



# PLANNING ADVISORY COMMITTEE MEETINGS

TUESDAY, MARCH 14, 2017

1:00 p.m.

COUNCIL CHAMBERS

## A G E N D A

### PUBLIC INFORMATION MEETING

- Proposed Land Use Bylaw Map Amendment to rezone property at 4252 Highway 12, South Alton, from the Hamlet Residential (R7) Zone to the Hamlet Commercial (C10) Zone to permit the continued sale of ATVs on the subject property – File 16-17

1. Call Meeting to Order
2. Presentation by Mark Fredericks, GIS Planner
3. Presentation by Corey Trimper, Applicant
4. Comments from the Public
5. Adjournment

### PLANNING ADVISORY COMMITTEE MEETING

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1. Meeting to Order
2. Roll Call
3. Amendments to Agenda
4. Approval of the Agenda
5. Approval of Minutes – January 10, 2017 1
6. Business Arising from the Minutes
7. Disclosure of Conflict of Interest Issues
8. Business
  - a. Application for a development agreement to permit a winery and accessory uses at 677 Oak Island Road, Avonport – File 16-13 (Laura Mosher) 5
  - b. Application to rezone a portion of the property on the corner of Whittington Drive and Central Avenue, Greenwood, from C1 to R2 – File 16-16 (Mark Fredericks) 35
9. Other Business
  - a. Nova Scotia Planning Directors Association (NSPDA) and Licensed Professional Planners Association of Nova Scotia (LPPANS) Annual Conference (Laura Mosher)
10. Correspondence
11. Date of Next Meeting – April 11, 2017 at 1:00 pm
12. Public Comments
13. Adjournment

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## PLANNING ADVISORY COMMITTEE

<b>Meeting, Date and Time</b>	A meeting of the Planning Advisory Committee (PAC) was held on Tuesday, January 10, 2017 at 1:00 p.m. in the Council Chambers of the Municipal Complex, Kentville, NS.
<b>Attending</b>	In Attendance:
<b>PAC Members</b>	Deputy Mayor Emily Lutz – District 7 Councillor Meg Hodges – District 1 Councillor Pauline Raven – District 2 Councillor Brian Hirtle – District 3 Councillor Bob Best – District 6 Tom Cosman – Citizen Member Emile Fournier – Citizen Member Bob Smith - Citizen Member
<b>Municipal Staff</b>	Trish Javorek – Manager of Community Development Services Laura Mosher – Supervisor of Planning and Development Services and Recording Secretary Mark Fredericks – GIS Planner Scott Quinn – Manager of EPW, Lands & Parks Services
<b>Public</b>	2 Members
<b>Councillors</b>	Councillor Paul Spicer – District 5
<b>Meeting to Order and Introduction of PAC Citizen Member</b>	The Chair called the meeting to order and introduced citizen member Bob Smith.
<b>Roll Call</b>	Roll call was taken and all Committee members were in attendance.
<b>Amendments to Agenda</b>	There were no amendments to the agenda.
<b>Approval of the Agenda</b>	<b>On motion of Mr. Smith and Mr. Fournier, that the agenda be approved as circulated. Motion Carried.</b>
<b>Approval of Minutes December 13, 2016</b>	<b>On motion of Councillor Best and Deputy Mayor Lutz, that the minutes of the Planning Advisory Committee meeting held on Tuesday, December 13, 2016 be approved as circulated. Motion Carried.</b>
<b>Business Arising from the Minutes</b>	<b>Attendance of PAC Citizen Members</b>  The Chair commented that in applying for the citizen member position Bob Smith had stated that due to prior meeting commitments he was uncertain if he would be available to attend the remainder of the 2016 PAC meetings.

**On motion of Councillor Raven and Councillor Best, that the Planning Advisory Committee excuses the absence of Bob Smith for the meetings of September 13, 2016, October 4, 2016 and December 13, 2016. Motion Carried.**

**Disclosure of Conflict of Interest Issues** There was no disclosure of conflict of interest issues.

## **Business**

### **Application from Eastlink to install a telecommunications tower at 820 Main Street, Kingston (File 16-14)**

Mark Fredericks presented the application by Eastlink to install a proposed 40m (131 ft) monopole telecommunications tower on land owned by Ralph Freeman Motors Ltd. at 820 Main Street in Kingston (PID 55122246). The report is attached to the January 10, 2017 Planning Advisory Committee agenda package.

#### Discussion Points/Comments:

- In discussing the height and setback requirements of the proposed tower, taking into account the close proximity of the rail trail, Mark Fredericks explained that the Municipal Planning Strategy (MPS) contains policies regarding the siting of new telecommunication towers. Council usually looks for a setback of 2 times the height of a proposed tower to any existing residential dwelling, school or hospital. The proposed tower is 40 metres in height with a 80m setback. The setback guideline is not an absolute requirement and it does not apply to vacant land. The purpose of the guideline is to assist in locating telecommunication towers to locations that are generally away from existing homes, schools and hospitals. The proposed tower location satisfies the 80m setback from existing homes, schools and hospitals.
- What impact would the proposed tower have on the vacant land located to the south of the old rail corridor? How many lots could potentially be impacted due to the proposed location of the tower? Staff to provide this information prior to the next Council session.

Mark Fredericks commented that the vacant land, zoned R1, could only be developed if there was access to a public road; the land is currently landlocked. The current property owner had an approved subdivision plan in the 1960s. As subdivision plans are only valid for a period of two years, the plan has expired.

- The Public Information Meeting (PIM) was well attended.
- The proposed tower's visual impact would be minimal due to the existing commercial businesses already in this area.

**On motion of Councillor Best and Councillor Hodges, that the Planning Advisory Committee recommends that Municipal Council support the application by Eastlink to site a 40 metre telecommunications tower on a leased area of PID# 55122246 behind the existing Esso service station at 820 Main Street, Kingston. Motion Carried.**

**Waste Water  
Management District  
Bylaw Report**

Laura Mosher and Scott Quinn presented the information report on the proposal to consider adopting a Waste Water Management District Bylaw. The proposal stems from an application from LAB Industries (Chris Morine) to enter into a development agreement to permit a winery and accessory uses on the property located at 677 Oak Island Road, Avonport. Mr. Morine has applied to extend sewer services through a private lateral within the road right-of-way approximately 600 metres north of the existing County sewer line located at the Avonport hamlet boundary. The information report is attached to the January 10, 2017 Planning Advisory Committee agenda package.

**Discussion Points/Comments:**

- The County does not currently have policies to permit the extension of private laterals into rural areas because if they fail, a significant pollution problem could result. The benefit of the proposed bylaw is that it levies an area rate on the landowners that receive the servicing that completely covers the cost of the repair, maintenance and replacement of that pipe. It also grants the municipality access to its property should maintenance or replacement be required on the private individual's property thus providing a layer of protection for the municipality.
- Since the proposed private lateral in Avonport would be located within a public right-of-way, the Municipality and Council may determine that they want that extra level of protection by levying an area rate through the waste water management district bylaw so that when maintenance is required, the funds are there to do it.
- The waste water management district can provide a limited access opportunity to allow the service to be extended to an individual use, e.g., the winery.
- Within the context of Mr. Morine's application, the sewer system in question is located in the hamlet of Avonport. It was installed in 1996-1997 in response to health issues resulting from the failure of numerous on-site septic systems in the area. The *Municipal Government Act* does not provide criteria or address the extension of those services beyond the initial area serviced.
- The waste water management district bylaw could identify the specific properties that the extension will serve and those who would be required to pay the area rate. The bylaw would have to be amended to have additional connections.
- This type of infrastructure should not be created in the agricultural district as it could create development pressure along the full length of the sewer pipe. The proposal appears to be prioritizing economic development over agricultural development.
- A waste water management district bylaw could identify the specific criteria for certain uses with associated schedules. There would be firm criteria for each application requesting an extension whereas if it was adopted on a case by case basis, there would be less control because the implementing criteria would be missing.

- Would an onsite system carry more environmental risk for the surrounding area on Oak Island Road? An onsite system would require a permit from Nova Scotia Environment.

**On motion of Councillor Raven and Councillor Best, that the Planning Advisory Committee recommends to Municipal Council that a Waste Water Management District Bylaw be drafted for an extension of the Avonport sewer system. Motion Carried.**

**Other Business** There was no other business brought forward to the Committee.

**Correspondence** There was no correspondence.

**Date of Next Meeting** Tuesday, February 14, 2017 – 1:00 p.m.

**Public Comments** Chris Morine – Developer of property at 677 Oak Island Road, Avonport

- The Avonport sewer system is a self-contained system outside the public system. They are looking to put 6,500 litres into the existing system that will handle roughly 66,000 US gallons. It is the developer’s responsibility to install and maintain the line at his cost and sign an agreement with the provincial government that this would continue in the future. The problem with having a private system on the subject piece of land is that there is limited space within the vineyard and there are only so many acres that can be used. If the private system breaks you are running water down into the river. Would have a lot more faith in a properly installed pipe. The cost is prohibitive to put a private system in for one of these vineyards. The County’s main policy is to preserve the vitally important farmland. The system is there, why not use it.

**Adjournment** **On motion of Councillor Best and Councillor Raven, there being no further business, the meeting adjourned at 2:17 p.m.**

**Approved by:**

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Councillor Brian Hirtle  
PAC Chairperson

\_\_\_\_\_  
Laura Mosher  
Recording Secretary



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

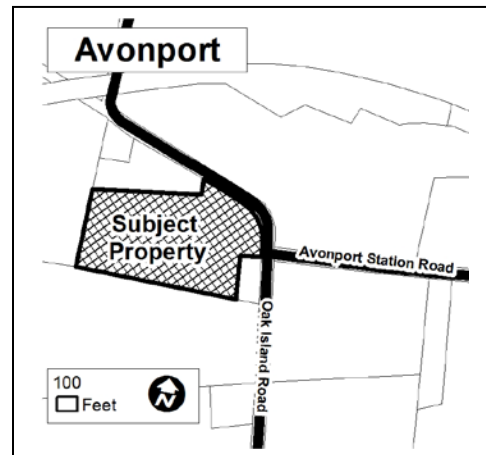
Application: To develop a winery and a number of associated accessory uses at 677 Oak Island Road, Avonport NS (PID 55528558) (File 16-13)  
Date: March 14, 2017  
Prepared by: Planning and Development Services

<b>Applicant</b>	Mr. Chris Morine
<b>Land Owner</b>	L.A.B. Industries
<b>Proposal</b>	Winery and associated accessory uses, including a dwelling
<b>Location</b>	677 Oak Island Road, Avonport NS B4P 2R2; PID 55528558
<b>Lot Area</b>	8.31 acres
<b>Designation</b>	Agricultural
<b>Zone</b>	Agricultural (A1)
<b>Surrounding Uses</b>	Agricultural
<b>Neighbour Notification</b>	Letters were sent to the nine (9) owners of property within 500' of the subject property notifying them of the Public Information Meeting (PIM).

### 1. PROPOSAL

Mr. Chris Morine has made application to enter into a development agreement which would enable him to develop a winery and a number of associated accessory uses at the above location, including:

- tasting room,
- retail sale of wine and other associated goods,
- an event space
- restaurant
- an addition to the building under construction for future wine processing and storage;
- an accessory patio area for outdoor seating and/or a tent to be used as event and restaurant space;
- a single-unit dwelling to be constructed as accessory winery; and
- parking as required for the above uses.



The applicant intends to plant a vineyard on the subject property as a main use to the proposed accessory uses. A development agreement is not required for this agricultural use (vineyard) but the development agreement is required to permit the development of the winery prior to the property being able to supply 60% of the grapes needed to produce wine on the subject property.

## 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

The subject property is located in the Agricultural District on the Future Land Use Map of the Municipal Planning Strategy and zoned Agricultural (A1) in the Land Use Bylaw. The neighbouring properties are also within this district and zone.

On July 6, 2016, a site plan agreement for a non-farm dwelling on a lot created before August 1, 1994 was entered into with Mr. Dick Haliburton, the then-owner of the lot, and recorded at the Land Registry Office (LRO). The site plan requires development to be within a described building envelope which is located within 100 feet of the Oak Island Road right-of-way, as required by section 11.1.8 of the Land Use Bylaw (LUB).

The construction of the non-farm dwelling began shortly after the site plan was recorded; inspections by Municipal Building Officials show it be the “shell” of a building. No compliance issues were identified for the use of the building as a dwelling, as per the application for permits which was based on the above noted site plan agreement application.

On August 29, 2016, ownership of a portion of the Pre 1994 lot and the shell building was transferred to L.A.B. Industries, of which Mr. Morine is the President. The site plan approval is with the land, not the owner, therefore it carried forward into Mr. Morine’s ownership. Mr. Morine applied on September 8, 2016 for a development agreement to permit the uses described in Part 1 above.

The site plan which is now in effect will need to be discharged prior to permits being issued for uses enabled by the development agreement. The Municipal Government Act establishes the requirements for site-plan approval. Clause 232 (5) specifies: “*A development officer may, with the concurrence of the property owner, discharge a site-plan, in whole or in part*”. Mr. Morine has been requested to provide his written agreement to the discharge of the site plan.

Vineyards and their accessory uses are becoming a more common use of agricultural land in the Municipality, and the above-noted requested agri-tourism uses support the use of the majority of the lot as a vineyard.



## **4. INFORMATION**

### **4.1 Site Information**

The subject property is located on the west side of Oak Island Road, approximately 1,800 feet north of the boundary of the hamlet of Avonport. The subject property is irregularly shaped having approximately 312 feet of frontage on Oak Island Road and a lot area of approximately 8.3 acres, when subdivided in August 2016.

The exterior of the single-unit dwelling for which a building and development permit was obtained was nearly complete by the site visit in November 2016, and considerable landscaping had already been completed in the area around the building (Figure 1).

### **4.2 Site Visit**

A Planner, Development Officer and Business Development Specialist visited the subject property with Mr. Morine on November 16, 2016. Mr. Morine discussed his intentions for the subject property.

### **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 October 27, 2016 with 11 people in attendance. The issues raised by members of the public present included the time it takes to "process" a development agreement application and the noise from the cannons used to keep the birds away from the vineyards, which is increasing with the increasing number of vineyards in the area. The complete notes from the PIM are attached as Appendix A.

### **4.4 Request for Comments**

Comments were requested from the following groups with the results as described:

#### **4.4.1 Department of Transportation and Infrastructure Renewal (DTIR)**

The Department of Transportation and Infrastructure Renewal has approved an access permit for a commercial access on the subject property with the following conditions:

1. The site must be constructed in accordance with the site plan provided by the Applicant's engineer.
2. No customer parking shall be permitted on the roadside or in the road right-of-way.
3. Tour busses must be parked on the subject property and not on the roadside or in the road right-of-way and as per the site plan approved by DTIR.
4. The road shoulder must be reinstalled to the original condition prior to the construction of the entrance.
5. Any redevelopment, change of plan or expansion to the winery must be approved by the Department of Transportation and Infrastructure Renewal.

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

Regarding the driveway, EPW noted that at a minimum it recommends:

- *DTIR be asked to perform a sight line study to confirm whether the Applicant's proposed location is suitable; and*

EPW has also commented:

- *the road network seems adequate. We have not received traffic complaints in other comparable areas in Kings County where wineries or other agri-businesses of similar scale are located. We are not immediately aware of any conditions in the area that would limit the road network's ability to support this application*
- *no Traffic Information Study has been requested at this time*
- *With Council's direction, we will be proceeding with the development of a waste water management district bylaw for this area. The exact governance and ownership models will be set in the bylaw once passed by Council. In the meantime, EPW can continue with a design review of the proposed system which will need to allow for other properties in the immediate area to connect as per Council deliberations.*
- *EPW will require a sanitation plan, to the satisfaction of the Municipal Engineer, that includes information including technical specifications on sanitizers and expected discharge volumes into the Municipal system.*
- *applicant is required under the Environment Act to ensure that they follow Nova Scotia Environment's Erosion Control guidelines during construction*
- *the site appears suitable for the proposed development. The property is 400 metres away from the nearest drainageway or possible watercourse (so any drainage easements that are required shall be the responsibility of the Owner.*

#### 4.4.3 Municipality of the County of Kings Building and Enforcement (B & E)

B & E has commented:

- *the most recent building inspection for the dwelling under construction was conducted on November 16, 2016 and passed compliance for a single family dwelling;*
- *We have no concerns regarding the proposed development but do require full compliance with the Nova Scotia Building Code, Act and Regulations. Converting and changing the use of the single family dwelling to commercial use will trigger additional plans, engineering and code compliance to meet what the use will be.*

#### 4.4.4 Municipality of the County of Kings Fire Services

Fire Services has commented that the Fire Chief for the area reports that *"no issues are foreseen with their ability to fight fire, especially with our mutual aid service and fire service equipment."*

#### 4.4.5 Nova Scotia Environment (NSE)

NSE has responded that *"Nova Scotia Environment has no comment to provide with respect to potential developments. The owners would be required to ensure they are able to obtain sufficient water and treat effluents based on their requirements for operation."* Should the

owner not connect into the municipal sewer system, he would then need to apply for permits from Nova Scotia Environment for the commercial use.

#### **4.5 Requirements of Other Groups and Agencies**

In addition to the Municipality, there are a number of groups from whom Mr. Morine will need to obtain approval. These are not addressed through the development agreement process as these are the requirements of other agencies, not the Municipality. It is up to the owner to ensure that these requirements are met. The following may not be a comprehensive list, but permission from the following will be required for this development:

- Nova Scotia Alcohol and Gaming regarding licensed restaurant or wine-tasting premises;
- Nova Scotia Liquor Commission regarding the sale of bottled wine; and
- Department of Agriculture – Food Safety for the accessory restaurant use.

### **5. POLICY REVIEW – DEVELOPMENT AGREEMENTS**

#### **5.1 Development Agreements**

A development agreement is a contract between an owner of land and the Municipality to allow Council to consider a use that is not a listed permitted use within a zone, on a specific lot. The ability for Council to consider a development agreement must be stated in the Land Use Bylaw (LUB) and the Municipal Planning Strategy (MPS) must identify the kinds of uses Council may consider in each area. Uses which Council may consider are those which Council has determined may have sufficient impact on an area that a negotiated process is required to ensure the potential impact is minimized. In the MPS Council identifies both specific and general criteria which must be considered when making decisions regarding a development agreement.

A proposal being considered must be measured against only the criteria for the specific proposal in the MPS and not any other criteria.

#### **5.2 Land Use By-law**

Although “agri-tourism” is not defined in the LUB, the MPS describes agri-tourism as “the combination of agriculture with economic activity that promotes visits to farm areas. In addition, interpretation and education of agricultural activities are often components of agri-tourism that help to give visitors a complete farm visit ‘experience’.” It is Staff’s opinion that Mr. Morine’s proposal fits within this description.

Section 5.2.13 of the LUB states “Council shall provide for agri-tourism uses within the Agricultural (A1) Zone by development agreement pursuant to Policy 3.2.8.2 of the Municipal Planning Strategy” and enables Council to consider Mr. Morine’s proposal.

### **5.3 Municipal Planning Strategy**

From the time Council approved the first version of the MPS in 1979 to the present, one of Council's stated primary goals has been the preservation of agricultural land. This is also consistent with the Province's more recently developed *Statement of Provincial Interest* regarding *Agriculture*. The preservation of agricultural land has been balanced by Council against the need of individual owners to use land in a reasonable fashion and the need for economic growth within the Municipality.

#### **5.3.1 Specific Development Agreement Policies**

In the present MPS, this balance is in part achieved through policy 3.2.8.2, referred to in the LUB, which enables the development of "*wineries, farm market outlets, and other similar uses that involve the sampling and sale of wines or other foods, that are not permitted pursuant to Policy 3.2.8.1.1(b) due to the amount of produce or foods sold which are from off the farm*". Restaurants and uses accessory to these uses may also be considered by development agreement under this policy (Appendix B).

Mr. Morine's application for a winery fits within this specific policy as he has requested the winery and has not yet established the vineyard, so that at least initially the grapes for the wine will not come from off the lot.

Policy 3.2.8.2.2 establishes Council's specific criteria for the uses Council may consider within the Agricultural (A1) Zone by development agreement. (Appendix C). Council must be satisfied the proposal meets these criteria. The restriction of structures to within 175 feet of Oak Island Road is included in order to meet the criteria in that the proposal encourages an active agricultural use on the majority of the property and restricts those parts of the development which will have a negative impact on arable land to a small portion of the lot which is in close proximity to the existing road, where the agricultural potential had been effectively extinguished by the construction of the dwelling.

#### **5.3.2 General Development Agreement Policies**

Municipal Planning Strategy section 6.3.3.1 contains the criteria to be used when considering all development agreement proposals (Appendix D). These 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. 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 suitable for the development and appears to be free of hazards, will be connected to municipal sewer service or be serviced by an approved private sanitary septic system, is compatible with adjacent uses, and raises no concerns regarding emergency services.

MPS subsection 6.3.3.1 (c) specifies a number of controls a development agreement may put in place in order to reduce potential land use conflicts. Controls have been placed on the size and location of the use, and signs. Outdoor storage not associated with farming activities has been prohibited in order to reduce potential land use conflict.

## 6. SUMMARY OF DRAFT DEVELOPMENT AGREEMENT

The draft development agreement (Appendix E) would allow the applicant to utilize the property for an agri-tourism commercial use which could include within one building:

- a winery;
- accessory tasting room;
- accessory retail sales;
- accessory event space; and
- accessory a restaurant.

In addition to the above noted uses, the following additional uses and structures are also proposed:

- an addition to the building under construction for the purposes of wine processing and storage;
- a patio area up to 1,000 square feet in area for outdoor seating and/or a tent to be used as event and restaurant space;
- a single-unit dwelling to be constructed in the future as accessory to the winery; and
- parking as required for the above uses.

All of the uses enabled by the development agreement must be located within 175 feet of the front property line. All accessory uses listed above are to be accessory to the winery use which shall meet the requirements of, and receive a permit from, the Nova Scotia Liquor Corporation for a Farm Winery or Small Farm Winery as defined in the Nova Scotia Farm Winery Policy (2007).

The draft development agreement would also allow the property owner to use the property for any use permitted by the underlying zoning on the lot.

The main specific content of the proposed development agreement includes:

<b>Draft Development Agreement Location</b>	<b>Content</b>
2.1	use of the property as a vineyard and winery, including a number of accessory uses.
2.2	specifies a site plan and regulation of the location of structures
2.3	controls the appearance of the buildings
2.4	Subdivision resulting in a reduced lot area other than that which may be required by DTIR or the Municipality is prohibited in order to ensure that the uses allowed on the lot remain accessory to the proposed winery.
2.5	regulates signs

2.9	Regulates parking areas
3.3	<p>Substantive matters in a development agreement are those that would require the entire process, including a public hearing, in order to change them within the development agreement.</p> <p>In the draft development agreement the substantive matters are the uses allowed on the property, and the location of the uses on the lot.</p>
6	the applicant acknowledges that standard agricultural practices in the area can generate traffic, noise, dust, and odors.

## 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 Council's agri-tourism commercial policies, and fits within the criteria of those policies.

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 motions:

**PAC recommends that Municipal Council give Initial Consideration and hold a Public Hearing to enter into a development agreement which is substantively the same (save for minor differences in form) as the draft set out in Appendix E of the report dated March 14, 2017 which would allow a winery and associated uses at 677 Oak Island Road, Avonport, PID 55528558.**

## 9. APPENDICES

- Appendix A Public Information Meeting Notes
- Appendix B MPS Policy 3.2.8.2.1
- Appendix C MPS Policy 3.2.8.2.2 (Specific Development Agreement Criteria)
- Appendix D MPS Policy 6.3.3.1 (General Development Agreement Criteria)
- Appendix E Draft Development Agreement

**APPENDIX A  
MUNICIPALITY OF THE COUNTY OF KINGS  
PLANNING AND DEVELOPMENT SERVICES  
PUBLIC INFORMATION MEETING NOTES  
Planning Application to Allow a Winery and Associated Uses at  
677 Oak Island Road, Avonport (File 16-13)**

<b>Meeting, Date and Time</b>	A Public Information Meeting was held on Thursday, October 27, 2016 at 7:00 p.m. at the Avonport Baptist Church, 508 Oak Island Road, Avonport, NS.
<b>Attending</b>	In Attendance:
<b>Councillors</b>	Councillor Mike Ennis – District 12
<b>Planning Staff</b>	Madelyn LeMay – Planner Cindy Benedict – Recording Secretary
<b>Applicant</b>	Chris Morine
<b>Public</b>	11 Members
<b>Welcome and Introductions</b>	The Chair, Councillor Mike Ennis, called the meeting to order, introductions were made and the members of the public were welcomed to the meeting. 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.
<b>Presentation</b>	<p>Madelyn LeMay provided a brief overview of the planning process and the criteria that will be used to evaluate the application from Chris Morine. The proposal is to allow a winery and associated uses at 677 Oak Island Road, Avonport. The winery will include a process and tasting room, a kitchen, an event room and staff room, and a restaurant all contained within one building 30' x 38'.</p> <p>The proposal also includes a future 35' x 30' addition for wine processing and storage; a patio area 35' x 25' for outdoor seating and/or a tent for event and restaurant space; a future single-unit dwelling and parking for all of these uses.</p> <p>Following Ms. LeMay's presentation, the Chair inquired if there were any comments from the public.</p>
<b>Comments from the Public</b>	<p>Ken Sharpe – Avonport Road, Avonport</p> <ul style="list-style-type: none"> <li>• Inquired about the length of time to have the process finalized citing that it took a year before Haliburton Farms was able to enter into a</li> </ul>

Development Agreement and get a building permit to rebuild the poultry barn that burnt. Sees the process for the subject application taking a minimum of six months.

Madelyn LeMay responded that the Haliburton Farms application was processed in a timely manner and she reiterated that such applications are dependent on approvals from outside agencies such as the Department of Transportation. In terms of the County timeframe for this application, it is expected that the Development Agreement could be finalized by early spring as long as the comments from outside agencies are received in time for the item to be brought to the Planning Advisory Committee in December.

Chris Morine commented that he heard the process will be closer to eight months and voiced that the process seems to drag on unnecessarily. There has to be a process to facilitate making applications quicker as they are too drawn out and are too labour intensive. Changes have to be made to allow people to move forward.

Madelyn LeMay responded that the process is primarily mandated by the *Municipal Government Act (MGA)* and the County has to abide by the regulations set forth by the Province, e.g., from First Reading of Council. Council sets the overall process for uses that are not allowed under the Land Use Bylaw but considered by development agreement and wants a lot of input from the public when considering allowing these types of uses to occur.

When the Chair asked Chris Morine if he was going to make a presentation, Mr. Morine responded that there was no need to make a presentation at this point.

Edith Parkin – Oak Island Road

- Voiced concern over the number of wineries in the area that create noise from the cannons to keep the birds away from the vineyards. She stated that this situation makes it uncomfortable for the residents especially when the cannons are used before 7 am. Inquired if Council is considering having a bylaw which will put a curfew on the times the cannons can be used.

The Chair commented that he is not presently aware of any cannons that are going off before 8 am. He is only aware of one complaint in his district over the past 7 years and in that case the complainant approached the vineyard owner who did everything possible to fix the situation with the cannon.

Mike Lightfoot – owner of a vineyard in Lower Wolfville

- Explained that the cannons can skip their timing and can be reset. He stated that he would check the cannons in the morning.



Chris Morine commented that even though cannons are a necessity at times, he would do everything possible to take care of any nuisances with noise.

**Adjournment**

There being no further discussion, the Chair thanked those in attendance and adjourned the meeting at 7:20 p.m.

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Cindy L. Benedict  
Recording Secretary

## APPENDIX B

### Municipal Planning Strategy Policy 3.2.8.2.1

- 3.2.8.2.1 It shall be the policy of Council to permit the following agri-tourism related commercial uses by development agreement, subject to the conditions in 3.2.8.2.2:
- a. antique shops, antique restoration, craft shops, craft production, wood furniture production, gift shops, and farm markets
  - b. wineries, farm market outlets, and other similar uses that involve the sampling and sale of wines or other foods, that are not permitted pursuant to Policy 3.2.8.1.1(b) due to the amount of produce or foods sold which are from off the farm
  - c. lodging
  - d. restaurants; and,
  - e. accessory uses to the above

## APPENDIX C

### Municipal Planning Strategy Policy 3.2.8.2.2

#### Specific Development Agreement Criteria

In considering a development agreement enabled under 3.2.8.2.1, Council shall be satisfied that the development, its uses and any associated structures:

<p>a.will involve the conversion of existing buildings, building additions, or new buildings in yards that are not used, or could not be reasonably used, for the cultivation of crops</p>	<p>There is a single family dwelling currently under construction on the property. The applicant is proposing to convert this structure to the proposed winery. An addition to this building has been requested for future construction along with a patio area which may also contain a tent, and associated parking. The ability to use this area for crops was effectively lost when the owner exercised his as-of-right ability to develop a dwelling on this lot created before 1994.</p>
<p>b.will not create compatibility problems with any adjacent farming operations and agricultural activities that may be undertaken, such as spraying of pesticides and the spreading of manure</p>	<p>The lot is surrounded by active agricultural uses; the primary use of this lot as a vineyard will also be agricultural. No conflict among the uses is anticipated.</p>
<p>c.signage will only be constructed of wood or metal. No internally illuminated signage will be permitted</p>	<p>Signs are regulated by the proposed development agreement in a manner similar to other wineries in the area.</p>
<p>d.any new buildings or building additions will be sensitive to the surrounding rural architectural style. Preference will be given to traditional cladding materials such as wood or stone. Preference will also be given to traditional roof, door and window styles of the area; and,</p>	<p>The building under construction is clad in wood and plans have been approved. No further restrictions were placed on the appearance of the building. The future dwelling and any addition to the existing building must reflect the roof, door and window style of the existing building.</p>
<p>e.can meet all the applicable policies of this Strategy, including those in Part 6</p>	<p>Please see Appendix D, following.</p>

## APPENDIX D

### Municipal Planning Strategy Policy 6.3.3.1

#### 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 as discussed in part 5 of this report.  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 applicant is required to provide sanitary services on site unless a waste water management district bylaw is adopted for the area.
<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 of watercourses. Provincial regulations require controls for erosion and sedimentation controls during construction.
<i>iv. the adequacy of storm drainage and the effect of same on adjacent uses</i>	The lot does not raise any immediate concern regarding storm drainage.
<i>v. the adequacy of street or road networks in, adjacent to, and leading to, the development</i>	The proposal is not expected to contribute to a reduction in the adequacy of the adjacent road network
<i>vi. the adequacy, capacity and proximity of schools, recreation and other community facilities</i>	Not applicable as this is a commercial use.
<i>vii. adequacy of municipal fire protection services and equipment</i>	Fire departments in the area have the capacity to provide fire fighting services to the subject property.
<i>viii. creating extensive intervening parcels of vacant land between the existing developed lands and the proposed site, or a scattered or</i>	Since the proposed use is an agri-tourism use within an agricultural area this criterion is not applicable.

<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 are 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 has approved an access permit, with conditions, and is satisfied that the proposed use will not generate an undue amount of traffic on the surrounding roads.</p>
<p>xi. <i>compatibility with adjacent uses</i></p>	<p>The draft Development Agreement includes a statement that the Property Owner recognizes the proposed use is in an agricultural area and recognizes the right of surrounding farms to carry on operations. Since this commercial use is based on an agricultural operation, no conflicts are anticipated.</p> <p>The issue of “cannon” used to frighten birds from vineyards arose during the PIM. The Municipality does not have a noise By-law. This activity is considered to be associated with agricultural practices. Such matters are also regulated by the Department of Agriculture.</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 uses permitted.</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 includes a site plan and elevations which limit the height of buildings and structures. The location of all structures is specifically restricted to within 150 feet of Oak Island Road.</p>
<p>iv. <i>traffic generation</i></p>	<p>Please see 6.3.3.1 v., above.</p>
<p>v. <i>access to and egress from the site</i></p>	<p>Please see 6.3.3.1 v., above.</p>

<i>and the distance of these from street intersections</i>	
<i>vi. availability, accessibility of on-site parking</i>	The draft development agreement requires parking to be in conformity with the LUB.
<i>vii. outdoor storage and/or display</i>	None was requested; none is permitted on the lot.
<i>viii. signs and lighting</i>	The draft development agreement regulates the number and size of signs and requires all outdoor lighting to be directed away from streets and neighbouring properties.
<i>ix. the hours of operation</i>	The hours of operation will be controlled by The Alcohol and Gaming Authority. The draft development agreement does place any further restriction on the hours of operation.
<i>x. maintenance of the development</i>	The draft development agreement requires reasonable maintenance.
<i>xi. buffering, landscaping, screening and access control</i>	No buffering, landscaping or screening have been required in the draft development agreement.
<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>	Since the lot does not appear to contain any site conditions that would have an impact on development, no special requirements are needed.
<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 needed and has not been requested or included within the draft development agreement.
<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 E**  
**Draft Development Agreement**

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

BETWEEN:

**L.A.B. INDUSTRIES LIMITED**, of Greenwich, 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 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 Property Identification (PID) Number 55528558; and

WHEREAS the Property Owner wishes to convert a single family dwelling currently under construction on the Property for an agri-tourism use; and

WHEREAS the Property is situated within an area designated Agricultural on the Future Land Use Map of the Municipal Planning Strategy, and zoned Agricultural (A1) on the Zoning Map of the Land Use By-law; and

WHEREAS policy 6.3.2.1 and policy 3.2.8.2.1 of the Municipal Planning Strategy and section 5.2.13 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 **DATE**, 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, Land Use Bylaw and Subdivision 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.
- (c) Subdivision Bylaw means Bylaw 60 of the Municipality, approved September 5, 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.
- (b) *Marquis Tent* means a covered, open-air building—whether permanent or temporary—such as a tent or pergola intended for use by the public for events such as weddings and receptions.
- (c) *Event Space* means a location for the hosting of weddings, conferences, galas, and other similar events. Such use may include conference rooms, banquet halls, a chapel or other ceremonial space for events, outdoor tents, and/or commercial kitchens serving such events. For greater clarity this definition does not include a restaurant serving the traveling public.
- (d) *Farm winery* means farm winery as defined by the Nova Scotia Farm Winery Policy (2007), as amended from time to time. For the purposes of this agreement, a farm winery shall include a small farm winery as defined by the Nova Scotia Farm Winery Policy (2007).
- (e) *Farm winery retail store* means a farm winery retail store as defined by the Nova Scotia Farm Winery Policy (2007) as amended from time to time.

**PART 2 DEVELOPMENT REQUIREMENTS**

**2.1 Use**

The use of the Property shall be limited to:

- (a) those uses permitted by the underlying zoning in the Land Use Bylaw;
- (b) farm processing within the building identified on Schedule B, Site Plan as 'Proposed Winery' ;



- (c) farm winery, in accordance with Nova Scotia Farm Winery Policy, as amended from time to time, and with a valid permit from the Nova Scotia Liquor Corporation;
- (d) uses accessory to the farm winery up to 2,000 square feet of gross floor area and located within the building identified on Schedule B, Site Plan and any future addition including:
  - (i) farm winery retail store;
  - (ii) tasting room;
  - (iii) a kitchen;
  - (iv) an event room/space; and
  - (v) a restaurant.
- (e) outdoor patio area up to 1,000 square feet in area used for outdoor seating and/or a marquis tent accessory to the farm winery;
- (f) one single-unit dwelling and accessory uses and structures accessory to the farm winery and located in the area identified as 'Residential Building Envelope' on Schedule B, Site Plan; and
- (g) parking, loading and driveways as required for the above main and accessory uses.

Except as otherwise provided in this Agreement, the provisions of the Land Use Bylaw apply to any development undertaken pursuant to this Agreement.

## **2.2 Site Plan**

- (a) All uses enabled by this Agreement on the Property shall be developed generally in accordance with Schedule B, Site Plan;
- (b) All uses enabled by this Agreement except those uses permitted by the Land Use Bylaw in the underlying zone, shall be located within 175 feet of the front property line as depicted on Schedule B, Site Plan;
- (c) Any future changes to Schedule B, Site Plan must be approved by the Department of Transportation and Infrastructure Renewal or any successor body.

## **2.3 Architecture**

- (a) The building identified as 'Proposed Winery' as identified on Schedule B, Site Plan shall appear generally as shown on Schedule C, Concept Elevations.
- (b) All buildings enabled by this Agreement shall be clad in horizontal or vertical clapboard or equivalent, or wood, masonry, stone, or metal, in any combination and shall generally reflect the roof, door and window style of the existing building shown in Schedule C, Concept Elevations.

## **2.4 Subdivision**

- (a) 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.

## **2.5 Signs**

- (a) Signs shall be constructed only of wood and/or metal.
- (b) Internally illuminated signs shall be prohibited.
- (c) The following signs shall be permitted:
  - (i) one facia (wall) sign with a maximum sign area of 100 square feet.
  - (ii) one ground sign with a maximum sign area of 40 square feet and maximum height of 20 feet.
  - (iii) a changeable copy sign (automatic) and/or a changeable copy sign (manual) shall not be permitted
- (d) Signs shall be located at least 5 feet from any property line.
- (e) Signs otherwise permitted in all zones shall be permitted in accordance with the Land Use Bylaw.

## **2.6 Appearance of Property**

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

## **2.7 Lighting**

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

## **2.8 Outdoor Storage and Display**

Outdoor storage and display are prohibited except for outdoor storage associated with uses permitted in the underlying zone.

## **2.9 Parking and Loading Areas**

- (a) Parking spaces and loading areas for each use developed shall be developed in accordance with the requirements of the Land Use Bylaw for the use and shall be located generally in accordance with Schedule B, Site Plan; and
- (b) All parking and loading spaces for the uses must be located entirely on the lot and located both a minimum of 10 feet from any property line, with the exception

of the front property line, and shall be within 175 feet of the right-of-way for Oak Island Road.

### **2.11 Access and Egress**

- (a) The Property Owner must submit current permits from Nova Scotia Transportation and Infrastructure Renewal, or any successor body, to the Municipality before receiving any development or building permits for uses enabled by this Agreement.
- (b) The property owner is responsible for supplying engineered access designs if required by Nova Scotia Transportation and Infrastructure Renewal, or any successor body.

### **2.12 Servicing**

The Property Owner shall be responsible for providing adequate water services and wastewater disposal services to the standards of the authority having jurisdiction and at the Property Owner's expense.

## **PART 3 CHANGES AND DISCHARGE**

- 3.1 The Property Owner shall not vary or change the use of the Property, from that provided for in Section 2.1 of this Agreement, unless a new 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 with the written consent of Council without a public hearing provided that Council determines that the changes do not significantly alter the intended effect of these aspects of this agreement.
- 3.3 The following matters are substantive matters:
  - (a) the uses permitted on the property as listed in Section 2.1 of this Agreement;
  - (b) development generally not in accordance 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 without a public hearing.

## **PART 4 IMPLEMENTATION**

### **4.1 Commencement of Operation**

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

### **4.2 Drawings to be Provided**

When an engineered design is required for any portion of the development, record drawings shall be provided to the Development Officer within ten days of completion of the work which requires the engineered design.

### **4.3 Completion and Expiry Date**

- (a) The Property Owner shall sign this Agreement within 60 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.
- (b) The Property Owner shall develop the farm winery and accessory use(s) within ten (10) years of this Agreement being recorded at the Registry of Deeds.

## **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.

**5.4 Costs**

The Property Owner is responsible for all costs associated with recording this Agreement in the Land Registration Office.

**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.

**PART 6 ACKNOWLEDGEMENT OF FARMING PRACTICES**

The Property Owner acknowledges that the Property is located in an area of active agricultural practices and agricultural processing industries, which may generate traffic, noise, dust, and odors. The Property Owner recognizes the right of surrounding landowners to carry on activities normally associated with farming and related businesses.

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

\_\_\_\_\_  
Richard G. Ramsey, Municipal Clerk

SIGNED, SEALED AND DELIVERED  
In the presence of:  
L.A.B. INDUSTRIES

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Chris Morine, President

**Schedule 'A'**  
**Property Description**  
**Taken from Property Online November 7, 2016**

Registration County: KINGS COUNTY

Street/Place Name: OAK ISLAND ROAD /AVONPORT

Title of Plan: PLAN OF S/D SHOWING LOT 2016-1 S/D OF LANDS OF  
HALIBURTON FARMS LTD

Designation of Parcel on Plan: LOT 2016-1

Registration Number of Plan: 109442898

Registration Date of Plan: 2016-08-18 14:44:44

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

Compliance:

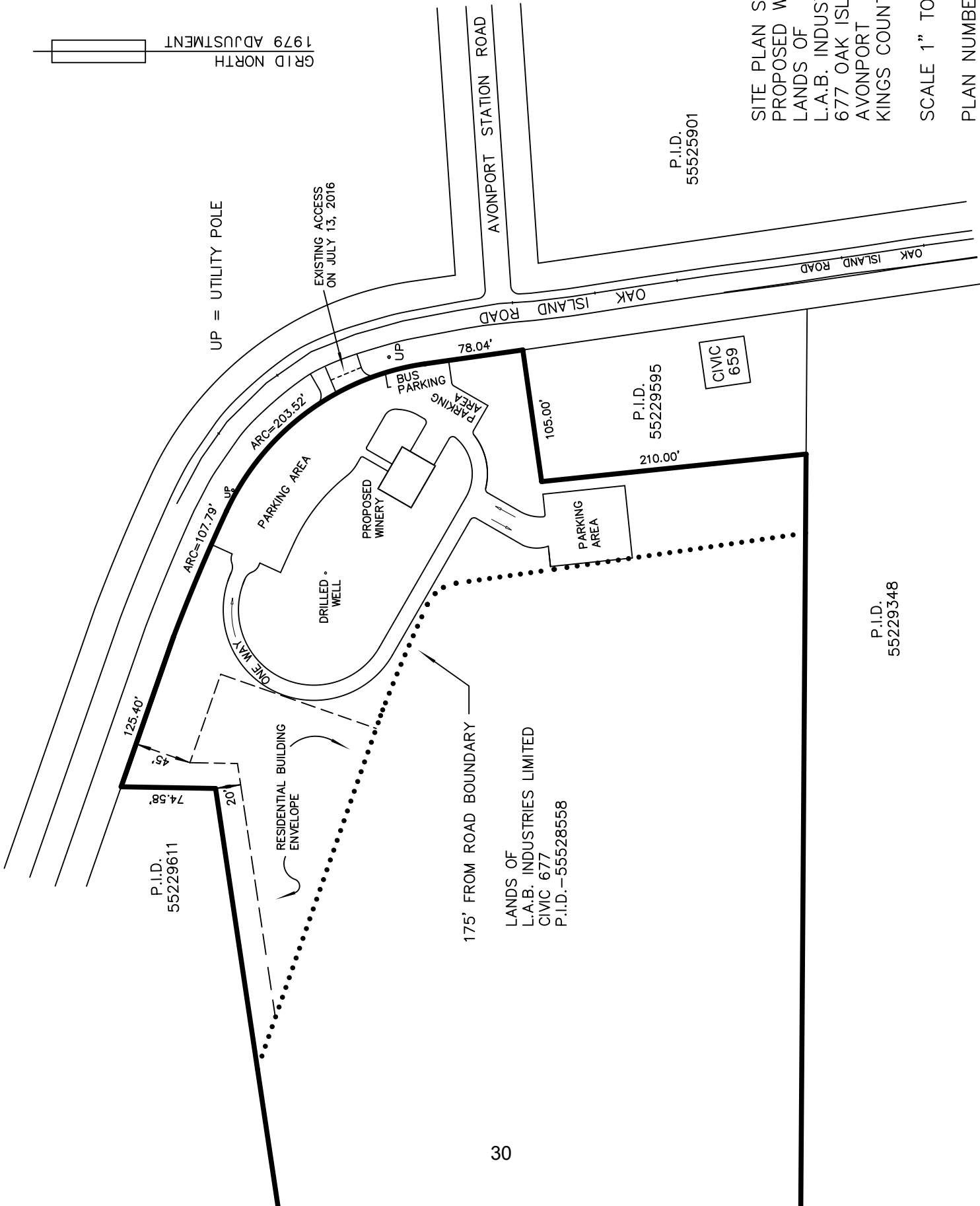
The parcel is created by a subdivision (details below) that has been filed  
under the Registry Act or registered under the Land Registration Act

Registration District: KINGS COUNTY

Registration Year: 2016

Plan or Document Number: 109442898

# Schedule B Site Plan



SITE PLAN SHOWING  
 PROPOSED WINERY  
 LANDS OF  
 L.A.B. INDUSTRIES LIMITED  
 677 OAK ISLAND ROAD  
 AVONPORT  
 KINGS COUNTY, NOVA SCOTIA

SCALE 1" TO 100'  
 PLAN NUMBER 15-135D



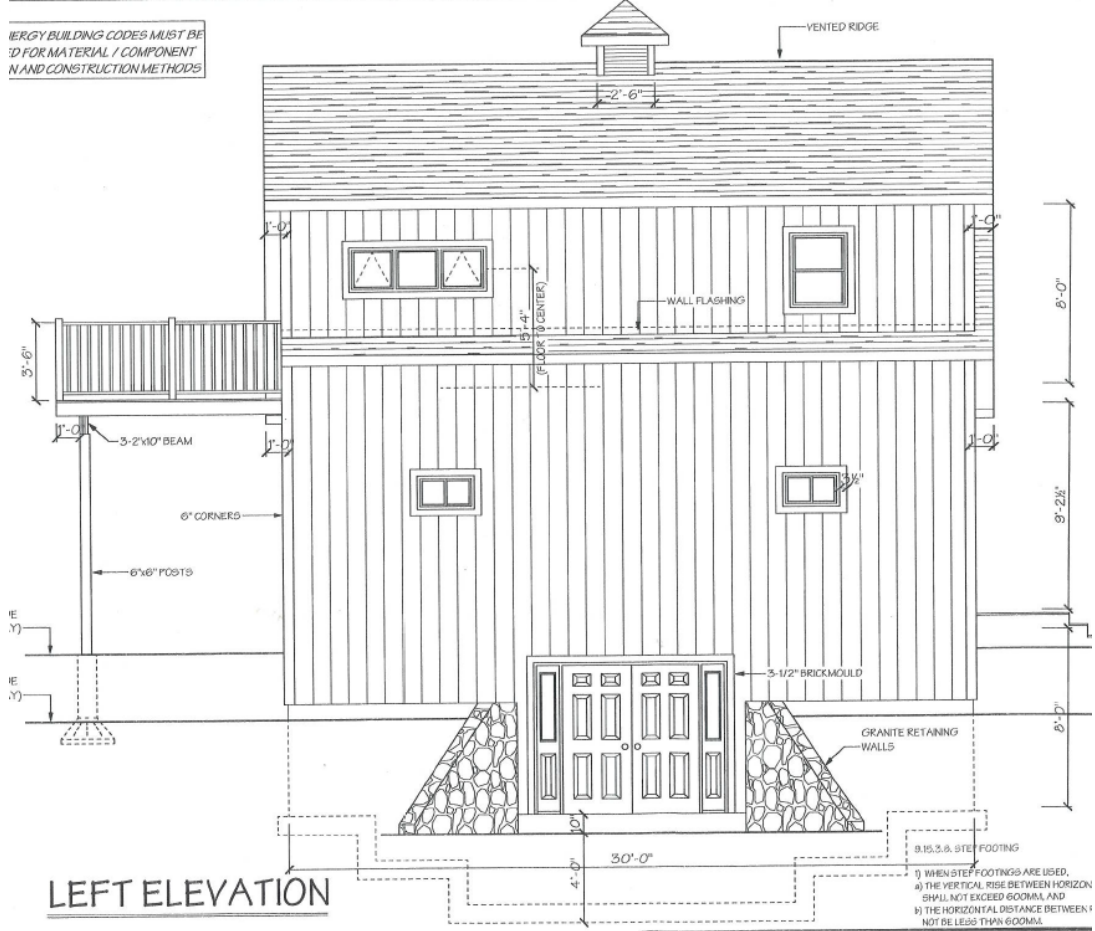
# Schedule C Concept Elevations

MUST BE  
ONMENT  
METHODS



1. DO NOT SCALE DRAWINGS
2. CONTRACTORS SHALL VERIFY ALL CONDITIONS BEFORE PROCEEDING WITH CONSTRUCTION.
3. ALL CONSTRUCTION INCLUDING ELECTRICAL AND PLUMBING MUST CONFORM WITH THE LATEST ADOPTED PERMITS AND THE NATIONAL BUILDING CODE OF 2018.
4. ALL CONTRACTORS ARE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.
5. EXTENDED MEASUREMENTS ARE TO THE FACE UNLESS SPECIFIED OTHERWISE.
6. WINDOW AND DOOR SIZES ARE APPROXIMATE ACCURATE DIMENSIONS OBTAINED FROM ACTUAL WINDOW AND DOOR SCHEDULES.
7. PERMANENT & TEMPORARY TRUSS BRACE BE VERIFIED WITH TRUSS MANUFACTURER.
8. ALL DESIGNERS AND THE DESIGNER OF THESE ARE NOT RESPONSIBLE FOR DAMAGES OF ANY KIND WHICH MAY BESE FROM THE USE OF THESE.
9. ALL DESIGNERS AND THE DESIGNER ARE NOT RESPONSIBLE FOR ANY DAMAGES BY THE CONTRACTOR TO THE EXISTING ORIGINAL DRAWINGS BY THESE. ALL CHANGES TO THE DRAWINGS MUST BE APPROVED BY THE DESIGNER. ALL TESTING, CALCULATION AND PROFESSIONAL SHALL BE MADE BY THE OWNER.

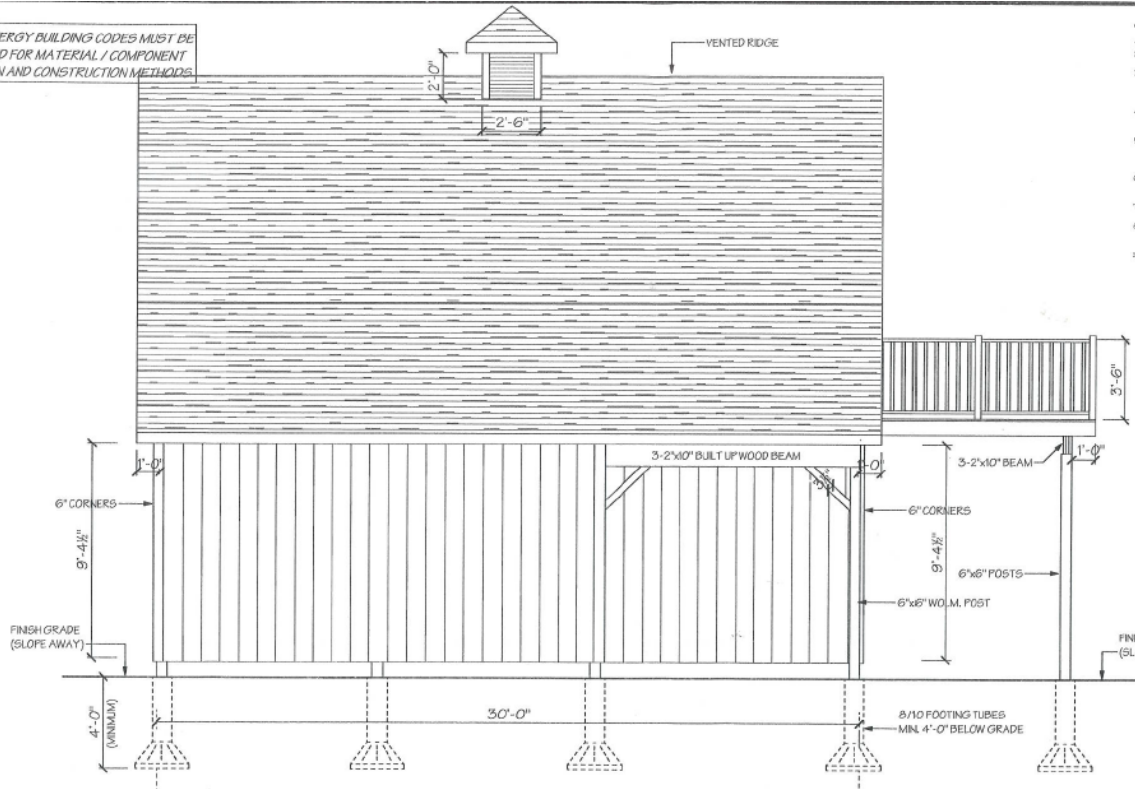
ENERGY BUILDING CODES MUST BE  
ADHERED TO FOR MATERIAL / COMPONENT  
AND CONSTRUCTION METHODS



LEFT ELEVATION

- a) WHEN STEP FOOTINGS ARE USED,
- b) THE VERTICAL RISE BETWEEN HORIZONS SHALL NOT EXCEED 600MM, AND
- c) THE HORIZONTAL DISTANCE BETWEEN SHALL NOT BE LESS THAN 600MM.

ENERGY BUILDING CODES MUST BE FOLLOWED FOR MATERIAL / COMPONENT SELECTION AND CONSTRUCTION METHODS



TEST ENERGY BUILDING CODES MUST BE FOLLOWED FOR MATERIAL / COMPONENT SELECTION AND CONSTRUCTION METHODS

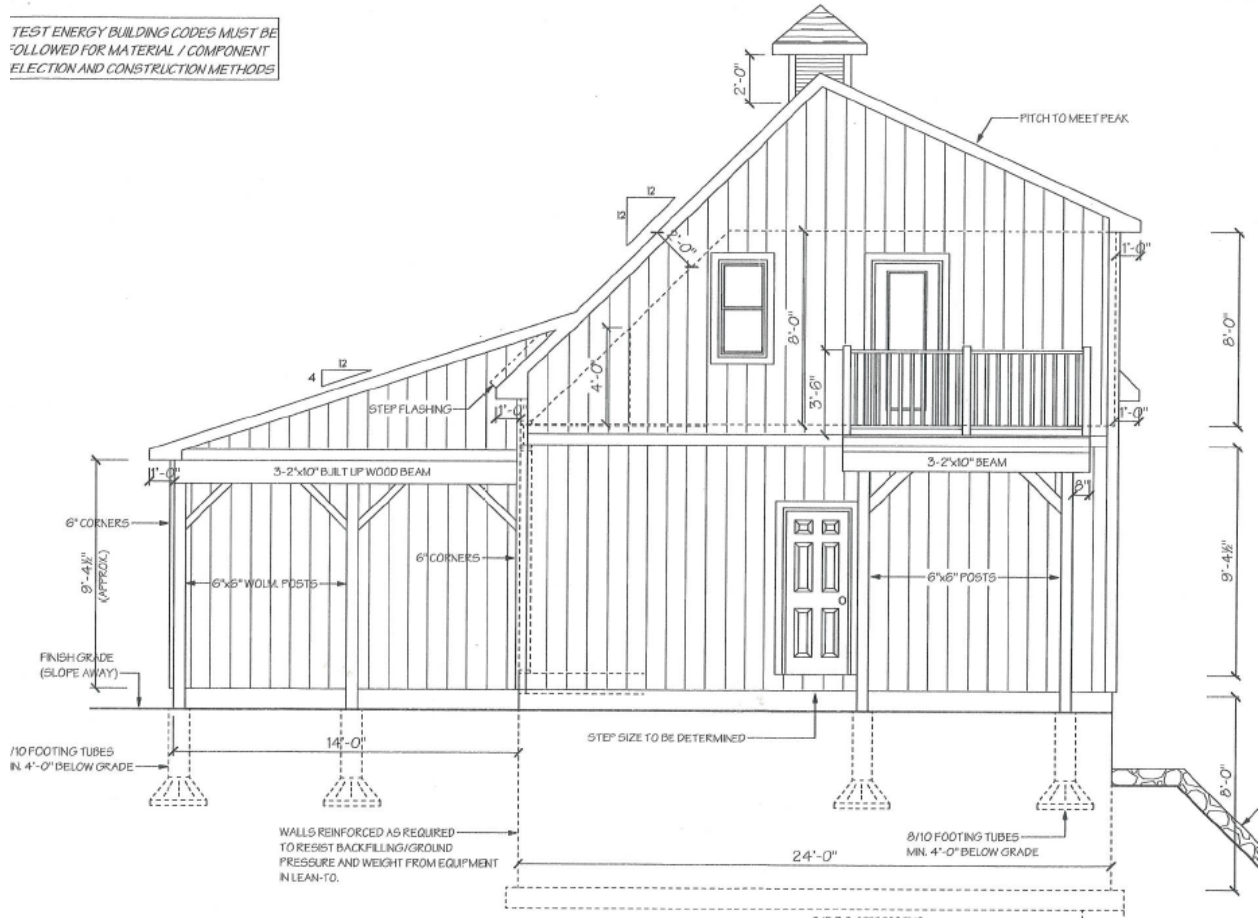


FIGURE 1



(Intentionally left blank for double-sided copying)



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

Application to rezone a portion of the property at the corner of Whittington Drive and Central Avenue, Greenwood, from the General Commercial (C1) Zone to the Residential One and Two Unit (R2) Zone. (File #16-16)

**March 14, 2017**

**Prepared by:** Community Development Services

<b>Applicant</b>	Rob Parker and George Hutt - Hutt Parker Land Development Limited
<b>Land Owner</b>	Hutt Parker Land Development Limited
<b>Proposal</b>	Rezone the rear portion of property, to allow for residential development
<b>Location</b>	Northwest corner of Whittington Drive and Central Ave, Greenwood
<b>Lot Area</b>	Area to be rezoned approx. <b>27,470 sq ft</b> Total Lot area approx. <b>61,662 sq ft</b>
<b>Designation</b>	General Commercial (G)
<b>Zone</b>	General Commercial (C1)
<b>Surrounding Uses</b>	Mostly Commercial uses along Central Avenue. Residential uses along Whittington Drive.
<b>Neighbour Notification</b>	Staff sent notification letters to the 38 property owners, located within 500 feet of the subject property

**1. PROPOSAL**

Rob Parker and George Hutt of Hutt Parker Land Development Limited have applied to rezone the rear portion of their property (PID 55511075) on the northwest corner of Whittington Drive and Central Ave, from the General Commercial (C1) Zone to the Residential One and Two Unit (R2) Zone. They have requested this change to allow the construction of semi-detached residential units on the rear portion of the subject property. The front portion of the property, facing Central Avenue, would remain in the General Commercial (C1) Zone.



**2. OPTIONS**

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

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

### 3. BACKGROUND

The subject property is zoned General Commercial (C1) and is a corner lot, with road frontage along both Central Avenue, and Whittington Drive. The property is large, having approximately 394 feet of frontage on Whittington Drive and 144 feet of frontage on Central Avenue. The total lot area is approximately 61,662 square feet (~1.4 acres). The property is currently occupied by a residential building, which is accessed from Central Avenue. This building would remain in the General Commercial (C1) Zone, while the rear portion of the property is considered for a rezoning to the Residential One and Two Unit (R2) Zone. This rear portion of the subject property is currently vacant, and is approximately 27,470 sq ft (~0.6 acres). See the portion of the property under consideration in Appendix C.

The applicants also own several of the properties adjacent to the subject property and have developed a number of semi-detached homes nearby. The applicants have indicated that they would continue this form of residential development along Whittington Drive, onto the subject property, if rezoned.

The subject property has always been on the edge of commercial / residential zones and districts. In the 1979 Planning Strategy, the subject property was within a Residential District and zoned Residential Single Unit (R1), but fell near the edge of the Commercial District to the east. In 1992, the Municipality updated the MPS and LUB, and expanded the Commercial District to the west onto the subject property. Council applied the General Commercial (C1) Zone to properties with frontage along Central Avenue in this area. The properties on Whittington Drive remained within the Residential District and were zoned Residential One and Two Unit (R2). This expansion of the Commercial District has not seen significant commercial growth, although Greenwood has experienced significant commercial growth in other parts of the community.

### 4. INFORMATION

The subject property is mostly level and cleared of most vegetation. The existing building appears to be vacant. The surrounding properties are a mixture of one and two unit residential uses and some commercial uses nearby, along Central Avenue.



Under Planning Policies PLAN-09-001 any Land Use Bylaw map amendment application does not require a PIM, when the area of land to be rezoned is less than 1 acre in size. The rezoning applies to an area approximately 0.63 acres in size and therefore did not require a Public Information Meeting.

Staff requested comments from internal and external agencies on the proposed rezoning:

- Development Control Staff were asked what potential the remaining commercial portion would hold if the property was split zoned or subdivided. They were also asked how many dwelling units could fit on the residential portion.
  - Staff indicated that the remaining commercial portion could accommodate a use within the existing building, or the land could be re-developed to accommodate other commercial uses. If a commercial use were to be developed, there would be landscape screening requirements between the commercial use and any residential development to the north.
  - Staff also indicated there would be potential to subdivide the rezoned area into 3 residential lots, each lot would be eligible for one or two dwelling units, for a total potential of 6 residential units.
- Engineering Staff were asked whether the property could be serviced by water and sewer services. Staff confirmed that the property can access both municipal water and sewer services.
- NS Transportation and Infrastructure Renewal (NSTIR) were asked about the adequacy of the road network and access to and from the property as well as any concerns they had about the proposed rezoning. NSTIR Staff expressed no concerns and confirmed that the existing road network was adequate and that access to the property was suitable.
- The Village of Greenwood was asked if they had any concerns with the proposed rezoning and the potential loss of commercial land. The Village expressed no concerns and passed a motion on December 14, 2016 to provide their support for the rezoning.

## **5. POLICY REVIEW – LUB amendments**

### **5.1 Enabling Policy**

The Municipal Planning Strategy (MPS) enables Council to consider the proposed rezoning through MPS policy 6.1.3.2

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

The subject property is in a commercial zone that is contiguous to the Residential District, and can be considered for a rezoning to any zone permitted within the Residential District, including the requested Residential One and Two Unit (R2) Zone.

## 5.2 General LUB amendment Policies

MPS Section 6.2.2.1 contains a number of general criteria for considering all applications (Appendix D). 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. Staff have found the proposal to be consistent with the intent of the MPS and meets these general amendment criteria. The specific criteria are reviewed in detail in Appendix D.

## 5.3 Greenwood Secondary Planning Strategy

In the mid 1990's the community of Greenwood went through a Secondary Planning Strategy (SPS) process to establish policy direction for their community. These policy themes addressed Transportation, Sewer and Water systems, Open Spaces and the Fales River Corridor. These translate into a set of goals, objectives and policies that strive to create a prosperous and healthy community. These policies guide development, although do not specifically guide the extent of commercial/residential areas. Therefore the proposed rezoning would remain consistent with the overall objectives and intent of the Greenwood SPS.

## 6. CONCLUSION

The requested residential zoning would apply to a portion of the subject property. The resulting zone boundaries would maintain commercial land on the Major Collector Road frontage (Central Avenue), and provide an opportunity for flexibility in the development and redevelopment of the subject property. This could lead to development that uses the land and available services more efficiently. The proposed rezoning meets the intent of the Municipal Planning Strategy, as well as the Greenwood SPS and the general amendment criteria.

## 7. STAFF RECOMMENDATION

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

**Planning Advisory Committee recommends that Municipal Council give First Reading and hold a Public Hearing regarding the proposed map amendment to rezone a portion of the property on the corner of Whittington Drive and Central Avenue, Greenwood (PID #55511075) from the General Commercial (C1) Zone to the Residential One and Two Unit (R2) Zone as described in Appendix A of the report dated March 14<sup>th</sup> 2017.**



## **8. APPENDIXES**

**Appendix A – Proposed Map Amendment**

**Appendix B – Reference Zoning Map**

**Appendix C – Applicant Drawing**

**Appendix D – General LUB Amendment Criteria**

**Appendix A – Proposed Map Amendment  
Proposed Land Use Bylaw Map Amendment**

**THE MUNICIPALITY OF THE COUNTY OF KINGS**

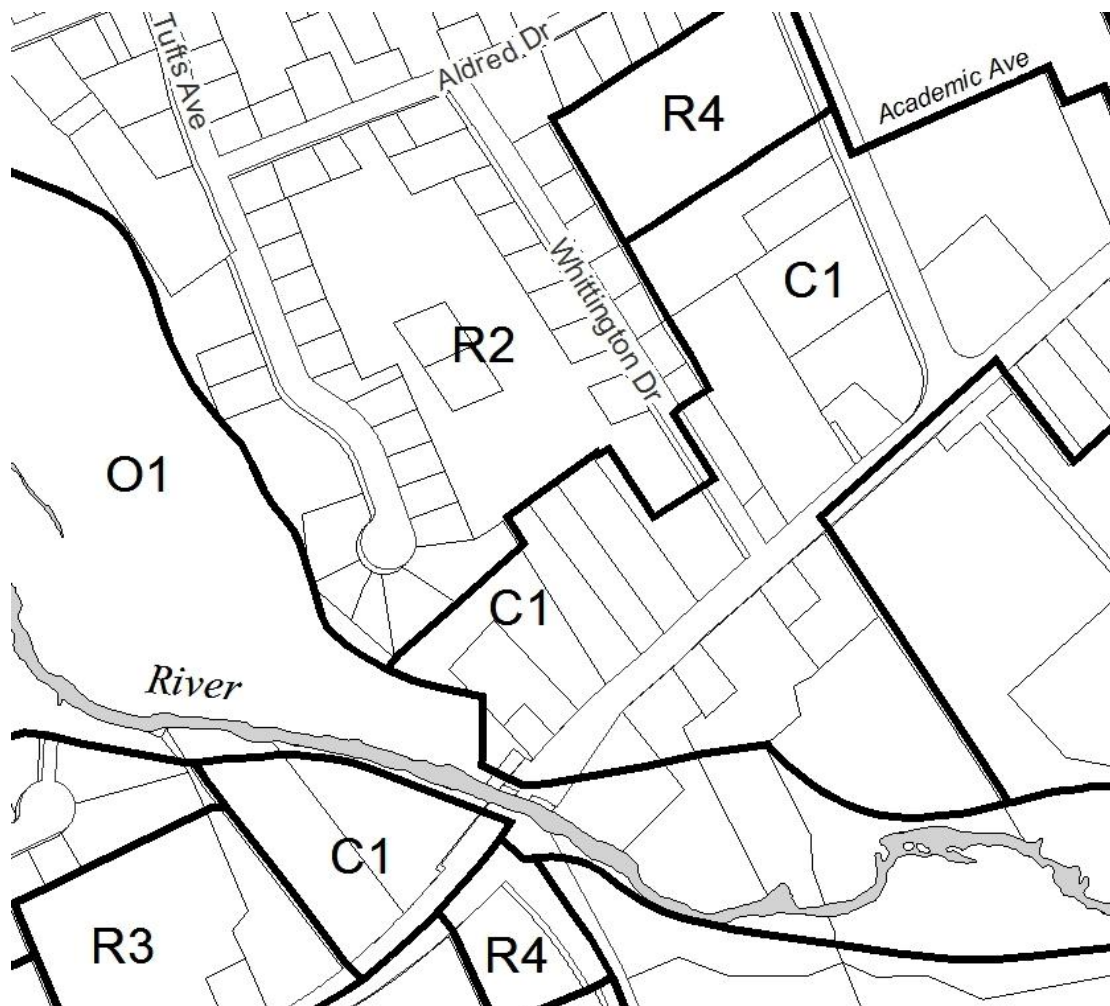
**AMENDMENT TO BYLAW #75**

**COUNTY OF KINGS LAND USE BYLAW**

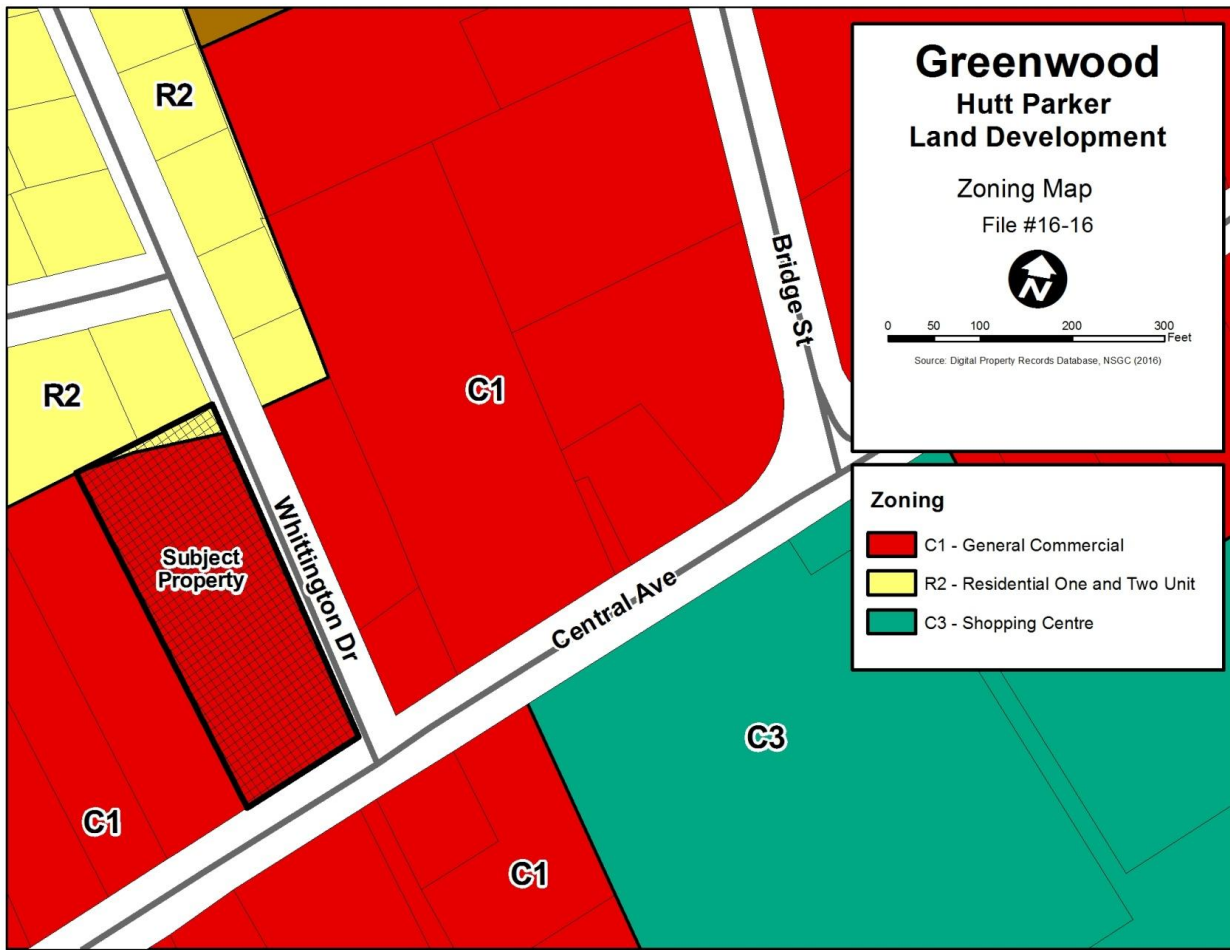
**Proposed map amendment to rezone a portion of a property on Whittington Drive and Central Ave (PID #55511075) from the General Commercial (C1) Zone to the Residential One and Two Unit (R2) Zone**

**BYLAW #75**

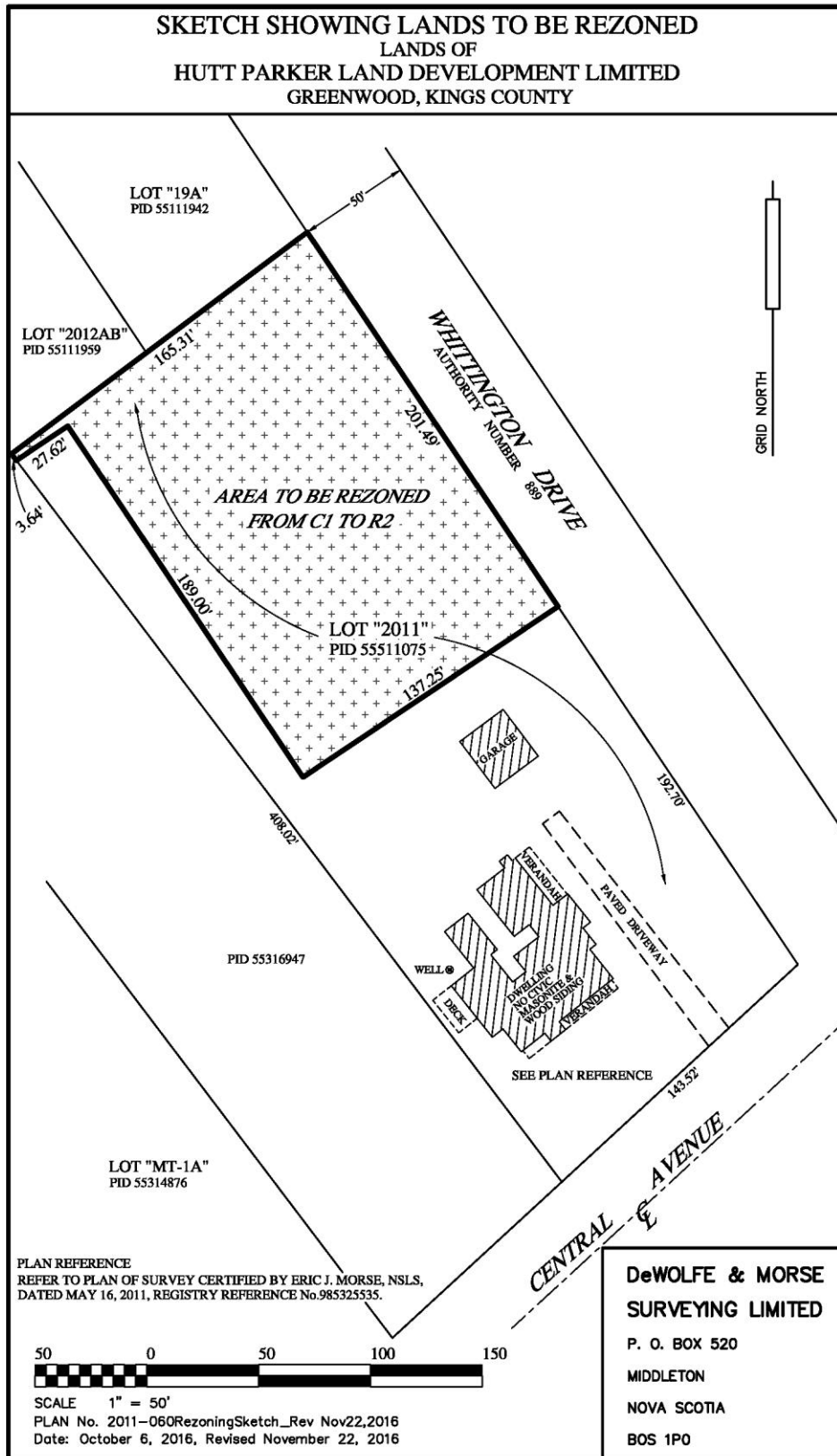
1. Amend LUB Schedule 6g, the Zoning map for the Growth Centre of Greenwood, by rezoning a portion of a property on Whittington Drive and Central Ave (PID #55511075) from the General Commercial (C1) Zone to the Residential One and Two Unit (R2) Zone, as shown on the inset copy of a portion of Schedule 8g below.



Appendix B – Reference Zoning Map



# Appendix C – Applicant Drawing



## Appendix D – General Land Use Bylaw Amendment Criteria – MPS 6.2.2.1

*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>	
<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>	Not Applicable, there would be no financial impact on the Municipality.
<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>	Municipal Engineering staff confirmed that the property can access Municipal sewer and Municipal water services and did not express any concerns regarding negative impacts on these systems.
<i>iii. the potential for creating, or contributing to, a pollution problem including the contamination of watercourses</i>	Not expected to create a pollution problem. The nearest watercourse is 800-900 feet away.
<i>iv. the adequacy of storm drainage and the effect on adjacent uses</i>	The development of the land will establish new storm drainage requirements. The land appeared well drained.
<i>v. the adequacy and proximity of school, recreation, and any other community facilities</i>	The community of Greenwood has several nearby community facilities, schools and recreation opportunities.
<i>vi. the adequacy of street or road networks in, adjacent to, or leading to the subject site</i>	NSTIR had no concerns with the adequacy of the road network adjacent or leading to the property.
<i>vii. the potential for the contamination of a watercourse due to erosion or sedimentation</i>	Extensive erosion is not expected because the land is flat and mostly level. The nearest watercourse is 800-900 feet away.
<i>viii. creating extensive intervening parcels of vacant land between the existing</i>	Not applicable, this rezoning would help fill in vacant land between existing development.

<p><i>developed lands and the proposed site, or a scattered or ribbon development pattern as opposed to compact development</i></p>	
<p><i>ix. traffic generation, access to and egress from the subject site, and parking</i></p>	<p>NSTIR had no concerns with traffic generation or access to the property</p>
<p><i>x. incompatibility with adjacent uses and the existing development form of the surrounding area</i></p>	<p>The proposed use is consistent and compatible with adjacent uses. The resulting residential development would likely match the established building form on Whittington Drive and Harley Court</p>
<p><i>xi. the potential for overcrowding on lakeshores or the reduction of water quality</i></p>	<p>Not applicable</p>
<p><i>xii. the potential for contamination of, or interference with a designated groundwater supply protection area</i></p>	<p>Not applicable. The property is not located within any of the Greenwood well field protection zones.</p>
<p><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></p>	<p>The property is level and appears to be well suited for residential development</p>