



# PLANNING ADVISORY COMMITTEE MEETING

TUESDAY, July 14, 2020

1:00 p.m.

Via WebEx Video Conference

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a) Planning application to rezone the properties at 1011 Lone Pine Drive, (PIDs 55056626, 55327498, & 55327506), Centreville, N.S. from Residential One Unit (R1) Zone to Residential One and Two Unit (P2) Zone” (File 20-04, Will Robinson-Mushkat)	8
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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, May 12, 2020, at 1:00 p.m. by video conference call.
<b>Attending</b>	In Attendance:
<b>PAC Members</b>	Councillor Martha Armstrong – District 4 (Chair) Councillor Pauline Raven – District 2 Councillor Brian Hirtle – District 3 Councillor Paul Spicer – District 5 (Alternate) Councillor Peter Allen – District 9 Annette Veasey – Citizen Member Emile Fournier – Citizen Member Aaron Dondale – Citizen Member
<b>Municipal Staff</b>	Trish Javorek - Director Planning and Inspections Laura Mosher – Manager of Planning and Development Services Will Robinson-Mushkat - Planner Chloe Austin – Recording Secretary
<b>Regrets</b>	Councillor Jim Winsor
1. <b>Meeting to Order</b>	
2. <b>Roll Call</b>	Roll call was taken.
3. <b>Amendments to Agenda</b>	
4. <b>Approval of the Agenda</b>	<b>On motion of Councillor Spicer and Mr. Fournier, that the agenda be approved.</b> <b>The question was called on the motion. Motion carried.</b>
5. <b>Disclosure of Conflict of Interest Issues</b>	There were no disclosures of conflict of interest issues.
6. <b>Approval of Minutes</b>	
a. <b>March 10, 2020</b>	<b>On motion of Councillor Hirtle and Councillor Raven, that the minutes of the Planning Advisory Committee meeting held on Tuesday, March 10, 2020 be approved.</b> <b>Motion carried.</b>
7. <b>Business Arising from the Minutes</b>	There was no business arising from the March 10, 2020 minutes.
8. <b>Business</b>	
a. <b>Application to rezone a portion of the property at 3300 Black Rock Road, and a portion of the</b>	Will Robinson-Mushkat, Planner, presented the application by Branton Kornelson to rezone a portion of the property at 3300 Black Rock Road, PID 55067425 and a portion of the property at PID 55067391, Grafton, N.S. from

**property in Grafton, (PIDs  
55067425 and 55067391)  
(File 19-16)**

Forestry (F1) Zone and Agricultural (A1) Zone to Recreational Open Space (P2) to develop a campground and accessory uses.

The applicant, Branton Kornelson, submitted a letter dated May 11, 2020 which was read to the Committee and attached to these Minutes.

Questions of Clarification:

Ms. Veasey requested details about the size of the campground and what its capacity would be. Mr. Kornelson indicated in his letter that at completion he intends to have 40-50 sites with a mix of RVs, tents, and cottages (seasonal dwellings) for rent.

A discussion occurred regarding how the lot is serviced, where staff confirmed that on-site sewer and private well would be the method.

Councillor Raven asked if this rezoning is taking place so that permits could be issued in the future. Mr. Robinson-Mushkat explained that the application meets the criteria for Council to consider this rezoning but the timeline in which the campground is developed falls to the applicant.

Discussion was had indicating that density is not specified within the Land Use Bylaw but that the campground must all be contained only in the part of the property that is rezoned and meet all requirements such as setbacks. The size of the rental cabins is limited by the land use by-law and they must be recreational cabins, not dwellings as defined in the Bylaw.

Councillor Raven inquired about further opportunities for public input. It was clarified that the public will be able to voice concerns at the public hearing.

The Chair asked if Mr. Kornelson is anticipating year round operation. Staff clarified that year round operation of a campground would be permitted, so winter camping opportunities, and activities such as snowshoeing, would be permitted.

**On the motion of Councillor Hirtle and Councillor Allen, 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 3300 Black Rock Road (PID 55067425) and a portion of PID 55067391, Grafton, from the Agriculture (A1) Zone and the Forestry (F1) Zone to the Recreational Open Space (P2) Zone, as described in Appendix F of the report dated May 12th, 2020.**

Councillor Hirtle spoke favorably of the applicants and expressed a desire to see this rezoning permitted. He noted that the PIM held in January was well attended and mood was favourable with regard to issues under consideration.

Councillor Raven expressed concern about potential conflict between quiet, peaceful camping and the use of 4 wheelers. She would like to see further opportunities for the community to voice their concerns.

Annette Veasey expressed concerned about watercourses nearby due to septic systems.

Ms. Mosher, Manager of Planning and Development Services, reminded the committee that a rezoning application should be evaluated based on the relevant policies. The concerns raised are understandable, but not all are considered by the policy.

**The question was called on the motion. Motion carried.**

9. **Date of Next Meeting**

The next PAC meeting will take place on Tuesday, June 9, 2020 at 1:00 pm.

10. **Public Comments**

No members of the public were present as this meeting was held by video conference

11. **Adjournment**

**There being no further business, moved for the adjournment of the meeting at 2:01 p.m.**

DRAFT

Planning application to rezone a portion of the property at 3300 Black Rock Road, PID 55067425 and a portion of the property at PID 55067391, Grafton, N.S. from Forestry (F1) Zone and Agricultural (A1) Zone to Recreational Open Space (P2) to develop a campground and accessory uses.(File 19-16, Will Robinson-Mushkat)

Provincial statistics reveal that between 35 and 45% of tourist revenues in Nova Scotia flow from domestic travel. In the wake of the COVID-19 pandemic when visitor numbers from outside the Province will inevitably decline, these percentages are likely to increase. And no-one knows how long these trends will continue.

One thing, though, is certain. The health of Nova Scotians depends on our ability to enjoy the outdoors, in all seasons. Providing opportunities for outdoor recreation is a responsibility that our community shares; the project I envisage contributes to that vision and is compatible with responsible land use in our North Mountain/Fundy Shore community. Moreover, it conforms to three of the Municipality of the County of Kings strategic priorities namely Environmental Stewardship, Economic Development and Strong Communities

#### Environmental Stewardship

The land proposed for re-zoning in this application lies on the ridge and southern slope of the North Mountain just east of Black Rock Road. The land is forested, more densely in some places than others, with an underlay of thin, rocky soils. Sadly, in years past, attempts have been made to cut timber off the land leading to erosion and damage to some seeps and streams that are common on the property. These scars are beginning to heal with new tree growth, and gradual re-establishment of stream beds. I live on the property with my wife and two young sons, and wish, above all, to preserve the land. To date I have undertaken careful grading, creation of terraces and ponds where wildlife thrive, preserving forest on steep slopes, and crafting small clearings that would, if permission is granted, become individual camp sites.

A network of trails, already in place, would allow visitors to enjoy the nature of the North Mountain on foot or bicycle, and neighbours have expressed willingness to share parts of their land to gain pedestrian access to even more of the forest. Our community has a history of such cooperation as shown by the Black Rock Trails Society which has also developed a network of trails on private land a few kilometres to the north.

The campground is envisaged as a tranquil refuge where visitors can relax for a few days, sharing in the peace and quiet of our North Mountain community. To that end, recreational vehicles (RVs) will be welcome, but seasonal sites are not permitted. Visitors may access some sites by vehicle, but others (tenting) will be walk-in only. Small, cottage/cabin-type accommodation will be available for those unfamiliar with, or unequipped for camping. Clearing the A1 land for farming on these rocky soils, as permitted under the present zoning, would change the land by removing trees now serving as a refuge and feeding habitat for forest birds

and wildlife. Clearing for agriculture on these thin soils would lead to erosion, and outflow of fertilizer and agrichemicals to the watershed to the south. My proposal seeks to preserve habitat, while providing limited opportunities for others to enjoy our pocket wilderness. All development will be planned through the lens of conservation and habitat preservation, and will serve only to enhance the nature-immersive experience.

## Economic Development

In February 2020, the Harbourville Restoration Society held a series of meetings called 'Wild Connections' to discuss the future of North Mountain/Fundy Shore communities from Morden to Black Rock. One key theme was the blending of traditional community values of self-sufficiency, land stewardship, and conservation, with current imperatives of health, connectivity and economic development. Those attending agreed that the North Mountain is thriving, but more business to attract tourists, and make services more locally accessible is needed. My vision for the campground includes a small Tea House and store offering views of the Valley that would be open to campers and local residents. When combined with the increasing popularity of the Black Rock Trails, I envisage attracting visitors drawn by the opportunity to camp, and explore the surrounding forest. The synergies created by local, low impact tourism would contribute greatly to economic sustainability in our community. Once again, I emphasize that I live on the site of the proposed re-zoning, and wish not only to see my community thrive economically, but preserve the natural amenities and peace of our home.

## Strong Communities

Outside Halifax, the eastern Annapolis Valley is one of the most stable and diverse communities in Nova Scotia. Our towns of Wolfville, Kentville and Berwick are thriving, but communities exist everywhere. Judging by the recent gathering for community discussion forums, entertainment (e.g. the Black Rock Friday night jams), trail development (Black Rock Trails Society) and the excellent new wharf at Canada Creek, our own community is growing stronger, more optimistic and confident. The specialized campground envisaged in this proposal will add to that growth and optimism by attracting nature-seeking tourists, from our neighbouring towns and elsewhere, to the area. These folks will enjoy our hospitality, and participate in our community's activities (nature walks, community meals, festivals and live entertainment). One day all of this will return. We have the opportunity now to plan for a post-Covid19 future that will bring people together both within and across communities – camping will be an important catalyst for that new normal.

## The Proposal

Rezoning of my land is a first step in what will be a long and carefully-planned process. As already noted, the development of the campground will be guided by principles of conservation and habitat maintenance, and will likely take many years. The process will be incremental, with small sections opened one by one, and facilities (such as the Tea Room) introduced in stages. At completion, the campground may comprise between 40 and 50 sites, some for RVs, many for

tents, and none for seasonal campers. Campers will be encouraged to enjoy our woodland home through walking or bicycling our trails, enjoying summer activities and festivals.

Our site is ideally located, providing outstanding views of the Valley, abundant water, and excellent drainage. Careful landforming and forest retention prevents erosion and sustains habitat. Campers will experience the same connection with nature that all of us fortunate enough to live in the community, enjoy year round. I respectfully submit this application with a pledge to develop the land with sensitivity to my neighbours and their wishes. Many have expressed support, and others have come forward with legitimate concerns and suggestions, all of which I will try to address. My family and I are committed to working with everyone in the community to make this a project of shared benefit.

Respectfully submitted

Branton and Denita Kornelsen May 11, 2020

# THE MUNICIPALITY OF THE COUNTY OF KINGS

## REPORT TO PLANNING ADVISORY COMMITTEE

**Subject:** Application for a land use by-law map amendment to permit the rezoning of the properties at 1011 Lone Pine Drive, (PIDs 55056626, 55327498, & 55327506), Centreville, N.S. from Residential One Unit (R1) Zone to Residential One and Two Unit (R2) Zone for the purpose of developing two unit residential dwellings.

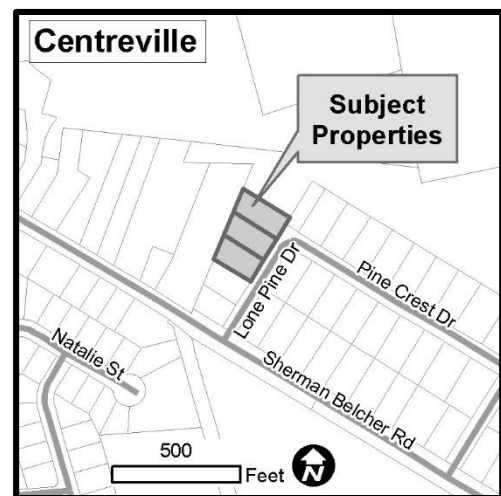
**From:** Planning and Development Services

**Date:** July 14<sup>th</sup>, 2020

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### Background

On July 8<sup>th</sup>, 2020 the Centreville Area Advisory Committee considered the staff report and land use by-law map amendment for the proposed rezoning of the properties at 1011 Lone Pine Drive, (PIDs 55056626, 55327498, & 55327506), Centreville. The applicant and property owner is Aaron Dondale. The proposed land use by-law map amendment, if approved by Municipal Council, would permit the rezoning from the Residential One Unit (R1) Zone to Residential One and Two Unit (R2) Zone for the purpose of developing two unit residential dwellings on each of the three properties, for a total of six units.



The Centreville Area Advisory Committee forwarded a **positive** recommendation by unanimously passing the following motion:

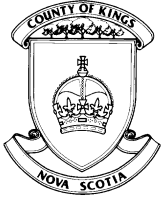
*"The Centreville Area Advisory Committee recommends that the Planning Advisory Committee recommend that Council give First Reading to and hold a Public Hearing regarding the map amendment to the Land Use By-law to rezone the properties at 1011 Lone Pine Drive (PIDs 55056626, 55327498 and 55327506), Centreville from the Residential One Unit (R1) Zone to the Residential One and Two Unit (R2) Zone."*

### Recommendation

The Centreville Area Advisory Committee recommends that the Planning Advisory Committee pass the following motion:



**The Planning Advisory Committee recommend that Council give First Reading to and hold a Public Hearing regarding the map amendment to the Land Use By-law to rezone the properties at 1011 Lone Pine Drive (PIDs 55056626, 55327498 and 55327506), Centreville from the Residential One Unit (R1) Zone to the Residential One and Two Unit (R2) Zone, as described in Appendix F of the report dated July 8<sup>th</sup>, 2020.**



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

Planning application to rezone the properties at 1011 Lone Pine Drive, (PIDs 55056626, 55327498, & 55327506), Centreville, N.S. from Residential One Unit (R1) Zone to Residential One and Two Unit (P2) Zone.

(File #20-04)

July 8<sup>th</sup>, 2020

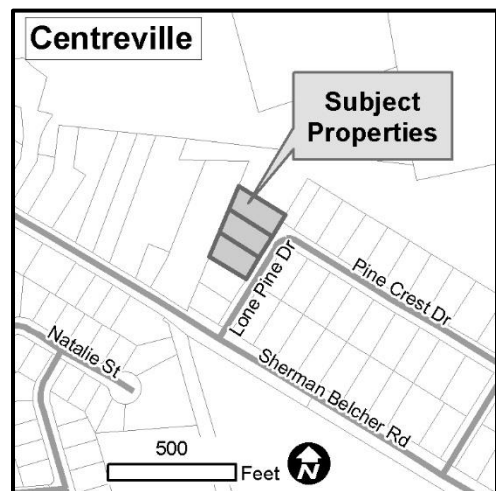
Prepared by: Planning and Development Services

<b>Applicant</b>	Aaron Dondale
<b>Land Owner</b>	Aaron Dondale
<b>Proposal</b>	To rezone the properties at 1011 Lone Pine Drive, (PIDs 55056626, 55327498, & 55327506), Centreville, N.S. from Residential One Unit (R1) Zone to Residential One and Two Unit (R2) Zone for the purpose of developing two unit residential dwellings.
<b>Location</b>	1011 Lone Pine Drive (PIDs 55056626, 55327498 and 55327506), Centreville Nova Scotia
<b>Lot Area</b>	PID 55056626 – 18,257ft <sup>2</sup> PID 55327498 – 17,651ft <sup>2</sup> PID 55327506 – 19,091ft <sup>2</sup>
<b>Designation</b>	Residential
<b>Zone</b>	Residential One Unit (R1)
<b>Surrounding Uses</b>	Residential One Unit dwellings is the immediate area, with a mixture of residential housing types throughout the growth centre.
<b>Neighbour Notification</b>	Staff sent notification letters to the 39 owners of properties within 500 feet of the subject property

**1. SUMMARY**

Aaron Dondale has submitted an application to the three properties at 1011 Lone Pine Drive (PIDs 55056626, 55237498, and 55327506) to be rezoned from the Residential One Unit (R1) Zone to the Residential One and Two Unit (R2) zone. The purpose of the rezoning application is to enable the development of a two unit dwelling on each of the properties on Lone Pine Drive for six units in total. Since the Residential One Unit (R1) Zone permits secondary suites, subject to restrictions, the overall density of the properties will remain the same.

The application was submitted to the Municipality during the period following Council’s adoption of By-law 105 and By-law 106 in November 2019; but prior to the approval by the Province of By-law 105 and By-law 106 and repeal of Bylaw 56 on March 5<sup>th</sup>, 2020. Since Bylaw 56 and By-law 105 were both in full force and effect during this time, the application must be evaluated under policies contained in the 1992 Municipal Planning Strategy (Bylaw 56), as well as By-law 105 - Municipal Planning Strategy. However, if approved by Municipal Council, both sets of zoning maps will be amended,



as has been Council's practice during the interim period. This includes the zoning map for Bylaw 75 from Residential Single Dwelling (R1) zone to Residential One and Two Unit (R2) zone and the zoning map for By-Law 106 from the Residential One Unit (R1) Zone to the Residential One and Two Unit (R2) Zone.

## **2. OPTIONS**

In response to the application, the Centreville Area Advisory Committee may:

- A. Recommend that the Planning Advisory Committee forward to Council a recommendation to approve the amendment, as drafted;
- B. Recommend that the Planning Advisory Committee forward to Council a recommendation to refuse the amendment, as drafted; or
- C. Provide alternative direction, such as requesting further information on a specific topic.

## **3. PROPERTY BACKGROUND**

The area to be rezoned consists of three separate properties. 1011 Lone Pine Drive is the civic address assigned to the existing one-unit residential dwelling located on the land assembly. PID 55327498 has a lot area of 17,651ft<sup>2</sup>, PID 55056626 has a lot area of 18,257ft<sup>2</sup>, and PID 55327506 has a lot area of 19,910ft<sup>2</sup>. The three properties have a total lot area of 55,818ft<sup>2</sup>. The existing dwelling straddles two of the three properties (PID 55056626 and PID 55327498) and the boundary between the two separate properties will be required to be adjusted in order to develop a dwelling on PID 55327498. All three lots are currently zoned Residential One Unit (R1). The land on PID 55056626 and PID 55327498 is generally cleared, however there are a few trees scattered throughout the two properties. PID 55327506 remains vegetated. There are no identified watercourses or wetlands on the properties; the Habitant River lies in close proximity to the Northeast boundary of the properties. Each lot has approximately 100 feet of frontage onto Lone Pine Drive, a local residential street that intersects with Sherman Belcher Road, a collector road. All of the properties that abut the subject properties and in the immediate vicinity are zoned Residential One Unit (R1) with the exception of a large, vacant tract of land located to the northeast of the subject properties which is zoned Comprehensive Neighbourhood Development (R5), a zone that only permits development to occur via a Development Agreement and is intended to be developed in a planned, phased manner.

The subject properties are located within the community of Centreville, which is centrally located in the Municipality. Centreville is unique among the Municipality's Growth Centres because it primarily consists of residential development, with limited small-scale commercial uses intended to serve the immediate community. To complement the residential character of the community, several outdoor recreational amenities such as a golf course, sports fields and multi-use recreational trails are located within Centreville. There are two principle highways that intersect in Centreville; Highway 358 runs in a general north-south direction from Kentville to Halls Harbour while Highway 221 runs in a general east-west direction from Kingsport into Annapolis County. There is a mixture of residential zones, permitting a variety of densities and housing types,

throughout the growth centre. The Centreville Recreation Park is accessed on the opposite side of Sherman Belcher Road, approximately 450 feet from the subject properties.

## **4. INFORMATION**

### **4.1 Subject Property Information**

A site visit was conducted on May 4<sup>th</sup>, 2020 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 to 39 property owners within a 500 foot radius of the subject property seeking comments and feedback on the proposed Land Use By-law Map amendment. Due to the State of Emergency declared by the Province of Nova Scotia as a result of the COVID-19 pandemic, a Public Information Meeting was held remotely commencing on May 26<sup>th</sup>, 2020. A video by the area Councillor, applicant and planner assigned to the application was posted for review by members of the public. The recording presented the application and enabling policies and invited members of the public to ask questions of the planner or to provide comments to the planner via telephone and email. The public had a total of 30 days to comment on the video.

A member of the public offered concerns relating to past activities and uses on the properties in question, as well as the ongoing construction relating to the existing dwelling. A summary of the questions and comments provided to the Municipality via email 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. The Department of Transportation and Infrastructure Renewal found the existing road network to be adequate for the proposed use and that no further traffic study was required. Site specific access points would be addressed at the time of permitting and an access permit has not been issued to date. Nova Scotia Environment was contacted and did not provide comment. Engineering and Public Works commented that the existing water system has the capacity to support any increases resulting from development stemming from approved rezoning. EPW commented that, during construction, the applicant will be required to follow Nova Scotia Environment regulations regarding sedimentation/erosion control. Building and Enforcement noted the applicant, during construction, will be required to meet minimal building code, including adaptable housing. The Kentville Fire Chief provided confirmation that equipment and services were sufficient for the proposed use. Municipal development officials confirmed the lots meet the requirements of the Residential One and Two Unit (R2) Zone as contained within the Land Use By-law.

A full summary of the comments received are found in Appendix E of this report.

## 5. POLICY REVIEW – LAND USE BYLAW AMENDMENTS

### 5.1 Enabling MPS Policies

This application concerns amending the land use by-law to permit the rezoning of land currently zoned One Unit Residential (R1) to the One and Two Unit Residential (R2) Zone. Given this particular application concerns a rezoning application subject to the policies of two separate Municipal Planning Strategies (Bylaw #56 and By-law #105), a review of the enabling policies is required for each by-law.

#### **Municipal Bylaw #56**

Policy 2.4.3.4: *“Council may consider rezoning land from R1 to any other urban residential zone subject to the policies of this Section (2.4) and the policies for amending the Land Use Bylaw contained Part 6 of this Strategy”.*

The application meets the intent of this policy because the subject properties fall under the Residential District of the Future Land Use Map of the Municipal Planning Strategy (Bylaw #56).

The goals and objectives of Urban Residential Development contained within the Municipal Planning Strategy support the enabling policy which allows Council to consider rezoning the subject properties from the R1 Zone to the R2 Zone.

#### **2.4.1 Urban Residential Objectives**

2.4.1.3: *“To foster residential infilling and efficient development of serviced lands”;*

2.4.1.5: *“To encourage and provide for a wide range of residential accommodations and a variety of neighbourhoods”;*

2.4.1.7: *“To promote the harmonious integration of a variety of housing types and residential densities within neighbourhoods”.*

Policies contained within the Municipal Planning Strategy also lend themselves to supporting Council’s consideration of this application.

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”.*

Two of the three subject properties are existing vacant lots, and all three lots are serviced by a central sewerage system. In this particular instance, none of the three lots are considered undersized by the Land Use By-law.

#### **Municipal By-Law #105**

Municipal By-Law #105, 3.1.3: *“Permit within the Residential Designation:*

*(a) all zones listed in policy 3.1.2.”*

The proposed land use by-law map amendment would permit a rezoning to a zone – Residential One and Two Unit (R2) – that is a listed zone within policy 3.1.2.

Municipal By-Law #105, 5.3.3: *“Consider amendments to any one of the zoning maps of the Land Use By-law provided the application is for a specific development and: (a) is to rezone land to another zone enabled within the same designation, unless the zone change is specifically prohibited within this Strategy.”*

The proposed land use by-law map amendment would permit the rezoning of land to another zone – Residential One and Two Unit (R2) Zone within the same designation.

A number of objectives and supportive policies contained within the Municipal Planning Strategy (By-law #105) support the enabling policy noted above. This includes the following objectives:

*“To accommodate a wide range of housing options, including opportunities for mixed uses and increased densities in areas where urban services are efficient to deliver”*

The area where the subject properties are located is within a Growth Centre and is also serviced by an existing central sewer system.

*“To discourage residential developments in rural areas by providing a variety of development opportunities within Growth Centres”*

The proposed rezoning would occur in a Growth Centre and would enable another form of development within an existing residential neighbourhood.

*“To provide a wide range of housing choices, including affordable housing”*

The proposed rezoning would enable a form of housing that, while not increasing the currently permitted density, provides additional and complementary character.

Policy 3.1.2(a): *“Residential One Unit (R1) and Residential One and Two Unit (R2): lands located in these zones are intended to maintain existing residential areas while encouraging energy efficiency and providing opportunities for infill development primarily on roads located on the periphery of growth centres. These zones are intended to consist primarily of one and two unit dwellings;”*

The proposed land use by-law map amendment fits this specific policy criterion as the rezoning that is proposed, from the Residential One Unit (R1) to Residential One and Two Unit (R2) Zone, would not alter the character of the existing residential area and would provide opportunity for infill development.

## **5.2 Centreville Secondary Planning Strategy**

The Centreville Secondary Planning Strategy provides additional policy direction specific to the Growth Centre of Centreville. It combines the future land use map of the Centreville Growth Centre with detailed plans for the Growth Centre of Centreville that pertain specifically to Centreville’s recreational amenities and attractions, transportation, and infrastructure. The

policies within the Centreville Secondary Planning Strategy that are relevant to this development have been addressed below:

*2.10.3.11.2.4 Prior to any construction, as a result of a rezoning, a traffic study may be required, which indicates potential impacts on existing road networks and surrounding land uses.*

DTIR has confirmed that the existing road network is sufficient for the proposed rezoning and that a traffic study will not be required.

*2.10.3.12.2.1 It shall be the policy of Council not to permit any further development serviced by septic tank or disposal field.*

The subject properties will be serviced by municipal sewer services.

*2.10.3.13.2.1 Council, through its Planning Advisory Committee, may request a Water quality/quantity assessment be conducted prior to a rezoning to any higher residential density, any commercial rezoning or any industrial rezoning.*

It is the opinion of staff that a water assessment is not necessary given that the permitted density is not increasing.

### **5.3 General LUB amendment Policies**

Section 6.2.2 of the Municipal Planning Strategy (Bylaw #56) and Section 5.3 of the Municipal Planning Strategy (By-law #105) contain a number of general criteria for applications for a map amendment to the applicable land use by-laws (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.

In terms of the other general development criteria contained in the Municipal Planning Strategy there are no additional 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 have confirmed the capacity of the central sewer system to serve the proposed rezoning. The property would be serviced with an on-site well system.

## **6. CONCLUSION**

The proposed rezoning is in keeping with the intent of the enabling policies found in the Municipal Planning Strategy. The proposed amendment meets the objectives outlined in the Municipal Planning Strategy and applicable community plan. The proposal meets all of the general criteria to permit the rezoning of the subject property. As a result, a positive recommendation with regard to the application is being made to the Centreville Area Advisory Committee.

## **7. STAFF RECOMMENDATION**

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

**The Centreville 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 By-law to rezone the properties at 1011 Lone Pine Drive (PIDs 55056626, 55327498 and 55327506), Centreville from the Residential One Unit (R1) Zone to the Residential One and Two Unit (R2) Zone.**

## **8. APPENDICIES**

**Appendix A: Zoning Map**

**Appendix B: Comments Received From Public**

**Appendix C: Municipal Planning Strategy (Bylaw #56), Section 6.2.2.1 – Amendment to the Land Use Bylaw, General Criteria**

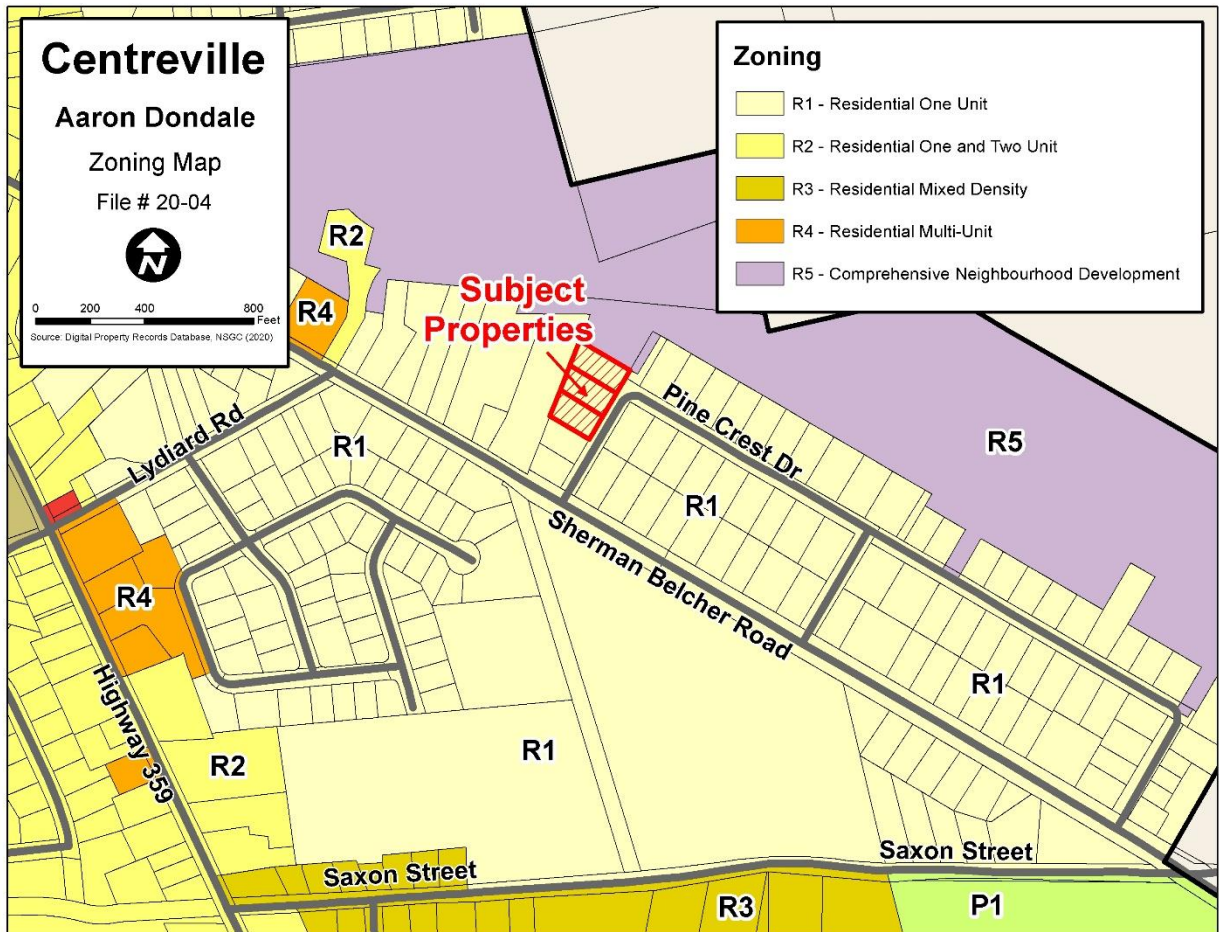
**Appendix D: Municipal Planning Strategy (Bylaw #105), Section 5.3-4 – General Criteria to Consider for all Development Agreements and Land Use By-law Amendments**

**Appendix E: Request for Comments**

**Appendix F: Proposed Land Use Bylaw Map Amendment (Bylaw #75 and Bylaw #106)**



# Appendix A: Reference Zoning Map



## Appendix B: Comments Received From Public

The Municipality received one email communication, dated June 19<sup>th</sup>, 2020, from a neighbouring property owner with regarding to this application. The comments are found below:

*"We are Glen and Cheryl Morine of 1033 Sherman belcher rd. This property in question is connected to one side of ours....*

*We have been at this property since 2002, For the last 18 years it has been a rental property having at least 8 different renters.*

*We have had to deal with the following,*

*junk car salvager who would drag garbage over the property line*

*Unlicensed daycare with kids, roaming dogs, and a pig on our property*

*(these people left behind a cat that we have taken in)*

*Mother and daughter who would constantly fight and argue outside.*

*The motorcycle gang (the gate keepers) lived there for 2-3 years*

*young persons who thought it is ok to blast car stereo when being outside*

*And we have fruit berries on our property that the fruit seemed to go missing.*

*During the renovation That Mr. Dondale just had completed, we had to walk the property every evening to pickup the garbage that would blow over.*

*So NO>>> We do not need anymore intrusive persons, being a homeowner and taxpayer we deserve a little respect and to be able to enjoy what we have".*

**Appendix C: Municipal Planning Strategy (Bylaw 56), 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:*

<b>Criteria</b>	<b>Comments</b>
<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 the rezoning of land within the Residential designation to any other zone within the designation.
<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>	EPW has confirmed the existing sewer system can support the demand added from this proposed development. The site would be served with a private well.
<i>iii. the potential for creating, or contributing to, a pollution problem including the contamination of watercourses</i>	Given the low impact and common land use of the surrounding properties, staff does not anticipate risks with regard to pollution, including the contamination of watercourses. The applicant will be required to follow provincial specifications and regulations pertaining to development and drainage during construction.
<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.
<i>v. the adequacy and proximity of school, recreation, and any other community facilities</i>	There are a number of recreation, and community facilities within close proximity to the subject properties. The closest school, Aldershot elementary, is located within six kilometres of the subject properties.
<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.

<p><i>viii. creating extensive intervening parcels of vacant land between the existing developed lands and the proposed site, or a scattered or ribbon development pattern as opposed to compact development</i></p>	<p>The development form permitted by the proposed rezoning would contribute to a compact, efficient development pattern suitable for, and consistent with, the surrounding area.</p>
<p><i>ix. traffic generation, access to and egress from the subject site, and parking</i></p>	<p>Nova Scotia DTIR satisfied that the existing road network is adequate for all traffic to and from the site. No traffic study is required by DTIR.</p>
<p><i>x. incompatibility with adjacent uses and the existing development form of the surrounding area</i></p>	<p>The proposed zone and development is compatible and complementary to the existing development form and adjacent uses in the surrounding area.</p>
<p><i>xi. the potential for overcrowding on lakeshores or the reduction of water quality</i></p>	<p>Not applicable – no lakefront</p>
<p><i>xii. the potential for contamination of, or interference with a designated groundwater supply protection area</i></p>	<p>There is no designated groundwater supply protection area within close proximity to the subject properties.</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>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.</p>

**APPENDIX D: By-law 105 - Municipal Planning Strategy, Policy 5.3.7 General Criteria to Consider for all Development Agreements and Land Use By-law Amendments**

**Policy 5.3.7**

*Council expects to receive applications to amend the Land Use By-law or enter into a development agreement for development that is not permitted as-of-right in the Land Use By-law. Council has established criteria to ensure the proposal is appropriate and consistent with the intent of this Strategy.*

*Council shall be satisfied that a proposal to amend the Land Use By-law or to enter into a development agreement:*

<b>Criteria</b>	<b>Comments</b>
<i>a. is consistent with the intent of this Municipal Planning Strategy, including the Vision Statements, relevant goals, objectives and policies, and any applicable goals, objectives and policies contained within a Secondary Plan;</i>	The proposed land use by-law map amendment is consistent with the intent of the MPS, and the applicable goals, objectives and policies contained within the Secondary Plan for the Centreville community.
<i>b. is not in conflict with any Municipal or Provincial programs, By-laws, or regulations in effect in the Municipality;</i>	The proposed amendment is not in conflict with any Municipal or Provincial programs, By-laws, or regulations.
<i>c. that the proposal is not premature or inappropriate by reason of:</i>	
<i>i. the Municipal or village costs related to the proposal;</i>	The proposal does not involve any development costs to the Municipality.
<i>ii. land use compatibility with surrounding land uses;</i>	The proposed land use would be compatible with the surrounding land use
<i>iii. the adequacy and proximity of school, recreation and other community facilities;</i>	The subject properties are within close proximity to recreation and other community facilities with the ability to serve the subject properties. The closest elementary school, Aldershot Elementary School, is within six kilometres of the subject properties.
<i>iv. the creation of any excessive traffic hazards or congestion due to road or pedestrian network adequacy within, adjacent to, and leading to the proposal;</i>	The Department of Transportation and Infrastructure Renewal provided comments and did not raise concerns with the proposed structure/use.
<i>v. the adequacy of fire protection services and equipment;</i>	Kentville Fire was consulted and has confirmed it has sufficient equipment to adequately serve the proposal.
<i>vi. the adequacy of sewer and water services, including but not limited to on-site services;</i>	Municipal Engineering and Public Works has confirmed the existing sewer service has the capacity to serve the proposed use.
<i>vii. the potential for creating flooding or serious drainage problems either within the area of development or nearby areas;</i>	Property owner is required to contain all post-development storm water flow on site.

<p><i>viii. negative impacts on identified wellfields or other groundwater supplies for the area;</i></p>	<p>There are no identified wellfields in the area, nor groundwater supplies. The area is serviced by private wells.</p>
<p><i>ix. pollution, in the area, including but not limited to, soil erosion and siltation of watercourses; or</i></p>	<p>EPW has commented the applicant will be required to follow Municipal specifications regarding soil erosion at the time of construction.</p>
<p><i>x. negative impacts on lake water quality or nearby wetlands;</i></p>	<p>Not applicable.</p>
<p><i>xi. negative impacts on neighbouring farm operations;</i></p>	<p>Not applicable as there is no agricultural activities on neighbouring properties.</p>
<p><i>xii. the suitability of the site regarding grades, soils and geological conditions, location of watercourses, marshes, bogs and swamps, and proximity to utility rights-of-way.</i></p>	<p>The subject property is suitable in terms of grades, soils, geological conditions, and proximity to natural features and rights-of-way.</p>

## **Appendix E: Request for Comments**

### Nova Scotia 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 any proposed development
- Has no current concerns with the existing road networks or potential traffic generation;
- Proposed access point passes stop sighting distance, can be addressed at the time of permitting;
- 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 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 indicated that the development will need to be built to the minimum standards and may include barrier free compliance and engineered design;
- Fire protection services for the subject property and proposed use have been deemed to be adequate by the Kentville fire chief.

### Municipality of the County of Kings Development Control

- The subject properties all comply with the lot size requirements of the R2 zone;
- The dwelling appears to be straddling the property line between PIDs 55056626 & 55327498;
- The dwelling is not compliant with the required minimum setbacks applicable in the R2 Zone and is considered a non-conforming structure;
- Provided the proposed development complies with the requirements of the Land Use By-law and approvals for driveway and sewer can be obtained, development permits will be approved;
- Property lines of the three lots may be altered subject to compliance with Subdivision By-law and the Land Use By-law.

**Appendix F: Proposed Land Use Bylaw Map Amendment (Bylaw 75)**

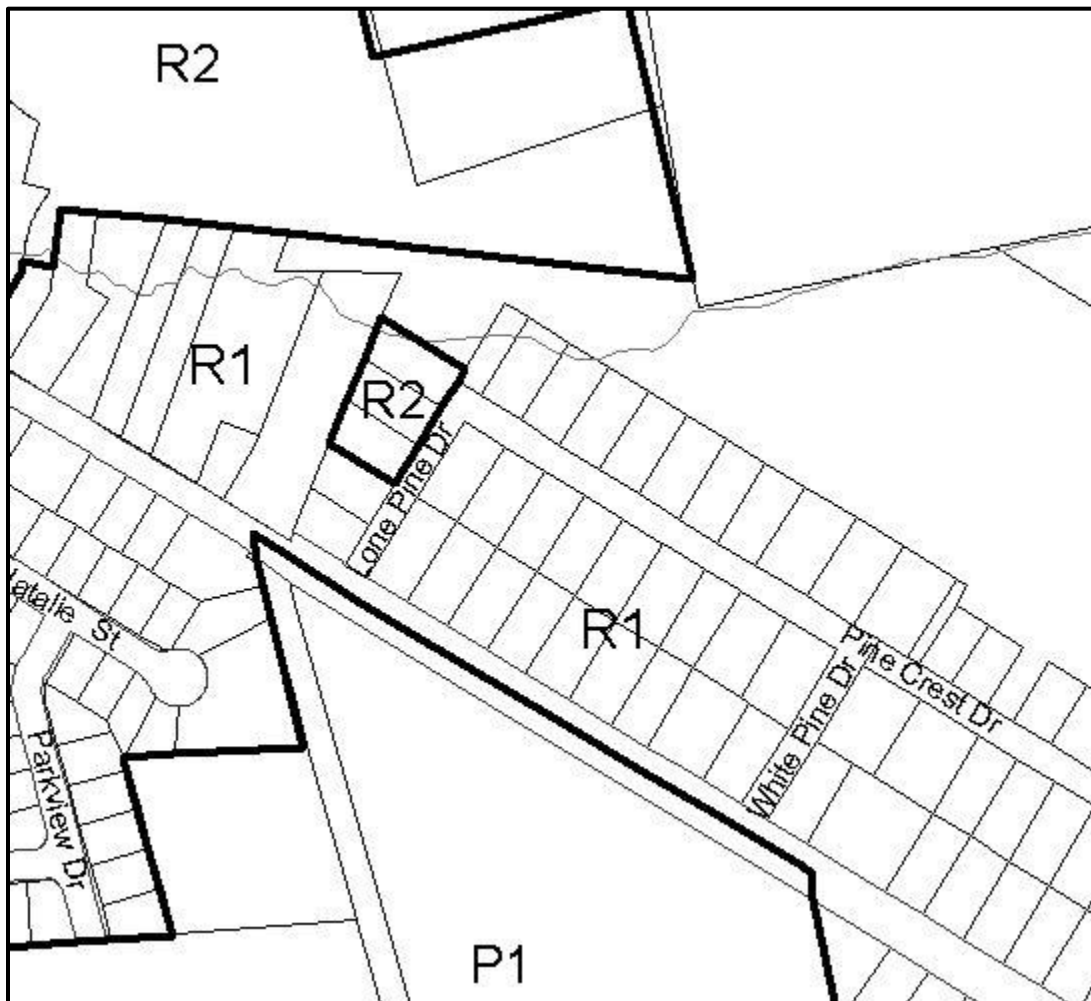
**THE MUNICIPALITY OF THE COUNTY OF KINGS**

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

**Land Use Bylaw Map Amendment to rezone the properties at 1011 Lone Pine Drive, PID55056626, 55327498, & 55327506, Centreville from the Residential Single Dwelling (R1) Zone to the Residential One and Two Unit (R2) Zone.**

**BYLAW 75 Land Use Bylaw**

1. Amend Map 5, Zoning map for the Municipality of the County of Kings, by rezoning a portion of the property at 1011 Lone Pine Drive, (PIDs 55056626, 55327498, & 55327506), Centreville from the Residential One Unit (R1) to the Residential One and Two Unit (R2) as shown on the inset copy of a portion of Schedule 4g below.





**Proposed Land Use Bylaw Map Amendment (By-law 106)**

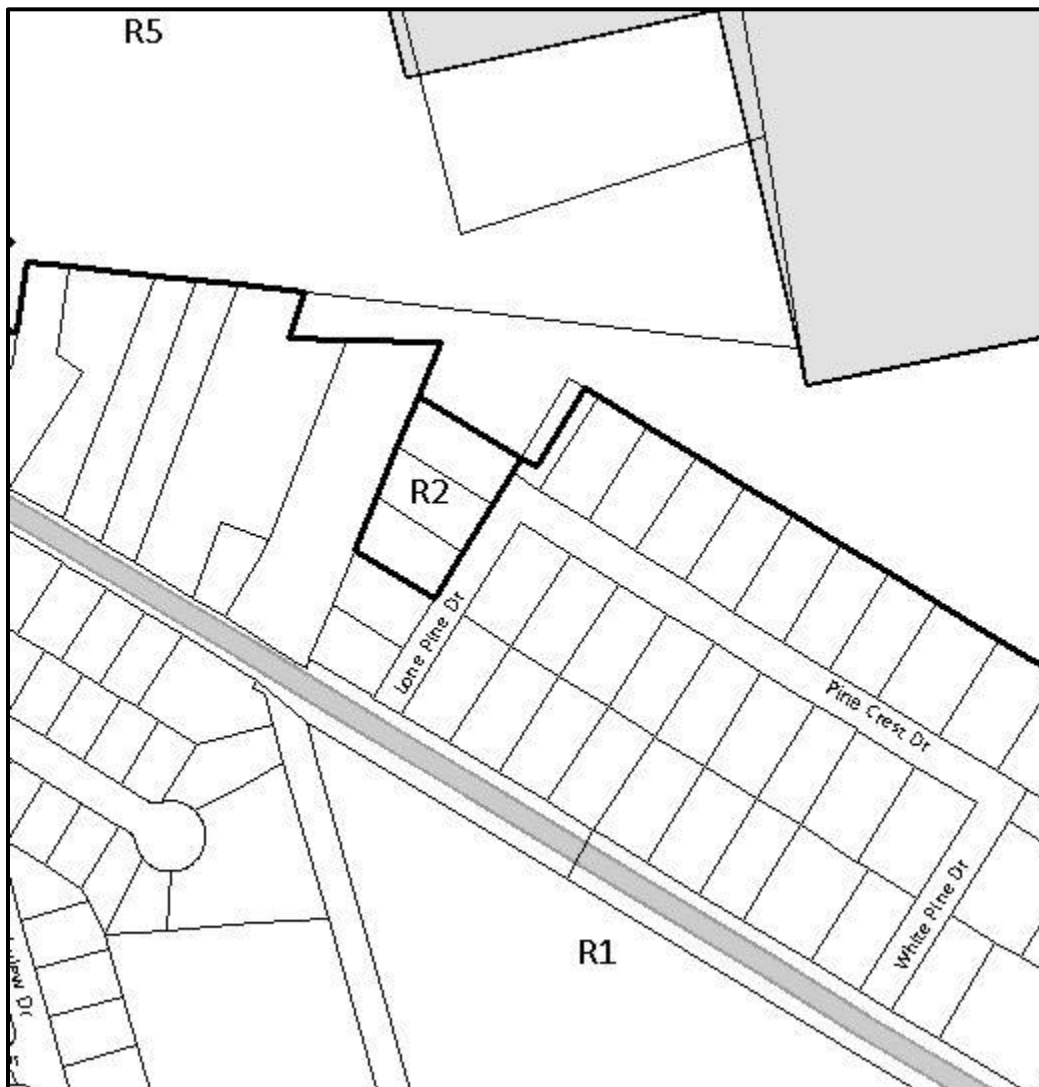
**THE MUNICIPALITY OF THE COUNTY OF KINGS**

**AMENDMENT TO BY-LAW 106  
COUNTY OF KINGS LAND USE BYLAW**

**Land Use Bylaw Map Amendment to rezone the properties at 1011 Lone Pine Drive, PID55056626, 55327498, & 55327506, Centreville from the Residential One Unit (R1) Zone to the Residential One and Two Unit (R2) Zone.**

**BY-LAW 106 Land Use By-law**

2. Amend Map 4, Centreville, by rezoning a portion of the properties at 1011 Lone Pine Drive, PID55056626, 55327498, & 55327506, Centreville from the Residential One Unit (R1) Zone to the Residential One and Two Unit (R2) Zone.as shown on the inset copy of a portion of Map 4 below.





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

Planning application to rezone the property at 9453 Commercial Street, New Minas from the Mixed Commercial Residential (C3) Zone to the Institutional (I1) Zone to permit new digital signage.

(File #20-05)

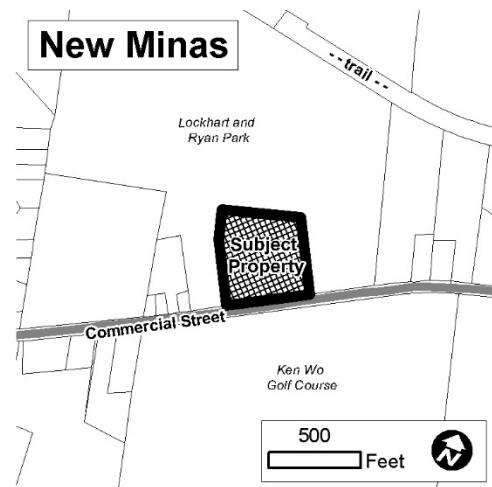
July 14<sup>th</sup> 2020

Prepared by: Planning and Development Services

<b>Applicant</b>	John Merrill
<b>Land Owner</b>	New Minas Baptist Church
<b>Proposal</b>	To rezone the property to the Institutional (I1) Zone to permit a digital sign
<b>Location</b>	9453 Commercial Street, New Minas (PID 55210629)
<b>Lot Area</b>	212,923 sq ft (approximately 4.8 acres)
<b>Designation</b>	Commercial (C)
<b>Zone</b>	Mixed Commercial Residential (C3)
<b>Surrounding Uses</b>	Public facility(Village of New Minas, Louis Millet complex), Park space (Lockhart and Ryan Park) Golf course (Ken Wo Golf) Residential and commercial uses nearby
<b>Neighbour Notification</b>	Staff sent notification letters to the 10 owners of properties within 500 feet of the subject property

**1. SUMMARY**

John Merrill, on behalf of the New Minas Baptist Church has applied to rezone the Church property at 9453 on Commercial Street, New Minas, back to the Institutional Zone. Their property was zoned Institutional and changed into a mixed-use zone during the updated Planning Documents, adopted in early 2020. The new planning documents set the subject property into the *Mixed Commercial Residential (C3) Zone*, which permits the church and its accessory uses. However, the Mixed Commercial Residential (C3) Zone does not permit digital display signs. The New Minas Baptist Church has submitted a rezoning application for a zone that would permit a digital sign.



**2. OPTIONS**

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

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

### **3. PROPERTY BACKGROUND**

The subject property is home to the New Minas Baptist Church. The church has been located in New Minas since the 1980s. It is currently zoned Mixed Commercial Residential (C3) and is within the Commercial Designation (C) within the New Minas Growth Centre. In 1981, The New Minas Baptist Church group purchased a portion of land to build the church from the surrounding *Ryan property* – now known as Lockhart and Ryan Park. Today the church is surrounded by this park space, Ken Wo Golf Course across the street, and is next door to the new offices of the Village of New Minas and the Louis Millett Community Complex. Additional uses located in proximity to the church include a variety of residential uses to the east and west, along Commercial Street including one and two unit dwellings as well as a 4-storey apartment building. To the west, there is a larger range of commercial businesses including smaller businesses operating out of buildings formerly used as dwellings as well as large-format retail uses. This area is a diverse part of the Growth Centre of New Minas.

The New Minas Church also offers a day care facility and has expanded with building additions in 2004 and 2008 that provided more classroom space, a multi purpose room, offices and meeting spaces.

The Church is looking to replace their existing roadside sign along Commercial Street with a changeable digital sign, which requires a rezoning to the Institutional (I1) Zone. No other changes are intended with the proposed zone change. Moving to the Institutional zone would be consistent with the Institutional zoning applied to this property in the past under the New Minas Land Use Bylaw.

### **4. INFORMATION**

#### **4.1 Comments from Public**

Under the Planning Policies of the Municipality of the County of Kings (PLAN-09-001), a Public Information Meeting was required. A letter was sent out to 10 property owners within a 500 foot radius of the subject property seeking comments on the proposed Land Use Bylaw Map amendment. Due to the State of Emergency declared by the Province of Nova Scotia as a result of the COVID-19 pandemic, a Public Information Meeting was held remotely beginning in June. A recording by the area Councillor and planner was posted to the website of the Municipality for a period of 30 days. This recording included a presentation of the application, policies that enable Council to consider the land use by-law map amendment and inviting questions and comments from the public to be submitted via telephone and email.

No written letters, emails or phone calls were received from the public expressing any comment or concern regarding this proposed rezoning.

#### **4.2 Requests for Comments**

Staff requested comments from both internal and external departments on the application. The Department of Transportation and Infrastructure Renewal found the existing road network to be

adequate for the proposed use and that no further traffic study was required. Engineering and Public Works had no concerns with the proposed zoning. Building and Enforcement confirmed with the New Minas Fire Chief that adequate fire protection services are available and that depending on the size of the sign, a footing and structural design may be required. Municipal Development Officer confirmed the existing building and its uses are permitted within the Institutional Zone, and permits would be required for the new digital sign.

A full summary of the comments received are in Appendix C of this report.

## 5. POLICY REVIEW – LAND USE BYLAW AMENDMENTS

### 5.1 Enabling MPS Policies

This application requests an amendment to the land use by-law to rezone the property at 9453 Commercial Street in New Minas to the Institutional Zone. The Municipal Planning Strategy By-law 105 – Policy 5.3.3 enables this type of rezoning.

#### **Municipal By-Law #105**

**MPS 5.3.3** enables Council to:

*“consider amendments to any one of the zoning maps of the Land Use By-law provided the application is for a specific development and: (a) is to rezone land to another **zone enabled within the same designation**, unless the zone change is specifically prohibited within this Strategy;”*

The Commercial designation permits a variety of Commercial Zones and those land use zones listed in **MPS 3.0.32** which is a list of general zones that are flexible in their application, and includes the Institutional (I1) Zone.

#### **MPS 3.0.32**

*“Council shall: permit the following zones within all designations: (a) Environmental Constraints (O1) Zone; (b) **Institutional** (I1) Zone; (c) Commercial Recreation (P1) Zone; and (d) Aggregate Related Industry (N2) Zone”*

### 5.2 General Rezoning application criteria

**MPS 5.3.5** *“consider, in relation to all applications to rezone land:*

*(a) the applicable zone placement policies, including any specific policy criteria for applying the proposed zone set out within this Strategy”*

The Institutional Zone placement policies consider the Institutional Zone for large facilities with big parking demands and land area. The New Minas Baptist Church has a very large parking area, a 4-acre property and a building that has grown several times.

*(b) the impact of both the specific development proposal and of other possible uses permitted in the proposed zone; and*

The impact is already occurring with an existing church that has existed for decades in an equivalent Institutional zone in a previous planning document – the New Minas Land Use Bylaw.

*(c) the general criteria for amending the Land Use By-law set out in section 5.3 Development Agreements and Amending the Land Use By-law.”*

These criteria are reviewed below and in Appendix D.

### **5.3 General LUB amendment criteria**

Section 5.3.7 of the Municipal Planning Strategy contains a number of general criteria for all applications for an amendment to the land use bylaw (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.

In terms of the general criteria contained in the Municipal Planning Strategy there are no additional costs to the Municipality or concerns regarding storm drainage, road networks or traffic generation or land use compatibility. A detailed review of these criteria is Appendix D.

## **6. CONCLUSION**

The proposed rezoning is in keeping with the intent of the enabling policies found in the Municipal Planning Strategy, and the proposal meets all of the general criteria for amending the Land Use Bylaw and the placement policies of the Institutional Zone.

The application of the Mixed Commercial Residential (C3) Zone on the subject property provided options to “*areas where flexibility between residential and commercial uses is desired.*” -MPS 3.2.2(c). The C3 zone was intended to enable flexibility by permitting a broad range of residential uses and commercial uses that are understood to have minimal impacts on residential uses. Prohibiting electronic signs in the C3 Zone was part of this combination between residential and commercial uses. However, since the area surrounding the subject property is Institutional (I1) and the Commercial Recreation (P1) the rezoning of the subject property which allows for electronic signs is not expected to create problems with residential uses since residential uses are not permitted in these zones.

## **7. STAFF RECOMMENDATION**

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

**The Planning Advisory Committee recommend that Council give First Reading to and hold a Public Hearing regarding the map amendment to the Land Use By-law to rezone the property at 9453 Commercial Street (PID 55210629) from the Mixed Commercial Residential (C3) Zone to the Institutional (I1) Zone, as described in Appendix E of the report dated July 14<sup>th</sup> 2020.**

## **8. APPENDICIES**

**Appendix A: Zoning Map**

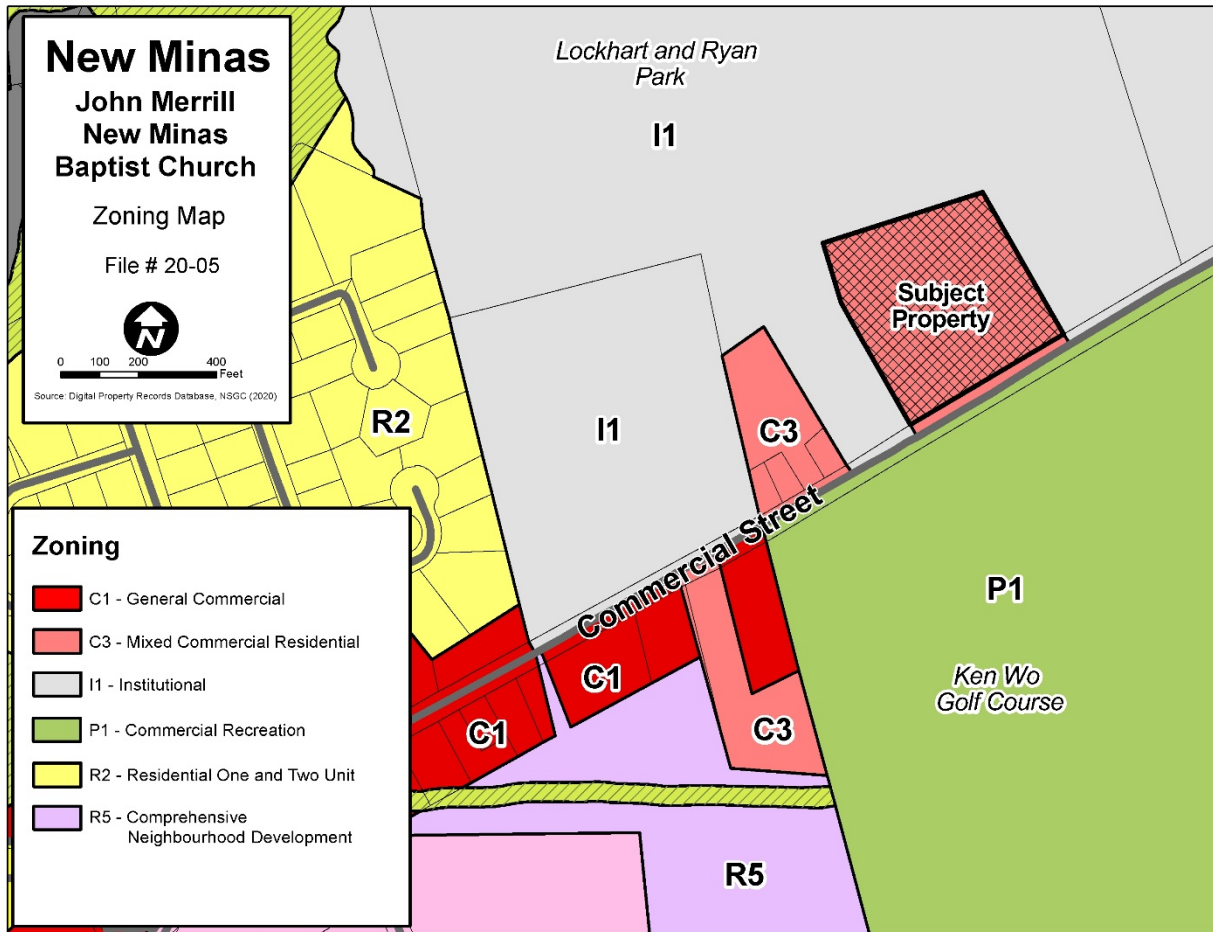
**Appendix B: Public Comments**

**Appendix C: Request for Comments**

**Appendix D: Municipal Planning Strategy - General Criteria for LUB amendments**

**Appendix E: Proposed Land Use By-law Map Amendment (By-law 106)**

# Appendix A: Reference Zoning Map



## **Appendix B: Public Comments**

Municipal Staff did not receive any public comments or questions.



## **Appendix C: Request for Comments**

### Nova Scotia Department of Transportation and Infrastructure Renewal (DTIR)

- DTIR staff confirmed that the surrounding road network and access to and from the site were satisfactory. They raised no concerns with the proposed rezoning or potential traffic generation.
- DTIR staff will consider the exact location and size of the proposed digital sign during the permit approval process.

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

- Engineering and Public Works (Municipality of the County of Kings) staff had no concerns with the proposed rezoning.

### Municipality of the County of Kings Building and Enforcement

- The Manager of Building and Enforcement Services indicated that depending on the size and design of the sign there may be a need for signoffs by an Engineer for such things as structural design and the foundation of the sign. This will be addressed at the time of permitting;
- Verified that the fire protection services are adequate to serve the subject property and its land uses.

### Municipality of the County of Kings Development Control

- The Municipal Development Officer indicated that regarding the digital sign, the property owner will be subject to the regular sign provisions of the Land Use By-law including the specific provisions for electronic message board;
- Verified that the use of the property for a church and day care, are both permitted uses within the Institutional (I1) zone.
- Clarified that a building and development permit will be required to replace the sign with the proposed digital sign.

## Appendix D: Municipal Planning Strategy - General Criteria for LUB amendments

### By-law 105 - Municipal Planning Strategy, Policy 5.3.7 General Criteria to Consider for all Development Agreements and Land Use By-law Amendments

#### **Policy 5.3.7**

*Council expects to receive applications to amend the Land Use By-law or enter into a development agreement for development that is not permitted as-of-right in the Land Use By-law. Council has established criteria to ensure the proposal is appropriate and consistent with the intent of this Strategy.*

*Council shall be satisfied that a proposal to amend the Land Use By-law or to enter into a development agreement:*

<b>Criteria</b>	<b>Comments</b>
<i>a. is consistent with the intent of this Municipal Planning Strategy, including the Vision Statements, relevant goals, objectives and policies, and any applicable goals, objectives and policies contained within a Secondary Plan;</i>	The proposed land use by-law map amendment is consistent with the intent of the MPS.
<i>b. is not in conflict with any Municipal or Provincial programs, By-laws, or regulations in effect in the Municipality;</i>	The proposed amendment is not in conflict with any Municipal or Provincial programs, By-laws, or regulations.
<i>c. that the proposal is not premature or inappropriate by reason of:</i>	
<i>i. the Municipal or village costs related to the proposal;</i>	The proposal does not involve any development costs to the Municipality.
<i>ii. land use compatibility with surrounding land uses;</i>	The existing land use is compatible with the surrounding institutional land uses
<i>iii. the adequacy and proximity of school, recreation and other community facilities;</i>	Not applicable – residential uses not proposed
<i>iv. the creation of any excessive traffic hazards or congestion due to road or pedestrian network adequacy within, adjacent to, and leading to the proposal;</i>	The Department of Transportation and Infrastructure Renewal confirmed that the surrounding road network and access to the site were satisfactory. Consideration of the proposed sign will occur during the permit approval process.
<i>v. the adequacy of fire protection services and equipment;</i>	New Minas Fire department was consulted and has confirmed it has sufficient equipment to adequately serve the subject property.
<i>vi. the adequacy of sewer and water services, including but not limited to on-site services;</i>	Municipal Engineering and Public Works has confirmed that existing sewer and water services are able to continue serving the property.
<i>vii. the potential for creating flooding or serious drainage problems either</i>	No observable risks. The existing site conditions are not expected to change.

<i>within the area of development or nearby areas;</i>	
<i>viii. negative impacts on identified wellfields or other groundwater supplies for the area;</i>	No observable risks. The existing site conditions are not expected to change.
<i>ix. pollution, in the area, including but not limited to, soil erosion and siltation of watercourses; or</i>	No observable risks. The existing site conditions are not expected to change.
<i>x. negative impacts on lake water quality or nearby wetlands;</i>	Not applicable.
<i>xi. negative impacts on neighbouring farm operations;</i>	Not applicable.
<i>xii. the suitability of the site regarding grades, soils and geological conditions, location of watercourses, marshes, bogs and swamps, and proximity to utility rights-of-way.</i>	The subject property is suitable in terms of grades, soils, and the existing site conditions are not expected to change.

**Appendix E: Proposed Land Use By-law Map Amendment (By-law 106)**

**THE MUNICIPALITY OF THE COUNTY OF KINGS**

**AMENDMENT TO BY-LAW 106  
COUNTY OF KINGS LAND USE BY-LAW**

**Land Use By-law Map Amendment to rezone the property at 9453 Commercial Street, New Minas from the Mixed Commercial Residential (C3) Zone to the Institutional (I1) Zone.**

**BY-LAW 106 Land Use By-law**

1. Amend Map 9, Land Use By-Law zoning map for New Minas by rezoning at 9453 Commercial Street, New Minas, from the Mixed Commercial Residential (C3) Zone to the Institutional (I1) Zone as shown on the inset copy of a portion of Map 9 below.

