

THE MUNICIPALITY OF THE COUNTY OF KINGS

REPORT TO COUNCIL

Subject: Planning & Development Services

Date: January 7, 2019

A	Proposed development agreement to permit the expansion of an Automobile and Recreational Vehicle Sales and Service use at 9678 Commercial Street, New Minas (File 18-25)	<i>Be it resolved that Municipal Council give Final Consideration to and approve entering into a development agreement to permit the expansion of an Automobile Sales and Service use at 9678 Commercial Street, New Minas (PIDs 55357826 and 55492615), which is substantively the same (save for minor differences in form) as the draft set out in Appendix D of the report dated November 4, 2019.</i>
B	Proposed development agreement to permit expanded tourism and production facilities in association with an established winery (File 19-11)	<i>Be it resolved that Municipal Council discharge the existing development agreement and give Initial consideration to and hold a Public Hearing regarding entering into a development agreement to permit expanded tourist commercial and winery uses at 11611 and 11625 Highway 1 (55221972), Grand Pré, which is substantively the same (save for minor differences in form) as the draft set out in Appendix E of the report dated December 10, 2019.</i> <u>Report Attached</u>
C	Application for a Land Use By-law map amendment to permit the rezoning of a portion of the property at 287 Main Street (PID 55086763), Kingston from the Residential Mixed Density (R3) Zone and the Central Business (C2) Zone to the Residential Medium Density (R4) Zone (File 19-15)	<i>Be it resolved that Municipal Council give First Reading to and hold a Public Hearing regarding the map amendment to the Land Use By-law to rezone a portion of the property at 287 Main Street (PID 55086763), Kingston, from the Central Business (C2) Zone and Residential Mixed Density (R3) Zone to the Residential Medium Density (R4) Zone, as described in Appendices E and F of the report dated December 10, 2019.</i> <u>Report Attached</u>
D	Public Hearing Date	Tuesday, February 4, 2020 at 6:00 p.m.



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

Application to enter into a development agreement to permit expanded tourist commercial facilities for lodging and winery operations at 11611 and 11625 Highway 1, Grand Pré (PID 55221972) (File 19-11)

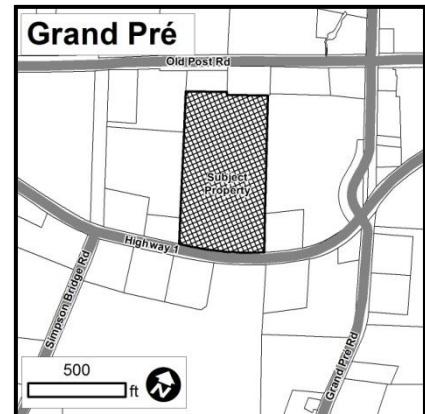
December 10, 2019

Prepared by: Planning Services Staff

Applicant	Jason Lynch
Land Owner	Hanspeter Stutz, Grand Pré Wines (1994) Limited
Proposal	To develop tourist commercial facilities for lodging and expanded winery operations.
Location	11611 and 11625 Highway 1 (PID 55221972)
Lot Area	7.92 acres
Designation	Hamlet Historic Residential Located within Grand Pré Community Plan Area
Zone	Hamlet Historic Residential (R9) Zone
Surrounding Uses	Agricultural, residential and limited commercial uses
Neighbour Notification	Staff sent notification letters to the 21 owners of property within 500 feet of the subject property

1. PROPOSAL

Jason Lynch has applied on behalf of Grand Pré Wines (1994) Limited (Grand Pré Wines) to discharge an existing development agreement and enter into a new development agreement to permit the development of tourist commercial facilities for lodging (Inn) and expanded winery operations located at 11611 and 11625 Highway 1 in the community of Grand Pré.



2. OPTIONS

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

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

3. BACKGROUND

Grand Pré Wines was established on the subject property in 1994 by the current owner, Hanspeter Stutz. The subject property is currently occupied by 3 main buildings housing the following:

- a personal residence with accessory home occupation constructed in approximately 1828, known as the 'Crane' house
- restaurant and office space
- winery operations including production, storage, tasting and retail sales.

The building housing the restaurant and office space and the building housing the winery operations were constructed at later dates, however these have a similar architectural style and building materials as the historic dwelling. There are a number of sheds and other accessory buildings as well as a greenhouse on the property, to the rear of the main buildings.

The current uses of the property are enabled through a development agreement, entered into in 1997. This development agreement replaced a prior development agreement that enabled a winery, restaurant and country inn. The 1997 development agreement reconfigured the use of the existing buildings and enabled the conversion of the inn to a personal residence.

At this time, Grand Pré Wines is seeking to reinstate the Inn within the building currently used as a personal residence. The home occupation is proposed to be discontinued. A new production facility and private tasting room is also proposed as part of this application which is proposed to consist of 3,200 square feet of production, 4,000 square feet of storage, 540 square feet of office space and an 800 square foot private tasting room.

Similar to 1997, it is proposed that the existing development agreement be discharged and a new development agreement drafted.

4. INFORMATION

4.1 Site Information

The subject property is located within the community of Grand Pré on the north side of Highway 1, approximately 550 feet west of Grand Pre Road. The property is generally rectangular in shape and has an approximate frontage of 440 feet, an approximate depth of 800 feet along the east property line and an approximate depth of approximately 785 feet along the west property line. The subject property has lot area of 7.72 acres.

The property slopes upwards toward the north, providing a south-facing slope for the cultivation of grapes. The majority of the subject property is cultivated with grapevines. The buildings and structures on the subject property are all located in the southern end of the subject property. There are two parking areas at the front of the property. Two driveways slope upward, one centrally located on the subject property and one adjacent to the eastern property line. A third driveway is located at the western property line providing egress from one of the existing parking areas on the subject property. The central driveway is primarily for pedestrian traffic with the exception of vehicles used in the cultivation and harvest of grapes and the production of wine. This driveway accesses first the wine tasting and retail building. In front of this building, there is currently an area of approximately 600 square feet used for tastings for tour groups arriving by bus. Wine production also occurs within this building with a garage door access for the production of wine located off this driveway. To the rear of the winery building is a small courtyard area in front of the restaurant building. In addition to the restaurant, this building

houses staff offices. To the east of the restaurant is an outdoor seating area for use by restaurant patrons, covered by a pergola, having an approximate area of 1,200 square feet.

The eastern driveway accesses the existing dwelling on the property and, to the rear of the dwelling, the driveway connects to an area where accessory buildings used for the storage of equipment related to vineyard and the winery is kept. There are several small parking areas, generally used by staff, in this area as well. In the northeast portion of the developed area of the property, in proximity to the accessory buildings, is a greenhouse. To the west of the greenhouse is an outdoor seating area within the vineyard used for private functions and tastings. There is a dedicated parking area in proximity to this area.

4.2 Site Visit

A Municipal Planner, Summer Planning Intern and Development Officer conducted a site visit on the subject property on July 12, 2019. A second site visit was conducted by a Municipal Planner and the Manager of Planning and Development Services on September 20, 2019. On both occasions, staff met with the applicant and further discussed the proposal.

4.3 Public Information Meeting

Council's Planning Policy PLAN-09-001 requires a Public Information Meeting (PIM) for all new uses which are to be considered by development agreement. The required Public Information Meeting was held on September 4, 2019, with 9 members of the public in attendance. Support was expressed for the proposal as well as questions related to potential alterations to the building given its provincial heritage designation [note: the property is not a provincially designated property]. The meeting notes from this meeting are attached as Appendix B.

4.4 Requests for Comments

Staff reached out to municipal and provincial departments, as necessary, for comments on this application. These comments are summarized in Appendix D.

5. POLICY REVIEW – DEVELOPMENT AGREEMENT

5.1 Land Use Bylaw

This proposal can be considered by development agreement, as enabled in Section 5.2.9 of the Land Use Bylaw (LUB) which states: "Tourist oriented commercial development in Grand Pré Hamlet Historic Residential (R9) Zone as provided for in Policies 3.6.8.6 and 3.6.8.7"

5.2 Municipal Planning Strategy

5.2.1 Enabling Policy and Criteria

It is staff's opinion that section 5.2.9 of the Land Use Bylaw contains an incorrect reference to a policy in the Municipal Planning Strategy (MPS). Policy 3.6.8.6 of the MPS states, "Lot size requirements that are intended to maintain a density that is in keeping with the established

development character shall be established in the LUB for the R9 Zone.” This does not appear to be relevant to the development of tourist commercial uses. As a result, this report will review policies 3.6.8.7 and 3.6.8.8 of the MPS which address the development of tourist commercial uses in Grand Pré.

Policy, 3.6.8.7, enables Council to consider proposals for tourist oriented commercial uses in Grand Pré. Policy 3.6.8.7 states, “*Within areas designated Hamlet Historic Residential (HH), Council may permit the following by Development Agreement subject to the policies of this Strategy and the provisions of the Municipal Government Act:*

- a. *tourist oriented commercial in Grand Pré pursuant to clause 3.6.8.7...:”*

Staff believe that the reference to policy 3.6.8.7 is also in error since this would create a circular reference where the policy references itself. Therefore Staff are of the opinion that the reference should be to policy 3.6.8.8. Tourist oriented commercial is not a defined term in the LUB however, there are definitions for Tourist Commercial Facilities for Lodging and Tourist Commercial Facilities for Food Service are defined terms. These are defined as follows:

Tourist Commercial Facilities for Lodging means the following:

- a. *a tourist inn, lodge or resort facility which primarily provides sleeping accommodation to the vacationing public, in which for the majority of units (i) primary access to the guest rooms is from a common internal hallway, (ii) there is a common area or other internal amenity space for the use of the guests and (iii) parking is separated from the guest rooms by a landscaped area and that this landscape area between the guest rooms and the parking area include a minimum landscape strip of fifteen (15) feet of grassed area and planting;*
- b. *tourist cabins, with or without kitchen facilities*

Tourist commercial Facilities for Food Service means:

- a. *a full-service restaurant catering to the general public; or*
- b. *a dining room serving food to overnight guests only, with or without an outdoor eating area.*

The existing use on the property (restaurant) as well as the proposed use (Inn) are consistent with the definitions contained within the Land Use Bylaw.

Policy 3.6.8.8 of the MPS states, “*Council shall recognize Grand Pré as a Hamlet Historic Residential District on the Future Land Use Map. Other Hamlet District policies notwithstanding, the following policies will apply to Grand Pré:*

- b. *Council shall encourage development of historical sites and historical restoration projects that relate to the cultural heritage of Grand Pré*
- c. *Council may permit tourist oriented commercial development by Development Agreement pursuant to the Municipal Government Act*

In considering entering a Development Agreement, Council shall have regard to the following:

- i. *the development must be intended to serve primarily tourists visiting Grand Pré on a casual basis*

- ii. *the development must relate to the cultural, historical or artisan aspects of the community*
- iii. *the development must be architecturally compatible with the historical and pastoral setting of the community in terms of design, scale, and building materials*
- iv. *the proposal is consistent with all applicable policies including those respecting the entering of Development Agreements contained in part 6 of this Strategy.*

The proposal is intended to serve visitors to the area, and reflects the agricultural history of the area. Any new buildings will be required to reflect the existing architectural character that currently exists on the subject property and in the surrounding area. Staff have reviewed the general criteria for Development Agreements in section 5.2.3 of this report.

With regard to the existing winery on the property, while not listed in the definition of Tourist Commercial Facility for Lodging or Tourist Commercial Facility for Food Service, it is Staff's opinion that agricultural uses, are appropriate tourist commercial uses, being a use that is recognized in the Grand Pré Community Plan, contained in section 4.9 of the MPS, as being oriented to visitors.

Section 4.4.9 which provides background information regarding the Grand Pré area, indicates in the second paragraph states, "*Agriculture not only contributes to the local economy, but also serves as a tourist attraction...The area has been a tourist destination for over 100 years due to a number of local attractions...Local businesses have capitalized on this tourist traffic and a robust tourist-oriented economy continues to develop with wineries...*

Within the Hamlet Historic Residential (R9) Zone, agricultural uses are a listed permitted use, which would encompass a vineyard. As such, a winery is a reasonable tourist commercial facility in association with an established vineyard.

5.2.2 Other relevant sections of the MPS

Within Section 3.6 of the MPS related to Hamlets, Grand Pré is identified as a hamlet in Agricultural Settings. The MPS identifies Grand Pré as a unique hamlet due to its distinctive historical and cultural identity. This is reflected in the area having status as a UNESCO World Heritage Site.

In recognition of this unique identity, Council, in 2009, adopted the Grand Pré Community Plan. The general objectives for this include, "To provide opportunities for tourism development in Grand Pré and Area." The section of the plan related to Agriculture indicates that, "Local business can provide support to agriculture by accommodating an agritourism industry..." Further, one of the objectives of this section of the Community Plan indicates that it is an objective "To encourage the agricultural industry and appropriate related business."

The Grand Pré Community Plan does not contain any specific policies related to the Historic Hamlet subdesignation or the Hamlet Historic Residential (R9) Zone that are relevant to this application.

5.2.3 General Development Agreement Criteria

Municipal Planning Strategy section 6.3.3.1 contains the criteria to be used when considering all development agreement proposals. 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 Municipal Planning Strategy (see Appendix C for more detail).

It is Staff's opinion that the proposal meets the general criteria in that it will not result in any direct costs to the Municipality, raises no concerns in terms of traffic or access, is compatible with the surrounding development pattern, is serviced by municipal sewer, is compatible with adjacent uses, and raises no concerns regarding emergency services.

6. SUMMARY OF DRAFT DEVELOPMENT AGREEMENT

The draft development agreement has been attached as Appendix E to this report. The main content of the proposed development agreement includes expanded permitted uses including the development of an inn containing no more than six guest rooms. The draft development agreement also permits the development of a new building containing production areas, offices and a private tasting room having an area up to 800 square feet. Additional parking for uses within this building will be required at the time of its development. The eastern property line is required to have additional buffering to provide privacy. Standard clauses related to maintenance of the property, commencement, discharge and other matters have also been included.

7. CONCLUSION

The proposal and the terms of the draft development agreement are in keeping with the intent of Council's Municipal Planning Strategy. The proposal is enabled by policies regarding tourist commercial uses within the Historic Hamlet of Grand Pré within the Municipal Planning Strategy. The proposal meets all other general Development Agreement criteria. As a result, a positive recommendation is being made 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 discharge the existing development agreement and give Initial Consideration to and hold a Public Hearing regarding entering into a development agreement to permit expanded tourist commercial and winery uses at 11611 and 11625 Highway 1 (55221972), Grand Pré, which is substantively the same (save for minor differences in form) as the draft set out in Appendix E of the report dated December 10, 2019.

9. APPENDICES

Appendix A: Zoning Maps

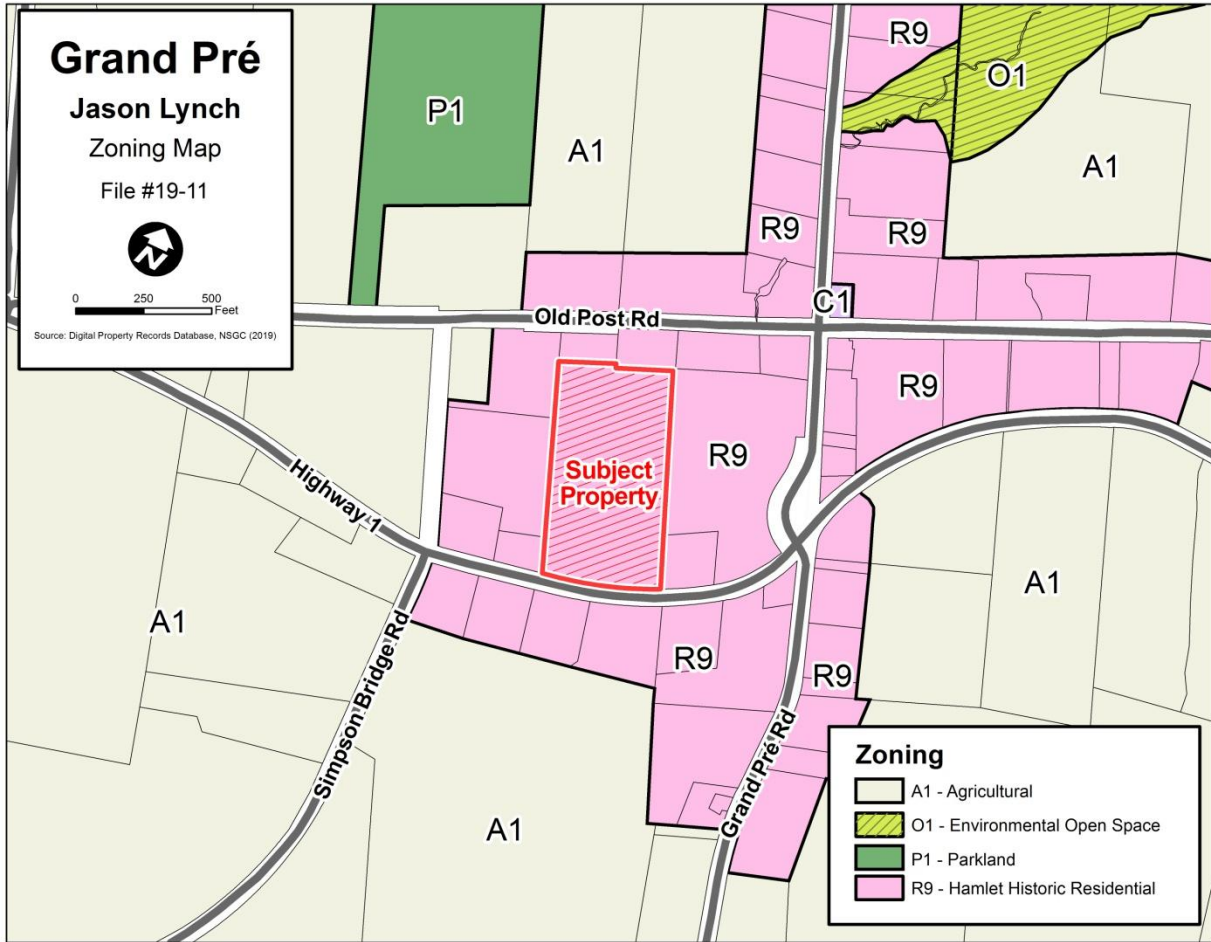
Appendix B: Public Information Meeting Notes

Appendix C: General Development Agreement Criteria (MPS Policy 6.3.3.1)

Appendix D: Requests for Comments

Appendix E: Draft Development Agreement

APPENDIX A – ZONING MAPS



**MUNICIPALITY OF THE COUNTY OF KINGS
Planning and Development Services**

Public Information Meeting Notes

September 4, 2019

**Planning Application to permit an expansion of the tourist commercial uses (specifically, to include a tourist accommodation) on the property at 11611 Hwy 1 (PID 55221972), Grand Pré.
(File 19-11)**

<i>Meeting, Date and Time</i>	A Public Information Meeting was held on Wednesday, September 4, 2019 at 7:00 p.m. at the Horton Community Centre, 11794 Hwy 1, Hortonville.
<i>Attending</i>	In Attendance:
<i>Councillors</i>	Councillor Peter Allen – District 9 (Chair)
<i>Planning Staff</i>	Leanne Jennings – Planner Chloe Austin – Recording Secretary
<i>Applicant</i>	Jason Lynch
<i>Public</i>	9 Members
<i>Welcome and Introductions</i>	<p>The Chair, Councillor Peter Allen, called the meeting to order at 7:00 pm, introductions were made and the members of the public were welcomed to the meeting.</p> <p>The Public Information Meeting provides an opportunity for the public to express concerns and/or receive clarification on any aspect of the proposal. No evaluation has been completed and no decisions have been made at this point.</p>
<i>Presentations</i>	Leanne Jennings provided a brief overview of the planning process and the criteria that will be used to evaluate the application from Jason Lynch, on behalf of Grand Pré Wines Ltd., to permit an expansion of the tourist commercial uses (specifically, to include a tourist accommodation) on the property at 11611 Hwy 1 (PID 55221972), Grand Pré.
<i>Comments from the Public</i>	<p>Margaret Robinson – Old Post Road, Grand Pré</p> <p>Commented on potential changes to the building given its heritage</p>

status. Ms. Jennings clarified that it is a provincially designated heritage building so the province has the final say; however, the development agreement will include architectural requirements if any changes are made to the existing buildings or when new buildings are built.

Mr. Lynch spoke about a desire to allow for future changes to infrastructure that would allow future expansion, but expressed that there is no plan at present to change the appearance of the building exterior.

Barbara Bishop – 11633 Hwy #1

Commented that the area has a shortage of tourist accommodation and that this development would be an asset to the community.

Adjournment

There being no further discussion, the Chair thanked those in attendance and adjourned the meeting at 7:19 p.m.

APPENDIX C – General Development Agreement Criteria

Policy 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
<i>a. the proposal is in keeping with the intent of the Municipal Planning Strategy, including the intent of any Secondary Planning Strategy</i>	The proposal is in keeping with the intent of the MPS. There is no Secondary Planning Strategy in this area.
<i>b. that the proposal is not premature or inappropriate by reason of:</i>	
<i>i. the financial capability of the Municipality to absorb any costs related to the development of the subject site</i>	The proposal does not involve any development costs to the Municipality.
<i>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</i>	The subject property is currently serviced by municipal sewer and capacity within the system to support this use has been confirmed. New connection permits shall be required for additional uses proposed for the subject property.
<i>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</i>	The proposal does not cause concern regarding pollution or contamination.
<i>iv. the adequacy of storm drainage and the effect of same on adjacent uses</i>	The property slopes downward toward Highway 1. Given this slope, it is not anticipated that the subject property will have any negative effects on adjacent uses.
<i>v. the adequacy of street or road networks in, adjacent to, and leading to, the development</i>	DTIR has commented that the road network adjacent to and leading to the development is adequate to support the proposal.
<i>vi. the adequacy, capacity and proximity of schools, recreation and other community facilities</i>	Not applicable since the application is non-residential in nature.
<i>vii. adequacy of municipal fire protection services and equipment</i>	Municipal Building and Enforcement Services has confirmed that the Wolfville Fire Chief has indicated that they can adequately service the proposal.
<i>viii. creating extensive intervening parcels of vacant land between the existing developed lands and the proposed site, or a scattered or</i>	The proposed development does not include plans to subdivide land in such a way that promotes scattered or ribbon development to take place.

<p><i>ribbon development pattern as opposed to compact development</i></p>	
<p>ix. <i>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</i></p>	<p>The lot is suitable for development, and staff is not aware of any soil or geological conditions in the area that would have a negative impact on development.</p>
<p>x. <i>traffic generation, access to and egress from the site, and parking</i></p>	<p>The Department of Transportation and Infrastructure Renewal is satisfied that the proposed use will not generate an undue amount of traffic on the surrounding roads. No concerns were raised with regard to the parking or driveways.</p>
<p>xi. <i>compatibility with adjacent uses</i></p>	<p>The uses enabled by the development agreement are compatible with adjacent uses provided the terms of the development agreement, with regard to buffering the property to the east, are respected.</p>
<p>c. <i>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></p>	
<p>i. <i>the type of use</i></p>	<p>The draft development agreement specifies the permitted uses.</p>
<p>ii. <i>the location and positioning of outlets for air, water and noise within the context of the Land Use Bylaw</i></p>	<p>No special requirements are necessary.</p>
<p>iii. <i>the height, bulk and lot coverage of any proposed buildings or structures</i></p>	<p>The draft development agreement contains architectural standards and maximum permitted floor areas for all proposed uses.</p>
<p>iv. <i>traffic generation</i></p>	<p>No special requirements are necessary.</p>
<p>v. <i>access to and egress from the site and the distance of these from street intersections</i></p>	<p>The draft development agreement specifies that access and egress must be in general conformance with the site plan and must be approved by DTIR.</p>
<p>vi. <i>availability, accessibility of on-site parking</i></p>	<p>The draft development agreement requires minimum on-site parking.</p>
<p>vii. <i>outdoor storage and/or display</i></p>	<p>There were no concerns related to outdoor storage or display for the uses permitted by this agreement.</p>
<p>viii. <i>signs and lighting</i></p>	<p>The draft development agreement places restrictions on signs and lighting, consistent with the requirements of the LUB.</p>
<p>ix. <i>the hours of operation</i></p>	<p>There were no concerns related to hours of operation for the uses permitted by this agreement.</p>
<p>x. <i>maintenance of the development</i></p>	<p>The draft development agreement requires that the property be maintained in good repair and a reasonable state.</p>
<p>xi. <i>buffering, landscaping, screening and access control</i></p>	<p>The various current and proposed uses outlined in the draft development agreement</p>

	are subject to setbacks based on the accompanying site plan with the intention of providing adequate buffering from adjacent properties/uses. The draft development agreement stipulates the need to maintain a natural vegetative buffer from an adjacent residential use to the east.
<i>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</i>	The site is suitable with regard to topographical and geological conditions as well as the relative location of watercourses, marshes, swamps, or bogs.
<i>xiii. the terms of the agreement provide for the discharge of the agreement or parts thereof upon the successful fulfillment of its terms</i>	The draft development agreement provides for discharge of the agreement.
<i>xiv. appropriate phasing and stage by stage control</i>	Phasing is not applicable.
<i>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</i>	No performance bonding or security is needed.

APPENDIX D – Requests for Comments

1. Department of Transportation and Infrastructure Renewal (DTIR)
 - DTIR indicated that the driveways are acceptable, that the bus parking is adequate and that the road network can accommodate the proposal.
2. Nova Scotia Environment (NSE)
 - No comments were received from NSE.
3. Municipality of the County of Kings Engineering and Public Works (EPW)
 - The Manager of Engineering Services commented that there are current connections to municipal sewer and that, at the time of permitting, a new permit for the change in use will be required.
4. Municipality of the County of Kings Building and Enforcement
 - The Manager of Building and Enforcement Services commented that he had no concerns with regard to the proposal. Building permits will be required.
 - Fire protection services for the subject property have been deemed to be adequate by the Wolfville Fire Chief.
5. Municipality of the County of Kings Development Control
 - Comments from Development Control have informed the terms of the draft development agreement.

Appendix E - Draft Development Agreement

THIS DEVELOPMENT AGREEMENT made this ____ day of _____, A.D., 2019

BETWEEN:

GRAND PRÉ WINES LIMITED, of Grand Pré, Nova Scotia, 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 Coldbrook, 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 is known as Property Identification (PID) Number 55221972; and

WHEREAS the Property Owner wish to use the Property for a Winery, Restaurant, tourist oriented commercial uses and associated accessory uses; and

WHEREAS the Property is situated within an area designated Hamlet Historic Residential (HH) on the Future Land Use Map of the Municipal Planning Strategy, and zoned Hamlet Historic Residential (R9); and

WHEREAS Policy 3.6.8.7 and Policy 6.3.2.1 of the Municipal Planning Strategy and Clause 5.2.9 of the Land Use Bylaw provide that the proposed 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 XX, 2019, 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, or successor bylaws.
- (b) *Land Use Bylaw* means Bylaw 75 of the Municipality, approved on August 6, 1992, 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.
- (b) *Winery* means the use of land or a building for the production of wine accessory to a vineyard and may include areas for tasting and retail sales of the wine produced.
- (c) *Inn* means the use of an existing dwelling as a tourist commercial facility for lodging consisting of no more than six guest rooms.

PART 2 DEVELOPMENT REQUIREMENTS

2.1 Site Plan

The Property Owner shall develop and use the lands in general conformance with the Site Plan attached as Schedule 'B' to this Agreement.

2.2 Use

2.2.1 The Property Owner's use of the Property shall be limited to:

- (a) those uses permitted by the underlying zoning in the Land Use By-law (as may be amended from time to time);
- (b) an Inn wholly contained within the area labelled 'Area 1' on Schedule B – Site Plan;
- (c) Winery, which may contain the following:
 - i. wine production and storage with a maximum gross floor area of 4,000 square feet;
 - ii. licensed wine tasting areas consisting of a total maximum of 700 square feet of commercial floor area and 1,300 square feet of outdoor space;
 - iii. gift and retail shop not to exceed 700 square feet of commercial floor area;
- (d) Restaurant not to exceed 2,500 square feet commercial floor area;
- (e) future development within the area identified on Schedule B – Site Plan as 'Area 2' consisting of the following:
 - i. wine production and storage with a maximum gross floor area of 8,000 square feet;
 - ii. office space accessory to the uses permitted in this development agreement with a maximum gross floor area of 600 square feet;
 - iii. wine tasting and retail area with a maximum commercial floor area of 1,000 square feet;
- (f) accessory uses to any of the above.

2.2.2 Except as otherwise provided in this Agreement, the provisions of the Land Use Bylaw, as may be amended from time to time, apply to any development undertaken pursuant to this Agreement.

2.3 Signs

- (a) Signage on the Property shall be limited to:
 - i. one ground sign, measuring no more than 80 square feet in size and no more than 15 feet in height and identified on Schedule B – Site Plan;
 - ii. One roof sign on the Property;
 - iii. One wall sign within Area B as identified on Schedule B – Site Plan;
- (b) The signs permitted in Section 2.3 (a) above shall only be constructed of wood and/or metal and shall not obstruct the sight lines at the driveway entrance/exits.
- (c) Internally illuminated signs are prohibited.
- (d) The Property Owner shall obtain a development permit from the Development Officer prior to the erection or installation of any sign.

2.4 Buffering

- (a) Within the area labelled 'Vegetation Buffer Zone' on Schedule 'B', Site Plan, natural vegetation shall be maintained and new evergreen trees shall be planted at no more than a ten (10) foot spacing; and
- (b) The evergreen trees referred to in Section 2.4 (a) above shall be planted within eight (8) months of the issuance of the occupancy permit for the inn and shall have reached a minimum height of five (5) feet within five years from the time of planting.

2.5 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, and maintain the Property in a neat and presentable condition.

2.6 Lighting

The Property Owner shall ensure that any lights used for illumination of the Property or signage shall be so arranged as to divert light away from any streets and neighbouring properties.

2.7 Parking

The Property Owner shall meet the following criteria and standards for parking and shall locate all parking in general conformance with Schedule 'B', Site Plan:

- (a) Parking shall be provided within parking areas identified on Schedule B – Site plan and areas shall not be reduced in size nor should the number of parking spaces provided be reduced;
- (b) Parking required for uses permitted in Area 2 must be provided within the same area and are subject to the requirements of the Land Use Bylaw; and
- (c) Parking locations shall comply with the *National Building Code*, Part 3, Fire Truck Access Route.

2.8 Access and Egress

- (a) The Property Owner must submit current permits from Nova Scotia Transportation and Infrastructure Renewal, or any successor body, before receiving development or building permits for uses enabled by this Agreement.
- (b) Road access points shall comply with the *National Building Code*, Part 3, Fire Truck Access Route.

2.9 Architectural Design

Any reconstruction, alteration or development of new buildings and structures shall be carried out in a manner which is architecturally compatible with other buildings in the surrounding area. The building shall feature a pitched roof and use natural cladding materials including, but not limited to, wood, stone, stucco or brick.

2.10 Servicing

The Property Owner shall be responsible for providing adequate water and sewage services to the standards of the authority having jurisdiction and at the Property Owner's expense. The Property Owner shall be responsible for acquiring permits to accommodate new uses enabled by the Agreement at the time of permitting.

2.11 Erosion and Sedimentation Control

During any site preparation or construction 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 Department of Environment *Erosion and Sedimentation Control Handbook for Construction*, or any successor documents, so as to effectively control erosion of the soil.

2.12 Subdivision

No alterations to the lot configuration that would result in a reduced lot area are permitted without a substantive amendment to this agreement except as may be required by the road authority for the purpose of creating or expanding a public street over the Property.

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 2.2, Use, of this Agreement, unless a new development agreement is entered into with the Municipality or this Agreement is amended.
- 3.2** Any matters in this Agreement which are not specified in Subsection 3.3 below are not substantive matters and may be changed by Council without a public hearing.
- 3.3** The following matters are substantive matters:
 - (a) Changes to Section 2.2 of this Agreement; and
 - (b) Development generally not in conformance with Schedule 'B', Site Plan.
- 3.4** Upon conveyance of land by the Property Owner to the road authority for the purpose of creating or expanding a public street over or adjacent to the Property, registration of the deed reflecting the conveyance shall be conclusive evidence that this Agreement shall be discharged as it relates to the public street, 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.
- 3.5** 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

No construction or use specifically enabled by this Agreement may be commenced on the Property until the Municipality has issued any Development Permits, Building Permits and/or Occupancy Permits that may be required.

4.2 Expiry Date

The Property Owner shall sign this Agreement within 180 calendar days from 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, by-laws 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 have good title in fee simple to the Lands or good beneficial title subject to a normal financing encumbrance, or are the sole holders 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 Property Owner has obtained the approval of every other entity which has an interest in the Lands whose authorization is required for the Property Owner 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.

5.4 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.

5.5 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.

5.6 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.

5.7 Interpretation

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

5.8 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 enure to the benefit of 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 signing 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:

GRAND PRÉ WINES LIMITED

Witness

Per: Hanspeter Stutz

Schedule 'A'
Property Description

Copied from Property Online on November 22, 2019

PID 55221972

ALL and singular the land and premises situate at Grand Pre, in the County of Kings and Province of Nova Scotia, bounded and described as follows:

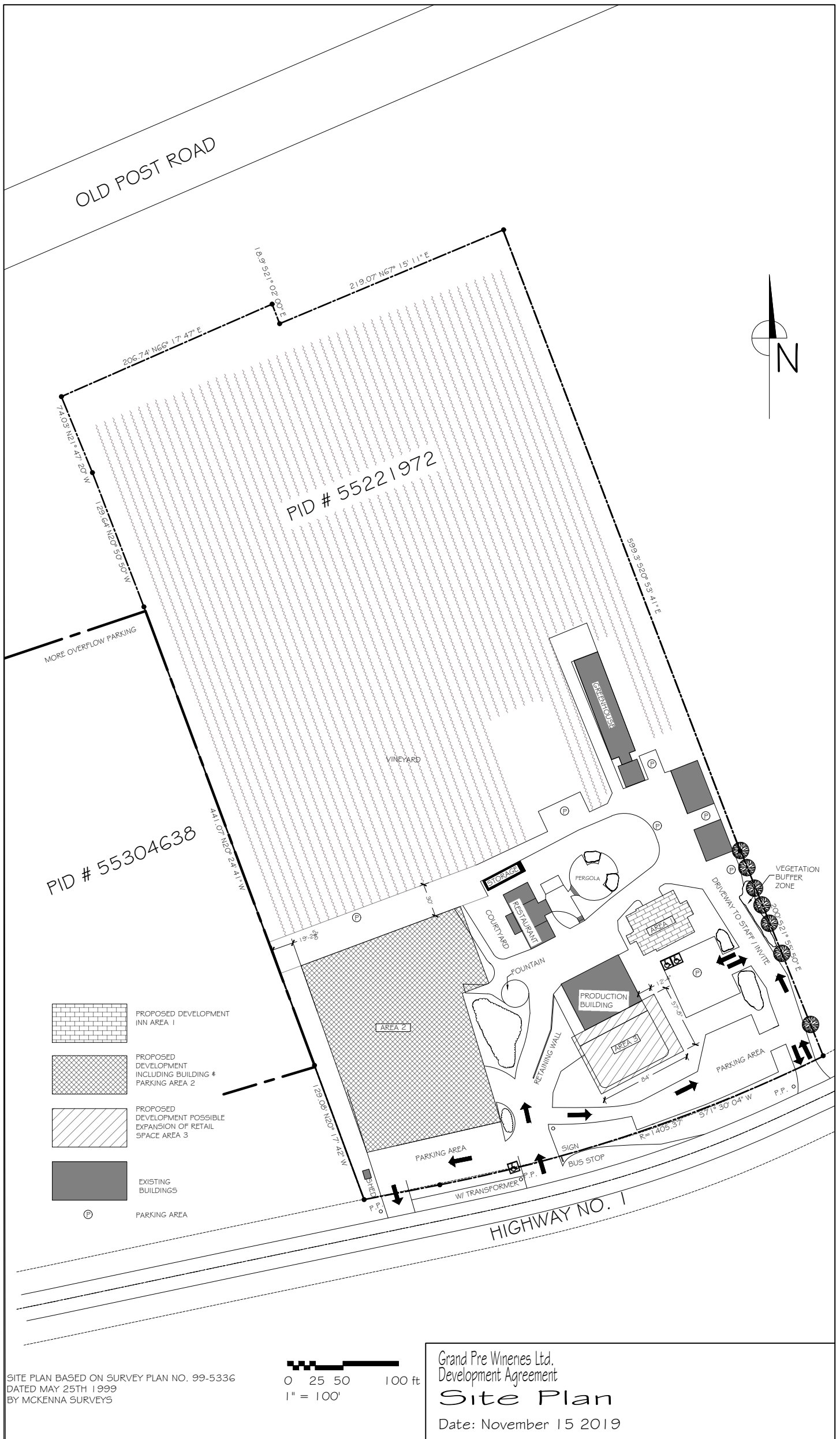
ON the South by the Main Post Road;

ON the West by lands of R. W. Woodman and of Leslie Fairn;

ON the North by lands belonging to L. Grant; and

ON the East by lands belonging to Roy Woodman, containing eight and one-half acres.

Schedule B - Site Plan



SITE PLAN BASED ON SURVEY PLAN NO. 99-5336
 DATED MAY 25TH 1999
 BY MCKENNA SURVEYS



Grand Pre Wineries Ltd.
 Development Agreement
Site Plan
 Date: November 15 2019



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

Planning application to rezone a portion of the property at 287 Main Street, (PID 55086763) Kingston, N.S. from Residential Mixed Density (R3) Zone and Central Business (C2) Zone to Residential Medium Density (R4) Zone. (File #19-15)

December 4th, 2019
 Prepared by: Planning Staff

Applicant	Scott Bishop
Land Owner	Scott Bishop
Proposal	To rezone a portion of the property at 287 Main Street, (PID 55086763) Kingston, N.S. from Residential Mixed Density (R3) Zone and Central Business (C2) Zone to Residential Medium Density (R4) for the purpose of developing multi-unit residential dwellings.
Location	287 Main Street, (PID 55086763) Kingston, N.S.
Lot Area	Approximately 15 acres
Designation	Residential (R), Commercial (C), Parks and Recreational (P)
Zone	Residential Mixed Density (R3), Central Business (C2), Environmental Open Space (O1)
Surrounding Uses	Residential uses of varying density and housing type, as well as a golf course
Neighbour Notification	Staff sent notification letters to the 20 owners of property within 500 feet of the subject property

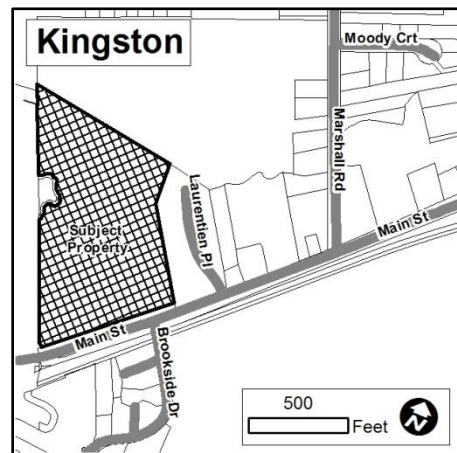
1. SUMMARY

Scott Bishop has submitted an application to have a portion, approximately 11 acres in area, of the property located at 287 Main Street, (PID 55086763) Kingston rezoned through a Land Use Bylaw map amendment process from the residential Mixed Density (R3) and Central Business (C2) Zones to the Residential Medium Density (R4) Zone. The purpose of the rezoning application is to enable the development of a multi-unit residential development consisting of a variety of housing types.

2. OPTIONS

In response to the application, the Kingston Area Advisory Committee may recommend that the Planning Advisory Committee:

- A. Recommend that Council approve the Land Use By-law map amendment, as proposed;
- B. Recommend that Council refuse the Land Use By-law map amendment; or,



- C. Provide alternative direction, such as requesting further information on a specific topic, or making changes to the Land Use By-law map amendment

3. PROPERTY BACKGROUND

The subject property is located within the Village of Kingston, which is found in the western portion of the Municipality. It serves as a commercial hub for the western end of the Municipality and the eastern end of Annapolis County. The Village of Kingston is located directly adjacent to the Village of Greenwood and the two communities, although separate villages, share many commercial and institutional ties. While each community is considered a separate Growth Centre, the Municipal Planning Strategy (MPS) recognizes that they are intertwined with each other, noting Greenwood's regional influence and Kingston's traditional business district within the Municipality's overall commercial network. Further, the MPS notes the recreational, residential, and industrial opportunities are combined objectives.

The subject property consists of a single lot. The lot (PID 55086763) is vacant and has a driveway extending from Main Street towards the rear of the property.

The lot at 287 Main Street has three zones applied; the portion closest to Main Street is zoned Central Business (C2) and extends in a generally northward direction approximately 140 feet, while the rear portion of the property is zoned Residential Mixed Density (R3) and extends further northward to the rear property line. The rear property line runs in a northwest direction, on an angle, therefore the distance covered by the R3 zone varies, but is between approximately 600 feet at the shortest distance and 1,150 feet at the longest distance. The most western portion of the property is zoned Environmental Open Space (O1). This zone traverses the entire distance of the subject property in a generally north-south direction, a distance of approximately 1,330 feet. It is wholly contained to the western side of the property, where an identified watercourse is located, and comprises approximately 3 acres of the total area of the subject property. The subject property features approximately 700 feet of frontage along Highway #1. The topography of the subject property is generally flat, although it gradually slopes downwards towards the rear of the property and along the western edge where the watercourse is situated.

The north side of Main Street (Highway #1) is zoned Central Business (C2). There are a variety of residential, commercial, and institutional uses within the immediate vicinity of the subject property, as well as a mobile home development located on the property which borders the subject property to the east. The opposite side of Main Street from the subject property features, moving in a west to east general direction, Central Business (C2) zoned properties, medium density residential housing with frontage along Brookside Drive, and Paragon Golf and Country Club, which is located on a large parcel of land zoned Recreational Open Space (P2). Past the medium density residential housing, along Brookside Drive, are a number of low-density, single detached residential dwellings.

4. INFORMATION

4.1 Subject Property Information

A site visit was conducted on September 30th, 2019 by a Planner. The applicant and planner walked the subject property and discussed the intent behind the planning application. The planner took photos of the subject property.

4.2 Comments from Public

Under the Planning Policies of the Municipality of the County of Kings (PLAN-09-001), a Public Information Meeting was required because the application concerns a Land Use Bylaw Map Amendment for a portion of a property with a total lot area in excess of 1 acre. A letter was sent out to 20 property owners within a 500 foot radius of the subject property seeking comments on the proposed Land Use Bylaw Map amendment. A Public Information Meeting was held on Tuesday, October 15th, 2019 at the Kingston District Fire Hall, 570 Sparky Street, Kingston, N.S. Four members of the public attended the meeting; questions of clarification were posed. Members of the public offered no concerns with the proposed rezoning and development. A summary of the meeting is included as Appendix B to this report.

4.3 Requests for Comments

Staff requested comments from both internal and external departments on the application, a summary of the comments received are found in Appendix D of this report.

5. POLICY REVIEW – LAND USE BYLAW AMENDMENTS

5.1 Enabling MPS Policies

The residential rezoning component of the proposal is enabled the following policies contained with the Municipal Planning Strategy:

Policy 2.4.6.7 “Council may consider rezoning land from R3 to any other 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.”

Policy 2.4.7.4 “Council shall zone existing medium density development and consider rezoning new areas R4 in the following locations:

- a. areas near commercial zones*
- b. sites within an R3 Zone separated from low density housing by multi-unit residential uses (i.e. three units or more)*
- c. lands adjacent to an R3 Zone with direct or Local Exterior Street access to a Major Collector Street; or,*
- d. locations at the periphery of low density neighbourhoods.*

These policies enable Council to consider the application to rezone the portion of the subject property currently zoned Residential Mixed Density (R3) to the Residential Medium Density (R4) zone because it is currently designated Residential on the Future Land Use Map. With regard to policy 2.4.7.4, the subject property is located near commercial zones, adjacent to other properties within the R3 zone, and has direct access to a Major Collector Street.

Further, *“in considering rezoning proposals, Council “shall be satisfied that the proposed site is capable of accommodating the requirements of the Land Use Bylaw for the R4 Zone and policies for amending the Land Use Bylaw as contained in Part 6 of this Strategy.”*

The proposal is also consistent with many other policies within the Municipal Planning Strategy:

Policy 2.4.2.4 “Council intends to provide opportunities for the development and integration of affordable housing by making provision for multi-unit residential development within the Residential District, for a variety of housing types and densities.”

Policy 2.4.2.7 “Council shall encourage residential infilling on existing vacant lots serviced by a central sewerage system. The land use bylaw will permit the use of existing undersized lots.”

Policy 2.4.2.8 “Council intends to encourage and facilitate the development of rental accommodation in areas served by or close to a full range of commercial and community services. Accordingly, Council may pre-zone lands close to a range of community or commercial services for medium density housing.”

The proposed rezoning will support the development of multi-unit residential development, on a vacant lot that is serviced by central sewer services. The Village of Kingston also provides commercial and community services, making this location a good candidate for rezoning for higher density development.

The commercial rezoning component of the proposal is enabled by the following policy contained within the Municipal Planning Strategy:

Policy 6.1.3.2: “Lands contiguous to a District may be considered for a rezoning to a zone permitted with that Designation without an amendment to this Strategy provided all other policies of this Strategy are met.”

This policy enables Council to consider the application to rezone the portion of the subject property currently zoned Central Business (C2) to the Residential Medium Density (R4) zone. The portions of the subject property being sought for rezoning are contiguous to another portion of the same property that is within the Residential District. Therefore the application can proceed without the need for an amendment to the Municipal Planning Strategy.

5.2 Kingston Secondary Planning Strategy

The Kingston Secondary Planning Strategy (SPS) is a document that combines the future land use map of the Kingston Growth Centre with detailed plans that pertain specifically to the transportation, open space, infrastructure, and natural characteristics of the Growth Centre.

- The subject property has frontage along a major collector road, Highway #1 (Main Street);
- The intersection of Brookside Drive and Main Street is identified on the Kingston SPS as a future local street connection;
- The subject property falls outside of the area designated for groundwater recharge, which restricts the handling and storage of controlled materials;
- Portions of the subject property are located within areas identified as major swales, accordingly, implementation of the storm water management objectives noted in part 2.9.2 of the MPS and corresponding requirements of the Land Use Bylaw and Subdivision Bylaw shall be provided – specifically policy 2.9.2.13 of the MPS which requires, in the case of subdivision, that storm drainage systems to be designed to take advantage of natural water courses and subdivision must related to the existing natural drainage patterns of the site;
- An existing sewer line runs under Main Street, enabling the a potential residential development to connect to the existing system via a lateral;
- The subject property falls outside of the noise exposure forecast contour for CFB Greenwood.

5.3 General LUB amendment Policies

Section 6.2.2 of the Municipal Planning Strategy contains a number of general criteria for considering all applications (Appendix C). 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 the other general development criteria contained in the LUB there are no costs to the Municipality related to the rezoning and development of the subject property. There are no concerns regarding storm drainage, road networks leading to the subject property, or traffic generation. Staff has determined that the subject property would be serviced via a central sewer system and private water system. The Village of Kingston would confirm the connection to the existing sewer lateral at the time of permitting.

6. CONCLUSION

The proposed rezoning is in keeping with the intent of the enabling policy found in the Municipal Planning Strategy. The proposed amendment meets the objectives outlined in the Kingston Secondary Planning Strategy. The proposal meets all of the general criteria to permit the rezoning of the subject property through a Land Use Bylaw map amendment.

As a result, a positive recommendation with regard to the application is being made to the Kingston Area Advisory Committee.

7. STAFF RECOMMENDATION

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

The Kingston Area Advisory Committee recommends that the Planning Advisory Committee recommend that Council give First Reading to and hold a Public Hearing regarding the map amendment to the Land Use Bylaw to rezone a portion of the property at 287 Main Street (PID 55086763), Kingston, from the Central Business (C2) Zone and Residential Mixed Density (R3) Zone to the Residential Medium Density (R4) Zone, as described in Appendix E of the report dated December 4th, 2019.

8. APPENDICIES

Appendix A: Zoning Map

Appendix B: Public Information Meeting Notes (October 15th, 2019)

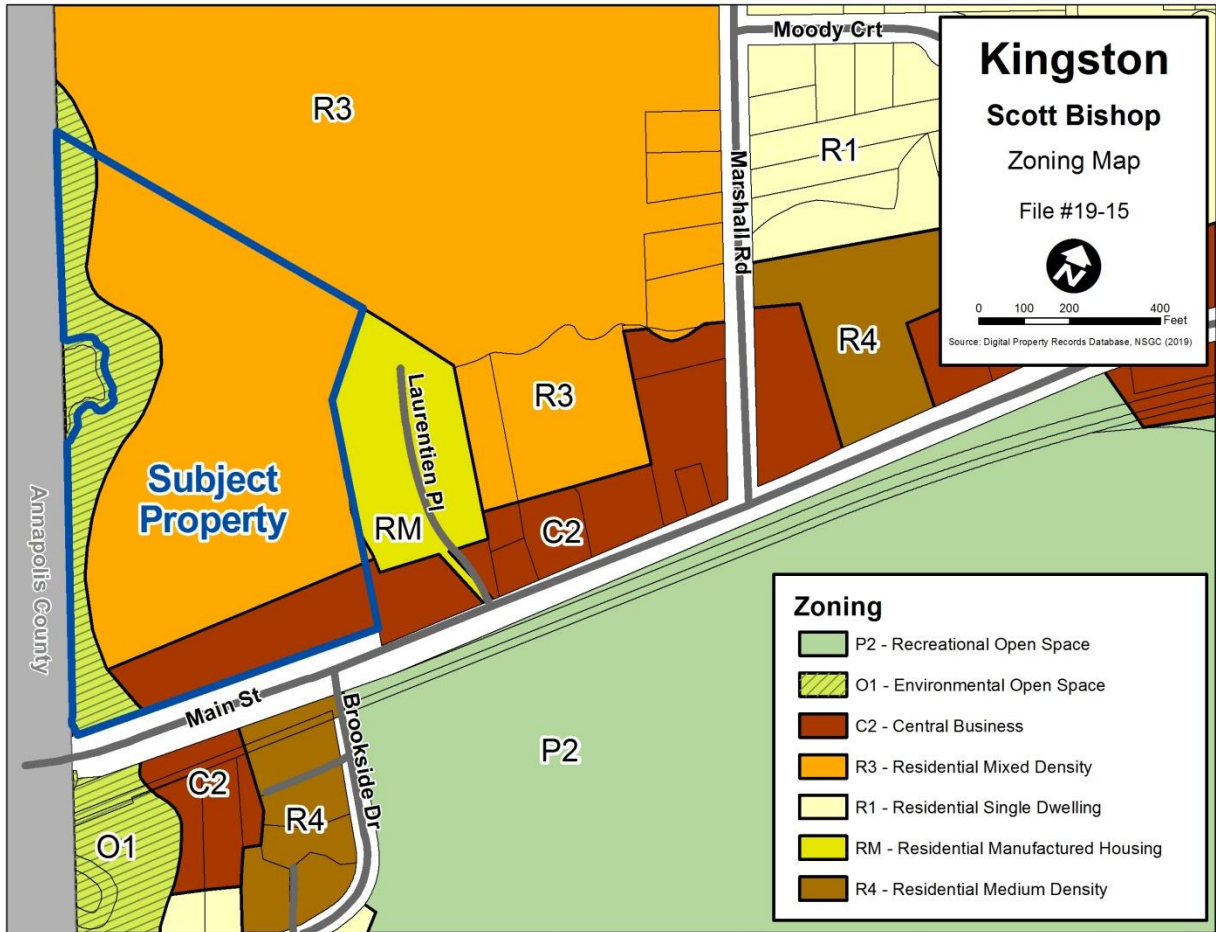
Appendix C: Municipal Planning Strategy, Section 6.2.2.1 – Amendment to the Land Use Bylaw (General Criteria)

Appendix D: Request for Comments

Appendix E: Proposed Land Use Bylaw Map Amendment (Bylaw 75)

Appendix F: Proposed Land Use Bylaw Map Amendment (Bylaw 106)

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

**Planning Application to rezone 287 Main Street, Kingston from the Central Business (C2) Zone and the Residential Medium Density (R3) Zone to the Residential Medium Density (R4) Zone through a Land Use Bylaw Map Amendment.
(File# 19-15)**

<i>Meeting, Date and Time</i>	A Public Information Meeting was held on Tuesday, October 15 th , 2019 at 7:00 p.m. in the Kingston District Fire Hall – 570 Sparky Street, Kingston, NS.
<i>Attending</i>	In Attendance:
<i>Planning Advisory Committee Members</i>	Councillor Martha Armstrong – District 4 (Chair)
<i>Regrets</i>	None.
<i>Planning Staff</i>	Will Robinson-Mushkat – Planner
<i>Applicant</i>	Scott Bishop
<i>Public</i>	4 Members
<i>Welcome and Introductions</i>	<p>The Chair, Councillor Martha Armstrong, called the meeting to order, introductions were made and the members of the public were welcomed to the meeting. It was 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.</p>
<i>Presentations</i>	<p>Will Robinson-Mushkat provided a brief overview of the planning process and the criteria that will be used to evaluate the application from Scott Bishop. The proposal is to rezone a portion of the subject property from the Central Business (C2) Zone and the Residential Mixed Density (R3) Zone to the Residential Medium Density (R4) Zone at 287 Main Street, Kingston (PID# 55086763).</p> <p>Mr. Robinson-Mushkat 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.</p> <p>Scott Bishop did not wish to make a presentation, but voiced a willingness to answer any questions.</p>

Following the presentations, the floor was opened for comments from the public.

***Comments from
the Public***

Mr. Bishop also noted that his intention was to service the site with an on-site septic system.

One question was posed regarding the zoning of the subject property under the proposed draft Land Use Bylaw. Mr. Robinson-Mushkat noted the current zoning would remain the same under the new documents.

Adjournment

There being no further discussion, the Chair thanked those in attendance and adjourned the meeting at 7:10 p.m.

A handwritten signature in black ink, appearing to read "W. Robinson-Mushkat". The signature is stylized and cursive.

Will Robinson-Mushkat
Recording Secretary

Appendix C: Municipal Planning Strategy, Section 6.2.2.1 – Amendment to the Land Use Bylaw (General Criteria)

In considering amendments to the Land Use Bylaw, in addition to all other criteria as set out in various policies of this Strategy, Council shall be satisfied:

Criteria	Comments
<i>a. the proposal is in keeping with the intent of the Strategy, including the intent of any Secondary Planning Strategy, and can meet the requirements of all other Municipal Bylaws and regulations</i>	The proposed rezoning through an LUB map amendment is consistent with the intent set forth in the MPS because the enabling policies permit both the rezoning of land from the R3 zone to any other residential zone and for a property that is contiguous to a District with a zone that is permitted under the Designation without an amendment to the MPS.
<i>b. that the proposed rezoning is not premature or inappropriate by reason of:</i>	
<i>i. the financial capability of the Municipality to absorb any costs related to the development of the subject site</i>	There are no costs to the Municipality associated with the proposed rezoning and any subsequent development.
<i>ii. the impact on, or feasibility and costs of, sewerage and water services if central services are to be provided, or adequacy of physical site conditions for private on-site sewer and water systems</i>	The Village of Kingston have commented that the subject property is able to be serviced by existing sewer infrastructure. Any future development on the subject property will require private water services.
<i>iii. the potential for creating, or contributing to, a pollution problem including the contamination of watercourses</i>	Given the residential nature of the use, staff does not anticipate any risks with regard to pollution, including the contamination of watercourses.
<i>iv. the adequacy of storm drainage and the effect on adjacent uses</i>	It is the responsibility of the land owner to ensure adequate drainage and effect on adjacent uses. Policy 2.9.2.13 requires storm drainage systems to take advantage of the natural drainage patterns.
<i>v. the adequacy and proximity of school, recreation, and any other community facilities</i>	The subject property is within suitable proximity to schools, recreation facilities, and other community uses such as parks.
<i>vi. the adequacy of street or road networks in, adjacent to, or leading to the subject site</i>	Nova Scotia DTIR is satisfied that the existing road network is adequate for the existing and proposed dwellings to and from the site. No traffic study is required nor does DTIR have any concerns at this time.
<i>vii. the potential for the contamination of a watercourse due to erosion or sedimentation</i>	Watercourse contamination associated with the proposed rezoning and LUB Map amendment is not anticipated.
<i>viii. creating extensive intervening</i>	The subject property is situated within an

<i>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</i>	existing, mature neighbourhood with a diverse range of land-uses. New residential development would further contribute to this mixture and would promote compact development.
<i>ix. traffic generation, access to and egress from the subject site, and parking</i>	Nova Scotia DTIR satisfied that the existing road network is adequate for all traffic involved to and from the site. No traffic study is required by DTIR.
<i>x. incompatibility with adjacent uses and the existing development form of the surrounding area</i>	Any development would be required to conform to the standards of the Residential Medium Density (R4) zone.
<i>xi. the potential for overcrowding on lakeshores or the reduction of water quality</i>	N/A
<i>xii. the potential for contamination of, or interference with a designated groundwater supply protection area</i>	The subject property falls outside of the area identified for Goundwater Recharge in the Kingston Secondary Planning Strategy.
<i>c. the proposed site is suitable for development in terms of steepness of grades, soil and geological conditions, location of watercourses, marshes, swamps, or bogs and proximity of highway ramps, railway rights-of-way and other similar factors that may pose a hazard to development</i>	There does not appear to be any explicit hazards to the development of the subject property with regard to the proposed rezoning or subsequent form of development which the rezoning would permit.

Appendix D: Request for Comments

Department of Transportation and Infrastructure Renewal (DTIR)

- Nova Scotia Department of Transportation and Infrastructure Renewal (DTIR) has not issued an access permit for a driveway for the proposed multi-unit dwelling;
- Has no current concerns with the existing road networks, traffic generation, access/egress from the subject property;
- Does not require a traffic analysis;

Nova Scotia Environment (NSE)

- No comments were received from NSE.

Municipality of the County of Kings Engineering and Public Works (EPW)

- Engineering and Public Works (Municipality of the County of Kings) staff noted the applicant is required to follow Municipal Specifications and Nova Scotia Environment regulations regarding sedimentation/erosion control and alternations of existing drainage during future construction;
- EPW did not bring forth any additional concerns.

Municipality of the County of Kings Building and Enforcement

- The Manager of Building and Enforcement Services did not note any unique requirements related to the Building Code but construction will need to be built to the standards of the 2015 Building Code;
- The types of dwellings constructed will determine the accessibility requirements for barrier free provision and for construction be compliant with the adaptable housing provisions of the Nova Scotia Building Code Regulations;
- Fire protection services for the subject property have been deemed to be adequate by the local fire chief.

Municipality of the County of Kings Development Control

- The portion of the subject property being considered for rezoning exceeds the minimum requirements with regard to lot size and frontage for the Residential Medium Density (R4) Zone;
- No issues with regard to the potential for subdivision are anticipated provided the proposal meets the requirements of the Land Use Bylaw and Subdivision Bylaw at the time of application;
- There are no concerns with the application provided all requirements of the Land Use Bylaw in effect can be met and the necessary approvals from Department of Transportation and Infrastructure Renewal and the Village of Kingston are acquired.

Village of Kingston

- Village of Kingston staff confirmed that the central sewer system had the capacity to support the proposed rezoning;
- Depending on the design of the development and topographical elevations, a lift system may be required for connection.

Appendix E: Proposed Land Use Bylaw Map Amendment (Bylaw 75)

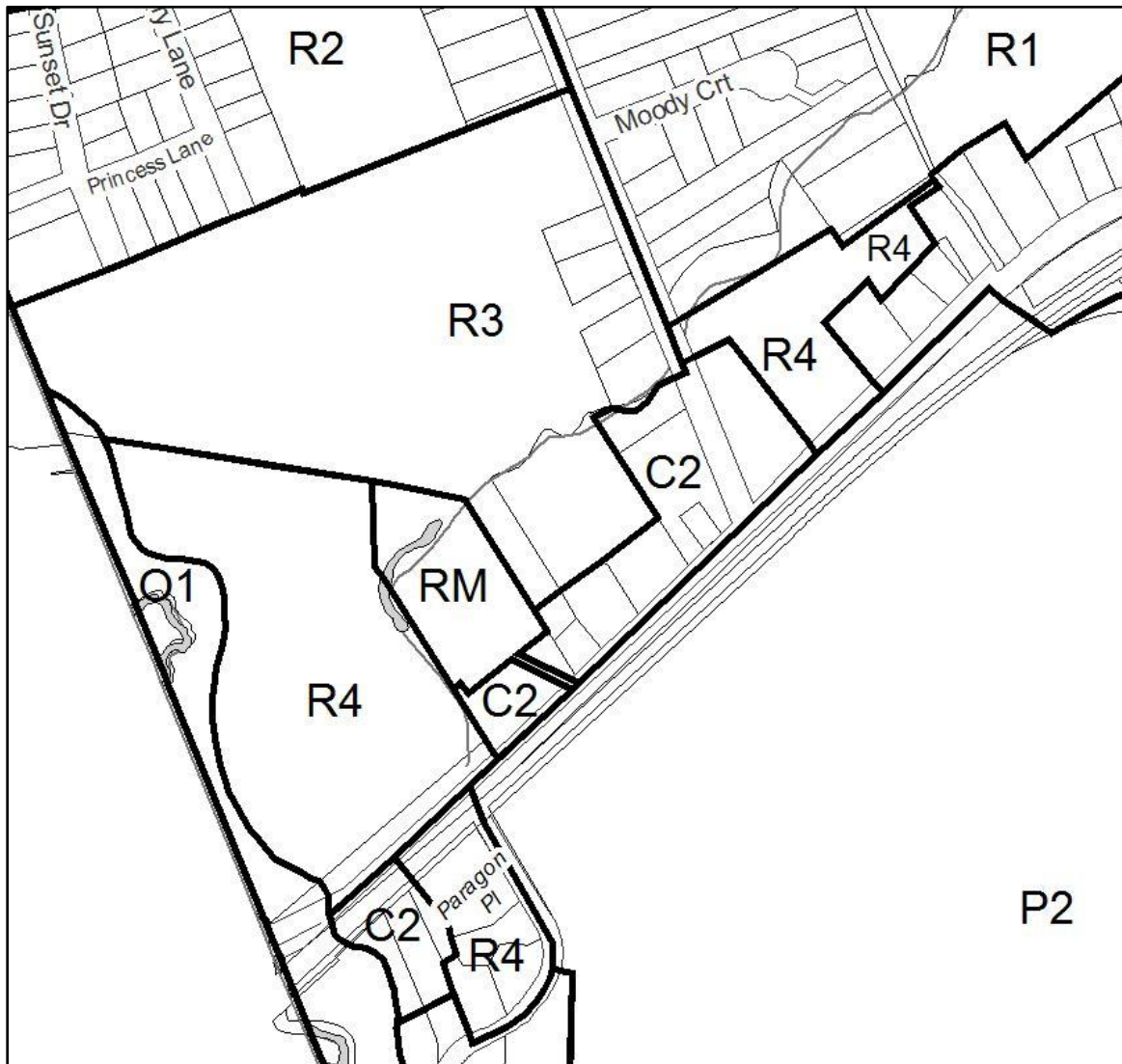
THE MUNICIPALITY OF THE COUNTY OF KINGS

**AMENDMENT TO BYLAW 75
COUNTY OF KINGS LAND USE BYLAW**

Land Use Bylaw Map Amendment to rezone a portion of the property at 287 Main Street - Highway #1 (PID55086763), Kingston from the Central Business (C2) Zone and the Residential Mixed Density (R3) Zone to the Residential Medium Density (R4) Zone.

BYLAW 75 Land Use Bylaw

1. Amend Schedule 8g, Zoning map for the Growth Centre of Kingston, by rezoning the property at 287 Main Street - Highway #1 (PID55086763), Kingston from the Central Business (C2) Zone and the Residential Mixed Density (R3) Zone to the Residential Medium Density (R4) Zone as shown on the inset copy of a portion of Schedule 8g below.



Appendix F: Proposed Land Use Bylaw Map Amendment (Bylaw 106)

THE MUNICIPALITY OF THE COUNTY OF KINGS

**AMENDMENT TO BYLAW 106
COUNTY OF KINGS LAND USE BYLAW**

Land Use Bylaw Map Amendment to rezone a portion of the property at 287 Main Street - Highway #1 (PID55086763), Kingston from the Central Business (C2) Zone and the Residential Mixed Density (R3) Zone to the Residential Medium Density (R4) Zone.

BYLAW 106 Land Use Bylaw

2. Amend Map 8, Zoning map for the Growth Centre of Kingston, by rezoning the property at 287 Main Street - Highway #1 (PID55086763), Kingston from the Central Business (C2) Zone and the Residential Mixed Density (R3) Zone to the Residential Medium Density (R4) Zone as shown on the inset copy of a portion of Map 8 below.

