



PLANNING ADVISORY COMMITTEE MEETING

TUESDAY, April 13, 2021, 1:00 p.m.

Council Chambers, 181 Coldbrook Village Park Drive

A G E N D A

PLANNING ADVISORY COMMITTEE MEETING

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1. Meeting to Order
2. Roll Call
3. Approval of the Agenda
4. Amendments to Agenda
5. Disclosure of Conflict of Interest Issues
6. Approval of Minutes
 - a) March 9, 2021 2
7. Business Arising from the Minutes
8. Business
 - a) Request for Decision – Minor MPS Amendment to permit Residential One Unit development on properties within the Resource (N1) Zone and Rural Mixed Use (A2) Zone without road frontage (File 21-02, Will Robinson-Mushkat) 5
 - b) Application to enter into a development agreement to permit the conversion of commercial space into two residential units at 1518/1520 Bridge Street (PID 55123236), Kingston (File 20-07, Will Robinson-Mushkat) 9
 - c) Application to amend the text of the Land Use By-law to increase the size limit for small scale solar collectors (ground mounted) (File 20-19, Mark Fredericks) 36
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 - a) Application to alter a Municipal Heritage Property at 1108 Middle Street, Port Williams. (File 21-06, Mark Fredericks) 48
10. Date of Next Meeting – May 11, 2021 - 1:00 p.m.
11. Adjournment

PLANNING ADVISORY COMMITTEE

Meeting, Date and Time	A meeting of the Planning Advisory Committee (PAC) was on Tuesday, March 9, 2021, at 1:00 p.m.
Attending	In Attendance:
PAC Members	Councillor Martha Armstrong – District 4 (Chair) Councillor Dick Killam – District 5 (Vice Chair) Councillor June Granger – District 1 Councillor Jim Winsor – District 7 Councillor Peter Allen – District 9 Aaron Dondale – Citizen Member Emile Fournier – Citizen Member
Municipal Staff	Trish Javorek - Director Planning and Inspections Laura Mosher - Manager of Planning and Development Services Mark Fredericks - Planner Will Robinson-Mushkat – Planner Chloe Austin – Recording Secretary
Regrets	Michael Kuhn – Citizen Member
Other Councillors	Councillor Joel Hirtle – District 6
Public	1
1. Meeting to Order	The Chair called the meeting to order at 1:00 p.m.
2. Roll Call	Roll call was taken.
3. Amendments to Agenda	There were no amendments to the agenda.
4. Approval of the Agenda	On motion of Councillor Allen and Councillor Killam, that the agenda be approved. The question was called on the motion. Motion carried.
5. Disclosure of Conflict of Interest Issues	There were no conflict of interest issues disclosed.
6. Approval of Minutes	
a. February 9, 2021	On motion of Mr. Fournier and Councillor Granger, that the minutes of the Planning Advisory Committee meeting held on Tuesday, February 9, 2021 be approved. The question was called on the motion. Motion carried.
7. Business Arising from the Minutes	There was no business arising from the February 9, 2021 minutes.
8. Business	

a. Application to enter into a development agreement to permit additional tourist cabins (File 20-11)

Mark Fredericks, Planner, presented the application by Jonathan Stacey to enter into a development agreement to permit additional tourist cabins at 850 Grand Pre Road, Wallbrook PID 55235550.

Questions of Clarification:

The Chair asked if the 10 domes/cabins mentioned in the development agreement includes the 2 that were already constructed. Mr. Fredericks confirmed that a total of 10 will be allowed.

The Chair inquired if there had been any feedback from the Public Information Meeting. Mr. Fredericks noted that there were no comments submitted.

Councillor Winsor asked about water and sewer services on the property. Mr. Fredericks explained that the owner provides water and septic for the facilities.

Mr. Fournier asked if this business intends to be seasonal or year round. Mr. Fredericks confirmed that it is intended to operate year round.

On motion of Councillor Granger and Councillor Allen, that the Planning Advisory Committee recommend that Municipal Council give Initial Consideration to and hold a Public Hearing regarding entering into a development agreement to permit additional tourist cabins at 850 Grand Pre Road (PID 55235550) Wallbrook, which is substantively the same (save for minor differences in form) as the draft set out in Appendix E of the report dated March 9, 2021.

Debate: There was no debate.

The question was called on the motion.

Motion carried.

b. Application to enter into a development agreement to permit the operation of an event venue (File 20-13)

Laura Mosher, Manager of Planning and Development Services, presented the application by Raye Myles to enter into a development agreement to permit the operation of an event venue at 1017 and 1021 Bluff Road (PID 55225627 and 55513428), Lockhartville.

Questions of Clarification:

Councillor Winsor asked why there was a division between the two lots. Ms. Mosher explained that the Windsor Hantsport Railway Line runs between the two lots as is common for properties on the valley floor.

Councillor Granger asked what kind of events are typically hosted on the property. Ms. Mosher replied that weddings are common but the type of party is not specified in the development agreement.

The Chair asked if the former recreational cabin that has been classified as an accessory building could be used to host overnight guests. Ms. Mosher explained that it is accessory to the residential use of the property

and cannot be used to accommodate overnight visitors as part of the event venue.

Mr. Fournier asked if the location of the railway line could lead to conflicting uses. Ms. Mosher replied that the event venue uses must take place on the subject property so there should not be any conflicts. Ms. Javorek further explained that when a railway line divides a property, there is usually a common licence issued that allows crossover from one side of the property to the other.

There were no further questions of clarification.

On motion of Councillor Allen and Councillor Granger, that the Planning Advisory Committee recommend that Municipal Council give Initial Consideration to and hold a Public Hearing regarding entering into a development agreement to permit an event venue at 1017 and 1021 Bluff Road (PID 55513428 and 55225627), Lockhartville, which is substantively the same (save for minor differences in form) as the draft set out in Appendix D of the report dated March 9, 2021.

Debate: There was no debate.

The question was called on the motion.

Motion carried.

9. **Other Business** No other business came before the committee.
10. **Date of Next Meeting** Tuesday, April 13, 2021 - 1:00 p.m.
11. **Public Comments** None
12. **Adjournment** **There being no further business, the Chair declared the meeting adjourned 1:40 p.m.**



Municipality of the County of Kings Request for Decision

TO Planning Advisory Committee

PREPARED BY Will Robinson-Mushkat – Planner, Planning and Development Services

MEETING DATE April 13, 2021

SUBJECT Request for a Minor Municipal Planning Strategy Amendment

ORIGIN

- Application from Lissa Elaine Conrad for a Land Use By-law Text Amendment to enable residential development with no public road frontage
- [Policy PLAN-09-001: Planning Policies](#)

RECOMMENDATION

That the Planning Advisory Committee recommend Municipal Council, in accordance with Policy PLAN-09-001, direct the Chief Administrative Officer to investigate a minor Municipal Planning Strategy Amendment related to the development of specific criteria for enabling limited residential development on properties that lack road frontage.

INTENT

For the Planning Advisory Committee to consider recommending that Council undertake a minor Municipal Planning Strategy (MPS) Amendment to enable the development of specific criteria that would enable limited residential development located on properties within the Resource (N1) Zone that do not have road frontage.

DISCUSSION

Planning and Development Services is in receipt of an application from Lissa Elaine Conrad that seeks to legalize a residential dwelling through a text amendment to the Land Use By-law (LUB) that would permit residential development on properties that do not have public road frontage within the Resource (N1) Zone. The applicant has constructed a one unit dwelling on the subject property without the required development and building permits. The subject property is located in the rural community of Nicholsville, in an area designated as Resource (N) and zoned Resource (N1). The property is approximately 2.1 kilometres south of Canaan Road and accessed via a legal right-of-way, historically known as the Single Mill Road, which traverses five properties (Figure 1). This legal right-of-way has been, and is currently used by various landowners to access properties located north and south of the subject property. This access is acknowledged and evidenced via recorded statutory declarations.

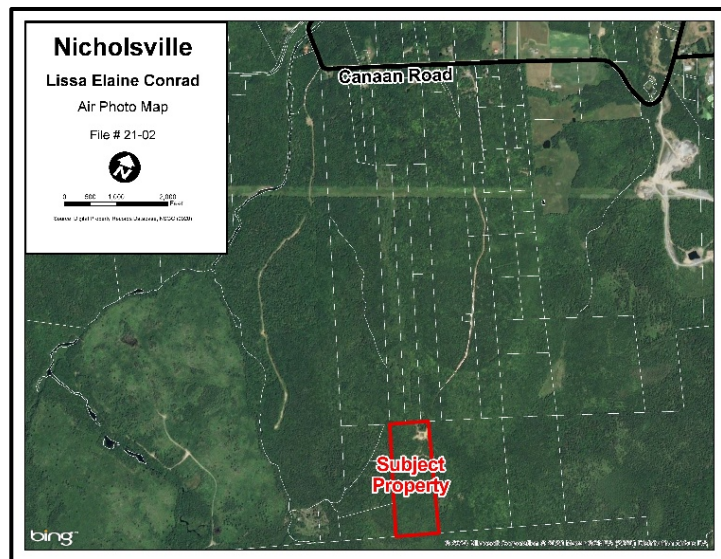


Figure 1 - Aerial Photo of Subject Property and Surrounding Area



Municipality of the County of Kings

Request for Decision

The proposed text amendment cannot be enabled under the current policies of the Municipal Planning Strategy. Specifically, within the Resource (N1) Zone, policy 3.6.5 enables residential development only on public roads:

3.6.4 zone as Resource (N1) land that currently comprise large tracts of unfragmented forested lands and are intended to remain so, and may contain limited community development;

3.6.5 permitted within the Resource (N1) Zone;

- (a) **residential development only along public roads in existence on November 21, 2019;**
- (b) *outdoor recreational uses that require large tracts of undeveloped land; and*
- (c) *industrial development such as forestry, energy development, and aggregate uses that require large tracts of land; and*

The Resource designation (N) recognizes the need for large, fragmented tracts of land for efficient operation. The uses and activities intended for these lands can often create a working landscape that is noisy, dusty, and visually undesirable. This can potentially lead to conflict between residential and non-residential land uses if two incongruent uses are occurring in close proximity. Policies 3.6.1 and 3.6.2 (a) address the intents of the Resource (N) Designation and Resource (N1) Zone, respectively.

3.6.1 designate as Resource remote areas of the South Mountain that contain few public roads and few houses and are characterised by large tracts of forested land. The Resource Designation is intended to encompass the rural parts of the Municipality where uses requiring large, unfragmented tracts of land are dominant;

3.6.2 establish the following Resource Zones in the Land Use By-law:

*(a) Resource (N1) Zone: this zone is intended to maintain large tracts of uninhabited forested land for resource development, and recreation uses while **providing limited residential development** to ensure there is sufficient space for large resource-based industries to locate and expand in these areas. Where there is conflict between resource uses and residential uses in a Resource (N1) Zone, the resource use shall take priority;*

The intent of the Resource (N1) Zone is chiefly for resource development. However, the MPS and the prescribed zoning contained within the LUB recognizes a need to strike a limited balance between the resource land use and other uses, such as recreation (hunting, fishing, camping, etc.) and limited residential development. This form of residential development is intended to be sparse in nature, as a principle of the MPS is to encourage concentration of development in the identified Growth Centres.

Alternatively, Section 2.2 of the MPS speaks specifically to land use within the rural areas of the Municipality, which also encompasses the Agricultural and Shoreland Designations:

*2.2.1 identify areas located outside of Growth Centres as rural areas on Schedule A – Municipal Structure. These areas are intended to contain primarily agricultural and resource uses and their related industries, rural commercial uses, rural industrial uses, recreational uses, renewable energy uses, and **limited residential development**;*

2.2.4 limit development on lots without frontage on public roads, except within the Shoreland Designation;



Municipality of the County of Kings

Request for Decision

2.2.6 implement setbacks, coverage, and buffering controls to ensure that large tracts of undeveloped rural land are maintained.

The policies currently enacted in the Municipal Planning Strategy intend to minimize residential development within the rural land use designations and encourage residential development to occur in Growth Centres and other zones more appropriate for residential development. Further, the current policies prevent the construction of additional public and private roads within rural designations (except for within the Shoreland Designation), as new and additional roads contribute to the overall cost of infrastructure maintenance and municipal services.

Staff are aware of other, similar examples of dwellings and recreational cabins located on properties within the Resource and Agricultural designations that lack road frontage. At this time, the only recourse to gain compliance with the Land Use By-law is for the dwelling on the subject property to be decommissioned or converted to a building to be used as part of a forestry use, which is permitted under the LUB without road frontage. Inhabitation of a forestry building is not permitted.

Staff are requesting authorization to investigate a minor amendment to the MPS that would permit limited residential development to be located on properties that lack public road frontage within rural designations that do not permit development on private roads. This would include zones enabled within the Agricultural and Resource Designations, with the exception of the Agricultural (A1) Zone.

Policy PLAN-09-001 outlines the ability to explore minor MPS amendments by stating the following:

“Staff may bring forward minor amendments to the MPS within a report regarding a requested LUB amendment if such amendment provides for a more reasonable or effective LUB amendment. The process for amending the MPS would then be followed, with no additional charges or requirements being placed on the applicant.”

Staff are proposing that a review of the policies and regulations of neighbouring municipalities be conducted to gain an understanding of how other areas address this matter. Staff would then prepare a report outlining the findings and alternatives to address the matter and make a recommendation to the Planning Advisory Committee, in conjunction with the application to amend the text of the LUB submitted by Ms. Conrad.

The typical process for amending the LUB as outlined in Policy PLAN-09-001 would be followed, with the exception of a requirement for the Planning Advisory Committee to hold a minimum of one Public Participation Meeting to present the amendments to the public and seek comments and feedback, prior to moving the item forward to Council.

FINANCIAL IMPLICATIONS

- No additional expenditures beyond the normal implications for processing planning applications
- Additional property tax revenue generated by a residential tax rate applied to rural properties developed in accordance with the policies of the Municipal Planning Strategy and Land Use By-law.

STRATEGIC PLAN ALIGNMENT

Check Applicable	Strategic Priority	Description
	Vision Statement	
	Good Governance	
	Environmental Stewardship	
	Economic Development	



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Request for Decision

	Strong Communities	
	Financial Sustainability	
	Supports a Strategic Project	
	Supports a Core Program Enhancement	
✓	Not Applicable	Response to property owner application

ALTERNATIVES

- That staff work within the options currently available to gain compliance with the LUB up to, and including, demolition.

IMPLEMENTATION

- Policy PLAN-09-001 outlines the procedure for processing a minor MPS amendment.

ENGAGEMENT

- No community engagement has occurred to date however, Policy PLAN-09-001 outlines the engagement process for minor MPS amendments.
-

APPENDICES

- None

APPROVALS

Laura Mosher, Manager, Planning and Development	April 7, 2021
Patricia Javorek, Director, Planning and Inspections	April 7, 2021
Scott Conrod, Chief Administrative Officer	April 9, 2021

THE MUNICIPALITY OF THE COUNTY OF KINGS

REPORT TO PLANNING ADVISORY COMMITTEE

Subject: Application to enter into a development agreement to permit the conversion of commercial space into two residential units at 1518/1520 Bridge Street (PID 55123236), Kingston

From: Planning and Development Services

Date: April 13th, 2021

Background

On March 15th, 2021 the Kingston Area Advisory Committee considered the staff report and draft development agreement for the property located at 1518/1520 Bridge Street (PID# 55123236), Kingston. If approved, the development agreement would permit a single-unit dwelling at 1518 Bridge Street, a dwelling containing no more than four residential units at 1520 Bridge Street, and accessory building containing a home based business. The applicant and property owners are David and Cathy Turner.

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

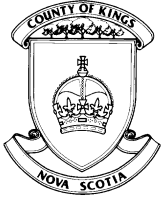


“The Kingston Area Advisory Committee recommends that the Planning Advisory Committee recommend that Council give Initial Consideration to and hold a Public Hearing regarding the proposed development agreement for the property located at 1518/1520 Bridge Street (PID 55123236), Kingston to permit the development of two additional residential units within an existing building, as described in Appendix E of the report dated March 15th, 2021.”

Recommendation

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

The Planning Advisory Committee recommend that Council give Initial Consideration to and hold a Public Hearing regarding the proposed development agreement for the property located at 1518/1520 Bridge Street (PID 55123236), Kingston to permit the development of two additional residential units within an existing building, as described in Appendix E of the report dated March 15th, 2021.



Municipality of the County of Kings

Report to the Kingston Area Advisory Committee

Planning application to enter into a development agreement to permit the conversion of commercial space into two residential units at 1518/1520 Bridge Street (PID 55123236), Kingston

(File #20-07)

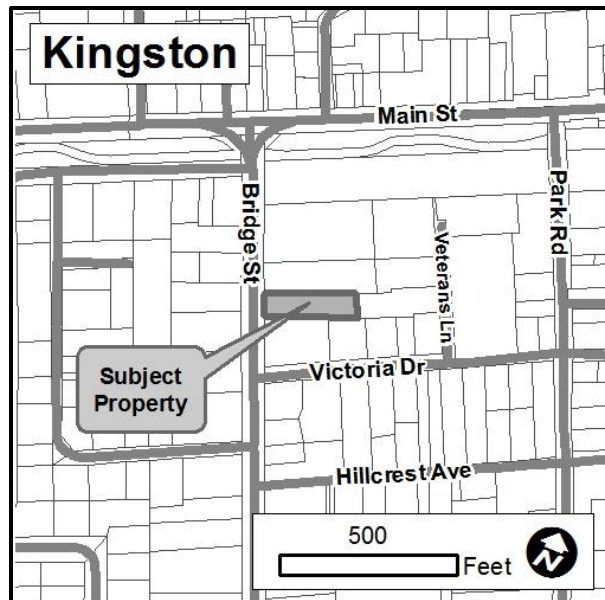
March 15th, 2021

Prepared by: Planning Staff

Applicant	David and Cathy Turner
Land Owner	David and Cathy Turner
Proposal	To enter into a development agreement to permit the conversion of existing commercial space at 1520 Bridge Street, Kingston into two new residential units in conjunction with two existing residential units.
Location	1518/1520 Bridge Street (PID 55123236), Kingston
Lot Area	Approximately 19,530ft ²
Designation	Commercial (C)
Zone	Mixed Commercial Residential (C3) Zone
Surrounding Uses	Residential and Commercial uses
Neighbour Notification	Staff sent notification letters to the 61 owners of property within 500 feet of the subject property

1. SUMMARY

David and Cathy Turner (D&C Turner Holdings Limited) have submitted an application to enter into a development agreement with the Municipality for their property located at 1518/1520 Bridge Street (PID 55123236), Kingston. Currently, there is a residential dwelling located at 1518 Bridge Street as well as a separate building at 1520 Bridge Street that currently contains a ground floor commercial space and two residential units located on the second level. If approved, the development agreement would permit the internal conversion of existing commercial space on the ground floor of 1520 Bridge Street into two additional residential units, for a total of four residential units located within 1520 Bridge Street. The residential unit located at 1518 Bridge Street would remain a one-unit dwelling as part of the development agreement and a home based business (hair salon) would be permitted to operate in either the one-unit dwelling or in a proposed accessory building (garage).



2. OPTIONS

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

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

3. PROPERTY BACKGROUND

The subject property consists of a single lot with a total approximate area of 19,530 square feet. The lot is rectangular shaped, with approximate dimensions of 69 feet by 270 feet, featuring approximately 69 feet of frontage along Bridge Street. The subject property lot (PID 55123236) is developed with a one-unit dwelling, 1518 Bridge Street, set back approximately 24 feet from Bridge Street, forming part of the streetscape. 1520 Bridge Street is located towards the rear of the property, set back approximately 186 feet from Bridge Street. There is a vehicular access to the property from Bridge Street along the northwest portion of the subject property. 1520 Bridge Street is a two level building, with commercial space on the ground level and two residential units, accessed via individual stairwells located at the rear of the building. The topography of the subject property is generally flat and there are no watercourses or wetlands on the subject property or in the surrounding area.

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

The subject property is located on Bridge Street, which is the principal connector between the villages of Kingston and Greenwood. There are a variety of residential, commercial, and institutional uses within the immediate vicinity of the subject property. The properties on both sides of Bridge Street are designated Commercial (C), on the Future Land Use Map of the Municipality. However, the zoning for the commercial uses along Bridge Street varies; the intersection of Main Street and Bridge Street feature a combination of Central Business (C2) and Mixed Commercial Residential (C3) zoned properties. Travelling southward along Bridge Street, there is a portion where properties on either side are zoned General Commercial (C1), which then leads into a significant stretch of properties on both sides of Bridge Street zoned Mixed Commercial Residential (C3) – this is where the subject property is located. The intent of the Mixed Commercial Residential (C3) Zone *“is to complement established commercial areas and*

provide flexibility to permit both residential and lower impact commercial uses.” There are a number of local commercial uses, interspersed with residential uses, throughout this area.

4. INFORMATION

4.1 Subject Property Information

A site visit was conducted on July 20th, 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 (PIM) was required because the application is for a Development Agreement. Due to the restrictions regarding public gatherings as a result of public health orders concerning COVID-19, an online recording of the Public Information Meeting presentation was posted to the website of the Municipality of the County of Kings for 30 days, from August 1st, 2020 to September 1st, 2020. A letter was sent out to 61 property owners within a 500 foot radius of the subject property providing notification of the Development Agreement application and online PIM. An advertisement was also placed in the August 1st, 2020 edition of *The Chronicle-Herald*. One member of the public contacted Municipal staff in opposition to the proposed agreement, citing concerns with increased noise and traffic generation. A summary of the meeting is included as Appendix B to this report.

4.3 Requests for Comments

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

5. POLICY REVIEW – DEVELOPMENT AGREEMENT

5.1. Development Agreement

A development agreement is a contract between a landowner and the Municipality to enable the development of a use not normally permitted within the zone applied to a property. In turn, the Municipality is able to negotiate additional controls to minimize and mitigate potential negative impacts that may be associated with the use(s) enabled within the development agreement. The ability for Council to consider a development agreement must be stated in the Land Use By-law (LUB) and the Municipal Planning Strategy (MPS). The MPS must also identify the types of uses Council may consider under each development agreement. Uses that Council may consider are those that Council has determined have increased potential for negative impacts on an area such that a negotiated process is required to ensure the potential negative impacts are minimized and mitigated. In the MPS Council identifies both specific and general criteria that must be considered when making decisions regarding a development agreement.

5.2 Land Use Bylaw

Under the Mixed Commercial Residential (C3) Zone, lands located in this zone are “intended to complement established commercial areas”. They are to be located on principle transportation corridors and established ‘main street’ areas within growth centres, or in areas where flexibility between commercial and residential uses is desired.

The subject property meets the minimum lot requirements for a serviced lot in the Mixed Commercial Residential (C3) Zone and the proposed use, a multi-unit dwelling within an existing building is a permitted use in the zone; however, within the Commercial Residential (C3) Zone, multi-unit dwellings are subject to the lot requirements of the Residential Multi-unit (R4) Zone including a 20 foot side yard setback. law. The existing building has a setback of 12.5 feet on both sides, which makes it ineligible to be converted as-of-right.

This proposal can still be considered by development agreement, as enabled in Section 5.5.5(d) of the LUB which states: *“Pursuant to the Municipal Planning Strategy, the uses noted below may be considered by Development Agreement within the Mixed Commercial Residential (C3) Zone:*

(d) Uses compatible with the purpose of the Mixed Commercial Residential (C3) Zone that do not otherwise meet the requirements of the zone in accordance with policy 3.2.9 of the Municipal Planning Strategy.”

5.3 Municipal Planning Strategy

5.3.1 Enabling Policy and Criteria

Policy 3.2.9 of the Municipal Planning Strategy states:

Council shall:

3.2.9 consider only by development agreement in the commercial zones, proposals for commercial, industrial, mixed use, and residential developments that are not otherwise permitted or cannot meet applicable commercial zone standards. In evaluating such development agreements, Council shall be satisfied that:

- (a) the condition(s) that prevents the proposal from being permitted as-of-right in the zone is addressed by the development agreement including but not limited to enhanced buffering and the positioning and design of the buildings and structures;*

In this particular instance, the condition which prevents the proposal from be permitted as-of-right is meeting the minimum side yard setback requirements. Given the building to be converted into residential dwellings has been in existence for over a decade, meets the requirements for a commercial building, and is located in an area that is intended for commercial purposes, the position and design of the structure is compatible with the area. There is existing vegetation located along the southern lot line of the subject property that provides buffering from neighbouring properties.

- (b) *if the proposal is for a residential use or mixed use, Council shall be satisfied that:*
- (i). *the residential component of the proposal has a compact built form and does not consist of low-density housing forms including, but not limited to, one and two unit dwellings or grouped dwellings;*

The residential component of the proposed use involves the conversion of existing commercial space into two new residential dwelling units, in addition to two existing residential dwelling units, housed within a single building. This provides for a compact, efficient built form.

- (ii). *The proposal is oriented to the street and contributes to a vibrant and active streetscape*

The existing one-unit dwelling (1518 Bridge Street) is oriented towards Bridge Street and is part of the fabric of the mature streetscape. The building in which the existing and proposed residential units is located towards the rear of the property and does not form part of the streetscape. Its location and placement on the subject property does not disrupt the existing streetscape.

- (iii). *The proposal incorporates pedestrian friendly features into the design including pedestrian-oriented entrances, canopies, walkways, planters, amenities and/or facades; and*

The proposed new residential units are located on the ground floor of the building. They would each feature their own independent entrance at the ground level. There is an accessible walkway from the building to the parking area.

- (c) *the proposal meets the general development agreement criteria set out in section 5.3 Development Agreement and Amending the Land Use By-law.*

The condition that renders this proposal not permitted as-of-right is the inability of the proposed use to meet the setback requirements of the Residential Multi-Unit (R4) Zone, which are applicable. This has been addressed through a relaxation of side yard setbacks consistent with the surrounding land uses, additional requirements for parking and vehicular control; however, the increase in the total number of units is modest and is included in the list of permitted uses for the zone.

The property owner has demonstrated area on the subject property for 11 parking spaces in total for the as-of-right commercial uses and the residential uses enabled by the agreement. The property owner will be responsible for providing adequate parking on site for all uses on the property.

5.3.2 Other relevant sections of the MPS

Section 2.1 of the MPS outlines the concept of Growth Centres. The Municipality is divided into two broad identifications that guide many of the policy directives: Rural Areas and Growth Centres. The overarching goal of the Growth Centres is, *“To provide vibrant, complete communities in Growth Centres with municipal servicing, economic development, a high quality of life and distinct character.”*

The proposed development reflects an increase in the types of housing available in the Kingston Growth Centre, in a location that intersperses residential and commercial uses and is close to amenities. MPS Policy 2.1.2 states that Council shall, “2.1.2 *identify Growth Centres as the primary growth areas within the Municipality;*”

Within the objectives of the Commercial Designation, one of the objectives for Settlement is listed as, “*To encourage a broad range of commercial opportunities in single use and mixed use developments and support efficient use of public infrastructure.*”

The context section at the outset of section 3.2 of the MPS, states that there is renewed interest in blending commercial and residential uses, particularly in areas that feature small-scale, independently owned and operated commercial businesses. This intermingling of uses promotes reduced transportation needs and a built in customer base. Compact development, like the development proposed in this application, contributes to the promotion of these identified benefits, in addition to more efficient and cost effective infrastructure delivery

Section 4.1 of the Municipal Planning Strategy contains the Kingston Secondary Plan. This document combines the future land use map of the Kingston Growth Centre with detailed plans and objectives that pertain specifically to the transportation, open space, infrastructure, and natural characteristics of the Growth Centre.

- The subject property has frontage along a major collector road, Bridge Street
- The subject property falls outside of the area designated for groundwater recharge, which restricts the handling and storage of controlled materials;
- The subject property falls outside of the areas identified as major swales, natural catchment areas, and floodplains of the Annapolis River
- An existing sewer line runs under Bridge Street, enabling the potential residential development to connect to the existing system via a lateral;
- The subject property falls outside of the noise exposure forecast contour for CFB Greenwood.

5.3.3 General Development Agreement Criteria

Section 5.3.7 of the Municipal Planning Strategy contains the criteria to be used in evaluation of all development agreement proposals. These criteria consider the impact of the proposal on the road network, services, development pattern, environment, finances, and wellfields, as well as the proposal’s consistency with the intent of the Municipal Planning Strategy (see Appendix C for greater detail); municipal departments as well as external departments were consulted by staff to ensure that these criteria are considered.

The Department of Transportation and Active Transit did not provide comment with regard to the application. However, road authority approval would be required prior to the issuance of a development permit. The Village of Kingston has indicated that there is adequate water and sewer capacity to service the application. It is Staff’s opinion that the proposal meets the general criteria in that it will not result in any direct costs to the Municipality, raises no concerns in terms of traffic or access, is compatible with the surrounding development pattern, is serviced by municipal infrastructure with adequate capacity, and raises no concerns regarding emergency services.

6. CONCLUSION

The proposed development agreement is in keeping with the intent of the enabling policy found in the Municipal Planning Strategy. The proposed agreement meets the objectives outlined in the Kingston Secondary Planning Strategy. The proposal meets all of the general criteria to permit the use enabled by the proposed development agreement

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

7. STAFF RECOMMENDATION

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

The Kingston Area Advisory Committee recommends that the Planning Advisory Committee recommend that Council give Initial Consideration to and hold a Public Hearing regarding the proposed development agreement for the property located at 1518/1520 Bridge Street (PID 55123236), Kingston to permit the development of two additional residential units within an existing building, as described in Appendix E of the report dated March 15th, 2021.

8. APPENDICIES

Appendix A: Zoning Map

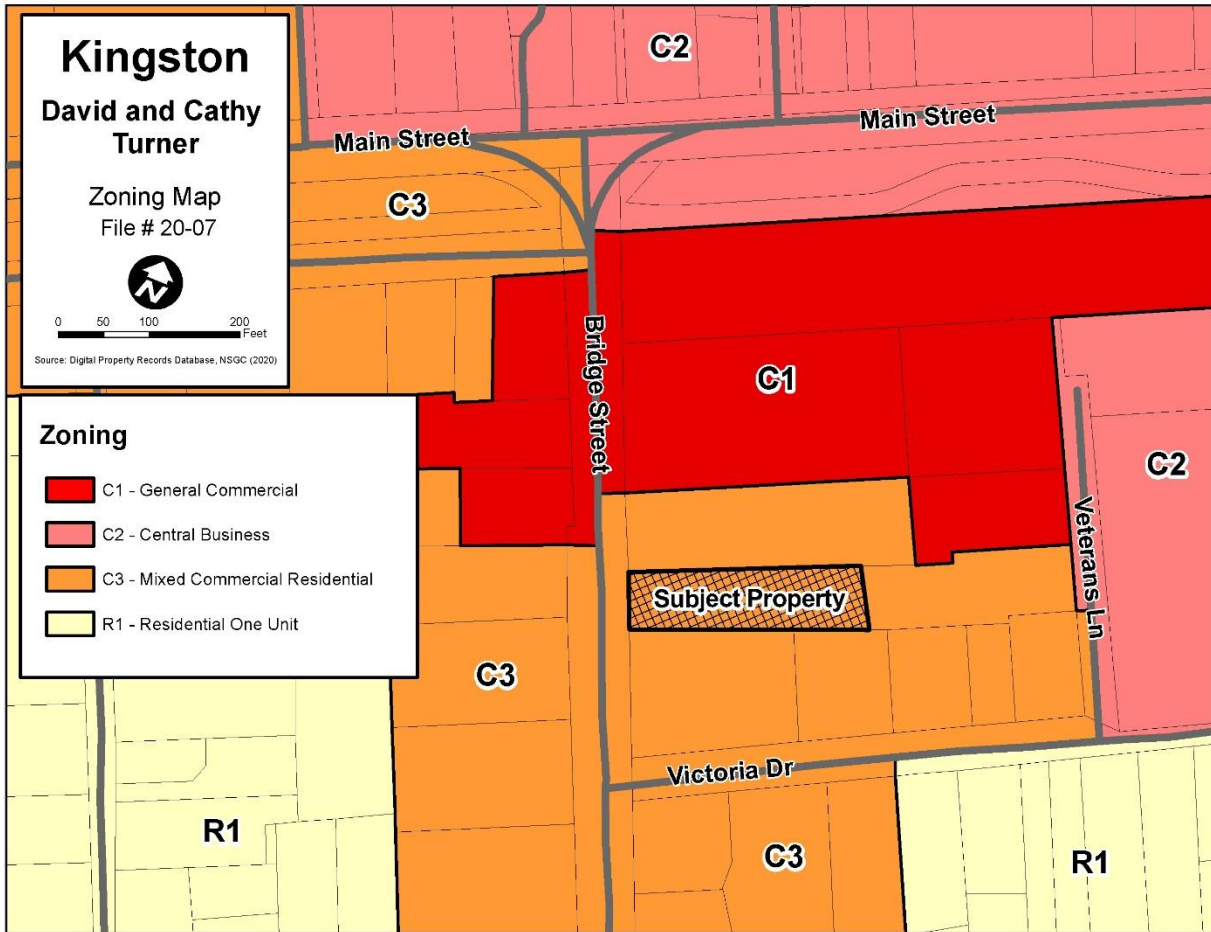
Appendix B: Online Public Information Meeting Notes

Appendix C: Municipal Planning Strategy, Section 5.3.7 – Amendment to the Land Use Bylaw (General Criteria)

Appendix D: Request for Comments

Appendix E: Draft Development Agreement

Appendix A: Reference Zoning Map



Appendix B: Online Public Information Meeting Notes
MUNICIPALITY OF THE COUNTY OF KINGS

PLANNING AND DEVELOPMENT SERVICES

PUBLIC INFORMATION MEETING NOTES

**Planning Application to enter into a development agreement for the property located at 1518/1520 Bridge Street (PID 55123236), Kingston to permit additional residential units at 1520 Bridge Street.
(File# 20-07)**

<i>Meeting, Date and Time</i>	A Recording of the Public Information Meeting was posted on the Active Planning Application Webpage of the Municipality of the County of Kings Website for 30 days – August 1 st , 2020 to September 1 st , 2020
<i>Chairperson</i>	Councillor Martha Armstrong – District 4
<i>Planning Staff</i>	Will Robinson-Mushkat – Planner
<i>Applicant</i>	David and Cathy Turner
<i>Public</i>	4 Members
<i>Welcome and Introductions</i>	The Chair, Councillor Martha Armstrong, explained that the purpose of the meeting was to inform the public of the application, to explain the planning policies that enable the application to occur and to receive preliminary feedback from the public. No evaluation has been completed and no decisions have been made at this point. Councillor Armstrong noted that due to public health restriction on public gathers as a result of COVID-19, the meeting was being recorded and posted to the Municipality’s website and the public would be provided with a minimum of thirty days to pose questions and provide comments.
<i>Presentations</i>	<p>Will Robinson-Mushkat provided a brief overview of the planning process and the criteria that will be used to evaluate the application from David and Cathy Turner. The proposal is to enter into a development agreement for the property at 1518/1520 Bridge Street (PID 55123236), Kingston to permit the development of additional residential dwellings at 1520 Bridge Street.</p> <p>Mr. Robinson-Mushkat stated that the Public Information Meeting provides an opportunity for the public to express concerns and/or receive clarification on any aspect of the proposal.</p>
<i>Adjournment</i>	Councillor Armstrong thanked members of the public for viewing the video and noted there would be a minimum of 30 days to comment on the application.

**Comments from the
Public**

One phone call with regard to the application was received by staff. The resident expressed opposition to the application based on concerns with traffic generation and excessive noise which could be caused by additional residential units to the area.

No other comments were received.

A handwritten signature in black ink, appearing to read "W. Robinson-Mushkat". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Will Robinson-Mushkat
Recording Secretary

APPENDIX C: 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:

Criteria	Comments
<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 application is consistent with the vision statements, goals, objectives and meets the policies of the Municipal Planning Strategy. The application is consistent with the secondary plan for Kingston.
<i>b. is not in conflict with any Municipal or Provincial programs, By-laws, or regulations in effect in the Municipality;</i>	The application 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 or the Village of Kingston.
<i>ii. land use compatibility with surrounding land uses;</i>	The land uses surrounding the property are small-scale, community oriented commercial uses with more intense commercial uses located to the north of the subject property, clustered around the intersection of Bridge Street and Main Street. There are also residential uses of varying density and form in the surrounding area.
<i>iii. the adequacy and proximity of school, recreation and other community facilities;</i>	The Kingston and District School and Pine Ridge Middle School are both within one kilometre of the subject property. Stronach Park is approximately half a kilometre from the subject property. There are a number of community facilities located within the Village of Kingston.

<p><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></p>	<p>An access permit issue by the Department of Transportation and Active Transit is required as a condition to the issuance of a development permit.</p>
<p><i>v. the adequacy of fire protection services and equipment;</i></p>	<p>The Kingston Fire Chief confirmed that fire protection services and equipment were adequate for the existing and proposed uses.</p>
<p><i>vi. the adequacy of sewer and water services, including but not limited to on-site services;</i></p>	<p>The Village of Kingston's Public Works Department has confirmed the sewer services are capable of supporting an increase in use due to the proposed development.</p>
<p><i>vii. the potential for creating flooding or serious drainage problems either within the area of development or nearby areas;</i></p>	<p>The buildings are existing and are not expected to cause drainage problems.</p>
<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.</p>
<p><i>ix. pollution, in the area, including but not limited to, soil erosion and siltation of watercourses; or</i></p>	<p>The proposed development is not expected to cause any issues related to pollution</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 – subject property is located within a Growth Centre and there are no neighbouring farm operations.</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>

Policy 5.3.8

Establish controls that may be needed to adequately address any concerns raised by the criteria set out in Policy 5.3.7 above, including but not limited to controls regarding:

Criteria	Comments
<i>a. the type of uses permitted on the lot;</i>	The types of uses permitted by the development agreement are controlled by the terms of the agreement.
<i>b. the location, height, bulk, and lot coverage of any proposed buildings or structures;</i>	Proposed structures will be controlled by the development agreement, land use by-law zone standards and building code regulations.
<i>c. access, egress and parking requirements including, but not limited to the following:</i>	
<i>i. the location of parking areas on the lot;</i>	Areas for parking are identified on site plan.
<i>ii. off-road parking and loading spaces, that do not require consistency with the Land Use By-law requirements;</i>	Parking and loading is not permitted off-site.
<i>iii. waiving parking requirements;</i>	Not applicable.
<i>iv. the acceptance of cash-in-lieu for required parking provided there is adequate street or parking on other sites to serve the commercial uses; and;</i>	Not applicable.
<i>v. shared parking arrangements;</i>	Not applicable.
<i>c. hours of operation;</i>	Not applicable – use proposed to be permitted by the development agreement is residential.
<i>d. signs and lighting;</i>	Regulated by development agreement.
<i>e. phasing of the development;</i>	Not applicable.
<i>f. integrating the proposal into the surrounding area by means of good landscaping, buffering, sensitive site orientation and screening;</i>	Regulated by the development agreement.
<i>g. reducing the impacts of noise, odour, dust, or light or any other form of emission on other properties in the area;</i>	Not applicable.

<i>h. reducing the potential for contamination of, or interference with, wellfields or other designated groundwater supply protection area;</i>	Not applicable.
<i>i. reducing contamination risk and damage to either the natural or built environment;</i>	Not applicable.
<i>j. managing lighting to reduce glare, light trespass, and skyglow;</i>	Not applicable.
<i>k. architectural features, including but not limited to bulk, scale, height, roof shape, building materials, exterior cladding, and shape and size and placement of doors and windows, to ensure they are visually compatible with nearby buildings in the case of a new building, or with the original building in the case of an addition;</i>	Not applicable.
<i>l. ensuring the proposal provides sufficient park and trail features consistent with the applicable policies of section 2.7 Recreation and within the Subdivision By-law;</i>	Not applicable. There are a number of park and recreational trails within close proximity to the subject property.
<i>m. the location of structures on the lot to ensure minimal interference with sunlight received by abutting properties, including but not limited to potential impact on solar collectors;</i>	Not applicable.
<i>n. management of garbage collection and industrial waste disposal;</i>	There is an area identified on the Schedule B – Site Plan for refuse. Recycling and garbage are collected by Valley Waste.
<i>o. ensuring no part of the area of the development agreement will be developed so as to prejudice or compromise future development on site or on nearby lands;</i>	Not applicable.
<i>p. on-going maintenance of the development;</i>	Not applicable.
<i>q. time limits for construction;</i>	Not applicable.
<i>r. requirements for adequate performance bonding or security to ensure that major components of the development, including but not limited to, road construction or maintenance, landscaping, or development of amenity areas, are completed in an appropriate and timely</i>	Not applicable.

<i>manner and maintained for a specific time period;</i>	
<i>s. the discharge of the agreement or parts thereof; and</i>	Terms pertaining to the discharge of the agreement are contained with the Development Agreement
<i>t. any other matter determined by Council.</i>	No other matters have been brought forward.

Appendix D: Request for Comments

Department of Transportation and Active Transit

- Nova Scotia Department of Transportation and Active Transit has not issued an access permit for a driveway for the proposed multi-unit dwelling;

Municipality of the County of Kings Building and Enforcement

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

Municipality of the County of Kings Development Control

- The development officers of the Municipality of the County of Kings provided input into the drafting of the Development Agreement

Village of Kingston

- Village of Kingston staff confirmed that the central sewer system had the capacity to support the proposed rezoning.

Appendix E: Draft Development Agreement

THIS DEVELOPMENT AGREEMENT made this _____ day of _____, 2021 A.D.

BETWEEN:

DAVID TIMOTHY TURNER AND CATHY M. TURNER, of Kingston, Nova Scotia, hereinafter called the "Property Owner"

of the First Part

and

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

of the Second Part

WHEREAS the Property Owner is the owner of certain lands and premises (hereinafter called the "Property") which lands are more particularly described in Schedule A attached hereto and which are known as Property Identification (PID) Number 55123236; and

WHEREAS the Property Owner wishes to use the Property for multi-unit residential development; and

WHEREAS the Property is situated within an area designated Commercial on the Future Land Use Map of the Kingston Secondary Planning Strategy, and zoned Mixed Commercial Residential (C3) on the Zoning Map, Map 8, of the Municipality of the County of Kings Land Use Bylaw; and

WHEREAS 3.2.9 of the Municipal Planning Strategy and 5.5.5(d) of the Land Use Bylaw provide that the proposed use may be developed only if authorized by development agreement; and

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

WHEREAS the Municipality by resolution of Municipal Council passed at a meeting on XX, 2021 approved this Development Agreement;

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

PART 1 AGREEMENT CONTEXT

1.1 Schedules

The following attached schedules shall form part of this Agreement:

Schedule A	Property Description
Schedule B	Site Plan

1.2 Municipal Planning Strategy and Land Use Bylaw

- (a) *Municipal Planning Strategy* means By-law #105 of the Municipality, approved on March 5, 2020, as amended.
- (b) *Land Use By-law* means By-law #106 of the Municipality, approved on March 5, 2020, as amended.

1.3 Definitions

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

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

PART 2 DEVELOPMENT REQUIREMENTS

2.1 Use

That the Parties agree that the Property shall be limited to the following uses:

- (a) A one unit dwelling located in the building identified as civic 1518 on Schedule B – Site Plan;
- (b) A dwelling containing no more than four (4) residential units to be located in the building identified as civic 1520 on Schedule B – Site Plan;
- (c) A residential accessory building located in the area identified as Proposed Building Envelope on Schedule B – Site Plan;
- (d) A Home-based Business – Level 2, as defined in the *Land Use By-Law* located in the building identified as civic 1518 Schedule B – Site Plan or within the building described in (c) above; and
- (e) Accessory structure for the storage of refuse.

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

2.2 Site Plan

All uses enabled by this agreement on the Property shall be developed generally in accordance with Schedule B - Site Plan.

2.3 Development Standards

- (a) The Property Owner shall ensure that well defined pedestrian walkway from the shared parking area to the residential units located within the dwelling identified as civic 1520 on Schedule B – Site Plan will be installed as part of the construction;
- (b) The entrances to the units in the dwelling identified as civic 1520 on Schedule B – Site Plan shall be clearly defined and well illuminated.

2.4 Appearance of Property

- (a) The Property Owner shall at all times maintain all structures and services on the Property in good repair and a useable state and maintain the Property in a neat and presentable condition;
- (b) Refuse and recycling shall be contained within an enclosed building or area screened by an opaque fence and located in accordance with Schedule B - Site Plan.

2.5 Subdivision

No alterations to the Property 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.

2.6 Vehicular Parking and Movement

The property owner shall meet the following criteria for parking and shall located all parking in general conformance with Schedule B – Site Plan;

- (a) A minimum of one (1) parking space per residential unit enabled by this agreement shall be maintained;
- (b) Traffic aisles identified on Schedule B – Site Plan, shall have a minimum width of twelve (12) feet between the building identified as civic 1520 on Schedule B – Site Plan and the north lot line. All other traffic aisles shall comply with the requirements of the Land Use By-law;
- (c) A convex traffic mirror shall be installed to enable sight lines around the parking area and traffic isle on the north and east walls of the building identified as civic 1520 on Schedule B – Site Plan.

2.7 Buffering

Natural vegetation, shall be maintained along the southern property boundary of the subject property 1518/1520 Bridge Street (PID 55123236) to provide an effective visual screen.

2.8 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.

2.9 Access and Egress

The Property Owner must submit current permits from Nova Scotia Transportation and Active Transit, or any successor body, to the Municipality before receiving any development or building permits for uses enabled by this Agreement.

2.10 Erosion and Sedimentation Control and Drainage

Adequate measures shall be taken by the Property Owner to contain within the site all silt and sediment created during construction according to the practices outlined in the Department of Environment *Erosion and Sedimentation Control Handbook for Construction*, or any successor documents.

2.11 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 these services will be provided 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, except as provided for in Section 2.1, Use of this Agreement, unless a new development agreement is entered into with the Municipality or this Agreement is amended.

3.2 Any matters in this Agreement which are not specified in Subsection 3.3 below are not substantive matters and may be changed by Council without a public hearing.

3.3 The following matters are substantive matters

(a) The Uses specified in section 2.1

(b) Development generally not in accordance with Schedule B - Site Plan.

3.4 Upon conveyance of land by the Property Owner to either:

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

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

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

PART 4 IMPLEMENTATION

4.1 Commencement of Operation

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

4.2 Drawings to be Provided

When an engineered design is required for any portion of a 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 90 days from the date the appeal period lapses or all appeals have been abandoned or disposed of or the development agreement has been affirmed by the Nova Scotia Utility and Review Board or the unexecuted Agreement shall be null and void;
- (b) The Property Owner shall be in complete compliance with the provisions of this Agreement within six (6) months of receiving an Occupancy Permit for any new residential units enabled by this agreement in section 2.1b.

PART 5 COMPLIANCE

5.1 Compliance With Other Bylaws and Regulations

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

5.2 Municipal Responsibility

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

5.3 Warranties by Property Owner

The Property Owner warrants as follows:

- (a) The Property Owner has good title in fee simple to the Lands or good beneficial title subject to a normal financing encumbrance, or is the sole holder of a Registered Interest in the Lands. No other entity has an interest in the Lands which would require their signature on this Development Agreement to validly bind the Lands or the Developer has obtained the approval of every other entity which has an interest in the Lands whose authorization is required for the Developer to sign the Development Agreement to validly bind the Lands.
- (b) The Property Owner has taken all steps necessary to, and it has full authority to, enter this Development Agreement.

5.5 Costs

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

5.6 Full Agreement

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

5.7 Severability of Provisions

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

5.8 Interpretation

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

5.9 Breach of Terms or Conditions

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

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

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

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

**MUNICIPALITY OF THE COUNTY
OF KINGS**

Witness

Peter Muttart, Mayor

Witness

Janny Postema, Municipal Clerk

SIGNED, SEALED AND DELIVERED

In the presence of:

Witness

David Timothy Turner

Witness

Cathy M. Turner

Schedule A – Property Description

1518/1520 Bridge Street (PID 55123236), Kingston Taken from Property On-Line, November 13th, 2020

ALL that lot, piece or parcel of land situate at Kingston Station in the County of Kings, being Lot 4 as shown on a plan of property of the late Arthur H. Hilton, made by C.L. Foss, Provincial Land Surveyor, and dated May 3, 1941, and more particularly described as follows:

BEGINNING at the Southwest angle of Lot 3 as shown on the said plan standing on the East side of the highway leading to Kingston Village (now known as Bridge Street);

THENCE South 01 degree 30 minutes East along the said East side of the highway (now known as Bridge Street) a distance of 69 feet, be it more or less, to the Northwest angle of lands now or formerly of Gladys Tupper;

THENCE North 86 degrees 30 minutes East along the said lands now or formerly of Gladys Tupper and the North side of lands now or formerly of Carl Marshall a distance of 495 feet, be it more or less, to an iron pipe set at the Northeast angle of the said lands now or formerly of Carl Marshall;

THENCE North 05 degrees West a distance of 69 feet, be it more or less, to a pipe set at the Southeast angle of Lot 3;

THENCE South 87 degrees West along the South side of Lot 3 a distance of 492 feet, or until it reaches the place of BEGINNING;

CONTAINING by calculation 0.80 acres, be it more or less.

EXCEPTING THEREOUT AND THEREFROM that certain piece or parcel of land conveyed by John C. MacKinnon and his wife, Bliss M. MacKinnon to Vera E. Marshall, her heirs and assigns, by Deed dated May 17, 1946 and recorded in the registry of Deeds Office aforesaid, which said lands are bounded and described as follows:

BEGINNING at a stake set in the Northeast corner of lands now or formerly of Vera E. Marshall;

THENCE Northerly following along the West side of New Road (now known as Veterans Lane) for 69 feet to a stake;

THENCE Westerly following the South line of lands now or formerly of Roger Hilton for 222 feet to a stake;

THENCE Southerly for 69 feet to a stake set in the North line of lands now or formerly of Gladys Tupper;

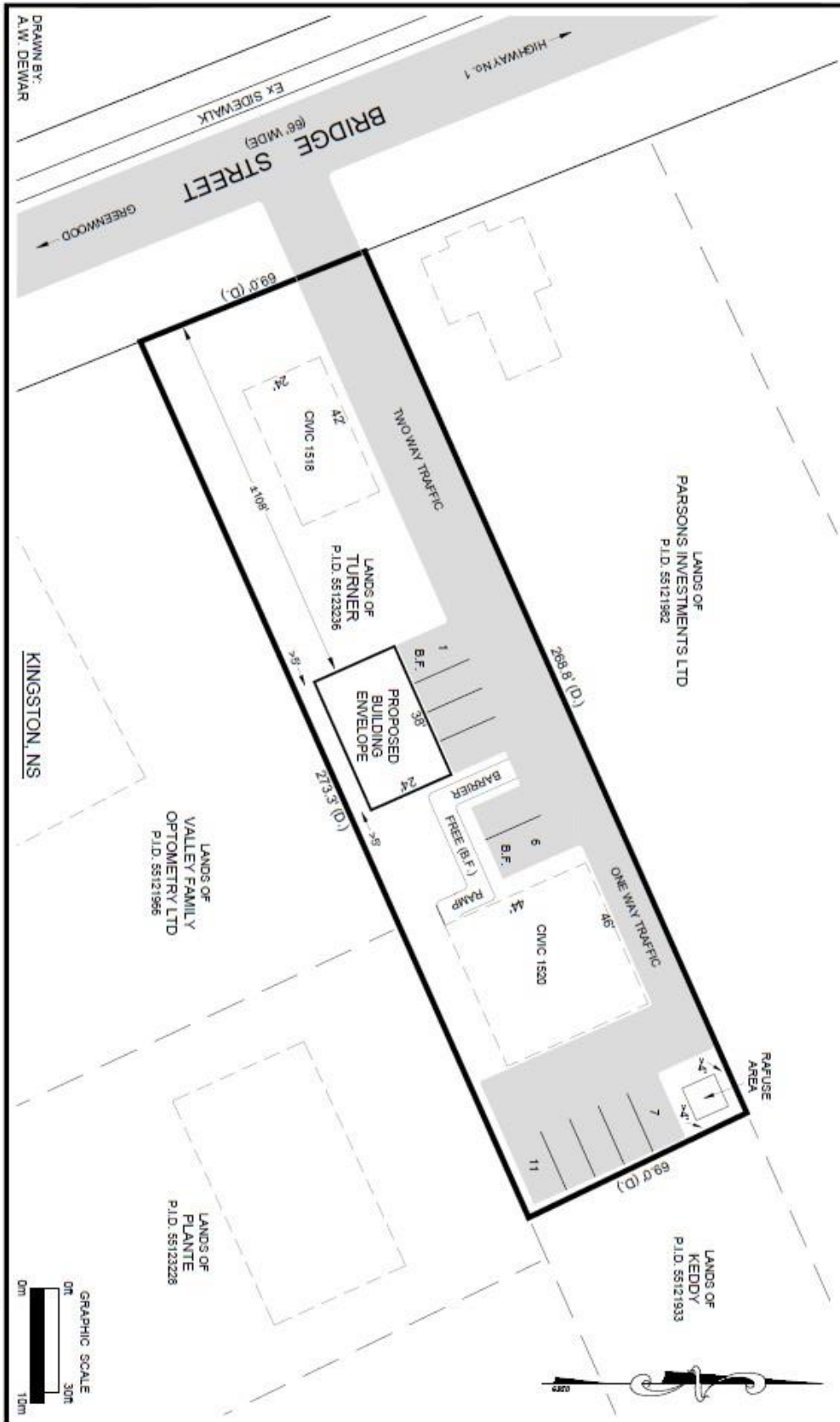
THENCE Easterly for approximately 222 feet to the place of BEGINNING.

CONTAINING 15,318 square feet, more or less.

MGA COMPLIANCE:

The description for this parcel originates with a deed dated August 28, 1953, registered in the registration district of Kings County in Book 184 at Page 39 and the subdivision is validated by Section 291 of the Municipal Government Act.

Schedule B – Site Plan





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

Application to amend the text of the Land Use By-law to increase the allowable size for Small-scale Solar Collector Systems (ground-mounted solar) (File 20-19)

April 13, 2021

Prepared by: Planning Staff

Applicant	Jason Thibodeau and Megan Gillis
Land Owner	Jason Thibodeau
Proposal	Increase the allowable size for small-scale solar collectors
Lot Area	Applicant's property is approximately 2.8 acres / 122,200 square feet
Designation	Applicant's property is designated as Residential (R)
Zone	Applicant's property is zoned Residential One Unit (R1)
Surrounding Uses	Low density residential uses
Neighbour Notification	Staff sent notification letters to the thirty six (36) owners of property within 500 feet of the subject property

1. PROPOSAL

Jason Thibodeau and Megan Gillis have applied to amend the text of the Land Use By-law to increase the allowable size for Small-scale Solar Collector Systems. The current size limit is 215 square feet of solar area, which is not adequate to power most average homes, and the proposed amendments would increase the allowable solar area, relative to the size of the property, by relying on the yard setback requirements in each zone.



Increasing the size limit for Small-scale Solar Collector Systems would enable home owners to install ground mounted solar panels that could generate adequate amounts of electricity to power their entire home, which is consistent with the intent of the Municipal Planning Strategy goals and policies for renewable energy as shown in the *Energy Section 2.8*:

Policy

Council shall:

2.8.11 define two categories of off-building solar collector systems:

- (a) small-scale solar collector system. These are capable of supplementing or fulfilling the energy needs of a home or small business but will very rarely net a positive energy contribution to the grid when averaged over a year;

2. STAFF RECOMMENDATION

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

The Planning Advisory Committee recommends that Municipal Council give First Reading to and hold a Public Hearing regarding the proposed text amendments to increase the allowable size for Small-scale Solar Collector Systems as described in Appendix D of the report dated April 13, 2021.

3. OPTIONS

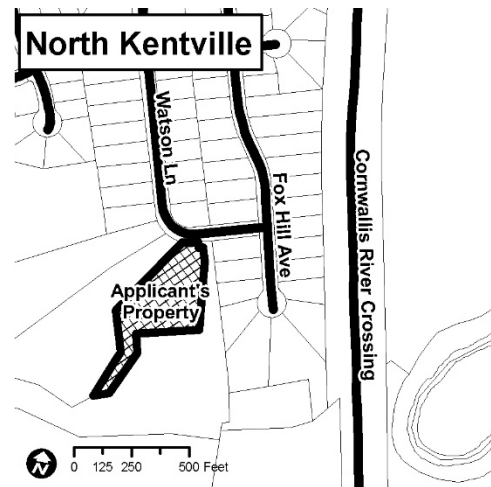
In response to the application, the Planning Advisory Committee may:

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

4. BACKGROUND

The applicants live at 119 Watson Lane in North Kentville on a large property with a large, south facing back yard where they would like to install a ground-mounted solar collector to generate renewable energy to off set the energy use of their home.

The Land Use By-law allows the applicants to install a small-scale solar collector that is mounted to the ground, but currently limits the size to a maximum of 215 square feet. This amount of solar panel area is not adequate to generate the power needs of the applicant's home, or most other houses. The contractor hired to install the solar collector system on the applicant's property has indicated that in general, 500-800 square feet of ground mounted solar area is required to power average homes, but this number can vary significantly. Small homes without electric heat, may require less than 500 square feet of solar area, while very large homes with electric vehicles may require closer to 1,000 square feet of solar area.



Nova Scotia Power allows for net-metered solar systems that are connected to the grid. Generally a net-metered agreement involves a solar collector that is sized to generate equivalent energy as the historic usage of the home. If a home historically used 15,000 kw/h per year, Nova Scotia Power will typically allow a net-metered solar collector system that would produce up to, approximately 15,000 kw/h per year. These agreements with the power utility create a solar area size limit that is based on each home's regular energy use. The location of these collectors on a property, can then be regulated with the applicable height and yard setbacks for accessory structure, within the requirements of each land use zone.

5. INFORMATION

5.1 Solar Collector Regulations

The Municipal Planning Strategy (MPS) and Land Use By-law (LUB) establish two main categories of solar collectors – on building and off-building. On-building solar collectors are generally mounted to a roof, and have no maximum size limit in the LUB. Off-building solar collectors are generally mounted to the ground and have size limits in the LUB. These off-building solar collectors are split into 2 categories: Small-scale (<215 square feet) and Large-scale (>215 square feet).

The maximum size of 215 square feet was selected as this is the biggest size an accessory structure could be without require a building permit. However this metric does not apply well to solar area, as 215 square feet does not provide the ability to offset the energy use of most homes.

The intent of the Small-scale size is to provide the ability for home owners to install a solar collector that could power their home's energy use, but generally would not produce excess energy. While the Large-scale size was intended to allow excess power generation to be provided into the grid and sold to the power utility.

5.2 Public Information Meeting

Council's Planning Policy PLAN-09-001 requires a Public Information Meeting (PIM) for all Land Use By-law text amendments. The required Public Information Meeting was recorded on February 25, 2021 and shared with the property owners within 500 feet of the applicant's property. This recorded meeting was available for public viewing and comments or questions for a period of at least 30 days.

Staff received feedback from neighbours, one was very supportive of the requested increase, and another expressed some concern over the appearance of large solar collectors that could cover back yards in residential neighbourhoods. These public comments are included in Appendix B.

6. POLICY REVIEW – TEXT AMENDMENT

6.1 Municipal Planning Strategy

MPS 5.3 ...Amending the Land Use By-law

Text Amendments

The Land Use By-law text sets out the detailed regulations for each zone and Council recognizes that revisions may be necessary to respond to changing development issues and specific development proposals.

This section of the MPS considers the likely scenario of needing to make changes to development regulations, as businesses change and land use regulations may not accommodate every reasonable proposal. This application is intended to adjust a size limit that does not adequately fulfill the intent of the MPS through a text amendment to the LUB.

6.2 Enabling Policy

Policy 5.3.2 of the Municipal Planning Strategy states:

“Council shall: amend the text of the Land Use By-law provided the proposal meets 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.”

This policy of the MPS specifically enables a planning application to add or revise wording within the Land Use By-Law. Any change needs to be consistent with the intent of the MPS and satisfy the general amendment criteria, described below.

6.3 MPS Intent for Solar Collectors

MPS Policy 2.8.11 defines the intended capacity of small-scale solar collectors.

“MPS 2.8.11 define two categories of off-building solar collector systems:

(a) small-scale solar collector system. These are capable of supplementing or fulfilling the energy needs of a home or small business but will very rarely net a positive energy contribution to the grid when averaged over a year;

(b) large-scale solar collector system. These can provide a significant amount of energy to farms or larger businesses in addition to supplying electricity to the grid;”

The above policy provides the direction for the proposed amendments based on current solar areas and average home energy use. The Land Use By-Law does not currently fulfill this intent, and an increase in size is required. However, there is some consideration in the Planning Strategy that some controls be applied.

MPS Section 2.8 “...off-building collector systems consume land space and can alter surrounding community character. These challenges grow in scale as projects grow in size.”

The proposed amendments would rely on the applicable height and yard setbacks of the land use zone. This approach will ensure that the power needs of the majority of homes can be met through roof-top or ground mounted solar collectors. The location of solar collectors are controlled with existing regulations in the LUB and will still be required to meet the applicable zone setbacks for accessory structures to ensure they are placed at least the same distance from lot lines, as a shed or garage would be.

5.5 General LUB amendment criteria

Section 5.3.7 of the Municipal Planning Strategy contains a number of general criteria for all applications to amend the Land Use By-Law (Appendix C). These criteria consider the impact of the proposal on municipal services, the environment, and land use compatibility, 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, it is Staff's opinion that there is no direct financial impact to the Municipality and that compatibility may be the most applicable criteria. Solar collectors have characteristics that may impose some undesirable impacts for a neighbouring property owner. However, using the zone setback requirements will ensure the placement of a solar collector is equal to the placement of a potential shed or garage which would have a similar impact as a solar collector. A detailed review of these general criteria is attached and reviewed as Appendix C.

7. CONCLUSION

The proposed text amendments remove a cap on the a maximum size limit for Small-scale Solar Collector Systems and relies on the yard setback requirements and the power utility's net metering program to appropriately size each solar system to a property's historic energy use. The amendments would allow property owners enough solar panel area to meet the energy use of their home or small business. Any ground mounted solar collector needs to satisfy the height and setback requirements for accessory structures which insets the structure from all property lines.

The proposed amendments satisfy, where applicable, the general amendment criteria and the renewable energy goals of the Municipal Planning Strategy. As a result, a positive recommendation is being made to the Planning Advisory Committee.

8. APPENDICES

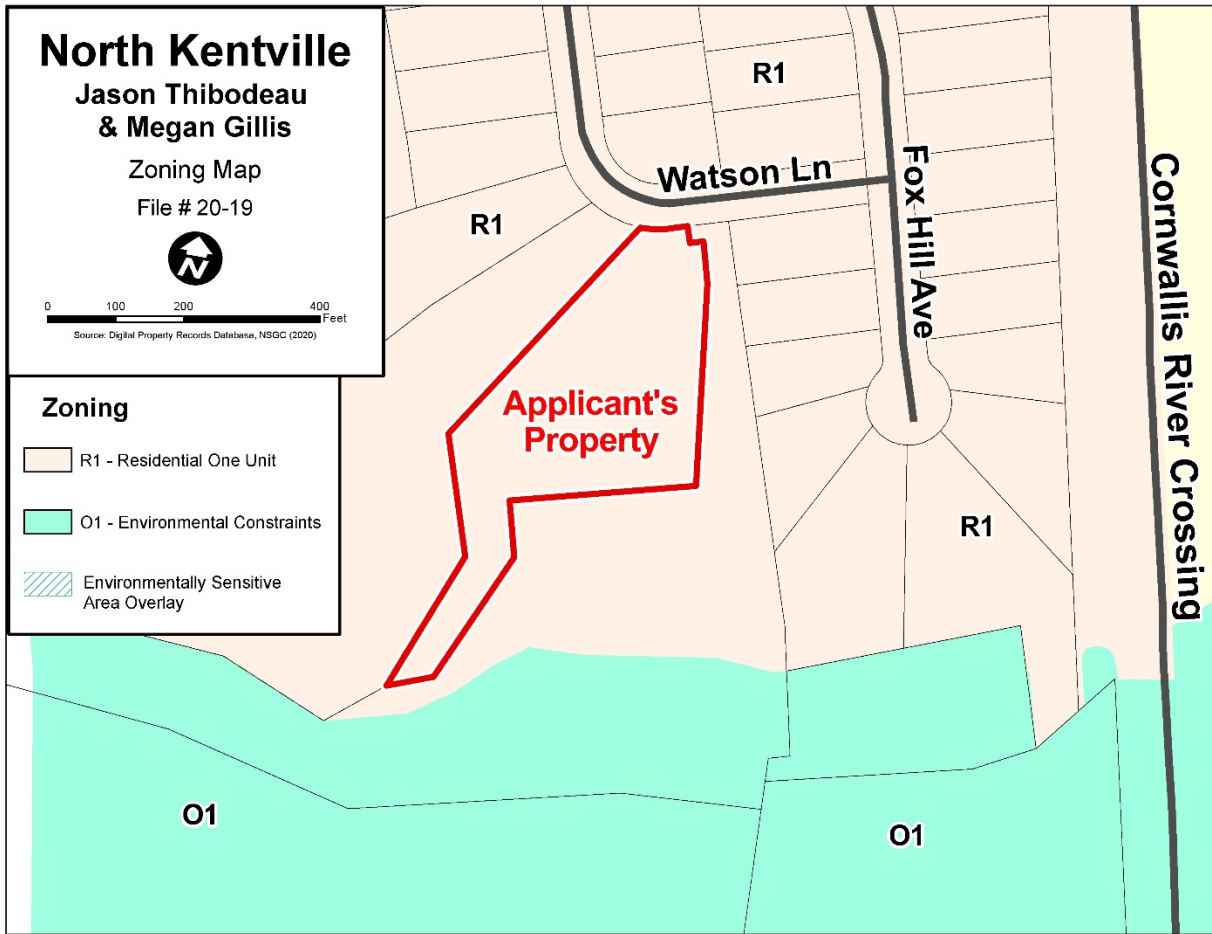
Appendix A: Zoning Map

Appendix B: Public Comments

Appendix C: General Amendment Criteria

Appendix D: Proposed Text Amendments

Appendix A – Zoning Map



APPENDIX B – PUBLIC COMMENTS



Tue 2021-03-02 5:06 PM

Ian Brewster <brew10@gmail.com>

Application at 119 Watson Lane in Kentville

To Mark Fredericks

 You replied to this message on 2021-03-03 3:26 PM.

Hello Mark,

My name is Ian Brewster and I live at 188 Foxhill Avenue. I received a letter regarding Jason and Megan's application to amend the LUB to allow for a larger ground mounted solar collection system on their property. I just wanted to express my enthusiastic support for their proposal, and the overall amendment of the LUB to allow more residents of Kings County to explore a ground based solar collection system to meet the power needs of their home. I applaud them for their initiative and hope the County not only amends the bylaw, but develops strategies to encourage more residents to explore green energy options in their homes. I hope counsel can, through expert advice, arrive at a definition of "small scale" that allows for a suitable square footage to power the average home and removes barriers to residents exploring this as a viable option.

Thank you for the opportunity to provide feedback on this proposal.

Ian Brewster



Tue 2021-03-02 2:18 PM
Ed Getson <ejgetson@gmail.com>
File #20-19

To Mark Fredericks

You replied to this message on 2021-03-03 3:40 PM.



Action Items

+ Get more apps

Mr. Fredericks,

As a property owner in the area of an application for a change to a county bi-law, I just received notification about File #20-19 in the mail today.

I visited the given website and listened to the discussion. I am not sure if this amendment is proposed for only the property at 19 Watson Lane. It appears the property owner, in this case, has a property with an ideal exposure and land area that would be more than sufficient to have the suggested 600-700 sq ft of panels that would be needed.

Here is my concern:

If this is a general change to bi-laws throughout the county, how would the suggested 600-700 sq ft of panel needed to power the home look on a property of minimal size?

Might I suggest that there be a definite size set for ground-based panels for different zones (R1, R2,...) AND in addition, a limiting percentage of the overall panel size to the usable area of the property? Panels on a large lot are more acceptable than those being squeezed onto a small lot.

One of the speakers suggested that, unlike most technology, solar panels are not getting smaller but larger. Also hearing the comments, it appears that many who now have panels on buildings may in the future be looking more seriously to ground-mounted. How will numerous panels of 700 sq ft or more look in subdivision yards where already there is a house, garage, etc. all on a 100 by 150 property? For small minimal size lots, are we leaving enough unobstructed green space for all the purposes it may serve, as well as the eye-pleasing views within the neighborhood?

Ed Getson,
Property owner at 150 Watson Lane

APPENDIX C – GENERAL AMENDMENT CRITERIA

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:

Criteria	Comments
<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 text amendments are consistent with the MPS intent for renewable energy.
<i>b. is not in conflict with any Municipal or Provincial programs, By-laws, or regulations in effect in the Municipality;</i>	The proposed amendments are 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 proposal allows larger ground mounted solar collectors, which are expected to have some impact in certain yards and neighborhoods, but the requirement to meet the applicable zone setbacks will separate the structures from surrounding land uses. These same setbacks are used to determine the proximity of sheds and garages.
<i>iii.the adequacy and proximity of school, recreation and other community facilities;</i>	Not applicable
<i>iv.the creation of any excessive traffic hazards or congestion due to road or pedestrian network</i>	Not applicable

<i>adequacy within, adjacent to, and leading to the proposal;</i>	
<i>v.the adequacy of fire protection services and equipment;</i>	Not applicable
<i>vi.the adequacy of sewer and water services, including but not limited to on-site services;</i>	Not applicable
<i>vii.the potential for creating flooding or serious drainage problems either within the area of development or nearby areas;</i>	It is possible rainfall could collect in concentrated areas from a solar collector. Controlling this type of water runoff is the responsibility of the property owner, in the same way runoff control would apply to a backyard shed or garage.
<i>viii.negative impacts on identified wellfields or other groundwater supplies for the area;</i>	No observable risks. Source water protection plans have not identified solar collectors as potential risks to drinking water quality or supply.
<i>ix.pollution, in the area, including but not limited to, soil erosion and siltation of watercourses; or</i>	Not applicable
<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>	Not applicable since the amendment is not site specific.

APPENDIX D

Proposed Land Use Bylaw Text 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 Text Amendment to increase the size of Small-scale Solar Collector Systems.

BY-LAW 106 Land Use By-law

1. Amend LUB Section 17 - Definitions of the Land Use By-Law for small-scale solar collector systems as highlighted below to show new wording, and using strikethrough text to show deleted wording.

Solar Collector System means a structure or array of structures on one lot whose main purpose is to collect solar radiation and convert it to useable forms of energy and includes a small-scale collector system, large-scale collector system and on-building solar collector system. Without restricting the generality of this definition, the components of a solar collector system may include solar collectors, structural supports, ancillary electrical equipment, and an energy storage system.

On-building Solar Collector System means a solar collector system mounted on, attached to, or integrated with a building where the building's main purpose is something other than the collection and conversion of solar radiation.

Small-scale Solar Collector System means a solar collector system intended to generate electricity at a rate consistent with the usage of the property(ies) on which it is located with limited excess energy generated.

~~**Small-scale Solar Collector System** means a solar collector with a total solar collector area less than or equal to 215 square feet.~~

Large-scale Solar Collector System means a solar collector system located in a rural area intended to generate electricity at a rate consistent with the usage on the property(ies) on which it is located with the potential to generate excess electricity for sale to the utility.

~~**Large-scale Solar Collector System** means a solar collector system with a total solar collector area greater than 215 square feet.~~

2. Delete LUB General Regulation 14.3.36 (d) and to clarify use of the applicable yard setbacks found in the zone, for accessory structure. Changes are shown below using highlighted text for new wording, and using strikethrough text to show deleted wording.

LUB 14.3.36 Small-scale Solar Collector Systems

(a) Small-scale solar collector systems shall be permitted as an accessory use in all zones subject to setback requirements for accessory buildings and shall require a development permit, in accordance with policies 2.8.11, 2.8.12 and 2.8.14 of the Municipal Planning Strategy.

(b) Small-scale solar collector systems shall be permitted on lots that do not contain a main building.

(c) Small-scale solar collector systems shall not be permitted in the required front setback in the Residential One Unit (R1) Zone, Residential One and Two Unit (R2) Zone, Residential Mixed Density (R3) Zone, and the Residential Multi-Unit (R4) Zones.

(d) Small-scale solar collector systems shall meet the applicable zone setbacks for accessory structures.

~~*Small-scale solar collector systems shall be set back at least 20 feet from front and flankage lot lines, and at least ten (10) feet from all other lot lines.*~~

(e) Small-scale solar collector systems shall not exceed 20 feet in height.

(f) Small-scale solar collector systems shall be exempt from lot coverage and building footprint requirements in this By-law.



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

Application to alter a Municipal Heritage Property
1108 Middle Street, Port Williams. (File 21-06)

April 13, 2021

Prepared by: Planning Staff

Applicant	Jenna and Chad Warren
Land Owner	Jenna and Chad Warren
Proposal	Alter the exterior of a Municipal Heritage Property
Location	1108 Middle Street, Port Williams (PID 55036867)
Lot Area	Approximately 10,500 sq ft (0.24 acres)
Designation	Residential (R)
Zone	Residential Mixed Density (R3), Wellfield Protection Overlay C, portion within the Urban Floodplain Level 2
Surrounding Uses	Residential and commercial uses

1. PROPOSAL

Jenna and Chad Warren have applied to alter a Municipal Heritage Property. The applicants own 1108 Middle St, in Port Williams, known as the McElvy House, which was designated as a Municipal Heritage Property in 2010, at the request of the previous owners.

The proposed alteration includes the removal of a small entryway porch. The porch is located in a narrow yard space, and does not receive regular use. The applicants intend to install an original matching wooden window in the old door opening, and repair the home's siding to match the existing painted wood shingles.



2. STAFF RECOMMENDATION

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

The Heritage Advisory Committee recommends that Municipal Council offer their approval to permit the requested building alteration to the McElvy House, a Municipal Heritage Property at 1108 Middle Street, Port Williams.

3. OPTIONS

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

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

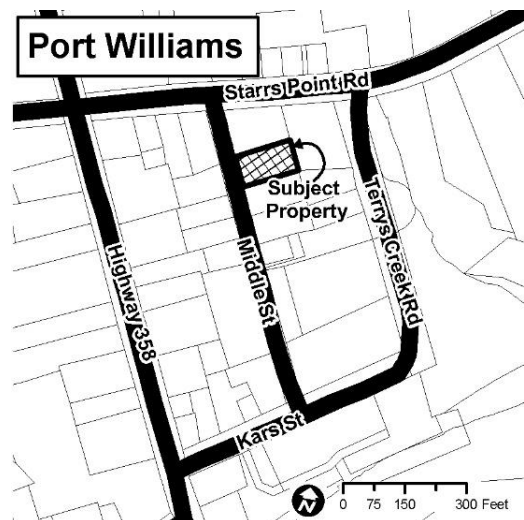
4. BACKGROUND

In 2009, the previous owners of the McElvy House applied to add the property to the Municipal Heritage Property Registry. This registration was completed in 2010 and the building was the first building/structure added to the Kings County Municipal Heritage Registry. The McElvy House scored points for its date of construction in approximately 1935, its use of the Arts and Crafts style of architecture and the unique building materials that were sourced from the local shipbuilding industry.

The current owners purchased the property later in 2010, after the registration as a Municipal Heritage Property. They have lived in the home for the past 10 years and would like to remove the unused entry porch and add an original window to the opening. The removal of the porch and replacement with the window would provide a more suitable interior finish, and provide better access around the outside of the house.

5. INFORMATION

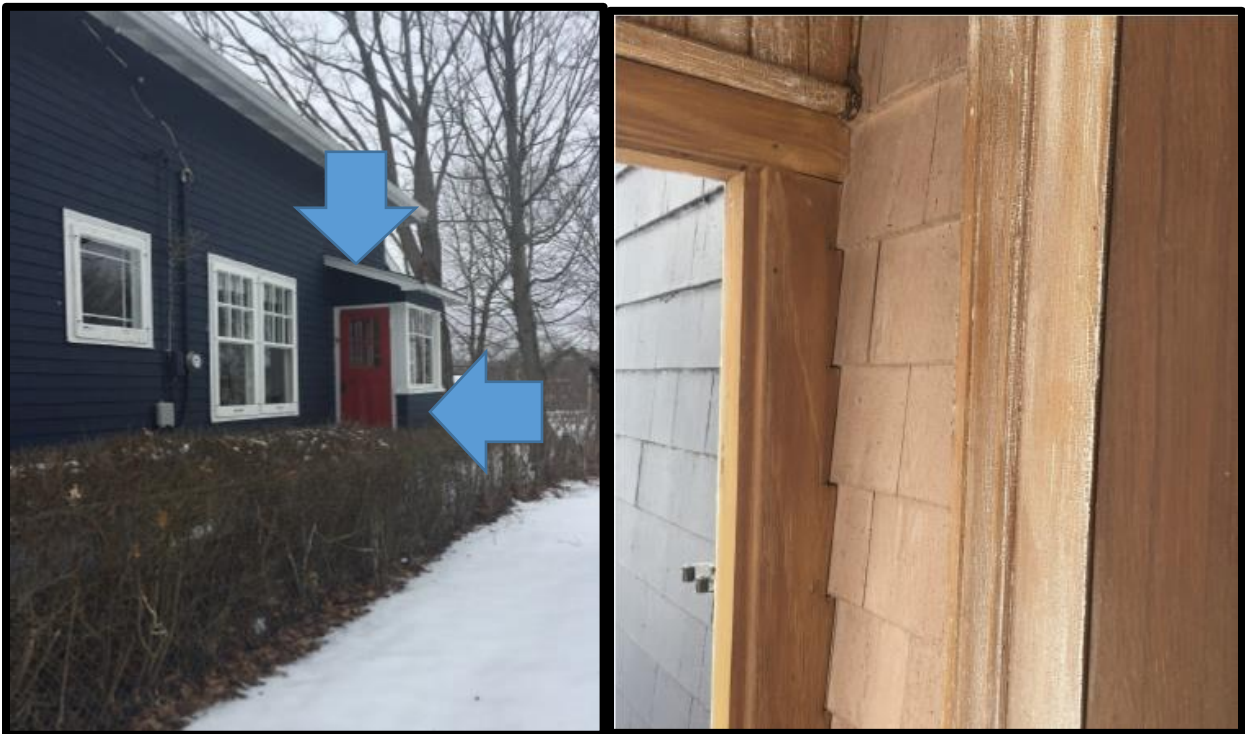
- The property is located on Middle Street in Port Williams.
- The property is zoned Residential Mixed Density (R3) and is approximately ¼ of an acre in size.
- The property is located within the Port Williams Wellfield Protection Overlay C.
- The back of the property falls into the Urban Floodplain level 2 cautionary zone due to proximity to the high water elevation of the Cornwallis River.
- The surrounding neighborhood is an older part of Port Williams, built near the Cornwallis River and Terry's Creek. This area includes a mixture of residential dwelling types and commercial uses on nearby Kars Street and Highway 359.



This image shows the front of the McElvy house, where the porch is not visible. The proposed alteration is on the opposite side of the house. This side of the homes which is more visible, would remain the same.



These images show the small entry porch on the south side of the home and illustrate how narrow the south side yard is. The interior photo illustrates a continued wood shingle siding on the inside of the porch, indicating this may have been added to the home after the original construction.



6. POLICY REVIEW – HERITAGE BYLAW

The Municipal Planning Strategy section 2.9 Heritage, recognizes the Municipality's role in maintaining a Municipal Heritage Property Bylaw to assist in protection of heritage properties.

***MPS 2.9.4** maintain a Municipal Heritage Property By-law to assist with the protection of individual heritage properties and buildings; and 2.9.4 maintain a Municipal Heritage Property By-law to assist with the protection of individual heritage properties and buildings*

The Municipal Heritage Property Bylaw #80

The following process will be followed for any application to substantially alter the appearance of the designated land, building public-building interior, streetscape, cultural landscape or area:

5.1 An application for permission to alter the exterior appearance of, or demolish a Municipal Heritage Property shall be made in writing to the Municipal Clerk.

5.2 Upon receipt of the application, the Clerk shall refer the application to the Heritage Facilitator for recommendation to the Heritage Advisory Committee.

*5.3 The Heritage Facilitator shall determine whether a proposed change is a substantial alteration. **If the Heritage Facilitator is unable to determine whether a proposed change is substantial or non-substantial, the application shall follow the process for a substantial change.***

If the proposed changes are determined by the Heritage Facilitator to be non-substantial, the Heritage Facilitator will send a letter to the applicant advising that a Heritage Permit is not required.

If the proposed changes are determined to be substantial, a report will be prepared by the Heritage Officer for consideration by the Heritage Advisory Committee and recommendation to Council.

Staff are following the process for a substantial alteration because it was unclear whether the proposed alteration was substantial or non-substantial. This process includes bringing a report to the Heritage Advisory Committee for their consideration.

The Municipal Heritage Property Registry includes the following description for the McElvy House.

2. McElvy House

Address: 1108 Middle Street
Community: Port Williams
Date of Creation: 1935
Federally registered: No
Provincially registered: No

Municipally registered: Yes
Date: March 8, 2007
Document Registration Number: 95512613
File: HA-09-13
PID: 55036867

Statement of Significance: n/a

Description

The building is associated with George A. Chase Ltd., General Merchant & Apple Exporter (1919-1953), who provided employment in the shipping industry through the Great Depression to many people in the community including the builder of the home.

The building is a late example of the Arts and Crafts style of architecture in Canada and it also includes elements of the Cottage and Bungalow styles.

The building is a rare example of the Arts and Crafts style because it was constructed from material that was available in the local shipyard at the time; it stands in very good condition.

The building is centrally located in Port Williams within a historic residential area near the historic industrial waterfront and maintains a dominant character as an Arts and Crafts building with few exterior alterations.



Date of Photo(s): 2013 and 2014

The proposed alteration would not remove the historic association or the architectural style of the building. The home remains in its central location near the waterfront and the primary architectural style would remain as Arts and Crafts.

7. CONCLUSION

It is Staff's opinion that the proposed alteration would allow the home to maintain the overall architectural style. The proposed alteration would remove a porch and replace it with an original window that matches the home's other windows. The alteration would use the most appropriate materials that in this case are original to the house. As a result, a positive recommendation is being made to the Heritage Advisory Committee.

8. APPENDICES

Appendix A: Letter from applicants

Appendix B: 2010 HAC Report

Jenna and Chad Warren
P.O. Box 492
1108 Middle Street
Port Williams, NS
B0P 1T0

Heritage Advisory Committee - Kings County Council
181 Coldbrook Village Park Dr.
Coldbrook, NS
B4R 1B9

Dear Heritage Advisory Committee,

We are writing to apply to make changes to our Heritage Property, the McElvy House, located at 1108 Middle Street in Port Williams. Enclosed you will find an application form and photos showing the structure proposed.

We are proposing the removal of the south-facing side entryway to be replaced with an original wooden window. As you will see in the attached photos, we believe that this structure was added after the original home was completed due to the fact that the wood has been notched to fit around the original wood shingles.

We feel as though the proposed change will not significantly alter the original character of the home. For this reason, we hope that you will support our application to make this change.

Feel free to contact us with further questions.

Thank you for your time.

Jenna and Chad Warren







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

Application for Municipal Heritage Property Registration – 1108 Middle Street, Port Williams

12 January 2010

Application

Proposal	To register a building located at 1108 Middle Street, Port Williams, as a Municipal Heritage Property
Staff	Seamus McGreal, Planner

Site Information

<p>Description</p>	<p>The subject property is approximately 10,000 sq. ft. in size and located on Middle Street in Port Williams. There are two building on the property. However, the proposal to designate a Municipal Heritage Property applies to the main building only. Andrew Fry and Monik Richard are listed as the owners in the provincial property records; they are committed to maintaining and restoring the heritage value of the property.</p>	
<p>Surrounding Land Uses</p>	<p>The subject property is immediately surrounded by low to high density residential uses. The industrial nature of the waterfront, to the south, is on the decline as large industrial uses, such as the feed mill, have closed in recent years and much industrial land remains vacant. However, central commercial services have developed along the waterfront.</p>	
<p>Designation & Zoning</p>	<p>The Future Land Use Map indicates that the property lies within the Residential (R) District and the Rural Zoning Map indicates that the property is within the Residential Mixed Density (R3) Zone (see Appendix A, Reference Zoning Map). However, registering this property as a municipal heritage property will not change the land use designation or zoning of the property.</p>	
<p>Images</p> <p>North and south side façades of main building</p>		

Review & Recommendation

Background	<p>The applicant wishes to have the building considered for designation as a municipal heritage property because of its unique architectural characteristics. The applicant would like to preserve and protect these architectural characteristics should future owners of the property decide to make significant renovations to the exterior of the building.</p> <p>According to information submitted with the application, Mr. McElvy - who worked at George A. Chase Ltd., General Merchant & Apple Exporter (1919-1953) - constructed the building, in 1935 using exotic materials retrieved from the shipyard. The builder spared no expense using exotic wood for construction, from the ships at the dock, with great care and attention to detail.</p> <p>Staff requested information about the proposal from the Curator of the Kings County Museum/Kings Historical Society. The KHS board commends the applicant for the initiative in seeking designation for the property and encourages them in this endeavour. However, the KHS board deferred any statement of judgment to individuals who are experts in the field of built heritage and/or the history of Port Williams. The board also suggested that Staff forward the request for information to the Kings Hants Heritage Connection.</p> <p>Staff attended a meeting of the Kings Hants Heritage Connection on 5 November 2009 at the Kings County Museum. The KHHC board recognized the proposal as the first building to be nominated for municipal heritage designation in Kings County. As such, the KHHC has no formal procedure for dealing with a request for information. They did not offer a formal opinion on whether or not the property should be designated. However, the KHHC board submitted a letter to the Municipality stating that they intend to form a sub-committee to draft guidelines to establish a formal procedure in responding to future application for Municipal Heritage Property designation. They also offered useful information about the application.</p> <p>The members of the KHHC board maintain that the building resembles an Arts and Crafts style of architecture with its use of handicrafts such as stained glass windows and fittings. Arts and Crafts architecture is more common in large urban centres, such as Toronto and Montreal. The movement had both progressive and conservative connotations - progressive in terms of relaxed, informal plans for house designs, which integrated built-in craft elements; and conservative in terms of connecting Canada with British values. The proposed heritage building is by no means the finest example of Arts and Crafts architecture in Kings County. However, the building is unique because it was built in 1935 whereas most Arts and Crafts buildings in Canada were constructed much earlier, between 1890 and 1910. The fact that it was built during the Great Depression by a working man also showcases the shipping industry of Port Williams and how it stimulated the local economy during a time of wide economic and social despair.</p> <p>Kevin Barrett with Heritage Property Program, Province of Nova Scotia, was contacted for his comments. He provided an overview of the municipal designation process for heritage properties and commented on the architectural details.</p>
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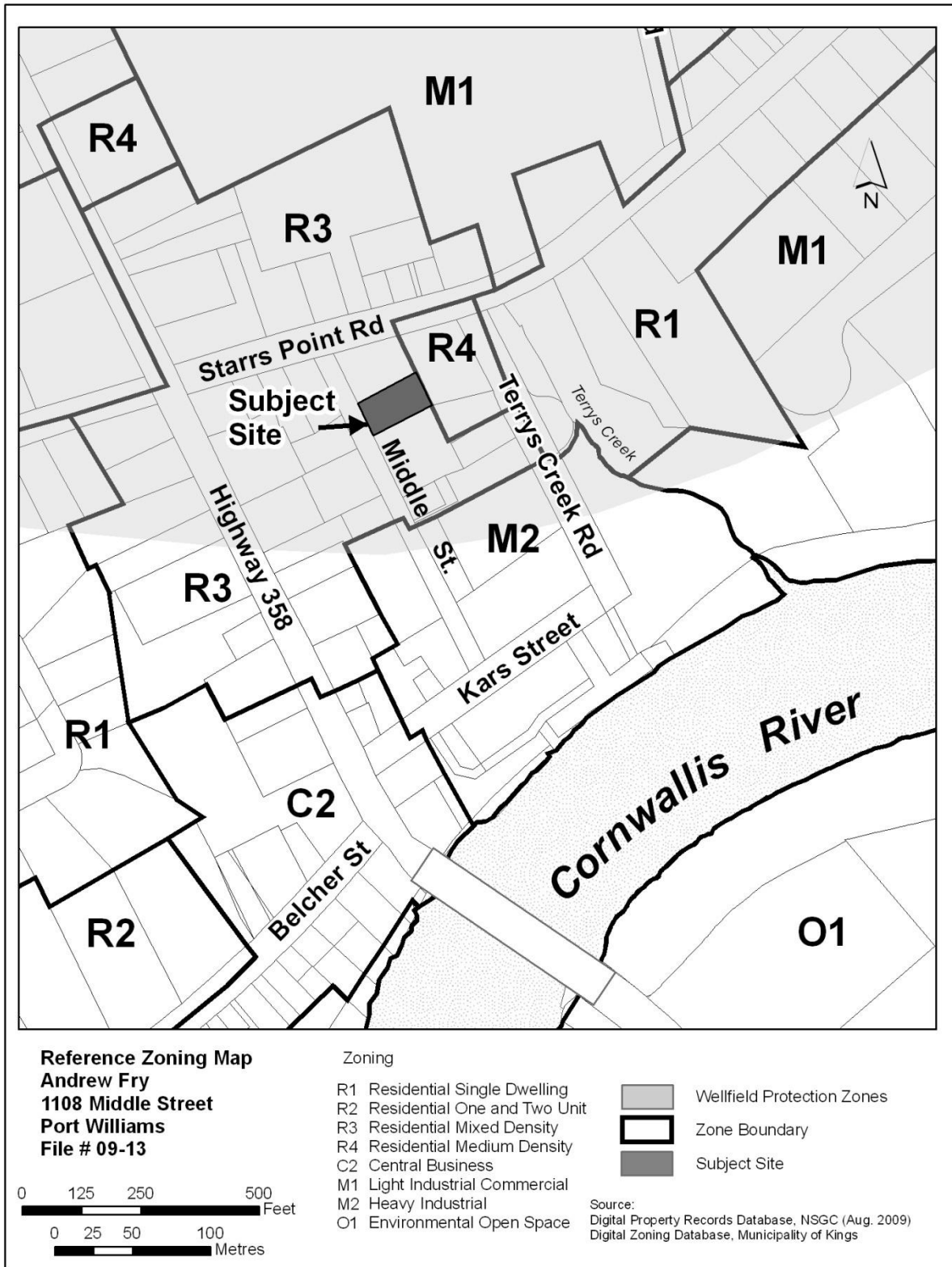
Policy Context	<p>Some buildings and sites have been designated and registered as heritage properties or sites by the Canadian or the Nova Scotia governments. Prescott House and Grand Pre Historic Park are designated and open to the public. The opportunity also exists for the County to become involved in the registration and preservation of heritage properties and/or streetscapes under the Provincial <i>Heritage Property Act</i>.</p> <p>The Municipality may use the provisions of the <i>Heritage Property Act</i> and the <i>Municipal Government Act</i> to protect and enhance the County's natural, historical and cultural heritage. To provide for municipal registration of heritage properties Council, by bylaw, establishes the program and a Heritage Advisory Committee (H.A.C.) under the <i>Heritage Property Act</i>.</p> <p>In the Historic Properties, Sites and Settings policies of the MPS, Section 4.4.6 maintains that Council shall encourage proposals for historical restoration and the preservation of sites of historical significance. Council established a heritage program and processes in MPS Policy 4.4.6.2 pursuant to the <i>Heritage Property Act</i>. The purpose of this program is to identify and designate buildings, streetscapes, and areas of historic architectural or cultural value to provide for their preservation, protection and rehabilitation and encourage their continued recognition and use.</p> <p>Council adopted the Heritage Property By-Law #80 pursuant to the <i>Heritage Property Act</i> wherein it appointed the Planning Advisory Committee as the Heritage Advisory Committee. The HAC may advise Council respecting the inclusion of buildings, streetscapes and areas in the Municipal Registry of Heritage Property.</p> <p>Municipal Council approved the procedures for the Heritage Property Program in 2006, the final component of the Heritage Program. This allowed applicants to apply to have a building or site of historical significance to be considered for designation as a Municipal Heritage Property.</p> <p>Notice of a recommendation by HAC to Council that a building, streetscape or area be registered as a Municipal Heritage Property shall be in Form A (see Appendix B). Council may register a building, streetscape or area as a Municipal Heritage Property in accordance with the provisions of the Act and notice of the registration shall be in Form B (see Appendix C).</p> <p>A site plan depicting the main building to be registered is attached to Form A and to Form B as Schedule "A", Property Description (see Appendix D).</p>
Evaluation Summary	<p>Staff conducted a site visit and evaluated the property using the prescribed Evaluation Criteria adopted in the heritage procedures. The completed Evaluation Criteria form is attached (see Appendix E).</p> <p>The proposal achieved points for History and Culture. The building was constructed in 1935, during the interwar period. The building is loosely associated with the George A. Chase company through one of its employees, Mr. McElvy. This company is of primary importance to Port Williams and its shipping industry which was able to provide gainful employment during the Great Depression.</p>

	<p>The proposal also achieved points for Architecture. The building is not exemplary of the Arts and Crafts style in Canada and there are better examples in Kings County. However, it is a rare example of this style because it was constructed much later than most Arts and Crafts buildings which were usually constructed between 1890 and 1910. The proposal also includes elements of both the Cottage and Bungalow styles, which were generally constructed between 1900 and 1940, such as the enclosed entrance porch; traditional windows (six over one seems to be dominant); simple wooden exterior doors; low pitched roof with significant overhang; side 2nd floor dormer; and boxed bays on its side and rear facades.</p> <p>The building is also rare because it was constructed with material collected from a shipyard instead of with the common material used in the construction of Arts and Crafts buildings. The building is in very good condition and the owners are committed to its restoration.</p> <p>Finally, the proposal achieved points for Context and Environment. The building stands on its original site in a central location in Port Williams. It is within a historic residential area near the historic industrial waterfront. It maintains a dominant character in the community as an Arts and Crafts style home and as a building with few exterior alterations.</p> <p>The total score awarded to the building located at 1108 Middle Street, Port Williams, was 100.</p> <p>According to the Evaluation Criteria (under ‘Scoring’), properties scoring 75 – 100 points will be given second priority for designation. This priority system would be applicable upon receiving several applications for heritage property designation at the same time. As the application for the building at 1108 Middle Street, Port Williams, is the only heritage application in the process currently, the priority scoring is not applicable, only that the property scored above the minimum score for a property to be considered for designation.</p>
Staff Recommendation	Staff recommend that the building at 1108 Middle Street, Port Williams, be registered as a Municipal Heritage Property.
Action Required	HAC consider the Staff Report and recommendation and forward its decision regarding this application to Municipal Council.

Next steps:

- Initial consideration (Council) – 25 February 2010 (tentative)
- Public Meeting - 25 February 2010 (tentative)
- Final consideration (Council) - 25 February 2010 (tentative)
- Designation and Property Recognition (Plaque unveiling)

Appendix 'A' Reference Zoning Map



Appendix 'B'

FORM A

NOTICE OF RECOMMENDATION TO REGISTER AS A
MUNICIPAL HERITAGE PROPERTY

TO: Andrew Fry and Monik Richard
1108 Middle Street
Port Williams, Nova Scotia
B0P 1T0

YOU ARE HEREBY NOTIFIED THAT:

1. The McElvy Home (herein referred to as "the Property") located at:

Civic Address: 1108 Middle Street, Port Williams, Nova Scotia
P.I.D. No.: 55036867
Subdivision and Lot No.: Lot 2 on a plan registered at the Office of the
Registrar of Deeds for Kings County, dated April,
1935 filed as A-80
Registration and Filing Nos.
of Plan of Subdivision: Lot 2 on a plan registered at the Office of the
Registrar of Deeds for Kings County, dated April,
1935 filed as A-80
Approximate Size: 1,000 square feet
Legal Description (Attached as a Schedule)

has been recommended by the Heritage Advisory Committee of the Municipality of the County of Kings to be registered in the Municipal Registry of Heritage Property for the Municipality of the County of Kings.

2. The reasons for this proposed designation are:
- a. The building is associated with George A. Chase Ltd., General Merchant & Apple Exporter (1919-1953), which provided employment in the shipping industry through the Great Depression to many people in the community including Mr. McElvy who constructed the building in 1935.
 - b. The building is a late example of the Arts and Crafts style of architecture in Canada and it also includes elements of the Cottage and Bungalow styles.
 - c. The building is a rare example of the Arts and Crafts style because it was constructed by material that was available in the local shipyard at the time; it stands in very good condition and the owners are committed to its restoration.
 - d. The building is centrally located in Port Williams within a historic residential area near the historic industrial waterfront maintaining a dominant character as an Arts and Crafts building with few exterior alterations.

3. Section 14 (4) of the Heritage Property Act prohibits any substantial alteration to the exterior appearance of, or demolition of, a building, streetscape or area for a period of one hundred and twenty (120) days from the date and service of this notice except where within the one hundred and twenty (120) days, the Municipality refuses to register the Property.
4. The effect of registration in the Municipal Registry of Heritage Property of the Property described in paragraph 1 is that no demolition or substantial alteration in exterior appearance may be undertaken from the date of registration unless an application, in writing, for permission is submitted to the Municipality of the County of Kings and the approval, with or without conditions, is granted. Where such application is not approved the owner(s) may make the alterations, or carry out the proposed demolition, described in the application at any time after one year but not more than two years from the date of the written application.
5. You are hereby notified that the Council of the Municipality of the County of Kings will give the owner or any other person an opportunity to be heard regarding the recommendation of the Heritage Advisory Committee regarding the Property described in this notice at a Public Hearing to be held on the 25th day of February 2010 at 7:00 pm, at the Council Chambers, Municipal Administration Building, 87 Cornwallis Street, Kentville, Nova Scotia.
6. Information and particulars concerning the recommendation and reasons to support it may be examined at the office of the Department of Community Development Services, Municipality of the County of Kings, Municipal Administration Building, 87 Cornwallis Street, Kentville, Nova Scotia, between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday, excepting holidays.
7. You are also invited to forward any comments you might wish to make concerning this matter to the Heritage Officer, Municipality of the County of Kings, PO Box 100, Kentville, NS B4N 3W3.

DATED at Kentville, Nova Scotia, this
____ day of _____, 20__.

Municipal Clerk

Appendix 'C'

FORM B

NOTICE OF REGISTRATION OF HERITAGE PROPERTY

TO: Andrew Fry and Monik Richard
1108 Middle Street
Port Williams, Nova Scotia
B0P 1T0

WHEREAS the Council of the Municipality of the County of Kings has enacted a Heritage Property Bylaw pursuant to the provision of the Heritage Property Act of Nova Scotia;

AND WHEREAS the Bylaw has received the approval of the Minister of Housing and Municipal Affairs for the Province of Nova Scotia;

AND WHEREAS a notice of Proposed Recommendation for Registration of the Property hereinafter more fully described was issued on the ___ day of _____, 20__;

AND WHEREAS the Council of the Municipality of the County of Kings did sit to hear any comments regarding the recommendation of the Heritage Advisory Committee and representation of other persons regarding the Property described in the Notice on the ___ day of _____, 20__; at (time) _____ at (place) _____;

AND WHEREAS the said Council of the Municipality of the County of Kings has, after hearing those appearing at the hearing, has registered the subject Property in the Municipal Registry of Heritage Property.

YOU ARE HEREBY NOTIFIED THAT:

1. The McElvy Home (herein referred to as "the Property") located at:

Civic Address: 1108 Middle Street, Port Williams, Nova Scotia
P.I.D. No.: 55036867
Subdivision and Lot No.: Lot 2 on a plan registered at the Office of the Registrar of Deeds for Kings County, dated April, 1935 filed as A-80

Registration and Filing Nos. of Plan of Subdivision: Lot 2 on a plan registered at the Office of the Registrar of Deeds for Kings County, dated April, 1935 filed as A-80

Approximate Size: 1,000 square feet
Legal Description (Attached as a Schedule)

has been designated as a Municipal Heritage Property and has been registered in the Municipal Registry of Heritage Property by resolution adopted at a meeting of Council the ___ day of _____, 20__.

2. This Notice of Registration is being sent to you pursuant to the requirements of the Heritage Property Act and a true copy of this Notice of Registration shall be deposited at the Registry of Deeds Office for Kings County, situated at Kentville, Nova Scotia.

3. The effect of registration in the Municipal Registry of Heritage Property is that no demolition or substantial alteration in the exterior appearance of the Property may be undertaken from the date of registration unless an application, in writing, for permission is submitted to the Municipality of the County of Kings and the application is granted with or without conditions. Where an application is not approved, the owner may make the alteration described in his application or carry out a proposed demolition at any time after one year but not more than two years from the date of the application.
4. Registration of the Property includes the following consequences:
 - 4.1 Municipal Heritage Property shall not be substantially altered in exterior appearance or demolished without the approval of the Municipality of the County of Kings ("the Municipality").
 - 4.2 An application for permission to substantially alter the exterior appearance of, or demolish a Municipal Heritage Property shall be made in writing to the Municipality (addressed to the Municipal Clerk).
 - 4.3 Upon receipt of the application, the Municipality shall refer the application to the Heritage Advisory Committee of the Municipality for recommendation and within thirty days of such a referral the Heritage Advisory Committee shall submit a written report and recommendation to the Council of the Municipality whereupon the Municipality may grant the application either with or without conditions or may refuse it.
 - 4.4 The Municipality shall then advise the applicant of Council's decision.
 - 4.5 Notwithstanding items number 4.1 to 4.4, where an application has been made for permission to alter the exterior appearance or to demolish the Property and the application is not approved, the owner of the Property may make the alteration or carry out the demolition at any time after one year from the date of the application, provided that the alteration or demolition shall not be undertaken more than two years after the date of the application.
 - 4.6 The Municipality has the right to place a sign, plaque or other marker on the Property indicating the significance of the Property.
 - 4.7 The Heritage Property Act provides upon contravention of the Act for an offence punishable by a penalty of not more than \$10,000 for an individual and \$100,000 for a corporation and imprisonment upon default, together with other remedies enforcing restraint and/or restoration.

DATED at Kentville, Nova Scotia, this
____ day of _____, 20__.

Municipal Clerk

Appendix 'D'

Schedule "A"

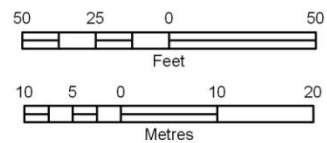
PROPERTY DESCRIPTION



Site Plan 1108 Middle Street

Port Williams, NS
PID 55036867
File # 09-13

-  Accessory Building
-  Registered Heritage Property
-  Subject Property



Source:
NSPRD, Geomatics Centre (Dec. 2009)

Schedule "A"
PROPERTY DESCRIPTION
The footprint of the Main Building located on lot 2 on a plan registered at the Office of the Registrar of Deeds for Kings County, dated April, 1935 filed as A-80

Appendix 'E'

**MUNICIPALITY OF THE COUNTY OF KINGS
HERITAGE PROPERTY EVALUATION CRITERIA**

The following criteria will be used by the Kings County Heritage Advisory Committee in recommending whether a property should be included in the municipal heritage registry. The criteria have been adapted from the criteria used to evaluate Provincial Heritage Properties as well as municipal criteria from Mahone Bay, Annapolis County, Halifax Regional Municipality and the former Town of Bedford. Points will be awarded based on historical, architectural and contextual considerations.

HISTORY & CULTUREHistorical Period

Property dates from:

1675-1755 Acadian (automatically eligible for designation)		
1756-1800 New England Planter/United Empire Loyalist migration	15	
1801-1840 General development of education & transportation	12	
1841-1890 Age of Sail – rise of coastal communities	10	
1891-1914 Kings Co. becoming 'Orchard of the Empire'	7	
1915-1939 WWI – Interwar	5	X
1940+ WWII to present	0	

Historical Association

Association with the life or activities of a person, group, organization, or institution or an event that has made a significant contribution to the community, province or nation.

Building is intimately connected with person, group or event of primary importance	25	
Building is loosely connected to person, group, event, etc. of primary importance.	20	X
Building is intimately connected with person, group or event of secondary importance	15	X
Building is loosely connected to person, group, event, etc. of secondary importance.	10	
Building has no known connection with a person, group, event, etc. of importance.	0	

Continuity of Ownership

Property is owned or occupied by descendants of original owner/builder.	10	
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ARCHITECTUREStyle

In comparison to recognized historical building styles the style is considered a:

Very rare example	10	
Rare example	7	X
Common example	5	
Very common example	0	

Construction type/building technology

The type of construction or building technology used is considered:

Very rare or early example	10	
Rare or fairly early example	7	X
Common example	5	
Very common example	0	

Architect/builder

The property is an example of an architect/builder's work that is considered:

Very rare or work from an architect/builder that is of exceptional interest	20	
Rare or work from an architect/builder that is of special interest	15	X
Common or architect/builder of little interest	5	
Very common or architect/builder of no interest or unknown	0	

Condition

The building's structural condition and state of repair is:

Excellent	10	
Very good	7	X
Fair	5	
Poor	0	

** additional points may be awarded if owner has made commitment to restoration*

CONTEXT/ENVIRONMENTLandmark

Importance of building as a visual landmark:

Symbol of provincial importance	15	
Symbol of county or regional importance	10	
Symbol of community importance	7	X
Little or no symbolic value	0	

Environment

The extent to which the property contributes to the historical/architectural character of the area:

Essential to maintaining the dominant character	10	
Important to maintaining the dominant character	7	X
Compatible with the dominant character	5	
Incompatible to the dominant character	0	

Integrity

Building is on its original site with few or minor exterior alterations	10	X
Building is on its original site with major exterior alterations	7	
Building has been relocated and has minor exterior alterations	5	
Building has been relocated and has major exterior alterations	0	

SCORING

Total Score	100
Recommended for Designation	YES

Properties scoring more than 100 points will be given the highest priority for designation; properties scoring between 75-100 points will be given second priority for designation; and properties scoring between 50-74 points will be given third priority for designation.

Property Name/Address	Scored By	Date
McElvy Home 1108 Middle Street, Port Williams	Seamus McGreal	19 Nov. 09