorb any costs related to the development of the subject site	The proposal does not involve any development costs to the Municipality.
ii. the adequacy of municipal sewer and water services if services are to be provided. Alternatively, the adequacy of the physical site conditions for private on-site sewer and water systems	The site is suitable for an on-site wastewater disposal system in the form of a holding tank, with appropriate approvals needing to be obtained from Nova Scotia Environment.
iii. the potential for creating, or contributing to, a pollution problem including the contamination of watercourses or the creation of erosion or sedimentation during construction	The proposed structures do not cause concern regarding pollution or the contamination of watercourses. Section 2.8 of the draft development agreement establishes control measures for erosion and sedimentation during demolition and construction activities.
iv. the adequacy of storm drainage and the effect of same on adjacent uses	The proposal does not cause concern as the site generally slopes southwest towards Lake George, and away from neighbouring properties.
v. the adequacy of street or road networks in, adjacent to, and leading to, the development	The property is accessible by a private gravel road which is adequate for the use.
vi. the adequacy, capacity and proximity of schools, recreation and other community facilities	The distance to community facilities is adequate for the use.
vii. adequacy of municipal fire protection	The Aylesford Fire Department considers fire

	services and equipment	protection services adequate.
	viii. creating extensive intervening parcels of vacant land between the existing developed lands and the proposed site, or a scattered or ribbon development pattern as opposed to compact development	Not applicable.
	ix. the suitability of the proposed site in terms of steepness of grades, soil and/or geological conditions, and the relative location of watercourses, marshes, swamps or bogs	The site is suitable for the proposal. There are no landscapes or environmental features on the property which would affect the suitability of the site.
	x. traffic generation, access to and egress from the site, and parking	The proposal does not cause concern regarding traffic generation, access or egress. Adequate parking is provided on the property.
	xi. compatibility with adjacent uses	The proposal is consistent with the surrounding seasonal and year-round residential development.
c.	the development agreement may specify that controls are placed on the proposed development so as to reduce conflict with any adjacent or nearby land uses by reason of:	
	i. the type of use	Sections 2.1 and 2.2 and 2.3 of the draft DA specify the permitted uses on the subject property.
	ii. the location and positioning of outlets for air, water and noise within the context of the Land Use Bylaw.	No special requirements are necessary.
	iii. the height, bulk and lot coverage of any proposed buildings or structures	Sections 2.1 and 2.2 and 2.3 of the draft DA set limits on maximum building footprints and structure dimensions. Section 2.4 of the draft DA requires the proposal to be consistent with the site plan.
	iv. traffic generation	No special requirements are necessary.
	v. access to and egress from the site and the distance of these from street intersections	No special requirements are necessary.
	vi. availability, accessibility of on-site parking	Section 2.5 of the draft DA requires a 9 foot by 18 foot parking space for one (1) vehicle on the property, which is consistent with LUB
	vii. outdoor storage and/or display	Not applicable
	viii. signs and lighting	Not applicable
	ix. the hours of operation	Not applicable
	x. maintenance of the development	Section 2.9 of the draft development agreement requires that buildings on the property be in good repair.

xi. buffering, landscaping, screening and access control	No special requirements are necessary.
xii. the suitability of the proposed site in terms of steepness of grades, soil and/or geological conditions, and the relative location of watercourses, marshes, swamps, or bogs	No special requirements are necessary.
xiii. the terms of the agreement provide for the discharge of the agreement or parts thereof upon the successful fulfillment of its terms	Section 3.6 of the draft DA provides for the discharge of the agreement.
xiv. appropriate phasing and stage by stage control	Not applicable
d. performance bonding or security shall be included in the agreement if deemed necessary by Council to ensure that components of the development such as, but not limited to, road construction or maintenance, landscaping or the development of amenity areas, are completed in a timely manner	Not applicable.

## 6. SUMMARY OF DRAFT DEVELOPMENT AGREEMENT

The draft development agreement enables the legalization of the expanded development on the subject property. The following summarizes several key provisions contained in the draft agreement attached as Appendix C to this report.

Section	Content
2.1	Permitted use - existing residential structures
2.2	Permitted expansion - non-conforming residential structures
2.3	Conditions of redevelopment
2.4	Site plan
2.5	Parking
2.6	On-Site sewer services
2.7	Vegetation
2.8	Erosion and sedimentation control
3.1	Substantive matters
3.2	Subdivision control

## 7. CONCLUSION

The proposal and the terms of the draft development agreement are consistent with the intent of the Municipal Planning Strategy. The proposal is enabled by Council's Shoreland District policies for the expansion of a non-conforming residential use and is consistent with the criteria pertaining to those policies. There are additional provisions within the draft development agreement to control redevelopment. It is the opinion of Staff that the draft development agreement meets the overall intent of the applicable policies and associated criteria, which are aimed at permitting a certain degree of flexibility with regard to the expansion of non-conforming residential uses in the Shoreland District, provided that the shoreline and water quality are minimally impacted. The environmental report confirms that the added structures (shed and deck) on the subject property have had no perceptible effect on lake water quality. The proposal meets all other general criteria for development agreements. As a result, a positive recommendation is being made by Staff to the Planning Advisory Committee.

## 8. STAFF RECOMMENDATION

Staff recommends that the Planning Advisory Committee forward a positive recommendation by passing the following motion:

**The Planning Advisory Committee recommends that Municipal Council give Initial Consideration to and hold a Public Hearing to enter into a development agreement to legalize the expansion of a non-conforming residential use at 85 Q-12 Road (PID# 55124630) which is substantively the same (save for minor differences in form) as the draft set out in Appendix C of the report dated April 9, 2019.**

## 9. APPENDICES

Appendix A	Reference Zoning Map
Appendix B	Public Information Meeting Notes
Appendix C	Draft Development Agreement

Appendix A  
Reference Zoning Map





**Appendix B  
Public Information Meeting Notes**

**MUNICIPALITY OF THE COUNTY OF KINGS  
PLANNING AND DEVELOPMENT SERVICES  
PUBLIC INFORMATION MEETING NOTES**

**To permit the expansion of a seasonal dwelling located at 85 Q-12, Lake George.  
(File # 17-13)**

<b><i>Meeting, Date and Time</i></b>	A Public Information Meeting was held on January 22nd, 2018 at 1 p.m. in the Council Chambers of the Municipal Complex, 87 Cornwallis Street, Kentville, NS.
<b><i>Attending</i></b>	In Attendance:
<b><i>Planning Advisory Committee Members</i></b>	Deputy Mayor Emily Lutz - District 7 (Vice-Chair) Councillor Meg Hodges - District 1 Councillor Jim Winsor - District 8 Councillor Peter Allen - District 9 (Alternate for Councillor Hirtle) Mayor Peter Muttart - Ex-officio Member (for Councillor Spicer) Tom Cosman - Citizen Member Emile Fournier - Citizen Member
<b><i>Regrets</i></b>	Councillor Brian Hirtle - District 3 (Chair) Councillor Paul Spicer - District 5 Bob Smith - Citizen Member
<b><i>Planning Staff</i></b>	Scott Conrod - Chief Administrative Officer Trish Javorek - Manager of Community Development Services Scott Quinn - Manager of EPW, Lands & Parks Services Laura Mosher - Supervisor of Planning & Development Services Leanne Jennings - Planner Will Robinson-Mushkat - Planner Mandy Burgess - Development Officer Megan Armstrong - Development Officer Karen Kluska - Financial Analyst Janny Postema - Municipal Clerk (Recording Secretary)
<b><i>Applicants</i></b>	Mark Legros & Cheryl Abernethy (LeBlanc)
<b><i>Public</i></b>	6-8 Members
<b><i>Welcome and Introductions</i></b>	Deputy Mayor Lutz chaired the meeting in Councillor Hirtle's absence and called the meeting to order.

## ***Presentations***

Leanne Jennings explained that the purpose of the meeting was to inform the public of the application, to explain the planning policies that enable the application to occur and to receive preliminary feedback from the public. No evaluation has been completed and no decisions have been made at this point.

Mrs. Jennings provided a brief overview of the planning process and the criteria that will be used to evaluate the application. The proposal is to enter into a development agreement to permit the expansion of a residential dwelling located at 85 Q-12, Lake George (PID 55124630).

Mrs. Jennings stated that the Public Information Meeting provides an opportunity for the public to express concerns and/or receive clarification on any aspect of the proposal.

Following the presentation, Mark and Cheryl were given the opportunity to speak to their proposal and accepted.

During the applicant's presentation, Mr. Legros described the building materials and designs he intends to use for the expansion of the property.

The floor was then opened for comments from the public.

## ***Comments from the Public***

Kimberly Ward, neighbor of applicant

- Stated that the new shed built on the applicant's property that houses a composting toilet has disrupted Mr. Ward's property.

Ron Arenberg, 96 Q-12 Road

- Mr. Arenberg voiced his concern regarding setting a precedent along the lake specifically regarding guest parking along the road and on private properties.

Marilyn Margeson, Lake George

- Stated she owns two properties on Lake George. Ms. Margeson stated her concern is regarding excessive parking on private lots. Ms. Margeson stated her daughter's concern regarding building heights disrupting water views from surrounding properties.

## ***Adjournment***

There being no further discussion, the Chair thanked those in attendance and adjourned the meeting at 1:22 p.m.

---

Lindsay Slade  
Recording Secretary

**Appendix C**  
**Draft Development Agreement**

THIS DEVELOPMENT AGREEMENT made this \_\_\_\_\_ day of \_\_\_\_\_, 2019 A.D.

BETWEEN:

**CHERYL LEBLANC (also known as CHERYL ABERNETHY)** and **MARK LEGROS**, of Ottawa, Ontario, hereinafter called the "Property Owner",

of the First Part

and

**MUNICIPALITY OF THE COUNTY OF KINGS**, a body corporate pursuant to the Municipal Government Act, S.N.S., 1998, Chapter 18, as amended, having its chief place of business at Kentville, Kings County, Nova Scotia, hereinafter called the "Municipality",

of the Second Part

WHEREAS the Property Owner is the owner of certain lands and premises (hereinafter called the "Property") which lands are more particularly described in Schedule A attached hereto and which are known as 85 Q-12 Road, Lake George and Property Identification (PID) Number 55124630; and

WHEREAS the Property Owner wishes to use the Property for residential use; and

WHEREAS the Property is situated within an area designated Shoreland on the Future Land Use Map of the Municipal Planning Strategy, and zoned Seasonal Residential (S1); and

WHEREAS Section 3.5.12.1 and 3.7.11.1 of the Municipal Planning Strategy and Section 5.5.2 of the Land Use Bylaw provide that an expansion to a non-conforming residential use may be developed only if authorized by development agreement; and

WHEREAS the Property Owner has requested that the Municipality of the County of Kings enter into this development agreement pursuant to Section 225 of the *Municipal Government Act* so that the Property Owner may develop and use the Property in the manner specified; and

WHEREAS the Municipality by resolution of Municipal Council passed at a meeting on (add date of motion), approved this Development Agreement;

Now this Agreement witnesses that in consideration of covenants and agreements contained herein, the parties agree as follows:

## **PART 1 AGREEMENT CONTEXT**

### **1.1 Schedules**

The following attached schedules shall form part of this Agreement:

Schedule A Property Description

Schedule B Site Plan

### **1.2 Municipal Planning Strategy and Land Use Bylaw**

- (a) *Municipal Planning Strategy* means Bylaw 56 of the Municipality, approved on August 6, 1992, as amended.
- (b) *Land Use Bylaw* means Bylaw 75 of the Municipality, approved on August 6, 1992, as amended.
- (c) *Subdivision Bylaw* means Bylaw 60 of the Municipality, approved on October 26, 1995, as amended, or successor bylaws.

### **1.3 Definitions**

Unless otherwise defined in this Agreement, all words used herein shall have the same meaning as defined in the Land Use Bylaw. Words not defined in the Land Use Bylaw but used herein are:

- (a) *Development Officer* means the Development Officer appointed by the Council of the Municipality

## **PART 2 DEVELOPMENT REQUIREMENTS**

### **2.1 Permitted Use**

- (a) An existing single detached dwelling with a maximum building footprint of 684 square feet as shown on Schedule B – Site Plan
- (b) One existing residential accessory building (labeled as existing shed on Schedule B - Site plan) with a maximum building footprint of 140 square feet.

Except as otherwise provided in this Agreement, the use of the Property is governed by the requirements of the underlying zone in the Land Use Bylaw, as amended from time to time.

### **2.2 Permitted Expansion of Non-conforming Residential Structures**

- (a) Covered or uncovered landings associated with the front and south side doors of the dwelling, each measuring no more than 36 inches by 36 inches. The associated stairs must be wholly on the property and shall not interfere with the location or access to the parking area.
- (b) One additional residential accessory building with a maximum building footprint of 72 square feet, as shown on site plan as “new shed”
- (c) An uncovered attached deck on the west side (lake front) of the existing dwelling with approximate dimensions of 25 feet by 22.5 feet, as shown on Schedule B - Site Plan.

### **2.3 Conditions of Redevelopment**

The structures on the Property may be rebuilt or replaced and shall be subject to the following conditions:

- (a) The existing single detached dwelling may be replaced as a single detached dwelling, as a recreational cabin or any similar use permitted in the underlying zone. The maximum building footprint shall not exceed 684 square feet unless otherwise permitted in the underlying zone. Setbacks shall be not be less than the setbacks shown on the Plan of Survey recorded on title of the property as Plan 91227224 unless otherwise permitted in the underlying zone.
- (b) The two residential accessory buildings may either be replaced individually and shall not exceed the maximum residential accessory building footprints in Sections 2.1(b) and 2.2(b), or they may both be replaced with one residential accessory building that shall not exceed 215 square feet in area. The new structure(s) shall have a minimum front yard setback of 9 feet, a minimum side yard setback of 4 feet, and a minimum shoreline setback of 20 feet.
- (c) The uncovered deck on the west side of the dwelling may be replaced and shall have a minimum shoreline setback of 4 feet and shall not extend to the sides beyond the main wall of the dwelling.

### **2.4 Site Plan**

The property owner shall develop the Property in a manner that is in general conformance with the Site Plan attached as Schedule B.

### **2.5 Parking**

At least one parking space with dimensions of 9 feet by 18 feet shall be maintained on the property at all times and located as per the site plan.

### **2.6 On-Site Services**

The Property Owner is responsible for maintaining on-site water and sewer services for this property as per any approvals of the authority having jurisdiction. No municipal

permits shall be issued without receipt of approval for the on-site sewage disposal system from Nova Scotia Environment or successor body.

## **2.7 Vegetation**

- (a) The Property Owner shall maintain the undeveloped areas of the Property in a naturally vegetated state including trees, bushes and/or ground vegetation.
- (b) Vegetation and other natural features shall be disturbed as little as possible, other than for the consideration of passage, safety, and the provision of views and ventilation.
- (c) The soil mantle on the Property shall not be altered by cutting, filling or recontouring the natural grades, to every extent possible.

## **2.8 Erosion and Sedimentation Control**

During any site preparation, construction activities or demolition activities of a structure or parking area, all exposed soil shall be stabilized immediately and all silt and sediment shall be contained within the site according to the practices outlined in the Nova Scotia Environment *Erosion and Sedimentation Control Handbook for Construction*, or any successor documents, so as to effectively control erosion of the soil.

## **2.9 Appearance of Property**

The Property Owner shall at all times maintain all structures and services on the Property in good repair and a useable state.

## **PART 3 CHANGES AND DISCHARGE**

**3.1** The Property Owner shall not vary or change the use of the Property, except as provided for in Section 2.1, Permitted Use, Section 2.2, Permitted Expansion of Non-conforming Residential Structures, and Section 2.3 Conditions of Redevelopment of this Agreement, unless a new Development Agreement is entered into with the Municipality or this Agreement is amended.

**3.2** Any subsequent subdivision of the Property shall:

- (a) comply with the requirements of the Subdivision Bylaw, as may be amended from time-to-time; and
- (b) not result in the reduced lot area of the Property.

**3.3** Upon conveyance of land by the Property Owner to either:

- (a) the road authority for the purpose of creating or expanding a public street over the Property; or
- (b) the Municipality for the purpose of creating or expanding open space within the Property;

registration of the deed reflecting the conveyance shall be conclusive evidence that that this Agreement shall be discharged as it relates to the public street or open space, as the case may be, as of the date of registration with the Land Registry Office but this Agreement shall remain in full force and effect for all remaining portions of the Property.

- 3.4** Notwithstanding the foregoing, discharge of this Agreement is not a substantive matter and this Agreement may be discharged by Council at the request of the Property Owner without a public hearing.

## **PART 4 IMPLEMENTATION**

### **4.1 Commencement of Operation**

The Property Owner is responsible for acquiring all necessary Building Permits, Development Permits required by the Municipality.

### **4.2 Expiry Date**

The Property Owner shall sign this Agreement within 90 calendar days of the date the appeal period lapses or all appeals have been abandoned or disposed of or the development agreement has been affirmed by the Nova Scotia Utility and Review Board or the unexecuted Agreement shall be null and void.

## **PART 5 COMPLIANCE**

### **5.1 Compliance with Other Bylaws and Regulations**

Nothing in this Agreement shall exempt the Property Owner from complying with Federal, Provincial and Municipal laws, bylaws and regulations in force or from obtaining any Federal, Provincial, or Municipal license, permission, permit, authority or approval required thereunder.

### **5.2 Municipal Responsibility**

The Municipality does not make any representations to the Property Owner about the suitability of the Property for the development proposed by this Agreement. The Property owner assumes all risks and must ensure that any proposed development complies with this Agreement and all other laws pertaining to the development.

### **5.3 Warranties by Property Owner**

The Property Owner warrants as follows:

- (a) The Property Owner has good title in fee simple to the Lands or good beneficial title subject to a normal financing encumbrance, or is the sole holder of a Registered Interest in the Lands. No other entity has an interest in the Lands which would require their signature on this Development Agreement to validly bind the Lands or the Developer has obtained the approval of every other entity

which has an interest in the Lands whose authorization is required for the Developer to sign the Development Agreement to validly bind the Lands.

- (b) The Property Owner has taken all steps necessary to, and it has full authority to, enter this Development Agreement.

#### **5.5 Costs**

The Property Owner is responsible for all costs associated with recording this Agreement in the Registry of Deeds or Land Registration Office, as applicable.

#### **5.6 Full Agreement**

This Agreement constitutes the entire agreement and contract entered into by the Municipality and the Property Owner. No other agreement or representation, oral or written, shall be binding.

#### **5.7 Severability of Provisions**

The provisions of this Agreement are severable from one another and the invalidity or unenforceability of one provision shall not affect the validity or enforceability of any other provision.

#### **5.8 Interpretation**

Where the context requires, the singular shall include the plural, and the masculine gender shall include the feminine and neutral genders.

#### **5.9 Breach of Terms or Conditions**

Upon the breach by the Property Owner of the terms or conditions of this Agreement, the Municipality may undertake any remedies permitted by the Municipal Government Act.



**THIS AGREEMENT** shall ensure to the benefit and be binding upon the parties hereto, their respective agents, successors and assigns.

**IN WITNESS WHEREOF** this Agreement was properly executed by the respective parties hereto and is effective as of the day and year first above written.

SIGNED, SEALED AND ATTESTED to be the proper designing officers of the Municipality of the County of Kings, duly authorized in that behalf, in the presence of:

**MUNICIPALITY OF THE COUNTY  
OF KINGS**

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Peter Muttart, Mayor

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Janny Postema, Municipal Clerk

**SIGNED, SEALED AND DELIVERED**

In the presence of:

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Cheryl Leblanc (also known as Cheryl Abernethy)

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Mark Legros

## Schedule A: Property Description

*Copied from Property Online on April 1, 2019*

PID 55124630

Place Name: Lake George

Municipality/County: Municipality of the County of Kings/ Kings County

Designation of Parcel or Plan: Lands conveyed to Sheldon Blenus & Sheila A. Blenus

Title of Plan: Lands conveyed to Sheldon Blenus and Sheila A. Blenus and Kimberley Howard Ward & Sherry Ward and Robert Gordon Cochrane

Registration County: Kings Registration

Number of Plan: 91227224

Registration Date of Plan: July 28, 2008

TOGETHER with a free right of way in perpetuity, both ingress and egress (in common with the said Ernest W. Margeson, his Heirs and Assigns, and all other persons, if any, entitled to use the hereinbefore and hereinafter mentioned Private Road) along and over that certain private road fifteen feet in width on land of the said Ernest W. Margeson extending from the North east corner of the said lot of land herein conveyed Southerly to another private road now in use on land of said Ernest W. Margeson;

Thence Easterly and thence Southerly and thence Easterly and thence Southerly over and along the said Private Road now in use by the said Ernest W. Margeson fifteen feet in width to the Beech Hill Road, a Public Highway, for persons, animals and vehicles and for all other purposes in connection with the convenient use and enjoyment of the said above described lot of land herein conveyed.

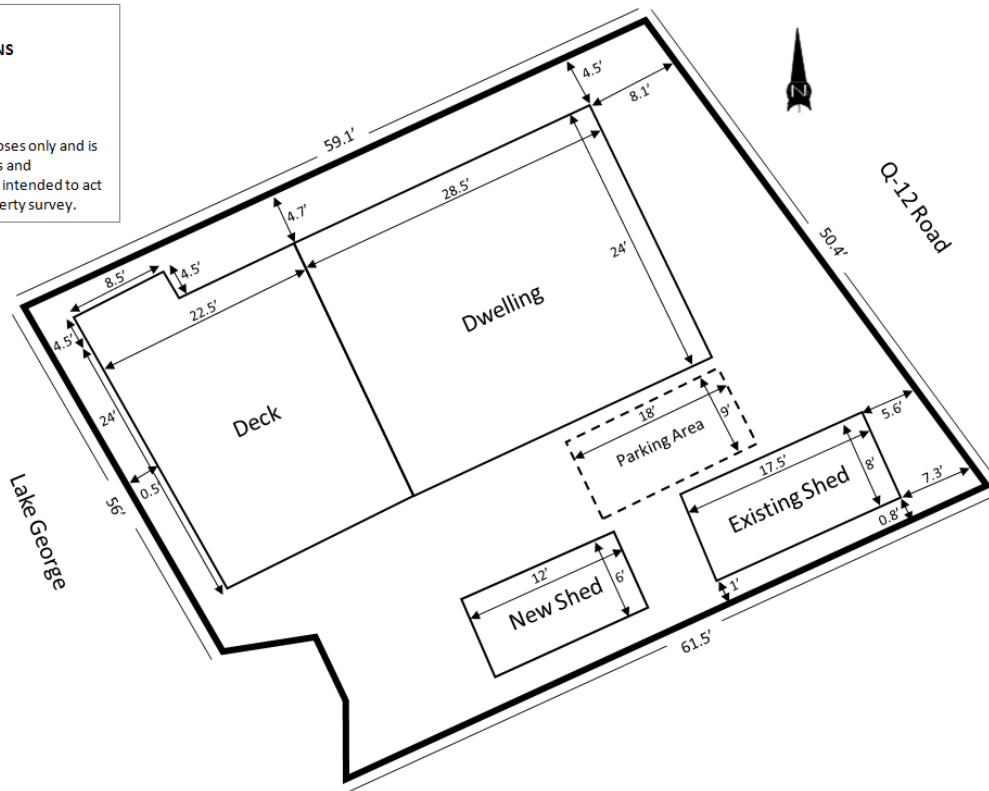
\*\*\* Municipal Government Act, Part IX Compliance \*\*\*

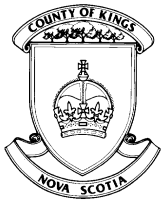
Not Subject To:

The parcel was created by a subdivision that predates subdivision control or planning legislation or by-laws in the municipality and therefore no subdivision approval was required for creation of this parcel.

Schedule B: Site Plan (based on 2008 survey)

**SITE PLAN**  
85 Q-12 Road, Lake George, NS  
PID # 55124630  
March 2019  
**NOT A SURVEY**  
This plan is for illustration purposes only and is based on approximate distances and dimensions. This site plan is not intended to act as, or replace, an accurate property survey.





## Municipality of the County of Kings Report to the Kingston Area Advisory Committee

Application to rezone 1905 Greenwood Road, Kingston from the Residential Single Dwelling (R1) Zone to the Residential One and Two Unit (R2) Zone

(File 19-04)

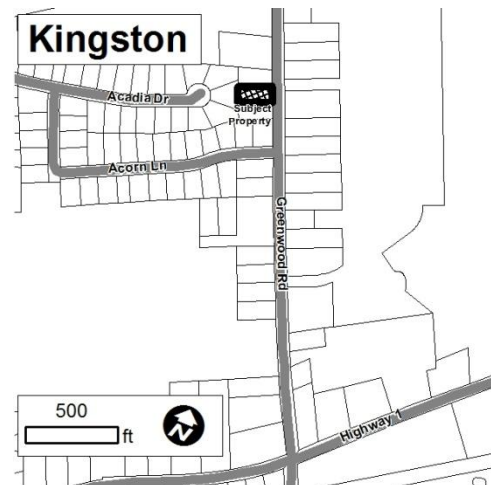
May 8<sup>th</sup>, 2019

Prepared by: Planning and Development Services

<b>Applicant</b>	Vanessa Duprey
<b>Land Owner</b>	Vanessa Duprey, Sean Duprey and Patsy Duprey
<b>Proposal</b>	Rezone the property to add a second unit in the basement
<b>Location</b>	1905 Greenwood Rd, Kingston (PID 55506240)
<b>Area</b>	Property size is approximately 16,327sq ft (0.38 acres)
<b>Designation</b>	Residential (R)
<b>Zone</b>	Residential Single Dwelling (R1) Zone
<b>Surrounding Uses</b>	Residential uses, mixture of 1 and 2 unit dwellings
<b>Neighbour Notification</b>	Staff sent notification letters to the 32 owners of property within 500 feet of the subject property

### 1. PROPOSAL

Vanessa Duprey has applied to rezone the property at 1905 Greenwood Road, in Kingston (PID 55506240) from the Residential Single Dwelling (R1) Zone to the Residential One and Two Unit (R2) zone. This re-zoning to the Residential One and Two Unit (R2) Zone would enable the owners to add a second unit to the home. They are looking to add the second unit within the basement of the existing house. The existing house was built in 2012 and is located in an area with a mixture of 1 and 2 unit dwellings.



### 2. BACKGROUND

The applicant recently purchased the home and has rented the main floor to a tenant. The basement level of the home offers another rental opportunity if a second unit could be added. A second unit is not permitted in the Residential Single Dwelling (R1) Zone. The applicant has requested the rezoning to permit the finishing of the basement into a second unit.

The zoning in this area of Kingston has changed several times since the Municipality has had planning policies. In the original 1979 Land Use Bylaw, the area in this eastern end of Kingston was undeveloped and mostly vacant land. It was zoned as Rural Residential in the 1979 Land Use Bylaw. In the 1992 Land Use Bylaw, much of the area East of Maple Street had new roads added with residential subdivisions built within the Residential Single Dwelling (R1) zone. The Greenwood Road area was still mostly undeveloped, and was zoned Residential One and Two Unit (R2). The subject property has been zoned Rural Residential, and Residential One and Two Unit, before switching to the Residential Single Dwelling (R1) Zone during the Kingston Secondary Planning Strategy in the late 1990s. Over the past few decades, this area has gradually filled in with development of one unit dwellings. The subject property is at the edge of the Growth Centre, where the zoning varies from one side of the street to the other. The opposite side of the street is zoned Country Residential that has permitted two unit dwellings, which has contributed to the mixture of one and two unit dwellings in this area. The area of Greenwood Road within the Growth Centre also contains some properties within the Residential One and Two Unit Dwelling (R2) zone including a few homes and some large vacant parcels of land that have been pre-zoned for future development. These existing areas are shown on the zoning map (Appendix A) and the requested change on the subject property to the Residential One and Two Unit (R2) Zone is consistent with the existing character of the area.

### **3. INFORMATION**

As part of the application process, Staff contacted internal departments and external agencies for comments on the proposed R2 zoning change.

- Municipal Development Officer – confirmed the property was capable of meeting the Residential One and Two Unit (R2) Zone lot requirements including lot area, frontage and setback requirements. No concerns were expressed regarding the potential for a second unit.
- Municipal Building and Enforcement – No concerns were expressed regarding the potential for a second unit. An existing renovation permit has been issued for the basement to begin being finished. This renovation permit does not allow a second unit, which will only be permitted if the rezoning is approved.
- Municipal Engineering and Public Works (EPW) – confirmed the property was not serviced by a water system. No concerns were expressed regarding the potential for a second unit.
- Village of Kingston – confirmed the property was connected to their sewer system and could handle a second unit. No concerns were expressed regarding the potential for a second unit.
- Nova Scotia Department of Transportation and Infrastructure Renewal (DTIR) was contacted and asked to review the application. Comments have not been received yet but staff does not expect the second unit to introduce any issues with the surrounding road network or the existing driveway access.

## 4. POLICY REVIEW

### 4.1 Enabling Policy

Municipal Planning Strategy (MPS) Policy 2.4.3.4 states:

*“Council may consider rezoning land from R1 to any other urban residential zone subject to the policies of this Section (2.4) and the policies for amending the Land Use Bylaw contained in Part 6 of this Strategy.”*

The subject site is currently zoned Residential Single Dwelling (R1) and is therefore eligible for consideration for rezoning to other urban residential zones as per the above Policy. The proposed rezoning and its consistency with the general amendment criteria is also discussed below.

### 4.2 Municipal Planning Strategy Objectives

Section 2.4.1 of the MPS contains Council’s objectives for residential development in the Municipality:

- 2.4.1.1 *To promote quality residential development.*
- 2.4.1.2 *To enhance the visual and social character of existing residential neighbourhoods.*
- 2.4.1.3 *To foster residential infilling and efficient development of serviced land.*
- 2.4.1.4 *To provide opportunities for future residential development that reflects the needs of all residents and the ability of the Municipality to provide adequate municipal services.*
- 2.4.1.5 *To encourage and provide for a wide range of residential accommodations and a variety of neighbourhoods.*
- 2.4.1.6 *To encourage development of an adequate number of lots within all Growth Centres to accommodate future housing demands.*
- 2.4.1.7 *To promote the harmonious integration of a variety of housing types and residential densities within neighbourhoods.*

The requested Residential One and Two Unit (R2) Zone would fulfill many of these objectives. The proposed second unit would foster the efficient use and infilling of serviced land that is connected to the Village’s sewer system. It would also offer a greater range of residential types, to accommodate different housing needs. The area of Greenwood Road contains a mixture of one and two unit dwellings, and it is expected that the proposed second unit would fit within the existing neighbourhood without introducing compatibility problems.

### 4.3 General Rezoning Policies

MPS Section 6.2.2 contains a number of general criteria for considering all rezoning applications (Appendix B). These criteria consider the impact of the proposal on the road network, services, development pattern, environment, finances, and wellfields, as well as the proposal’s consistency with the intent of the planning strategy.

In terms of these general amendment criteria, the application does not require any investment from the Municipality. The proposal is compatible with nearby one and two unit dwellings, and does not create a scattered development pattern. The property is located within a Growth Centre containing many recreational and community facilities. The subject site is not located in a wellfield protection area. There is no increase to the risk of pollution or watercourse contamination as the proposed unit would be added within the existing building's footprint as a basement unit. Department of Transportation have not commented yet, but staff does not expect the second unit to introduce any concerns with traffic generation or access.

## 5. CONCLUSION

Staff have reviewed the application for consistency and compliance with the Municipal Planning Strategy. The proposal meets the applicable rezoning policies and general amendment criteria. The subject property is located in a Residential District and is eligible for consideration for rezoning to another residential zone. Staff believe that the proposed rezoning contributes to many of Council's residential objectives, including using serviced land efficiently and providing increased housing options. For these reasons, Staff recommend that the property be rezoned from the Residential Single Dwelling (R1) zone to Residential One and Two Unit (R2) zone by amending Schedule 8g, the *Kingston Urban Zoning Map*.

## 6. STAFF RECOMMENDATION

Staff recommend that the Kingston Area Advisory Committee forward a positive recommendation by passing the following motion.

**The Kingston Area Advisory Committee recommends that the Planning Advisory Committee recommend that Municipal Council give First Reading to and hold a Public Hearing regarding the rezoning of the property at 1905 Greenwood Rd, Kingston (PID 55506240) from the Residential Single Unit (R1) Zone to the Residential One and Two Unit (R2) Zone as described in Appendix C of the report dated May 8<sup>th</sup>, 2019**

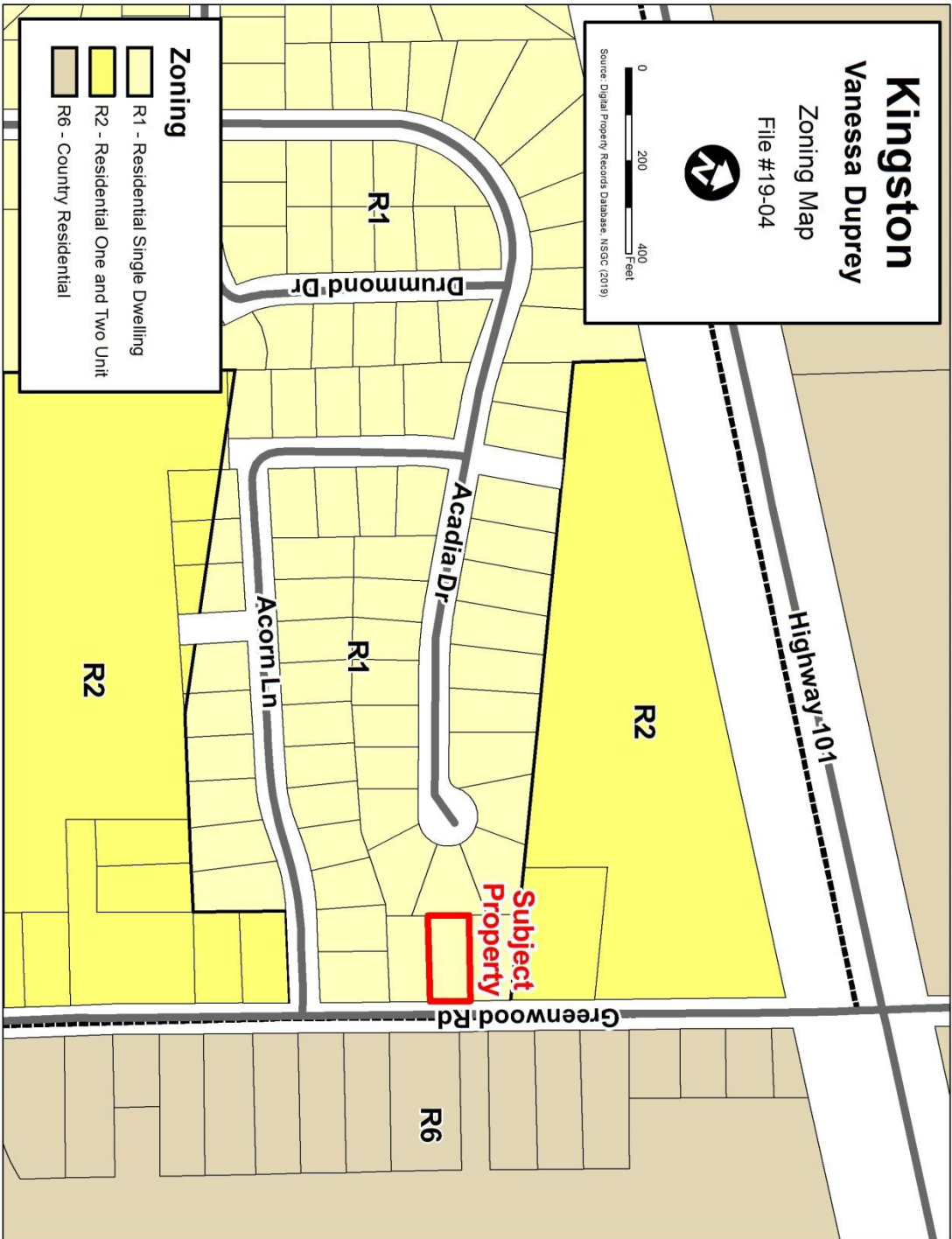
## 7. APPENDIXES

**Appendix A – Reference Zoning Map**

**Appendix B – General Rezoning Criteria – MPS 6.2.2 Amendment to the Land Use Bylaw**

**Appendix C – Proposed Map Amendment**

Appendix A  
Reference Zoning Map





**Appendix B**  
**MPS 6.2.2 Amendment to the Land Use Bylaw**

<b>MPS Policy</b>	<b>Proposal</b>
6.2.2.1 ... in addition to all other criteria as set out in the various policies of this Strategy, Council shall be satisfied:	
a) that the proposal is in keeping with the intent of the MPS	The proposal is consistent with the intent of the MPS, as outlined in Part 4 of this report. The proposal helps to fulfill many of the residential objectives in the MPS.
b) that the proposal is not premature by reason of:	
i. financial capability of municipality	The proposal does not require municipal investment.
ii. adequacy of the site to accommodate on site services: water and sewer	The property has an existing connection to the Kingston sewer system and an existing private well.
iii. potential for pollution problem	Staff does not expect a second unit within the existing building to increase the potential for a pollution problem.
iv. adequacy of storm drainage	The property appears well drained and has existing ditching along the road. The existing site conditions are not expected to change as the second unit is intended to be built within the basement of the existing house.
v. adequacy and proximity to community facilities	The property is located in a Growth Centre with many recreation and community facilities available.
vi. adequacy of road network	No comments received yet from DTIR but staff do not expect a second unit using the existing driveway would create any issues. DTIR typically requests a commercial access for uses containing 3 or more residential units.
vii. potential for watercourse contamination	No watercourses were identified nearby and the existing site conditions are not expected to change as the second unit is intended to be built within the basement of the existing house.
viii. create scattered development pattern	The proposed zone change allows for increased density in an area of existing development, and contributes to a more compact development pattern, not a scattered one.
ix. traffic generation, access and egress, and parking	No comments received yet from DTIR but staff do not expect a second unit using the existing driveway would create any issues. DTIR typically requests a commercial access for uses containing 3 or more residential units.
x. incompatibility with adjacent uses	Staff believe there is a low chance for compatibility issues. All surrounding properties are residential of a similar size and scale.
xi. potential for overcrowding on lakeshores	N/A
xii. potential for contamination of, or interference with designated groundwater supply protection area	The property is not located in a groundwater supply protection area.
c) the proposed site is suitable for development in terms of steepness of grades, soil	The property is relatively flat, with sandy soils which drain quickly. The existing site conditions are not expected to change as the second unit is intended to be built within the basement of the existing house.

Appendix C  
Proposed LUB Map Amendment

THE MUNICIPALITY OF THE COUNTY OF KINGS

AMENDMENT TO BYLAW 75

LAND USE BYLAW

BYLAW 75 Land Use Bylaw

1. Amend Schedule 8g, Kingston Urban Zoning Map, by rezoning the property at 1905 Greenwood Road, Kingston from the Residential Single Unit (R1) Zone to the Residential One and Two Unit (R2) Zone as shown on the inset copy of a portion of Schedule 8g below.

