



PROPOSED SINGLE UNIT DWELLING

Application to Amend the Land Use By-Law to Rezone to R1

PID # 55112999

Prospect Avenue, Kentville

Applicant:

Date: August 2023

Prepared by: Fuki Asai, Planner

Presented to the Planning Advisory Committee



C+D community design

REPORT OVERVIEW

<p>Request</p>	<p>We have received an application to rezone PID #55112999 (Prospect Avenue) to permit the development of a single-unit dwelling.</p>		
<p>Description</p>	<p>The Authorized Agent, Stuart Kennie (on behalf of Bentley Built Homes), has applied to rezone a portion of PID 55112999 from a Large Lot Residential (R5) zone to a Single Unit Dwelling (R1) zone to develop a single-unit dwelling.</p> <p>This rezoning was requested to allow the proposed single-unit dwelling to be constructed on the property. The Large Lot Residential (R5) zone has a minimum area of 60,000 ft² and frontage of 200 ft, while the minimum lot area and frontage requirements in the Single Dwelling (R1) zone are 5,000 ft² and 50 ft. By rezoning this property, the proposed development will be possible.</p> <p>The subject property is zoned “Large Lot Residential” (R5). Council applied this zoning to several large tracts of land in Kentville. Many of the R5 lots are not serviced, and there are no immediate plans for development.</p> <p>In the Town of Kentville, the property owner is responsible for the cost of running the required services. The property owner can build a single-family dwelling with R5 or R1 zoning. If development occurs, these services must be installed.</p> <p>The proposal meets all the requirements of the single-unit dwelling zone. The proposal is consistent with existing uses in the area. In addition, this rezoning aligns with the Council’s vision to increase residential development thoughtfully; by rezoning to R1, the remaining area of the property will be left available for future development. For this reason, it is recommended that the Council approve the application.</p>		
<p>Recommendation</p>	<p>It is recommended that council APPROVE the proposal to:</p> <p>To rezone a portion a portion of PID 55112999 from Large Lot Residential (R5) zone to Single Unit Dwelling (R1) zone.</p>		
<p>Relevant Policies and Legislation</p>	<ul style="list-style-type: none"> • Municipal Planning Strategy • Land Use By-Law • Town of Kentville Policy Statement G62 Public Participation Policy (Planning) • Town of Kentville Policy Statement G64 Public Engagement and Participation at Council Meeting 		
<p>Follow Up Action</p>	<p>An amendment to a Planning Document, in this case the Land Use By-Law, requires the Public Participation Meeting before placing the first notice of Public Hearing.</p> <p>The Municipal Government Act requires that Municipalities adopt a Public Participation Program Policy that outlines their public engagement process at the Planning Advisory Committee level when considering an amendment to their planning document. The Town of Kentville has policy G62 Public Participation Policy. As the Town does not have a Planning Advisory Committee, the requirements of this policy are completed at Council’s committee meetings.</p>		

This Application Requires the Following Steps:

*** A public participation program is not required for a land use by-law amendment (rezoning)

1. 1st Reading (Council)
 2. Public Hearing (Council)
 3. 2nd Reading (Council)
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Application

We have received an application to rezone a portion of PID 55112999, Prospect Avenue. The rezoning will be from a Large Lot Residential (R5) to a single-unit dwelling (R1) zone to reduce the lot area and frontage requirements for a single-family home.

The Proposal

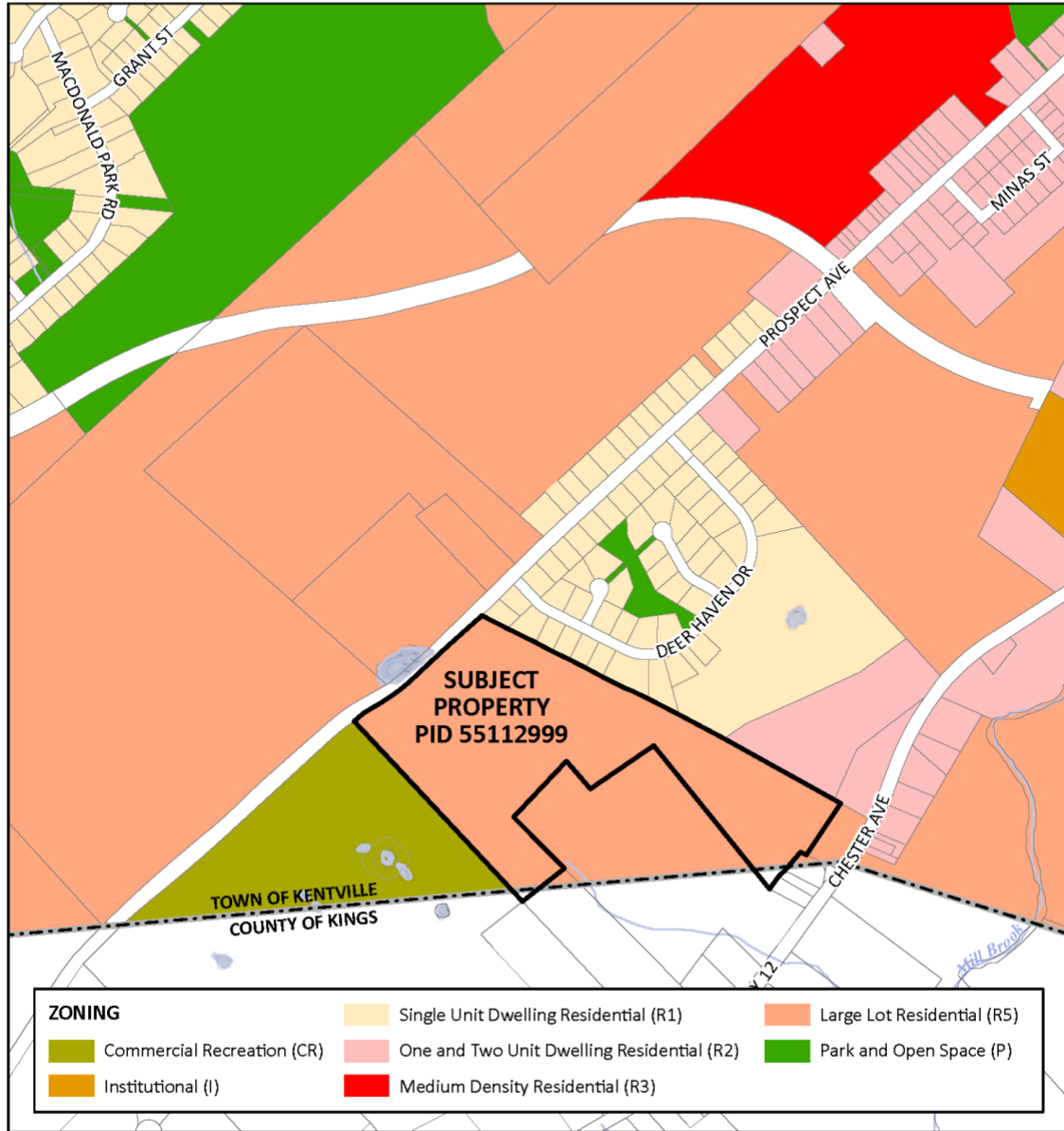
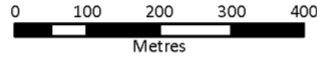
The proposed property is vacant and yet to be developed. The municipality has approved a development permit to construct a single-unit dwelling on this property. However, construction has yet to commence. The property is now zoned Large Lot Residential (R5) zone because of the size of the lot and the lack of access to municipal services. The adjacent properties are zoned Residential Single Unit Dwelling (R1) and Commercial Recreation (CR) zones (See figure 1)

The applicant has proposed a new building that will be used as a single-unit dwelling on the subject property with 12,940 ft² and 80 ft frontage with the hopes of split zoning a portion of the larger property from R5 to R1, permitting higher density on the lot and allowing the property owner to build closer to the road and maintain future possibilities for the remainder of the lot.

The existing R5 zoning permits single-unit dwellings; however, the applicant wants to rezone to a smaller portion to utilize minimum frontage and lot requirements better. R5 Zoning was created to be applied to larger lots that do not have Municipal Services. The property owners will be responsible for the cost to extend the water, sewer, and storm services to the end of their property, regardless of a re-zoning approval from Council. Council intends to pave the extension of Prospect Avenue.

Kentville

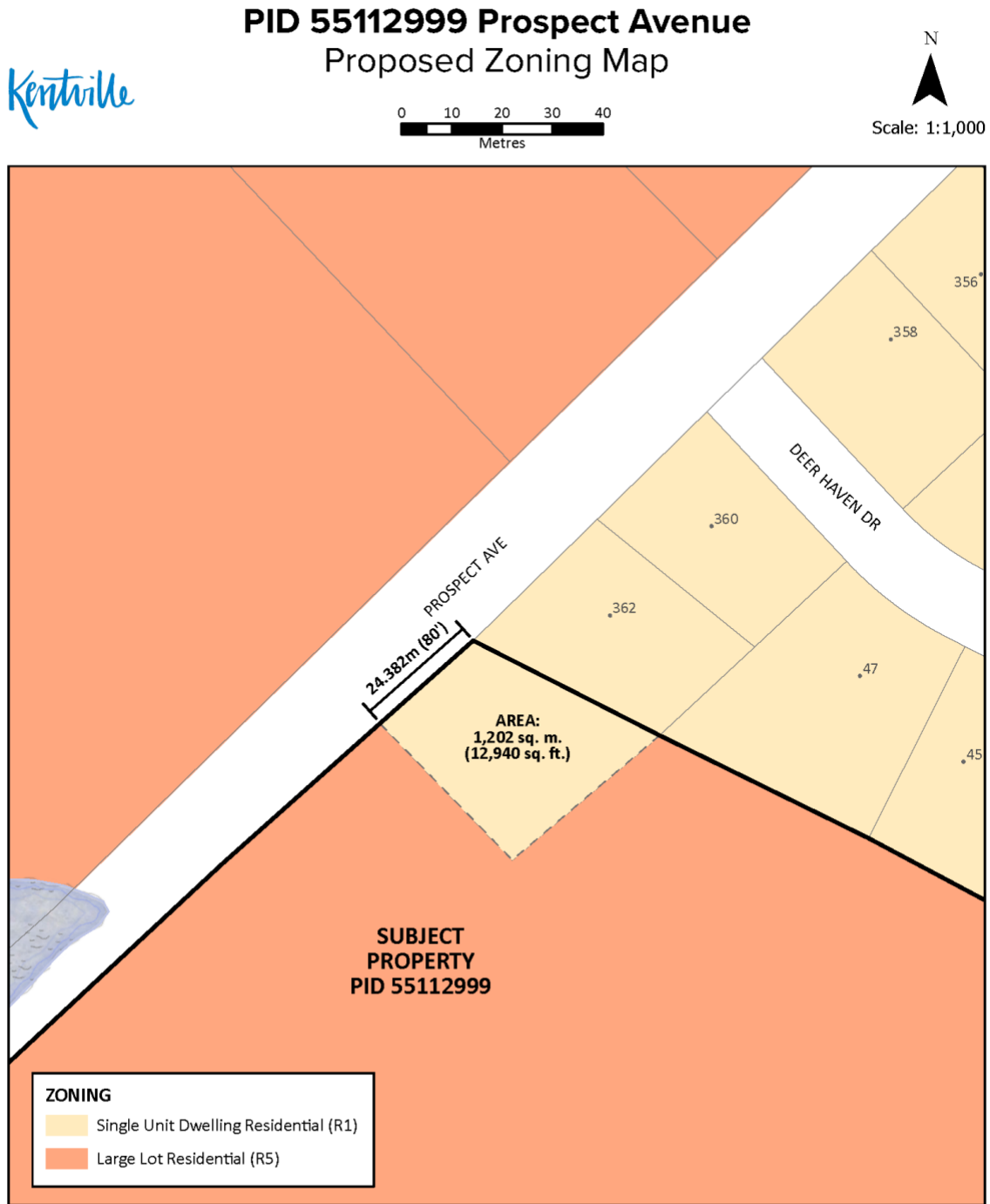
PID 5512999 Prospect Avenue Current Zoning Map



This map is a graphical representation of property boundaries which approximate the size, configuration and location of parcels. Any interpretation of this map must be confirmed with the Municipality in which the property is situated. To receive further clarification about the use of this Planning Document inquiries may be made to the Town of Kentville's Planning and Development Department.

Property Source: Nova Scotia Property Records Database (NSPRD), Compliments of the Nova Scotia Geomatics Centre (NSGC), Service Nova Scotia and Municipal Relations, 160 Willow Street, Amherst, Nova Scotia, Canada

Figure 1 Existing Zoning Adjacent to Subject Property



This map is a graphical representation of property boundaries which approximate the size, configuration and location of parcels. Any interpretation of this map must be confirmed with the Municipality in which the property is situated. To receive further clarification about the use of this Planning Document inquires may be made to the Town of Kentville's Planning and Development Department.

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Figure 2 Proposed Re-Zoning Map

MADDIE & BRANDON GALLANT PROPOSED NEW HOME PROJECT



Figure 3 Proposed Home Design

Policy Analysis

Land Use By-Law

The Land Use By-Law permits Single Unit Detached Dwelling in R1 and R5 zones. Requirements for lot area, frontage, and yard size differ between these zones. Policy 5.6.4 of the Land Use By-Law, R5 zones require a larger lot area of 60,000 ft² with 200 ft of frontage. Whereas policy 5.2.4 of the Land Use By-Law sets the minimum requirements for the R1: a minimum of 5,000 ft² for the lot area and 50 ft for the frontage. (See Table 1 for the comparison.)

The subject property, PID 55112999, has a lot area of 28.39 acres and the frontage is over 243 meters. The proposed area of the lot requesting a split rezoning is 12940 sq ft and 80 ft of frontage. Town staff have reviewed the application to ensure that all requirements listed in the Municipal Planning Strategy have been met. **If Council approves this application to re-zone a portion of PID 55112999 from R5 to R1, the property owner would be permitted to move forward with the intended single-family dwelling development following the R1 lot requirements. Either result, the owners will be required to pay the total cost of extending the water, sewer, and storm services to the end of their property.**

Table 1 Comparison of Lot Requirements between Zones

	R1 zone -proposed zone-	R5 zone -current zoning-	Subject Property
Lot Area (ft ²)	(minimum) 5,000 ft ²	(minimum) 60,000 ft ²	12,940 ft ²
Frontage (ft)	(minimum) 50 ft	(minimum) 200 ft	80 ft

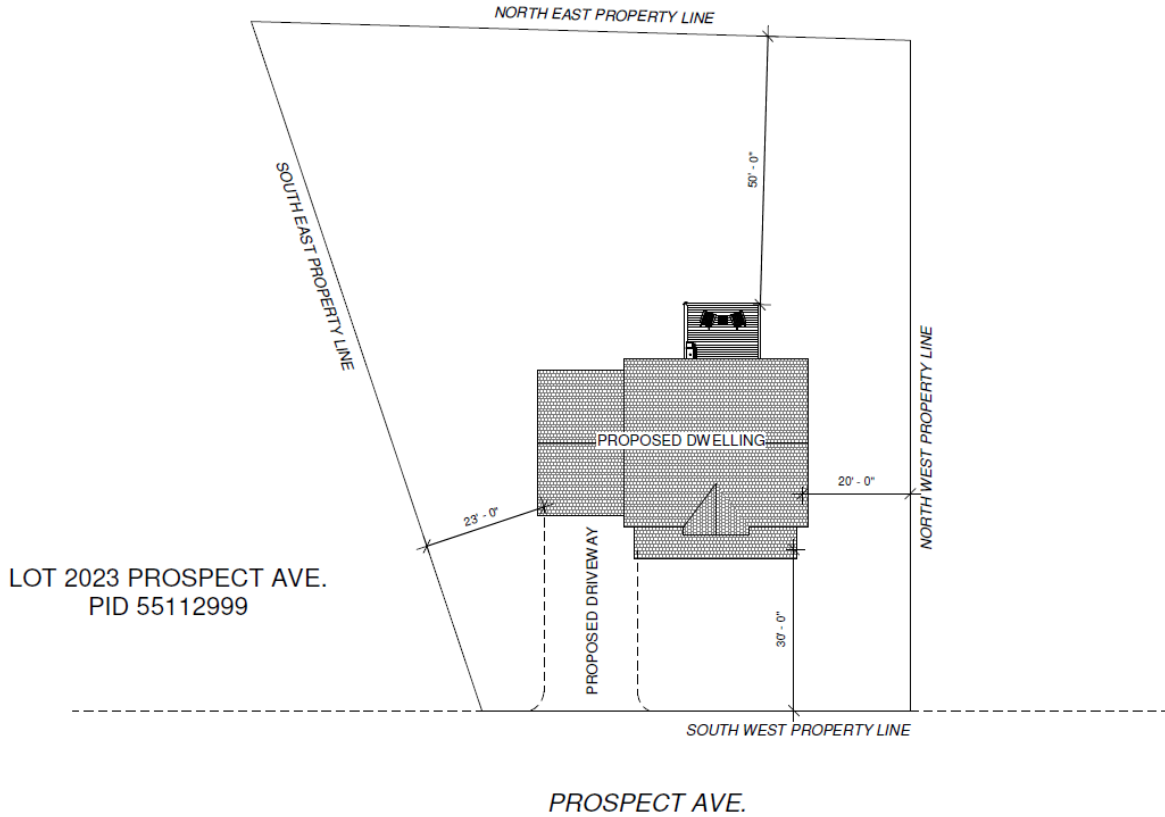


Figure 4 Proposed Lot Configuration for Single-Family Dwelling Development

Additional relevant policies from the Land Use By-Law for this application are listed in [additional materials](#).

Municipal Planning Strategy

The Municipal Planning Strategy 15.9.2 states that **the rezoning will allow the property to develop for more intensive use**. Council will undertake a detailed evaluation of the proposed development before deciding on a rezoning application. To ensure that all potential land use impacts are considered, Council will adopt evaluative criteria specifically designed to assess rezoning applications.

(15.9.2.1 Reoning Requirements)

The Council's Rezoning Application Requirements are as follows:

1. The request must be submitted in writing to the Town.
2. Detailed plans concerning servicing, stormwater drainage, traffic management, landscaping and other design elements shall be included.
 - a. Where a proposal involves dimensional or aesthetic issues, the application must include a written and professionally prepared site plan and graphic representation drawn to scale. Site plans must indicate.
 - i. The location, area and dimensions of the subject property
 - ii. The proposed location, dimension, height, and proposed use of buildings
 - iii. How the site is to be serviced by sanitary and storm sewers, water, electrical service and other utilities.
 - iv. The location of all parking stalls, driveway, walkways, lighting, fencing, refuse and snow storage.
 - v. Landscaping elements, including existing and proposed shrubs and trees and
 - vi. Architectural features where the planning document regulates such features.

***Council is aware that a rezoning is different from a development agreement and that the detailed plans provided by the developer will not necessarily result from the re-zoning process.

(15.9.2.2 Evaluation Criteria for Rezonings)

Council's evaluation criteria for a rezoning are as follows:

1. Compatibility of the proposed land use with adjacent uses
2. Compatibility of the development with adjacent properties in terms of scale
3. The proposed development resolves any potential compatibility issues with nearby land uses resulting from lighting, signage, outdoor display, outdoor storage, traffic, vehicle lights, and noise through good site plan design.
4. Adequate sewer services, water services, waste management services and stormwater management services.
5. The proposal contributes to an orderly and compact development pattern that efficiently uses existing municipal infrastructure.
6. Proximity to schools, recreation, and community facilities
7. Adequacy of the road network

8. Potential for erosion or the contamination or sedimentation of watercourses
9. Environmental impacts such as air and water pollution and soil contamination
10. Previous uses of the site may have contamination.
11. Suitability of site features
12. Emergency services may respond to an emergency.
13. In conformance with the intent of the planning strategy
14. Development can be regulated in a way that meets the guidelines established in the Kentville Water Commission Source Water Protection Plan
15. The financial ability of the Town to absorb related costs.

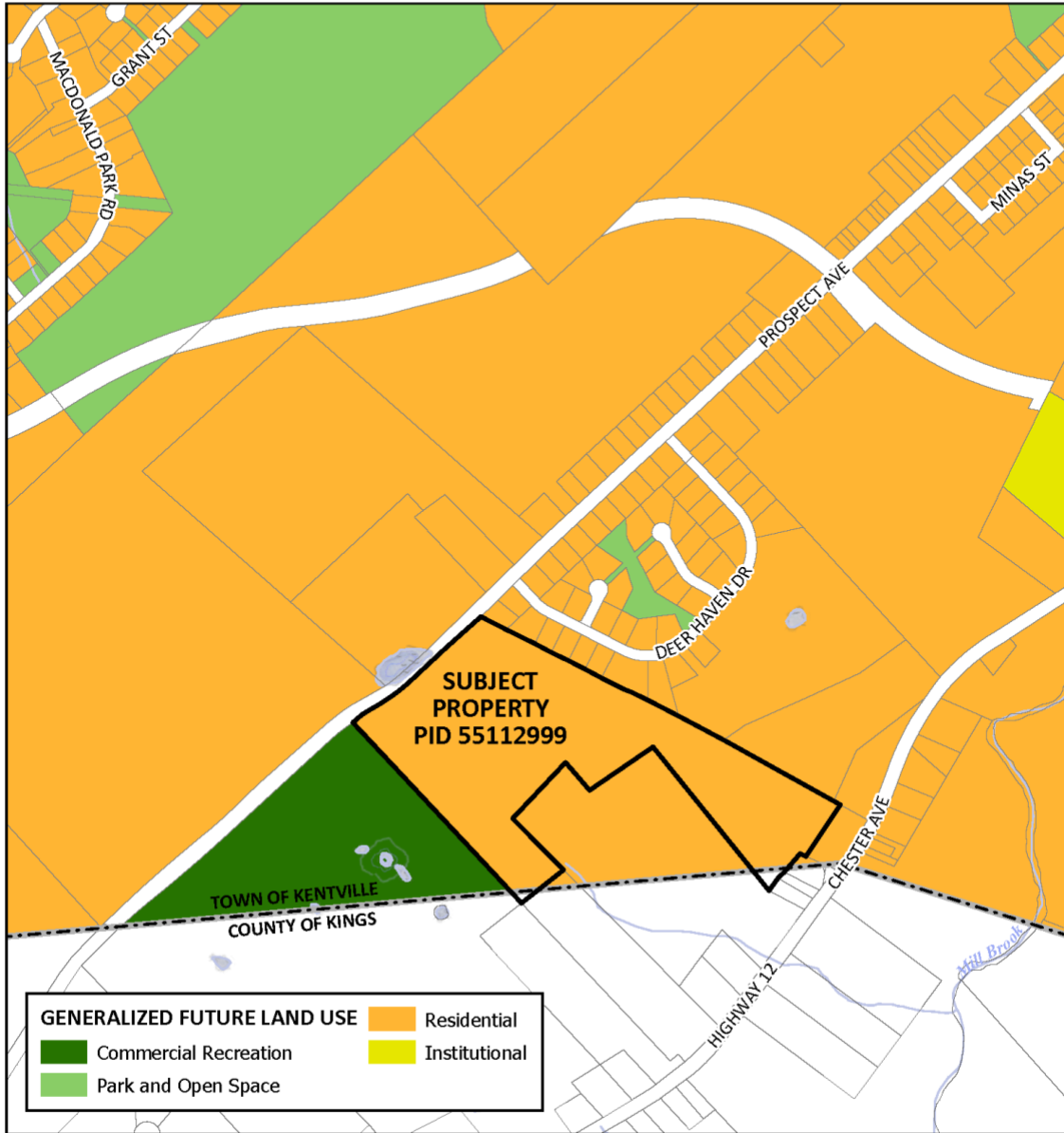
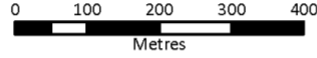
****Town of Kentville staff have reviewed all the above criteria and have established that the application is suitable and meets all of Council's requirements.

Another piece reviewed when processing a rezoning is how the property is designated on the Municipality's Future Generalized Land Use Map. This map guides the future of all property within the Town. If the designation on the property did not suit the re-zoning request, then a Municipal Planning Strategy Amendment would have to be considered, which is a much larger process. In this situation, the subject property is designated as residential, which permits any residential zoning to be considered.

Additional relevant policies from the Municipal Planning Strategy for this application are listed in [additional materials](#).



PID 55112999 Prospect Avenue Generalized Future Land Use Map



This map is a graphical representation of property boundaries which approximate the size, configuration and location of parcels. Any interpretation of this map must be confirmed with the Municipality in which the property is situated. To receive further clarification about the use of this Planning Document inquiries may be made to the Town of Kentville's Planning and Development Department.

Property Source: Nova Scotia Property Records Database (NSPRD), Compliments of the Nova Scotia Geomatics Centre (NSGC), Service Nova Scotia and Municipal Relations, 160 Willow Street, Amherst, Nova Scotia, Canada

Figure 5 Generalized Future Land Use Map

Recommendation

It is recommended that Council rezone a portion of PID 55112999 to a Single Unit Dwelling (R1) zone as outlined in the proposal.

Public Participation Program

The Municipal Government Act requires that Municipalities adopt a Public Participation Program Policy. This outlines their public engagement process at the Planning Advisory Committee level when considering an amendment to the planning document.

The Town of Kentville has policy G62 Public Participation Policy. As the Town does not have a Planning Advisory Committee, the requirements of this policy are completed at Council's committee meetings.

The Town of Kentville's Public Participation Program Policy does not require a public participation meeting at the committee level for single amendments to the Land Use By-Law (Re-Zonings).

G64 Public Engagement and Participation at Council Meetings states below:

1. Regular advertisements will be made in the local newspaper with the times, dates, and places for public Council meetings.
2. Council agendas will be placed on the Town's website and at the reception desk of the Town Hall.

Timeline of Public Participation:

1. 1st Reading (Council)
2. Public Hearing (Council)
3. 2nd Reading (Council)

Upcoming Council Meetings between September and October: Sept 25, Oct 10, and Oct 30

Additional Materials

Municipal Planning Strategy Policies

15.9.2 Rezoning's

A rezoning or map amendment involves the rezoning of a particular property to another zone; usually in order to allow the property to develop to a more intensive use. This type of amendment may substantially alter the type of development and uses which may be permitted on that site. Because this type of amendment may involve a specific property and include a detailed development proposal, there is an opportunity for Council to assess the land use impacts of the proposed development as part of the rezoning application. Council will, therefore, undertake a detailed evaluation of the proposed development prior to making a decision concerning a rezoning application. This detailed assessment will require that the applicant submit a conceptual development plan and details with respect to servicing, stormwater drainage, traffic management, landscaping, and other design elements. To ensure that all potential land use impacts are considered, Council will adopt evaluative criteria that is specifically designed to assess rezoning applications.

15.9.2.2 Evaluative Criteria for Rezoning's

Council will evaluate rezoning applications and other site specific Land Use By-law Amendment applications using specific evaluation criteria. The full use of the criteria set out below will ensure that the amendment is in conformity with all policies of this Strategy and will help to ensure that any resulting development has a positive impact on the community. These criteria are to be considered in addition to any applicable criteria found elsewhere in this document and included in the enabling policy for a specific development application. Council recognizes that they have limited ability to require a developer to undertake any of the design elements included in a rezoning application. Nevertheless, Council considers it to be prudent to consider the potential land use implications as part of any rezoning application and assumes that developers will generally conform to their submitted proposal. Council is mindful that other development scenarios may be possible under a particular rezoning proposal and all eventualities will be considered as part of a rezoning application.

Policy IM-8

It shall be the intention of Council when considering a rezoning application or other Land Use By-law amendment application that includes a specific development proposal to have regard for the following matters:

- a) compatibility of the proposed land use with adjacent land uses;
- b) compatibility of the development with adjacent properties in terms of height, scale, lot coverage, density, and bulk;
- c) that the proposed development resolves any potential compatibility issues with nearby land uses resulting from lighting, signage, outdoor display, outdoor storage, traffic, vehicle headlights, and noise through appropriate site design, landscaping, buffering and fencing;
- d) the adequacy of sewer services, water services, waste management services and storm water management services;
- e) that the proposal contributes to an orderly and compact development pattern that makes efficient use of existing and new municipal infrastructure;
- f) the adequacy and proximity of schools;
- g) the adequacy and proximity of recreation and community facilities;
- h) the adequacy of the road network in, adjacent to, or leading to the development;
- i) the potential for erosion or for the contamination or sedimentation of watercourses;
- j) environmental impacts such as air and water pollution and soil contamination;
- k) previous uses of the site which may have caused soil or groundwater contamination.

- l) suitability of the site in terms of grades, soil and bedrock conditions, location of watercourses, marshes, swamps or bogs.
- m) the ability of emergency services to respond to an emergency at the location of the proposed development.
- n) that the proposal is in conformance with the intent of this strategy and with the requirements of all other Town By-laws and regulations.
- o) development can be regulated in such a way as to meet or exceed the guidelines established in the Kentville Water Commission Source Water Protection Plan (SWPP) and
- p) the financial ability of the Town to absorb any costs relating to the amendment.

While a rezoning application must be accompanied by a clear development proposal, there is no legal agreement which requires a landowner to conform to the proposal as presented.

Policy IM-9

It shall be the intention of Council, therefore, to consider the other potential development scenarios that may be permitted as a result of a proposed zone change when evaluating a rezoning application.

Land Use By-Law Policies

****** Please remember that with a re-zoning, all uses permitted within the proposed zone will be permitted should Council approve the application.**

5.2 Single Unit Dwelling (R1) Zone

5.2.1 Permitted Uses

The following uses shall be permitted as-of-right in the Single Unit Dwelling (R1) Zone subject to the requirements of the Bylaw:

- Single Unit Detached Dwelling (but shall not include a mobile home)
- Residential Care Facility, Home for Special Care, Small Option Home or Group Home to a maximum of 4 bedrooms devoted to residential care use.

5.2.2 Permitted Uses with Conditions

The following uses shall be permitted in the Single Unit Dwelling (R1) Zone subject to the requirements of this By-law:

- a) Ancillary Dwelling Units subject to Section 5.1.1 of this By-law
- b) Home-Based Businesses, in accordance with Section 5.1.2 and 5.1.3 of this By-law

5.2.3 Permitted Uses by Site Plan Approval

The following uses shall be permitted in the Single Unit Dwelling (R1) Zone subject to the requirements of this By-law:

- a) Day Care Centres to a maximum of 14 persons.

5.2.4 Single Unit Dwelling (R1) Zone Requirements

In a Single Unit Dwelling (R1) Zone, no Development Permit shall be issued except in conformity with the following requirements:

Table 5.1 R1 Zone Requirements

Minimum Lot Area	5 000 ft ²	464.52 m ²
Minimum Lot Frontage	50 ft	15.24 m
Minimum Front Yard	20 ft	6.10 m
Minimum Rear Yard	15 ft	4.57 m
Minimum Flankage Yard	10 ft	3.05 m
Minimum Side Yard	4 ft	1.22 m

5.6 Large Lot Residential (R5) Zone

5.6.1 Permitted Uses

The following uses shall be permitted as-of-right in the Large Lot Residential (R5) Zone subject to the requirements of the Bylaw:

- Single Unit Detached Dwelling
- Homes for Special, Group Homes or Small Option Homes to a maximum of 4 bedrooms devoted to the use
- Animal Kennels
- R-1 uses as herein set out.

5.6.2 Permitted Uses with Conditions

The following uses shall be permitted in the Large Lot Residential (R5) Zone subject to the requirements of this By-law:

- a) Ancillary Dwelling Units subject to Section 5.1.1 of this By-law
- b) Home Based Businesses, in accordance with Section 5.1.2 and 5.1.3 of this By-law
- c) Bed and Breakfast, in accordance Section 5.1.4 of this By-law
- d) Special Events, in accordance with Section 5.1.7 of this By-law

5.6.3 Permitted Uses by Development Agreement

The following developments shall be considered only by development agreements in accordance with Policies IM-10 and IM-11 of the Municipal Planning Strategy

- a) Manufactured Home Parks/Land Lease Communities.

5.6.4 Large Lot Residential (R5) Zone Requirements

In a Large Lot Residential (R5) Zone, no Development Permit shall be issued except in conformity with the following requirements:

Table 5.5 R5 Zone Requirements

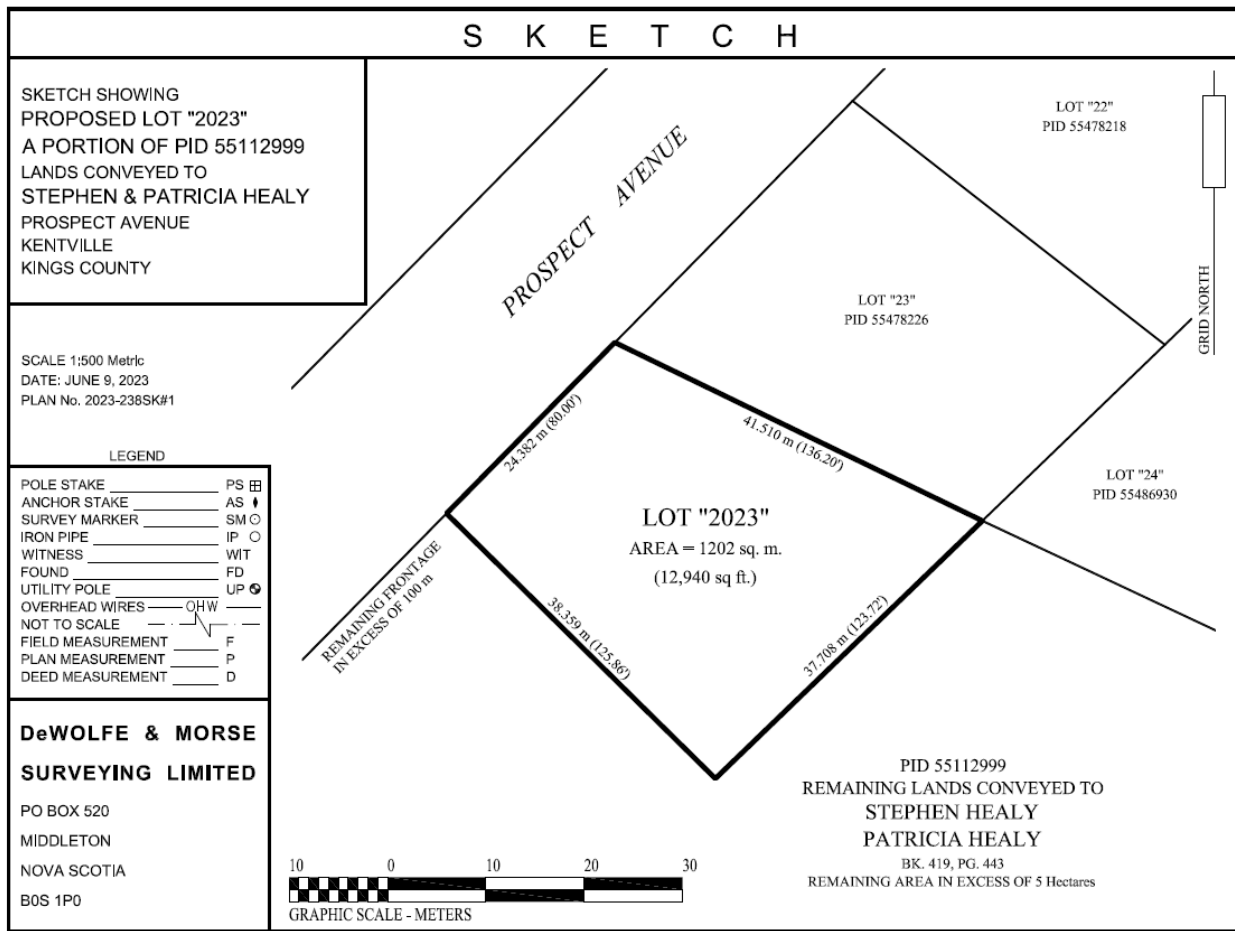
Minimum Lot Area	Single Unit Detached Dwelling	60 000 ft ²	5 574.18 m ²
	Homes for Special and Group Homes	60 000 ft ²	5 574.18 m ²
	Animal Kennels	60 000 ft ²	5 574.18 m ²
	Land Lease Community	5 acres	2.02 hectares
Minimum Lot Frontage	Single Unit Detached Dwelling	200 ft	60.96 m
	Animal Kennels	200 ft	60.96 m
	Homes for Special and Group Homes	200 ft	60.96 m
	Land Leased Community	200 ft	60.69 m
Minimum Front Yard	Single Unit Detached Dwelling	25 ft	7.62 m
	Homes for Special Care	25 ft	7.62m
	Land Leased Community	25 ft	7.62 m
	Animal Kennels	40 ft	12.19 m
Minimum Rear Yard	Single Unit Detached Dwelling	20 ft	6.10 m
	Homes for Special Care	20 ft	6.10 m
Minimum Rear Yard	Land Leased Community	20 ft	
	Animal Kennels	40 ft	12.19 m
Minimum Flankage Yard	Single Unit Detached Dwelling	10 ft	3.05 m
	Homes for Special Care	10 ft	3.05
	Land Leased Community	25ft	7.62m
	Animal Kennels	25 ft	7.62 m
Minimum Side Yard	Single Family Detached Dwelling	15 ft	4.57 m
	Homes for Special Care	15 ft	4.57m
	Land Leased Community	15ft	4.57m
	Animal Kennels	40 ft	12.19 m

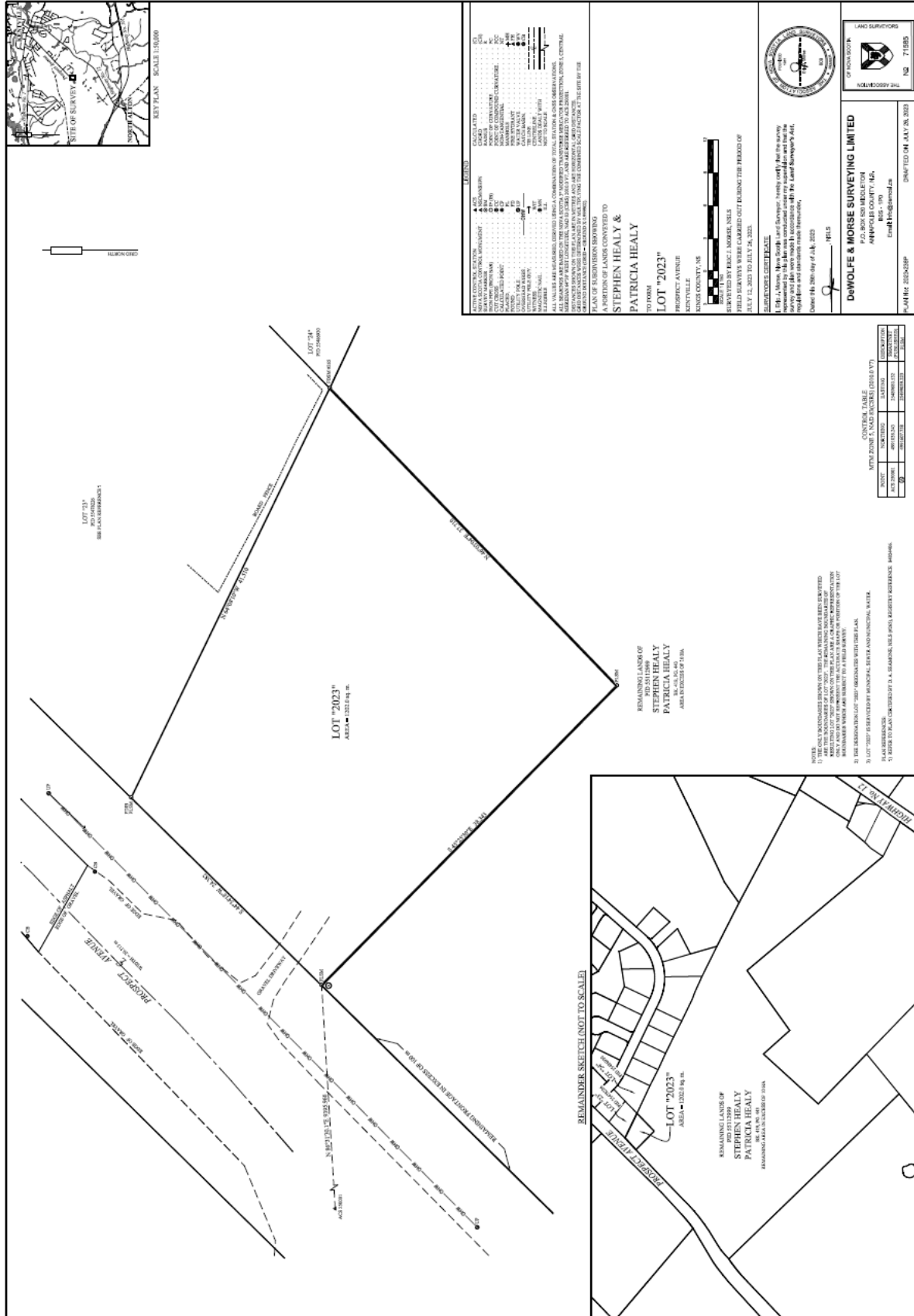
Schedule A Property Description

All that specific piece or parcel of land situated, lying and being in Prospect Avenue in the Town of Kentville, Province of Nova Scotia, and bounded and described as follows:

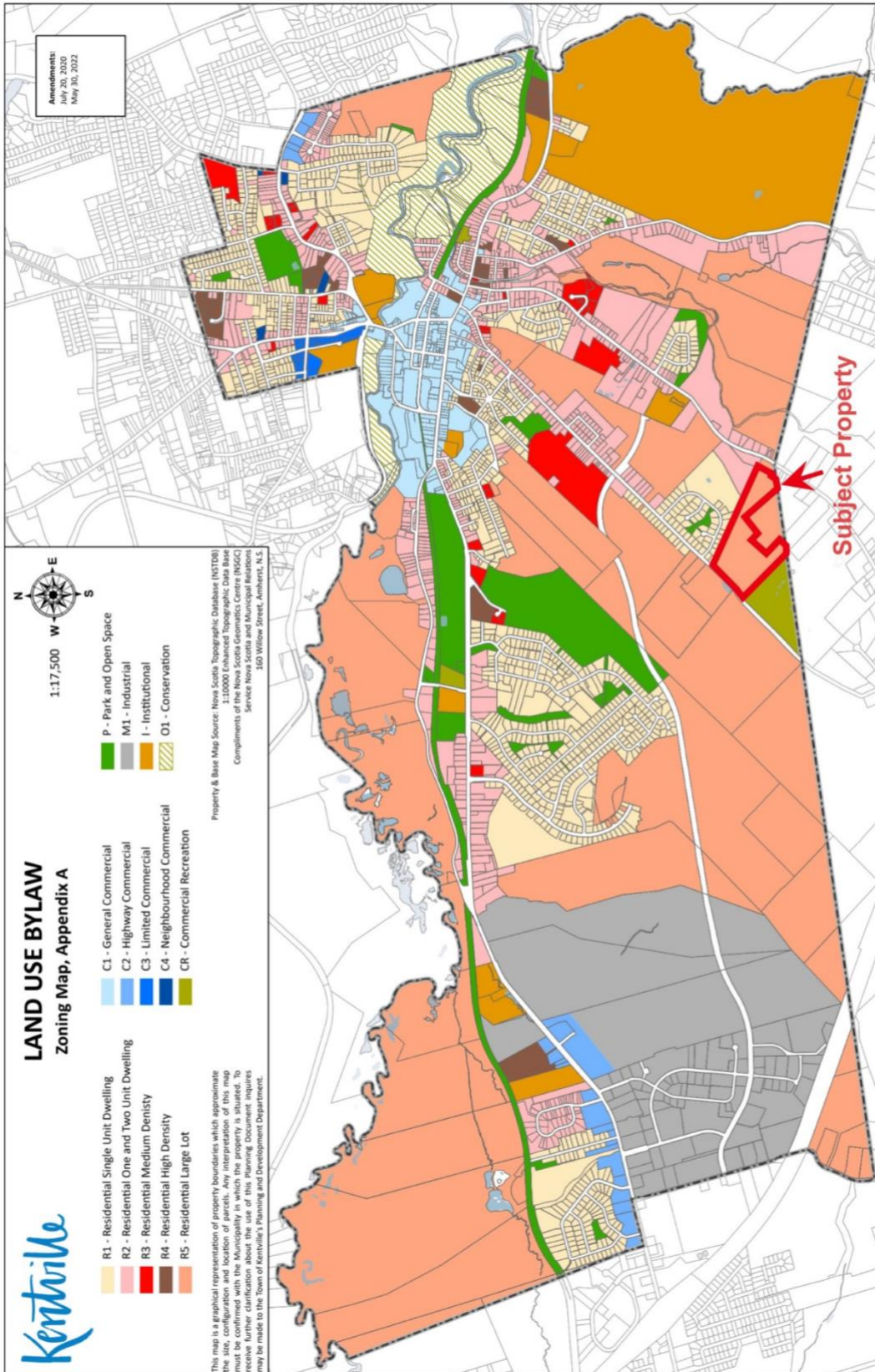
The frontage of the property is facing southwest side.

The southwest property line facing Prospect Avenue has 80 ft (24.382 m), the northwest property line has 125.86 ft (38.359 m), the northeast property line has 123.72 ft (37.708 m), and the southeast property line has 136.20 ft (45.510 m). The property is a proposed subdivision which has not yet been processed, the request is to rezone a portion of the large R5 lot.





Schedule B Zoning Map



Kentville

LAND USE BYLAW

Zoning Map, Appendix A

1:17,500

<ul style="list-style-type: none"> R1 - Residential Single Unit Dwelling R2 - Residential One and Two Unit Dwelling R3 - Residential Medium Density R4 - Residential High Density R5 - Residential Large Lot 	<ul style="list-style-type: none"> C1 - General Commercial C2 - Highway Commercial C3 - Limited Commercial C4 - Neighbourhood Commercial CR - Commercial Recreation 	<ul style="list-style-type: none"> P - Park and Open Space M1 - Industrial I - Institutional O1 - Conservation
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Property & Base Map Source: Nova Scotia Topographic Database (NSTDB) 1:10000 Enhanced Topographic Data Base
 Compliments of the Nova Scotia Geomatics Centre (NSGC)
 Service Nova Scotia and Municipal Relations
 160 Willow Street, Amherst, N.S.



Schedule C Site Plan

