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Chapter 1

Introduction

1.1 Preamble

Planning can influence economic development, housing development and design, parks and recreation program provision, public transportation, the design and maintenance of public facilities, as well as the management of programs that local government is responsible for. Planning can ensure ongoing attention and consideration to safety and social objectives; it can enhance the ability of citizens to gain better access to decision making systems and to have their concerns heard; and, can work to ensure involvement of all sectors of the community in the work for change.

In 2014 the Town initiated the review of their planning documents, called “Envision Kentville Planning for tomorrow-today”. This Municipal Planning Strategy, also referred to herein as the ‘Strategy’, ‘Plan’ and ‘MPS’, is the product of three years of public consultation and study, some undertaken independently and others as part of “Kings 2050” a partnership initiative intended to guide the long-term sustainable development of Kings County as a whole. This Strategy supersedes the Strategy approved by the Minister of Municipal Affairs in 2001. The Strategy is a proactive response to change, and growth and realizing the challenges the Town faces now and into the future. It contains the Vision Statement adopted by Council in the Towns Integrated Community Sustainability Plan (ICSP) which captures the community’s ideas and aspirations for the future.

This Strategy is enabled under the Municipal Government Act to establish policy with regard to the management of land uses, healthy growth and community development, and the provision of public services and facilities. Policies within this Strategy shall focus on methods to address limitations and opportunities related to the development of land in Kentville, and serves as a reference guide for citizens, in particular those engaged in residential or commercial development. As such, it should be readily understood and comprehensible by the local citizens and the business community while remaining plainspoken and to the point.

The plan review was structured to obtain broad public consultation for the formation of the Vision Statement, and Goals and Objectives. Advertisements were placed in the local paper and posted on various social media mediums soliciting public input. As well a number of local community leaders, business people and government agencies were specifically invited to provide input.

The development of the strategy was conducted in four phases

- Phase 1** Review of Current Conditions and Development Trends;
- Phase 2** Articulate a Vision and Goals and Public Input;
- Phase 3** Preparation of Background Information;
- Phase 4** Development of Draft Document; and
- Phase 5** Council Consideration for Adoption and further Public Input

When a Municipal Planning Strategy contains statements of policy with respect to land use management and development control, as is the case with this Strategy, it must be accompanied by a supporting Land Use By-law and Subdivision By-law.

1.2 Document Structure

This Strategy is a policy statement of Council. Council shall have regard to the policies contained within the Strategy. No development can be permitted which is contrary to the policies of the Strategy. The Strategy is divided into a number of different sections according to subject matter, several of which include a preamble, objectives, and policy statements of Council

This Strategy also includes several maps including:

Map 1 - Generalized Future Land Use Map

The Future Land Use Map (GFLUM) identifies what Town Council wishes to see an area or property become in the future.

Map 2 - Transportation Map

The Transportation Map shows Kentville's existing and planned street network, and classifies all public streets according to the type of service each street is designed to provide.

Map 3 - Environmental Constraints Overlay Map

The Environmental Constraints Map illustrate those areas that are limited for development due to environmental constraints, specifically steep slopes and areas susceptible to flooding along the Cornwallis River.

Map 4 - Wellfield Protection Area Map

The Wellfield Protection Map identifies the four (4) Wellfield Protection Overlays. In addition to the underlying zone requirements, the requirements of the overlays shall apply to all development within each wellfield overlay.

In addition to the written text there are a number of maps, referred to throughout the policy statements and the preamble. These maps constitute a part of the Strategy, and should be referred to in order to fully understand policy intent.

This Strategy has been prepared in accordance with the requirements of the *Municipal Government Act*.

1.3 Provincial Statements of Interest

Statements of Provincial Interest outline the province's vision for protecting Nova Scotia's land and water resources; and address issues related to the growth of our communities. They are intended to help provincial government departments and municipalities make land use decisions that have province-wide implications and support the principles of sustainable development.

Municipalities must take the statements into account when creating or reviewing land use planning policies and regulations. There are six Statements of Provincial Interest, however, the Statement of Provincial Interest, "The Nova Center" is excluded as it relates specifically to the development in the Halifax Regional Municipality.

The Statements of Provincial Interest are:

1. Drinking Water

Goal: To protect the quality of drinking water within municipal water supply watersheds

Council has adopted policies to protect the wellfields and recharge area that provide the town's water supply. There is currently a backup water supply within a protected watershed around McGee Lake in the Municipality of the County of Kings. It is unknown whether or not this water supply will be used in the future, however Council will encourage the County to limit new development within the watershed.

2. Flood Areas

Goal: To protect public safety and property and to reduce the requirement for flood control works and flood damage restoration in floodplains

Kentville is not designated as a flood risk area under the Canada-Nova Scotia Flood Damage Reduction Program, however, the Town has identified areas that are at risk of flooding. These are established as overlay zones within the Zoning Map and have related policy with standards and permitted uses. The Town has adopted policies outlining environmental constraints and how development can be accommodated in flood risk areas. Kentville has also been proactive with the construction of a 10.5 m high dyke along a portion of the Cornwallis River to mitigate anticipated flooding in the future as identified through the Town's Municipal Climate Change Action Plan (MCCAP).

3. Agriculture

Goal: To protect agricultural land for the development of a viable and sustainable agriculture and food industry

According to Agriculture and Agri-Food Canada, Land Capability for Agriculture does have some class 2 and 3 soils, however most, if not all, those soils has been cleared and urbanized. As an urban settlement, Kentville has limited agricultural potential. Council will support small scale food production through the Land Use By-law; however Council believes that concentrating and intensifying development in established settlement areas such as Kentville, Berwick, Wolfville and New Minas, where a wide range of existing urban infrastructure and services exists, is the most sustainable approach to protecting agricultural land In Kings County.

4. Infrastructure

Goal: To make efficient use of municipal water supply and municipal wastewater disposal systems

An infrastructure asset management plan has been started to map our asset and record our different system components. A five-year capital plan has been compiled (with annual adjustments as necessary) which looks to both infrastructure renewal and future expansion within the Town of Kentville. The Town's water system extends outside of the Town boundaries as per the Stead Agreement between the Town and the Municipality of the County of Kings. However, Council believes that concentrating development where a wide range of existing urban infrastructure and services already exists is the most

effective way to maximize the life and efficiency of these infrastructure, and does not support further extension of these infrastructure outside its boundaries.

5. Housing

Goal: To provide housing to meet the needs of all Nova Scotian's

This Municipal Planning Strategy recognizes the changing demographics and the need not only for a full range of housing types, but also the growing need for affordable housing. Town Council will support infill housing on undersized lots; reduced parking requirements in the downtown and increased density where affordable housing is contained within.

6. The Nova Center

The Nova Center Statement is excluded as it is specific to the a development in the Halifax Regional Municipality, and is therefore not applicable to the Town of Kentville

1.4 Kings 2050 Statements of Regional Interest

Kings 2050 was a collaborative project between the Towns of Kentville, Berwick, Wolfville and the Municipality of the County of Kings with the idea that dealing with issues such as climate change, economic development and transportation are more effectively addressed collectively.

Kings 2050 was first and foremost an effort to look beyond political boundaries to develop a vision for the whole of Kings County and to plan for opportunities and challenges that are not constrained by lines on a map. Especially in terms of transportation and water and sewer infrastructure, significant costs savings could be achieved by forming forward looking partnerships. Kings 2050 was anticipated to be a large task with four municipal units working together with the intention that the future development of Kings County would happen as efficiently as possible. The results so far has been the adoption of a Kings 2050 Vision; the adoption of a regional Municipal Climate Change Action Plan; and the *Kings 2050 Regional Approach Report* which a framework for future municipal planning emphasizing inter-municipal cooperation with the identification of 4 Statements of Regional Interests.

The statements of interest however were not formally adopted by Council until July 2017. The four statements modeled on the Statements of Provincial Interest and are intended to become the basis for managing regional planning issues include:

1. **Settlement** – To ensure an effective, efficient, equitable and a focused pattern of development that will support planned residential growth in response to the needs of the public.
2. **Economic Development** – To encourage the development of the Kings regional economy for the benefit of all communities and residents.
3. **Municipal Facilities** – To ensure the efficient provision of cultural, recreation and other facilities required to service and enhance the lives of all residents in the Kings region
4. **Environmental Protection** – To ensure the protection and enhancement of valued features of the natural environment in the Kings region.

While there is no legislative requirement for Council to demonstrate consistency with the Statements of Regional Interest this Municipal Planning Strategy will have regard to those statements.

1.5 Supporting Documents

1.5.1 Land Use By-Law (LUB)

The Land Use By-Law (LUB) is the primary companion document to the Municipal Planning Strategy. The Strategy establishes general future land use designations, to guide the location of development in a long term manner; and within the designations there are individual zones. The LUB is the means by which Town Council will carry out the intent of the Municipal Planning Strategy for land use and development purposes. This is done through specific municipal regulations and standards for matters ranging from permitted land uses within each zone, property setback requirements, lot area and frontage requirements, landscaping requirements, sign and fencing requirements, etc.

1.5.2 Subdivision By-Law

The Subdivision By-law sets out standards for the subdivision and consolidation of land; the orderly progression of land development; standards for the extension of services to new lots; street and sidewalk design, and the provision of open space.

In addition to the written text there are a number of maps, referred to throughout the policy statements and the preamble. These maps constitute a part of the Strategy, and should be referred to in order to fully understand policy intent.

Chapter 2 Community Profile

2.1 Chronology of Planning in Kentville

Planning for orderly and responsible development has been a major objective for Kentville since 1978 when the Town approved the formation of the Planning and Development Department. Prior to that only general zoning and provincial subdivision regulations were in place, with no clear objectives or policies established for the long term growth and development of the Town. In 1979, Kentville approved its first Municipal Development Plan (now referred to as the Municipal Planning Strategy) and Land Use By-law.

The 2018 Municipal Planning Strategy is a document that underwent extensive brainstorming and comprehensive examination. It is a positive revision of the 2001 Municipal Planning Strategy.

A special Advisory Committee, consisting of Council members, senior staff, members of the business community and residents was formed to oversee and direct staff in the review of the 2001 document. As a result of the support of the Committee and Council, and the participation of the community, the 2018 Municipal Planning Strategy was completed.

2.2 Historical Context

What is now Kentville was first settled by New England Planters in 1760 after the expulsion of the Acadians in 1755. Settlement was expedited by the United Empire Loyalists during the American Revolution due to its favorable geography and location which helped to establish the Town as the commercial centre of the Annapolis Valley region.

Kentville was first called Horton Corner. However, in 1826 the name was changed to Kentville in honor of the Duke of Kent, father of Queen Victoria, who had paid a visit to the area in 1794. The popularity of the area attracted shopkeepers and several stagecoach inns, and eventually a reputation for rowdy drinking and horse races in the early 19th century, earning the Nickname “the Devil’s Half Acre”.

In 1829, Kentville became the stage coach stop on the two day Halifax to Annapolis Royal journey. The apartment house presently located at 268 Main Street provided overnight lodging to these travelers. This building is presently owned by Stage Coach Properties and continues to be referred to as “The Stage Coach Property”. In 1869, the railway from Halifax to Annapolis was completed and Kentville soon became the main headquarters for the Dominion Atlantic Railroad by 1894. The railroad also attracted large institutional developments such as a large regional TB hospital, the Kentville Sanatorium, a federal agricultural research station and an army training base at Camp Aldershot. The Agricultural Research Centre consists of some 375 acres of land located in the east end of Town. The experimental farm continues to provide research and development into primary production and integrated crop production technology for the Atlantic region; Food safety and quality; and environmental stewardship: improving performance of the agricultural production system.



Many changes have taken place in Kentville since the community was first settled. During the early part of the 20th century Kentville emerged as the commercial center of Kings County and despite the post war loss of commerce to other valley communities, it remains the professional center of the Annapolis Valley. Today, the Town remains an integral part of the overall well-being of Kings County and the entire Annapolis Valley region. Kentville currently continues to serve as the administrative and professional

centre for the region. A successful Business Park, combined with several other valuable industries, has provided Kentville with a strong industrial base. With a population of approximately 6,271 and an estimated surrounding population of 60,600, optimism for continued prosperity is shared by all local citizens.

The Town of Kentville was incorporated on May 1, 1886. As the largest town in the Annapolis Valley with a population of 6,271, it serves as the professional center for legal, financial and medical services. A large array of businesses, unique shops and eateries offer a variety of services to its ever growing population. Blessed with an incredible quality of life, residents enjoy the benefits of living in a smaller-sized community on the doorsteps of such amenities as an internationally recognized university and Halifax, the capital city of Nova Scotia. Kentville residents enjoy a safe, vibrant and friendly town, a safe drinking water system, exemplary protective services, a multitude of recreational facilities, and a modern elementary school complex, among other features.

Kentville is centrally located in the beautiful Annapolis Valley of Nova Scotia along the scenic Evangeline Trail on Highway #1. Kentville shares its north boundary with the Cornwallis River, and is easily accessed from Highway 101. It has a geographic area of 17.35 square kilometers and is approximately 105 kilometers from Halifax, and 230 kilometers from Yarmouth.

Chapter 3 Planning Vision and Goals and Objectives

3.1 Vision

VISION

Kentville is a healthy, vibrant, integrated and complete community where citizens can live, work and play in an environment that supports a high quality of life

The Year is 2030. By pursuing holistic, proactive and adaptive planning, Kentville has strategically and proactively planned for and balanced growth to protect and ensure residential, commercial and industrial development has been environmentally, socially, economically and culturally sustainable. In 2030 Kentville is characterized by cooperation and communication within the community and by interdependence with regional partners in meeting mutual sustainable goals and objectives. The Town has achieved its Vision of becoming a sustainable community by inclusively developing and implementing policies and practices while pursuing partnerships that have built on the multiple values of the Town's strategic assets. The Town fills a regional niche with a diversified and responsive local economy that values knowledge, creativity and innovation.

HEALTHY

In 2030, the Town of Kentville is a resilient & adaptable community in light of global environmental & economic challenges. Citizens value the Town as a safe & clean, tolerant & caring place where opportunities for healthy, active lifestyles are abundant, and reliable, clean renewable energy and local food security solutions provide for citizen's daily needs. Alternative and active transportation options abound in a pedestrian-friendly and well-planned community with the revitalized Cornwallis River as a community focal point for recreation. The Town has maintained a commitment to ensure citizens' quality of life by taking appropriate measures to balance its growth and development to ensure the protection of local and regional assets and respect the ecological carrying capacity of natural resources (i.e. groundwater aquifers). As a thriving Town filled with capable, talented citizens; the Town exhibits a common sense of purpose characterized by high levels of internal cooperation with cohesive and cooperative community networks and open, accessible and responsive local governance. In addition, the Town maintains a positive tradition of regional cooperation with the shared goal of collaboratively working together to share resources and sustainably build regional prosperity. "Healthy Environment, Healthy Economy, Healthy People, Healthy Culture" captures the essence of Kentville in the year 2030.

VIBRANT

In 2030, the Town of Kentville is an appealing, multi-generational, ethnically diverse, entrepreneurial and self-sufficient community with a unique sense of place as a Town. Citizens take pride in the Town as an inviting, attractive, creative haven of opportunity supported by a rich social fabric that includes: strong shared community values, arts, cultural and historic appreciation, accessible and plentiful community green space and recreational opportunities linked by complete active transportation corridors and

networks, as well as a diverse and responsive local economy and a community spirit of education, innovation and participation

INTEGRATED

In 2030, the Town of Kentville is integrated and connected locally, regionally and globally. At the local level, the Town of Kentville pursues integrated approaches to decision-making and community development initiatives to ensure that resources are distributed equitably and maximum community benefits for sustainability are achieved. Multi-use facilities, integrated trail networks and innovative community partnerships and activities are common-place examples of integrated community initiatives. By collaboratively working with neighboring municipalities to find its regional 'niche', the Town of Kentville continues to develop and offer a 'balanced' and integrated package of community services and development initiatives that build on current community assets while ensuring the protection of local and regional assets. Integrated regional planning approaches for economic and urban/community growth and development, watershed management, as well as water, transportation and waste infrastructure development and service delivery are commonplace activities. There is an emphasis on the effective and integrated use of spatial resources within the Town to protect regional agricultural land and Town green space. Globally, the integrated community sustainability planning processes adopted by the Town are contextualized by a communal sense of global citizenship and environmental responsibility. In 2030, Kentville continues to develop a unique and diverse economy that is locally based and internationally connected, taking advantage of innovative new technologies to attract and retain citizens and businesses as a part of the global village.

COMPLETE

In 2030, Kentville citizens live, work and play in a community that is safe, accessible, inclusive and diverse. Kentville is a multi-generational community that is attractive and inviting to new families. It is a place where youth are valued and engaged and seniors are active and included. Kentville values and respects its multi-cultural, diverse and educated population of citizens and its workforce filled with highly skilled, talented workers able to innovatively and adaptively respond in the knowledge economy of the twenty-first century. Kentville is a place where citizens feel a sense of inclusion and participation through accessible and responsive local governance. The Town of Kentville remains committed to work towards a common sustainable future through encouraging a cooperative focus on strong local networks for the local economy, increasing access to arts and culture, community heritage values as well as pursuing environmental sustainability in the areas of transportation planning, green space, community design and form, as well as education and community services that encourage appropriate environmental attitudes.

3.2 Key Element of this Municipal Planning Strategy

Following are the key elements of this Municipal Planning Strategy. This section describes the general objectives that will guide Kentville in achieving its Vision, and shall generally support the policies of this Municipal Planning Strategy:

3.2.1 General Land Use and Development

The general land use and development objectives of this Strategy is to strive to ensure issues general to most, if not all zones and development are regulated comprehensively in order to avoid incompatible outcomes. The policies will attempt to promote diversified and vibrant neighbourhoods and community.

3.2.2 Housing/Residential

The housing objectives of this Strategy strive to facilitate a mix of quality housing types which reflect the diversified needs, income levels, ages and lifestyles of Town residents. A further objective of this strategy is to achieve a greater proportion of the regional housing market within the Town. The policies will address issues such as affordability, quality design, alternative housing needs and density in all residential areas while maintaining the character of existing residential neighborhoods within the town.

3.2.3 Commercial

The commercial objectives of this Strategy are to strengthen Kentville's position as a regional employment and service center, while ensuring that the employment, shopping and service needs of Kentville's residents are satisfied within the Town. Appropriate vacant land will be set aside for future commercial purposes, while existing commercial areas will be regulated to permit redevelopment and growth. New commercial development will be encouraged within the Downtown along River Street in order to strengthen the long term commercial viability of that area.

3.2.4 Industrial

The industrial objectives of this Strategy will facilitate the continued development of the Kentville Business Park in a manner compatible with the surrounding area. Council's decision to purchase 44 acres of land from NS Business Inc. has created, and will continue to create, a positive environment for new investment. Land for future industrial development will be set aside and serviced when appropriate.

3.2.5 Municipal Services

The municipal services objectives of this Strategy are multifaceted. First, the Strategy will require the logical and efficient extension of municipal services into un-serviced areas of the town. Secondly, the Strategy will focus on the collection and treatment of all solid waste in the Town; specifically the upgrading of the regional sewage collection system and a treatment plant for all town sewage. In addition, the Strategy will provide safe and clean water for the residents of Kentville through the continued enforcement of the Kentville Source Water Protection Plan and Kentville Wellfield Zones regulations. The Strategy will address storm water management to ensure that proper measures are in place to control flooding during peak periods.

3.2.6 Transportation

The transportation objectives of this Strategy will strive to ensure that the town is serviced by an adequate and well maintained system of public streets. This Strategy will focus on the efficient movement of traffic throughout the town, while at the same time promoting safe and inviting streets. The Strategy will recognize the importance of various modes of transportation other than motorized vehicles and as such will facilitate and encourage walking, bicycling and other alternative modes of transport.

3.2.7 Recreation

The recreation objectives of this Strategy focus mainly on the provision of diversified and accessible public open space and recreational facilities within the Town. Specifically, the Strategy aims to ensure that all areas of the town are adequately serviced by the town parks system. The Recreation objectives of this strategy is further strengthen Kentville’s position as a regional recreational center.

3.2.8 Natural Environment

The Environmental objectives for this Strategy are to maintain and improve the quality of the natural and manmade environment within the Town. The Strategy further aims to identify adaptation and mitigation measures to prepare for the impacts of climate change.

3.2.9 Agriculture

The agriculture objectives of this Strategy are to support residents’ easy access to healthy affordable local food.

3.2.10 Implementation

The implementation chapter describes how the policies contained within this Strategy are carried out by Council.

Chapter 4 General Land Use and Development

4.1 Objectives and Policies

This section is intended to provide policy statements to support and implement general provisions of the Land Use By-law that pertain to all zones within the Town.

Objectives

1. To facilitate the efficient growth and development of the town;
2. To ensure the appropriate provision of land within the town for all land use activities;
3. To regulate the re-development of non-conforming uses within the Town;
4. To provide some flexibility in applying the provisions of the Land Use By-law;
5. To encourage environmentally sustainable development; and
6. To regulate the design and form of development on a lot.

4.2 General Land Use Policies

4.2.1 Generalized Future Land Use Map

Policy GD-1 *It shall be the intention of Council* to provide for the overall development of the Town in accordance with the Generalized Future Land Use Map which constitutes Map 1 of this document.

Policy GD-2 *It shall be the intention of Council* to designate on the Generalized Future Land Use Map areas to be predominantly used for residential, commercial, industrial and other purposes.

4.2.2 Accessory Buildings, Structures, Swimming Pools and Fences

Due to the direct impact on the residential character of the town, Council wants to encourage the safety and maintenance of streetscape appearance with respect to accessory structures, swimming pools and fences. If regulated appropriately, these structures can blend in with the character of the community. In its regulations, the Town wants to balance the needs of the community with private property rights and to allow property owners the ability to utilize flanking yards on corner lots for accessory structures, fences, and swimming pools under certain conditions. Accessory structures, fences, and swimming pools will be permitted in flanking yards but will be subject to setback and height restrictions.

Policy GD-3 *It shall be the intention of Council* to regulate the placement, height and size of accessory structures, buildings, swimming pools and fences on a lot through provisions in the Land Use By-law.

4.2.3 Compact Development

Compact design of neighbourhoods can help communities use land more efficiently, which has several advantages. Well-designed, appropriate compact developments accommodate more uses on less land, preserve natural areas and require less funding for maintaining infrastructure.

Policy GD-4 *It shall be the intention of Council* to ensure that growth and development within the Town is efficient and cost effective by:

- a) Limiting development in un-serviced areas of the Town;
- b) Concentrating new development in adequately serviced and properly planned areas; and
- c) Encouraging and facilitating infill development on underutilized and existing undersized lots within the built up area of Town.

4.2.4 Development Agreements

Kentville has used Development Agreements in a limited fashion since the adoption of the 1994 Municipal Planning Strategy and will continue to do so for specific uses. A Development Agreement is a contract between the Town and a property owner within Town. The purpose of the Agreement is to specify the standards and conditions that will govern development of the property, where conventional zoning may not be advantageous.

Policy GD-5 *It shall be the intention of Council* that the following uses be permitted only by Development Agreement in accordance with the Municipal Government Act and Policies IM-10 and IM-11:

- a) Mini Home Parks/Land Leased Communities in the Large Lot Residential (R5) Zone;
- b) The change in use of a non-conforming use of land or a non-conforming use in a structure, to another non-conforming use; and
- c) The expansion, enlargement or alteration of a non-conforming structure.

4.2.5 Existing Under Sized Lots

There are many lots in Kentville that predate modern planning and subdivision regulations, and therefore do not conform to the Town's current Land Use or Subdivision By-laws. Although there are provisions within the Municipal Government Act to deal with the non-conforming structures, or non-conforming use of land there are situations which are not addressed by the Act, particularly with respect to existing undersized lots. For clarity, existing undersized lots shall include lots with reduced lot frontage and or lot area. Council wishes to encourage infill development and allow some limited flexibility in such cases to accommodate the efficient use of those parcels of land which might otherwise be undevelopable.

Policy GD-6 *It shall be the intention of Council* to permit development on undersized lots that existed on April 16, 1987, the date of validation of real property transactions under the Municipal Government Act when all other provisions of the Land Use By-law can be met.

4.2.6 Non-Conforming Uses and Structures

Non-conforming means a building or use of land that lawfully existed on the date of the coming into effect of this Strategy and Land Use By-law, which does not conform to the regulations of the zone which it is now situated. Council recognizes there are various non-conforming uses and structures in Town. Council will provide opportunities for the continued use of these properties in a controlled way. In addition to allowing for the continued use or the change of use of these properties, Council will consider the expansion, rebuilding, or recommencement of them and similar variations enabled by Section 242

(1) of the Municipal Government Act, including changes to any non-conforming structure. Council will use development agreements to achieve this goal.

Council shall encourage that all non-conforming uses are kept in a well maintained manner consistent with the surrounding areas. Council, in its approach to non-conforming uses, shall do so in accordance with Section 238 through 242 of the Municipal Government Act.

Policy GD-7 *It shall be the intention of Council* to regulate non-conforming uses and structures in accordance with the Municipal Government Act.

Under no circumstances shall Council consider the recommencement of a non-conforming use that has been discontinued for a period of one (1) year or more.

Policy GD-8 *It shall be the intention of Council* to prohibit the recommencement of a non-conforming use that has been discontinued for a period of one (1) year or more.

4.2.7 One Main Building on a Lot

The general intent of the Municipal Planning Strategy is to limit one main building on a lot with accessory buildings and structures. In certain instances, however, more than one main building may be necessary to accommodate certain types of development. For example, industrial uses may require several main buildings; or multiple residential buildings within a high density residential development.

Policy GD-9 *It shall be the intention of Council* to allow more than one main building on a lot for the following zones:

- a) General Commercial (C1);
- b) Highway Commercial (C2);
- c) Industrial (M1);
- d) Medium Density Residential Dwelling (R3); and
- e) High Density Residential Dwelling (R4).

4.2.8 Mixed-Use Compatible Communities

Mixed-use, public transit-friendly neighbourhoods benefit local economies. They save individuals cost on transportation by reducing the length and number of everyday trips and eliminating the need for car ownership. Mixed-use development can also support local businesses by increasing foot traffic. Mixed-use developments also create inclusive, connected communities. In mixed-use areas, you can find housing, restaurants, services, schools, cultural facilities, parks, and more. Not all uses however are compatible, therefore

Policy GD-10 *It shall be the intention of Council* to include provisions in the Land Use By-law to allow a mix of compatible land uses and to minimize their impacts by:

- a) Requiring adequate buffering and setbacks;
- b) Screening development by the use of visual barriers;
- c) Regulating the location of outdoor storage and displays, outdoor lighting, storage buildings, or other accessory facilities;
- d) Regulating accessory uses;

- e) Regulating minimum standards and the location of parking and loading spaces; and
- f) Regulating stacking and queue lanes for all drive-thru facilities.

4.2.9 Outdoor Storage and Display

Outdoor storage and display is a necessary component for some businesses. Some commercial and industrial uses, such as car dealerships and lumber yards, require large quantities of storage space and or display space for their wares. Under most circumstances it is not economical to construct large buildings for the storage of such goods and outside storage is often the only alternative. Because outdoor storage is highly land consumptive and may be seen as aesthetically unpleasing, it will be limited to certain zones. Standards regarding setback, height and lot coverage for outside storage are aimed at respecting adjacent properties and uses.

Policy GD-11 *It shall be the intention of Council* to regulate the outdoor display and storage of goods and materials in zones where such uses are permitted in accordance with the Land Use By-law.

4.2.10 Signage

Signs can have a significant impact on the appearance of the Town and left unregulated, signage can create visual clutter on our streets and pose safety concerns for both pedestrian and vehicular traffic. Council recognizes the importance of regulating signs to ensure that Kentville's streets and public areas are not overwhelmed by signage, while supporting the commercial needs of the businesses. In an attempt to maintain an aesthetically pleasing environment, minimize adverse impacts on adjacent properties and reduce safety concerns, some degree of control over signage is necessary.

Policy GD-12 *It shall be the intention of Council* to regulate the type, number, size and location of signs throughout the town in accordance with the Land Use By-law.

4.2.11 Special Events

A new trend in wedding venues has taken place. More and more couples are looking for outdoor sites that can offer a unique and picturesque option for both their weddings and receptions. As a result a number of private property owners have begun to rent their homes to wedding parties for their special event. As a result, many of these events and properties have become Commercial in nature and take place on properties that are not zoned for such uses, and many of these facilities have not been approved by building and fire code officials for the change of occupancy. Council wishes to support these opportunities, however since they are typically found on residential properties regulations beyond zoning or development agreements need to be considered. Council therefore will permit Special Events and Commercial Assembly in limited areas of Town in accordance to the Land Use By-law and be subject to a Special Event Permit. The purpose of a Special Events Permit is to provide Council and staff an added level of security by placing additional conditions on the use that is acceptable to the neighbourhood, including the size of the event (number of attendees), hours of operation and number of events per year per property. If a proponent does not meet the conditions, the Permit is not issued, or renewed.

Policy GD-13 *It shall be the intention of Council* to allow Special Events and Commercial Assembly in the Large Lot Residential (R5) Zone, in accordance to the Land Use By-law and Special Events By-law.

4.2.12 Temporary Uses

There are occasions where it may be desirable to have occasional uses on property throughout the Town. Flea markets, fairs, concerts, plays, craft sales and farmers markets are some possible examples of occasional uses which may be of benefit to the community or a non-profit organization, or serve to bring people into the urban core area. These temporary uses will be permitted in accordance with the Land Use By-law.

Policy GD-14 *It shall be the intention of Council* to include provisions in the Land Use By-law to control the length of time a temporary uses, such as those incidental to constructions site, or those erected for special occasions, may be permitted.

4.2.13 Telecommunication Facilities

Every day, millions of Canadians connect via communication technologies. These technologies link the country by providing us with TV and radio broadcasting, cable TV, cellphone networks, two-way radios and other services and would not work without antennas which, to function effectively, are often supported by towers or other tall structures. The public, businesses, police, firefighters, ambulances, air navigation systems and national defense use antenna systems, including towers, to ensure reliable communication.

Industry Canada is the federal licensing authority for all forms of telecommunication facilities and Health Canada provides radio frequency guidelines which all radio stations/communications must operate within. Though approving the location of telecommunications facilities fall under the jurisdiction of Industry Canada, the Federal Government does recognize that municipalities do have a vested interest in their location and has therefore established a policy outlining the processes a proponent must follow for community review. Procedures therefore require that land-use authorities be consulted, by the proponent, prior to the building of significant antenna structures. The process is designed to allow communities to effect the location of a telecommunication tower.

The purpose of this policy is to provide general guidance for the siting of telecommunication towers in the Town of Kentville and to create a clear procedure for public participation in the review of such proposals.

Policy GD-15 *It shall be the intention of Council* to require telecommunication providers to notify the Town before erecting or altering any telecommunication facility and require the applicant to submit detailed information outlining the proposed telecommunication facility.

Policy GD-16 *It shall be the intention of Council* when considering proposals for telecommunication towers that Council take the following into consideration:

- a) To promote and encourage co-location on existing and new towers as an option rather than construction of additional single-antenna towers and to reduce the number of such structures needed in the future; and
- b) To encourage all communication towers to locate no closer than three times the tower height from a property line.

4.2.14 Variances

Section 235 of the *Municipal Government Act* allows for the granting of a variance where a proposed development may not be able to meet the requirements of the Towns Land Use By-law, subject to specific conditions.

Policy GD-17 *It shall be the intention of Council* to allow the Development Officer to grant a variance in accordance with Sections 235-236 of the Municipal Government Act.

4.2.15 Transit Shelters

Kings Transit Authority is a public transit service funded by the County of Kings and the towns of Berwick, Kentville and Wolfville. Incorporated in 1981, the system services the area between Wolfville and Weymouth.

A bus stop is a designated place where buses stop for passengers to board or exit from a bus, and in many cases, are areas where transit shelters are located for the comfort of users. Council shall continue to permit transit shelters throughout Town and regulate transit shelters in the Land Use By-law.

Policy GD-18 *It shall be the intention of Council* to allow transit shelters in all zones and to establish regulations in the Land Use By-law regarding their locations and the use of signs.

4.2.16 Renewable Energy

As global energy demands change and costs increase municipalities must strive to adapt and provide more opportunities for renewable energy. Renewable energy is from a source that is not depleted when used, such as wind or solar power and Council recognizes there is interest in the community to supplement power consumption. Two common sources of renewable energy in Nova Scotia are solar and wind.

Solar

Solar energy refers either to a photovoltaic module, a solar hot water panel, or to a set of solar photovoltaic (PV) modules electrically connected and mounted on a supporting structure, such as a house. Traditionally this has taken the form of separate solar panels on raised racks on a roof to provide optimum panel angle relative to the sun. These on-building solar panels or collection systems have few, if any, moving parts, and have few impacts needed regulatory consideration. For that reason Council does not intend to regulate the on-building solar systems in the Land Use By-law; however where applicable building permits will be required.

Policy GD-19 *It shall be the intention of Council* not to regulate on-building solar panel systems in the Land Use By-law, however all applicable building permits shall be required.

Mini Wind Turbines

Wind turbines present unique land use regulation challenges because of their physical and operational characteristics. Wind energy has been greeted with mixed reactions from communities across the province based on perceived or actual impacts on health and quality of life of those in proximity to active turbines. However it is generally accepted that turbines are an attractive way to produce clean and free electricity and are an important technology to reduce carbon emissions associated with global climate change. While recognizing both the economic and environmental benefits associated with wind energy generation, Council is mindful of its need to protect its citizens' safety and quality of life.



As technology evolves and costs decrease residents in Town are expressing a desire to supplement their energy cost with wind energy. "Mini" wind turbines give residents and businesses with modest energy requirements the opportunity to supplement the electricity they draw from the grid.

Council shall establish policies to regulate mini (up to 1 kW0) wind turbines subject to location, setbacks and height restriction in the Land Use By-law.

Policy GD-20 *It shall be the intention of Council* to permit Mini wind turbines, with a maximum capacity of 1 kilowatt per turbine, as-of-right- in all zones in accordance with the Land Use By-law.

Small Scale Wind Turbines

In the fall of 2011 Valley Waste Recourse Management was accepted into the COMFIT application program. The Nova Scotia Community Feed-in Tariff (COMFIT) program was designed to encourage community-based, local renewable energy projects by guaranteeing a rate per kilowatt-hour for the energy the project feeds into the province's distribution electrical grid. Through COMFIT, these smaller producers were able to supply renewable energy to meet their specific energy needs. Amendments to the Municipal Planning Strategy and Land Use By-law to include Small Scale Wind Turbines in the Industrial (M) Zone were approved by Council in 2012 to support Valley Waste with their COMFIT application and a small-scale wind turbine with a maximum capacity of 100 kilowatt per turbine was subsequently approved in the Kentville Industrial Park.

Though the COMFIT had been successful in broadening this province's base of renewable electricity ownership and supporting community investment in electricity projects, the province has closed the program. Still recognizing the benefits of wind power, Council shall continue to place restrictions on the scale and location of small-scale wind turbines in the Industrial (M1) Zone.

Policy GD-21 *It shall be the intention of Council* to permit Small Scale Wind Turbines with a maximum capacity of 100 kW, as-of-right in the Industrial Zone, subject to the size, location, setback, noise and maintenance requirements in accordance with the Land Use By-law.

Policy GD-22 *It shall be the intention of Council* to require the submission of the following documentation to the Town with any development permit application for a Small Scale Wind Turbine:

- a) A scaled plan clearly indicating the height and design configuration of proposed facility;
- b) Site plans showing the location of the proposed site and proposed tower and equipment, dimensions of the proposed site and setbacks from property lines, topography, location and proximity of roadways and proposed access to the site, distance to residential areas and/or other structures, existing and proposed vegetation, fencing and other security measures;
- c) Written confirmation that the proposed wind turbine or wind farm will not affect television, telephone, or other forms of electronic equipment in the surrounding area;
- d) Written confirmation that the proposed wind turbine has been reviewed by Transport Canada or that the proposed structure does not require approvals from Transport Canada;
- e) Graphic representation of the proposed wind turbine indicating the potential visual impact of the wind turbine on surrounding properties and from various vantage points throughout the Town; and
- f) Any other information deemed necessary by the Town to evaluate the application

Policy GD-23 *It shall be the intention of Council* to notify all property owners within 500 feet of the property for which a development permit has been issued for a Small Scale Wind Turbine.

4.2.17 Parking

Despite the growing emphasis placed on alternative modes of transportation, the automobile continues to be the dominant mode of transport to and from and within Kentville. Over the last 5 years, Kentville in an effort to encourage cycling and reduce the reliance on cars, installed several bicycle racks throughout the downtown. This approach to reduce the reliance on cars and to alleviate traffic in Kentville proved somewhat unsuccessful as many of the bike racks remain underutilized and cars continue to be the most predominant means of travel. As a result, Council has struggled with the issue of encouraging alternative modes of transportation while still meeting the parking needs business community. A parking study undertaken in 2011 found that there were sufficient parking spaces for the needs of the businesses and merchants of Kentville, and also supports Councils desire to reduce the off street parking requirements within the General Commercial (C1) Zone. Council believes minimum off street parking requirements increase development costs; and proves to be an inefficient use of land.

As part of its efforts to revitalize the downtown, it is an objective of Council to encourage new development and the reuse of existing structures in the downtown area. However, downtown Kentville features many old buildings on small irregularly shaped lots that are not able to accommodate off-street parking. This can be a significant obstacle to overcome and in many cases discourage potential investors or developers who are interested in redeveloping our old buildings or developing vacant lots. These cases where adherence to minimum on-site parking requirements is unachievable, flexibility should be considered. Recognizing this, Council shall waive minimum parking requirements for the expansion or change of use of non-residential development in the General Commercial (C1) Zone; accept cash-in-lieu for on-site parking where parking is not physically possible, or the applicant can demonstrate the existing

parking supply can accommodate the on-site parking deficiency; and significantly reduce minimum parking requirements for new residential development.

Policy GD-24 *It shall be the intention of Council* to establish parking requirements within the Land Use By-law based on land use type and intensity.

Policy GD-25 *It shall be the intention of Council* to waive all off-street parking requirements for the expansion or change of use of all non-residential development in the General Commercial (C1) Zone.

Policy GD-26 *It shall be the intention of Council* to accept Cash-in Lieu of Parking in the General Commercial (C1) Zone where the applicant can demonstrate that the provisions of on-site parking, except for new residential developments, is not physically possible, or the applicant can demonstrate the existing parking supply can accommodate the on-site parking deficiency.

Policy GD-27 *It shall be the intention of Council* to establish reduced minimum parking requirements for residential development in the General Commercial (C1) Zone, in accordance with the Land Use By-law.

4.2.18 Loading Spaces

The lack of appropriate loading facilities, particularly in the downtown core of Kentville has been an issue. There are occurrences where necessary loading and unloading has blocked the flow of traffic and pedestrian use of public streets where those properties are unable to accommodate on-site loading facilities. Though these occurrences were in some cases unavoidable it is not the intention of this strategy to encourage such future conditions.

Policy GD-28 *It shall be the intention of Council* to establish minimum off street loading requirements for multi-unit residential, commercial, industrial and institutional development in accordance with the Land Use By-law.

4.2.19 Stacking & Queuing Requirements

Many facilities, especially fast food restaurants, coffee shops and banks provide a drive-thru service that allows customers to purchase products without leaving their cars. If drive-thru facilities are not designed appropriately a number of challenges present themselves, such as conflict between the stacking lanes and site access points. Council had previously considered prohibiting all new drive-thru facilities but determined if properly located and designed they are beneficial especially to seniors and persons with mobility issues.

Policy GD-29 *It shall be the intention of Council* to establish design, setback, and screening requirements for stacking and queue lanes for all drive-thru facilities, where ever such uses are permitted, in accordance with the Land Use By-law.

4.2.20 Site Plan Approvals

An alternative to Development Agreements as a development control technique is the Site Plan Approval. The site plan approval process is a way of dealing with certain site related issues, where Council believes land use conflicts could occur, in a less formal way than a development agreement. They are limited to

dealing with only one site at a time, whereas a development agreement can involve subdivision of multiple lots.

Policy GD-30 *It shall be the intention of Council* to empower the Development Officer to negotiate a Site Plan Approval, as per Section 231 of the MGA, for the development or re-development of a lot for the following uses:

- a) New structures or additions in a (R3), (R4), (C1), (C2), (C3), (M1), and (CR) Zone, when such developments abuts a Single Unit Dwelling (R1) Zone or a One and Two Unit Dwelling (R2) Zone;
- b) Day Care Centres to a maximum of 14 persons in the (R1), (R2) and (R3) Zones;
- c) Multi-Unit Residential Dwellings up to 50 units per acre in the (C1) Zone.

An application for Site Plan Approval shall be as prescribed by the Development Officer and shall incorporate the following matters into a site:

- a) The location of structures on a lot;
- b) The location of off street loading and parking spaces;
- c) The location, number, and width of driveway access to streets;
- d) The type, location and height of walls, fences, hedges, trees, shrubs, ground cover or other landscaping elements necessary to protect and minimize the land use impacts on adjoining lands;
- e) The retention of existing vegetation;
- f) The location of walkways, including the type of surfacing material, and all other means of pedestrian access;
- g) The type and location of outdoor lighting;
- h) The location of facilities for the storage of solid waste;
- i) The location of easements;
- j) The grading or alteration in elevation or contour of the land and provision for the management of storm and surface water;
- k) The type, location, number and size of signs or sign structures;
- l) The provision for the maintenance of any of the items referred to in this section.

Chapter 5 Residential

5.1 Objectives and Goals

Residential development is one of the main land uses in a town. The Town of Kentville has a relatively diversified, young, and healthy household demographic and residential growth has been consistent over the past 10 years. This Strategy's goal, in terms of housing and residential neighborhoods, is to promote and accommodate an array of dwellings with different prices, locations, and tenure. Furthermore, the Town is committed to protecting each neighborhoods sense of identity and diversity as well as fostering connectivity within the different neighborhoods.

For many years residential development within the Town has primarily consisted of traditional Single Family Dwellings. However, over the last few years there has been a significant shift away from this demand for traditional single family homes towards semi-detached dwellings, townhouses and apartments. This trend is indicative of the changing demographics: an ageing population, an increase in single-parent families, people living alone, all of which has contributed to the increasing need for alternative and affordable housing. Although this trend suggests a need for more diversity in the residential sector, single unit detached dwellings are anticipated to continue to supply the majority of housing in Kentville.

Objectives

1. To meet the mandate of the Province relating to housing opportunities for all of Kentville's citizens, particularly for those citizens of low to moderate income;
2. To provide a variety of housing types to accommodate the various needs and desires of Town residents;
3. To protect the character and development form of established residential neighbourhoods;
4. To encourage residential infill development on appropriate under-utilized lands;
5. To ensure that future residential development occurs in suitable locations with adequate water, sanitary sewer, storm sewer, transportation and recreational services available;
6. To actively promote and facilitate the development of housing within the town in order to attract a greater proportion of the regional housing market; and
7. To encourage the conservation, retention and improvement of the existing housing stock.

5.2 Residential Land Use Policies

5.2.1 Generalized Future Land Use Map

The Generalized Future Land Use Map provides a generalized view of how land in a Municipality is intended to be used. It does not necessarily show land use as it exists today, and it does not show zoning information.

Policy RS-1 *It shall be the intention of Council* to designate all areas of the Town Residential (R) Designation which are predominately residential in character and where future residential development will be encouraged and accommodated.

Policy RS-2 *It shall be the intention of Council* to apply the Residential (R) Designation to sufficient vacant land in order to satisfy the estimated demand for all residential development within the 20 year planning horizon.

5.2.2 Residential (R) Designation

The Residential (R) Designation has been assigned to areas where the predominant land use is intended to be residential in nature. The Residential (R) designated lands are presently comprised of all existing developed residential lands and vacant land intended for future development. Within the Residential (R) Designation Council will established five (5) Residential Zones.

5.2.2.1 Single Unit Dwelling (R1) Zone

Single Unit Dwelling (R1) Zone will foster stability within existing neighborhoods that consist of primarily Single Unit Dwellings by limiting the range of permitted uses within the established Single Unit Residential (R1) Zone. Council wishes to protect the character of these established neighborhoods, while encouraging new smaller single family dwelling lots and neighborhoods. The intent of this strategy is to foster a degree of stability within existing neighborhoods by regulating the range of permitted uses while encouraging new efficient developments to adhere to the minimum lot sizes. To accommodate this, Council has established a Single Unit Dwelling (R1) Zone and associated zone regulations in the Land Use By-law.

Policy RS-3 *It shall be the intention of Council* to establish a Residential Single Unit Dwelling (R1) Zone as shown in Appendix A, the Zoning Map, of the Land Use By-law.

Policy RS-4 *It shall be the intention of Council* to establish zone standards and permitted uses for the Single Unit Dwelling (R1) Zone in accordance with the Land Use By-law.

The Residential Single Unit Dwelling (R1) Zone is not intended to be completely inflexible and limited to single unit dwellings only. To accommodate an aging population and allow for more housing opportunities, the R1 Zone will permit the conversion of a single dwelling unit to include an Ancillary Dwelling Unit. To ensure that the character of the existing neighborhood is preserved, a secondary dwelling unit will only be permitted where there are no significant changes to the exterior of the dwelling.

Policy RS-5 *It shall be the intention of Council* to permit Ancillary Dwellings Units within any single unit dwelling throughout Kentville. The size, location and appearance of the Ancillary Dwelling Unit shall be regulated in the Land Use By-law to ensure the dwelling remains compatible with the single unit residential neighborhood.

5.2.2.2 One and Two Unit Dwelling (R2) Zone

One and Two Unit Dwelling (R2) Zone is established to encourage mixed neighborhoods of affordable, small scale one and two unit neighborhoods. Two unit dwellings, especially in the form of semi-detached units, help provide alternatives to single unit dwellings at different price points, while providing many of the benefits of single unit dwellings such as home and land ownership. These dwellings are typically more efficient than single unit dwellings in terms of land use and use of municipal infrastructure. This zone is applied to existing two unit dwellings and to several vacant serviced lots where Council deems two-unit developments to be appropriate.

Policy RS-6 *It shall be the intention of Council* in the Residential Designation to establish a One and Two Unit Dwelling (R2) Zone as shown in Appendix A, the Zoning Map, of the Land Use By-law.

Policy RS-7 *It shall be the intention of Council* to establish zone standards and permitted uses for the One and Two Unit Dwelling (R2) Zone in accordance with the Land Use By-law.

5.2.2.3 Medium Density Residential (R3) Zone

The Medium Density Residential (R3) Zone is intended to provide a transition between lower and higher residential density development. It will be applied to existing medium density residential units up to a maximum of six dwelling units as well as to vacant serviced lands where Council wished to encourage residential infill, up to a maximum of six dwelling unit's as-of-right. Most of the medium density dwelling units are found adjacent to the downtown, including West Main Street and Main Street, where single family units have been converted over the years. Many of these buildings are considered a legacy of our past and one we must endeavor to preserve. Converted dwellings will be subject to special requirements designed to preserve the appearance of the single unit detached dwelling and minimize the impact on the surrounding properties.

Policy RS-8 *It shall be the intention of Council* in the Residential Designation to establish a Medium Density Residential (R3) Zone as shown in Appendix A, the Zoning Map, of the Land Use By-law.

Policy RS-9 *It shall be the intention of Council* to establish zone standards and permitted uses for the Medium Density Residential (R3) Zone in accordance with the Land Use By-law.

Policy RS-10 *It shall be the intention of Council* to consider the following developments by Site Plan Approval in the Medium Density Residential (R3) Zone:

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

5.2.2.4 High Density Residential (R4) Zone

Multi-Unit Dwellings are an efficient use of land because they provide greater density and on a per unit basis are less costly to service, however they can present problems in terms of their effect on surrounding developments. This zone will apply to lands intended for the highest density residential development, and as transitional zones between commercial and residential land uses. Previous policies prohibited mixed housing forms in high density residential communities. High density or multi-family development was defined as buildings containing three or more dwelling units, but did not provide for alternative building forms such as row or townhouses. For new residential developments, mixed density and form is encouraged in the High Density Residential (R4) Zone to provide a range of housing choice, maximize infrastructure and land and support the provision of public transport. Mixed density residential development supports Nova Scotia's Housing Strategy which believes mixed residential densities foster healthy, vibrant and diverse communities by supporting a mix of income levels, housing types and tenure. Higher density land use can help solve many environmental, social and aesthetic problems of sprawl, and promote walkability, connectivity, mixed uses, and mixed housing that promote energy-efficient land use.

The Town has used, over the past number of years, both conventional zoning and more comprehensive control techniques, such as development agreements, to regulate residential multiple unit development. There are pros and cons to both approaches. The major benefits of a development agreement approach to development, above and beyond that of conventional zoning, was the ability to regulate not only all

matters that a Land Use By-law might contain, but also hours of operation and maintenance of the development. The major disadvantage was the time required to process an application (four to six months) and the costs associated with the actual legal document itself. Kentville has been very successful employing site plans for multi-unit developments and will continue to do so.

Policy RS-11 *It shall be the intention of Council* in the Residential Designation to establish a High Density Residential (R4) Zone as shown in Appendix A, the Zoning Map, of the Land Use By-law.

Policy RS-12 *It shall be the intention of Council* to establish zone standards and permitted uses for the High Density Residential (R4) Zone in accordance with the Land Use By-law.

Policy RS-13 *It shall be the intention of Council* to require adequate recreational amenity space for High Density Residential developments.

5.2.2.5 Large Lot Residential (R5) Zone

There are, at present, several large tracts of land in Kentville many of which are not serviced and for which there are no immediate plans for development. Council wishes to encourage the orderly development of these lands to accommodate future growth while avoiding costly extensions to municipal infrastructure and services. At the same time, Council understands that housing needs and preferences are constantly evolving; and because much of this land won't be developed for quite some time, this zone will accommodate a limited range of residential uses. Lands further away from existing development and services will be discouraged from developing, although limited development will be permitted until such services are available.

Policy RS-14 *It shall be the intention of Council* in the Residential Designation to establish a Large Lot Residential (R5) Zone as shown in Appendix A, the Zoning Map, of the Land Use By-law.

Policy RS-15 *It shall be the intention of Council* to establish zone standards and permitted uses for serviced and unserviced lots in the Large Lot Residential (R5) Zone in accordance with the Land Use By-law.

5.3 Mini Home Development

Land Leased Communities or Mini Home Parks provide an affordable housing option as an alternative to traditional single family and multiple family homes. The nature of mini home parks has changed considerably in recent years as a result of improved prefabricated housing technology. While mobiles, or "mini homes" as they are now frequently called, remain an affordable means of housing, and home ownership for many, they are also becoming increasingly attractive to groups such as senior citizens, young couples, and so called "empty-nesters". Though, there are no mini home parks in Kentville, Council wishes to ensure this option remains available as a viable housing option.

Previously, unregulated development of mini home housing resulted in several unattractive developments throughout the Province. Further, individual mini homes are not well suited for inclusion in residential neighborhoods outside of a mini home park due to their unusual length to width ratio which does not complement traditional style homes. Stronger regulatory controls on the establishment of mini home parks, combined with improved mini home construction, will help ensure attractive and well-

maintained developments in the future. Therefore, the Town will permit the establishment of Mini Home Parks within the Large Lot Residential (R5) Zone by Development Agreement.

Policy RS-16 *It shall be the intention of Council* to permit Mini Home Parks within the Large Lot Residential (R5) Zone by Development Agreement in accordance with Polies IM-10 and IM-11.

Policy RS-17 *It shall be the intention of Council* when considering a Mini Home Parks the development shall be subject to the following:

- a) The park fronts on an arterial or collector road as designated on the Transportation Map, Map # 2 of the Municipal Planning Strategy.
- b) The park is a minimum lot size of 5 acres;
- c) Adequate amenity space for the Mini Home Park is provided; and
- d) That adequate separation distances are provided from abutting residential areas and adequate visual barriers or buffers are provided between such uses.

5.4 Rezoning from R1 Zone to R2 Zone

As new residential markets emerge and change Council has come to realize that many vacant lands in the Single Unit Dwelling (R1) Zone are prime locations for higher density developments; however previous policies intended to protect of the character of established single unit residential neighborhoods prohibited Council from considering any amendments to the Land Use By-law. Though Council now acknowledges there are opportunities and benefits in considering limited rezoning applications from (R1) to (R2), Council wants to ensure that the resulting development provides a high quality of life for its residents.

Policy RS-18 *It shall be the intention of Council* to retain the character of existing neighborhoods zoned Residential Single Unit Dwelling (R1) by not entertaining any requests for rezoning's from R1 to R2, except where the subject property is vacant and has frontage on a collector road, as shown on the Transportation Map, Map #2 of the Municipal Planning Strategy.

5.5 Other Uses in Residential Areas

Policy RS-19 *It shall be the intention of Council* to ensure that areas designated Residential are used primarily for residential purposes. However, the following additional uses may be permitted in the Residential Designation subject to the relevant policies of this Strategy and the provisions of the Land Use By-law:

- a) Public and private schools;
- b) Parks and open spaces;
- c) Existing Churches and church halls;
- d) Groups homes and homes for special care;
- e) Neighborhood day care centers;
- f) Special Events Facilities; and
- g) Bed and breakfasts;

5.6 Active Community

Council recognizes the important role that good community design can have in supporting a more active and healthy lifestyle for residents. Council will encourage residential developments that facilitate walking and bicycling as an alternative to the private automobile. When considering new development proposals Council will also place emphasis on developments that include trail developments, and linkages or extensions to existing park systems.

Policy RS-20 *It shall be the intention of Council* to encourage new residential development to facilitate bicycling and walking as alternatives to private vehicular travel.

5.7 Amenity Space

Over the years Council has understood the benefits of adequate outdoor amenity space in relation to multi-unit dwelling residential developments. New multiple unit residential developments are required to provide residents with outdoor amenity space as part of any development proposal. Outdoor amenity space required in conjunction with any development shall consist of usable space that is dedicated for active or passive recreation use. The definition of amenity space shall limit eligible space to areas designed and intended for recreation use and not include front yards or other landscaped areas that have limited recreational potential. However, in certain areas of Town it may not be economically viable to require that new multiple unit residential developments set aside large areas of land for recreation purposes. This is particularly true in the downtown area where lot sizes are small and land values are quite high. Given that the Town is actively seeking to attract multiple unit residential development to the downtown area, it is important that the amenity space provisions allow for some flexibility. Specifically, the Land Use By-law should allow the option of providing such space in the form of internal recreation facilities, such as exercise rooms, pools or balconies rather than outdoor amenity space at grade.

Policy RS-21 *It shall be the intention of Council* to require that any new multiple unit residential development include provisions for recreation and amenity space. The Land Use By-law shall allow for the provision of such space either externally or internally to the building, and that such space may consist of common or individual unit space.

5.8 Affordable Housing

The Town is committed to providing a wide range of housing to meet the diverse needs of the community. In addition to the Provincial Statement of Interest regarding housing, and the requirement to provide for affordable housing, Council recognizes that providing for a wide variety of housing types is a responsible approach. As with all communities, Kentville is characterized by a disparity of wealth and is committed to ensuring that adequate housing is available to all its residents. Adequate housing means shelter that is habitable and structurally sound with sufficient space to protect against cold, damp, heat, rain, wind and other threats to health. There continues to be two fundamental changes which will have dramatic implications on housing needs within every municipal unit as we continue through the twenty-first century. These include the trend towards smaller households and downsizing due to the increasing senior population, and the anticipated reduction in average household incomes, that become part of the aging demographics. Coupled with these changes, we are becoming increasingly aware of the residential needs of the marginalized, disabled and single parent households. All these factors are part of the increased demand for more affordable housing. Considering that Kentville's population is aging and there is a growing number of "empty nesters" looking to downsize, it can be assumed that much of this

increased demand will be for apartments and condominium units. Therefore, it is Council's desire to ensure equal housing opportunities exist for all, while maintaining the character of established residential neighborhoods.

In an effort to promote the use of affordable housing alternatives, Town Council shall permit the use of accessory buildings as living units in residential neighbourhoods where the zoning so provides.

Policy RS-22 *It shall be the intention of Council* to encourage and promote the provision of affordable housing units, in accordance with the Land Use By-law, within residential areas of the Town by:

- a) Encouraging a mix of housing types and densities;
- b) Permitting ancillary dwelling units in single family dwellings;
- c) Permitting a secondary residential structure (Garden Suite) on a lot; and
- d) Reduce parking requirements.

5.9 Residential Area Design

Policy RS-23 *It shall be the intention of Council* to ensure that new residential areas:

- a) Provide for the efficient use of land;
- b) Provide for the efficient and economic extension of existing water, storm sewer and sanitary sewer systems and other utilities;
- c) Provides for the efficient and safe movement of pedestrians and cyclists; and
- d) Provides for parks and other community uses in safe and central locations.

5.10 Home Based Occupations

A home based occupation is the use of a dwelling, or an accessory building on the same lot, for commercial activities; these activities must be clearly secondary to the use of the structure as a residential dwelling. Also, the property must be located in a residential zone. The purpose of regulating commercial activities in residential dwellings is to ensure compatible uses which do not add significant traffic, noise or other environmental conditions such as dust or odors.

Policy RS-24 *It shall be the intention of Council* to permit Home Based Occupations in any residential dwelling subject to regulations set out in the Land Use By-law, including;

- a) Restrictions on the type of business;
- b) Ensure the use is secondary to the main residential use on the lot; and
- c) Specifically regulate such things as floor area, number of employees, hours of operation, accessory buildings, parking, outdoor storage, signage, and obnoxious uses.

5.11 Bed and Breakfasts and Inns

Policy RS-25 *It shall be the intention of Council* to permit Bed and Breakfasts and Inn Operations in certain Residential Zones as set out in the Land Use By-law and to:

- a) Ensure the use is secondary to the main residential use on the lot;
- b) Ensure the use is compatible with residential neighbourhoods; and
- c) Regulate such things as signage and parking.

5.12 Residential Day Cares

Day Cares have traditionally been Home Based Businesses started by young mothers as an extra income source. In less-regulated times, there were no laws or zoning by-laws to restrict how you used your home to generate income. However, in some cases day cares have outgrown the traditional home based occupation and have necessitated a larger space independent of the residential dwelling. Therefore, Council shall permit Day Care Centers in certain residential zones by Site Plan Approval in accordance with Policy GD-30.

Policy RS-26 *It shall be the intention of Council* to permit Residential Day Care Centres in all residential areas subject to Site Plan Approval as set out in the in the Land Use By-law and to:

- a) Ensure the use is compatible with residential neighbourhoods; and
- b) Regulate such things as signage and parking.

5.13 Residential Care Facilities, Homes for Special Care and Group Homes

Residential Care Facilities, Homes for Special Care and similar uses are often consider Institutional uses and therefore prohibited within some residential zones. However, on a small scale, community-based residential facilities provide community integration for people with various disabilities. Therefore, Council shall permit Residential Care Facilities, Homes for Special Care and similar uses in residential zones subject to the Land Use By-law.

Policy RS-27 *It shall be the intention of Council* to permit Residential Care Facilities, Homes for Special Care and similar uses in any Residential Zone in accordance with the Land Use By-law.

Chapter 6 Economic Development

6.1 Objectives and Goals

A vibrant economy is a key ingredient for a community to fully achieve its potential. This being said, a healthy community is a community where you can live, work, shop, have fun, etc. without having to leave it. A strong economy is essential to attract new residents, tourists, and new job-creating businesses.

Therefore, the goal is to foster opportunities in the commercial, industrial, and institutional sectors in order to offer municipality residents a diversified economy that will translate into an improved quality of life.

Objectives

1. To promote the socio-economic development of the Town of Kentville.
2. To promote a balanced economy, encouraging a wide array of commercial, industrial, and institutional uses.
3. Council's policy is to allow home occupations/home based businesses, making sure that the residential nature of residential boroughs is preserved.

6.2 Kentville Business Community

As Kentville continues to develop its regional economic service niche, local economic entrepreneurship and diversification is a goal of the Kentville Business Community (KBC). KBC is a private sector business development organization committed to support, promote and grow the business community of Kentville.

Policy E-2 *It shall be the intention of Council* to support Kentville Business Community and any other organization whose economic development efforts encourage commercial investment and growth in Kentville.

6.3 Commercial Assessment Phase In Tool

In spring 2016, the Minister of Municipal Affairs in Nova Scotia introduced Bill 177 in the Legislature to amend the Municipal Government Act and the Halifax Regional Municipality Charter to create the ability for municipalities to phase in some commercial assessments. Bill 177 was ultimately passed and became Chapter 13 of the Acts of 2016.

In response to challenges identified by municipalities in the province, these amendments allow a phase in of commercial assessment increases over a period of up to ten years in an area designated by the municipality as a "Commercial Development District". Commercial assessment phase in was designed to be a new tool for municipal units to attract investment to downtowns and support brownfield redevelopment. The phase in assessment tool is designed to phase in commercial assessment increases due to commercial investment or new construction, including brownfield remediation, for lower commercial property tax bills. These amendments acknowledge goal six of the Towns Task Force to provide new tools to increase economic growth in downtowns.

Policy E-3 *It shall be the intention of Council* to study the economic feasibility of adopting a Commercial Development Improvement By-law.

Chapter 7 Commercial

7.1 Objectives and Goals

Commercial development is probably the most prominent element to consider in determining the outcome of any community. It contributes to the vitality of the local economy and provides necessary services to the residents of the community. Kentville has undergone a major economic transition with the decline of the rail industries and the displacement of Kentville as the regional commercial center when “big box stores” changed the retail shopping habits of consumers. Kentville’s current economic niche as the “Service Center” of the Valley is an indirect result of these historical changes and a testament to the Town’s ability to reinvent its economic character.

Kentville has three distinct commercial development areas throughout Town:

- i. The “Downtown” which serves as the regional service centre providing a wide range of professional services and commercial/retail uses. The Town recognizes the advantages of concentrating the largest part of its commercial activities, professional services, and financial services in the downtown core. This provides a convenience to all citizens who only need to go to one place at one time to meet all of their needs. Consequently, vehicular traffic is reduced; travel time is reduced and residents benefit from a wide array of choices. Similarly, business will benefit from its ability to attract others and take advantage of common services;
- ii. Exhibition Street and Blair Avenue which supports the Hospital, numerous Doctor Offices, the Provincial Court House and related business; and
- iii. A portion Park Street and Belcher Street which is characterized by land intensive Commercial Developments including several Automotive Sales Establishments.

Objectives

1. To facilitate commercial development within the town to ensure that the employment, shopping and service requirements of Town residents are satisfied within the Town;
2. To encourage commercial development that improves the Town’s role as a regional service center Nova Scotia;
3. To foster a vibrant downtown to attract new visitors, businesses, investors and residents to Kentville through beautification, enhancement, and the creation of a comfortable, safe and vital pedestrian environment;
4. To ensure that commercial development is compatible with surrounding land uses; and
5. To ensure that commercial development is adequately serviced with various transportation facilities, including parking facilities.

7.2 Commercial Land Use Policies

7.2.1 Generalized Future Land Use Map

Policy C-1 *It shall be the intention of Council* to designate all areas of the Town which are predominately commercial in character as Commercial (C) on the Generalized Future Land Use Map.

Policy C-2 *It shall be the intention of Council* to apply the Commercial designation to sufficient vacant land in order to satisfy the estimated demand for all commercial development within a 20 year planning horizon.

7.2.2 Commercial (C) Designation

The Commercial (C) designation has been assigned to areas where the predominant land use is commercial in nature. Within the Commercial (C) Designation, Council will establish four (4) Commercial Zones.

Policy C-3 *It shall be the intention of Council* to establish within the Commercial (C) Designation of the GFLUM, four (4) Commercial Zones as shown on the Zoning Map of the Land Use By-law that shall permit a range of commercial and mixed residential development in accordance to the provisions of the Land Use By-law. These include:

- a) General Commercial (C1);
- b) Highway Commercial (C2);
- c) Limited Commercial (C3); and
- d) Neighbourhood Commercial (C4)

7.2.2.1 General Commercial (C1) Zone

Kentville has maintained its position as an important commercial/professional center, however for a number of years the Downtown has experienced a decline in its dominance as a commercial/retail focal point for the region. This has been a trend in many downtowns across the country as the dependence on the automobiles as increased. Newer shopping malls, big box stores, and highway commercial “strips” conveniently located on major transportation routes have developed which offer ample parking. The result is that the downtowns have been losing retail business to these locations and finding it difficult to compete. While the retail sector may not be as prominent as it once was, Kentville’s downtown remains an important retail destination which includes two grocery stores, a hardware store, clothing and other specialty retail shops, an NSLC and nine eateries. The recent gentrification of Webster Court has transported that street into a unique ‘boutique’ style area.

The Downtown Commercial area is the heart of the Town of Kentville and it is crucial that it remain as vibrant as possible. The Kentville Business Community (KBC) is a proactive private sector-based business development organization committed to support, promote, and grow the Kentville business community. They, in cooperation with the Town’s Community Economic Development Coordinator, strive to ensure a prosperous, sustainable future for the business community

Policy C-4 *It shall be the intention of Council* to include in the Land Use By-law a General Commercial (C1) Zone as shown on Appendix A, the Zoning Map of the Land Use By-law. This zone shall be applied to the Downtown Commercial Core and permit a range of commercial and residential uses appropriate to the unique character of the area.

Policy C-5 *It shall be the intention of Council* to establish zone standards and permitted uses for the General Commercial (C1) Zone in accordance with the Land Use By-law.

Policy C-6 *It shall be the intention of Council* within the General Commercial (C1) Zone to:

- a) Encourage and support a beautification program for the downtown core;
- b) Encourage and maintain a pedestrian scale at street level;
- c) Encourage greater density and mixed use compact development in the downtown core; and
- d) To prohibit adult entertainment uses.

Policy C-7 *It shall be the policy of Council* to prohibit the conversion of any commercial property to residential on the street level in the General Commercial (C1) Zone for properties having frontage on Main Street between Aberdeen and Leverette; Cornwallis Ave from the intersection at Main and the Cornwallis Bridge; Webster Court, Webster Street, River Street, Station Lane and Justice Way, include ground floor Residential Dwelling Units, as shown on Appendix B of the Land Use By-law.

7.2.2.2 Highway Commercial (C2) Zone

Highway Commercial development is usually attracted to high visibility locations on main transportation routes that tend to serve the traveling public by catering to the automobile. Uses that are land intensive and require large parcels such as hotels, automobile service stations and dealerships and drive-through restaurants are typical highway commercial uses. The Highway Commercial (C2) Zone will be applied to existing highway commercial uses, outside of the downtown, which are located on arterial roads, including sections of Park Street and Belcher Street. Due to the high-traffic commercial character of these areas, the quality of the environment is not conducive for residential and living. As a result, residential development in any form will not be permitted in this zone.

As many highway commercial uses have potential to cause land use conflicts, with other types of uses, new highway commercial uses will be restricted to the existing locations.

Policy C-8 *It shall be the intention of Council* to include in the Land Use By-law a Highway Commercial (C2) Zone as shown on the Zoning Map. This zone shall be applied to existing highway commercial areas of Park Street and Belcher Street. This zone shall permit a range of commercial uses as appropriate to a vehicular oriented commercial area.

Policy C-9 *It shall be the intention of Council* to establish zone standards and permitted uses for the Highway Commercial (C2) Zone in accordance with the Land Use By-law.

7.2.2.3 Limited Commercial (C3) Zone

Exhibition Street has evolved into a small but distinctive commercial area supporting the needs of the Valley Regional Hospital and Court House. The area is characterized by several small office and professional service related uses, most of which are located within former residential dwellings that have been converted for commercial purposes. Pressure to convert additional dwellings is eminent as the health care industry grows. To ensure the future conversion of residential dwellings and new development are compatible with the exiting neighborhood and built form, Council shall limit the scale, type and intensity of the development through the Land Use By-law.

Policy C-10 *It shall be the intention of Council* to include in the land use by-law a Limited Commercial (C3) Zone as shown on the Zoning Map. This zone shall be applied when a transition

from commercial to residential uses is desired; and in the vicinity of Exhibition and Cornwallis Streets which has evolved into a small but distinctive commercial area, characterized by several small office and professional services supporting the needs of the Valley Regional Hospital and Court House. This zone shall permit a limited range of commercial uses, with greater aesthetic and buffering requirements.

Policy C-11 *It shall be the intention of Council* to establish zone standards and permitted uses for the Limited Commercial (C3) Zone in accordance with the Land Use By-law.

7.2.2.4 Neighbourhood Commercial (C4) Zone

Neighbourhood commercial uses are small scale commercial operations that generally serve a relatively small market area or neighborhood and are non-intensive commercial uses such as convenience stores and personal services shops and home based business that have grown beyond what is permitted under the home occupation regulations. Neighbourhood commercial uses tend to be isolated businesses situation in residential areas that may be combined with the original residential uses, or have grown beyond its original residential use. As a result applying the Neighbourhood Commercial Zone to a commercial designation isn't as straight forward as what typically exists between other zones and designation. Therefore Neighbourhood Commercial C-3 Zone will be permitted within the Residential Designation.

Certain other uses have traditionally been considered local commercial even though they may serve a more extended market. Uses considered compatible in residential areas such as licensed day centres, country inns, cafes, offices, and candy stores which serve more that the local area may be considered for local commercial classification. Council wishes to provide greater support for local businesses and allowing home occupations to grow is an important step in fostering a prosperous and sustainable local economy. However to minimize any potential for land use conflicts Council will permit a limited range of uses by Site Plan Approval and include requirements designed to provide protection to neighbouring residential uses.

Policy C-12 *It shall be the intention of Council* to establish a Neighbourhood Commercial (C4) Zone and associated zone standards in the Land Use By-law, as shown on the Zoning Map of the Land Use By-law. Neighbourhood Commercial uses may include convenient stores, bakeries, personal service shops, and similar uses which provide a direct service to surrounding residents.

Policy C-13 *It shall be the Policy of Council* to consider a rezoning from any residential zone to Neighbourhood Commercial provided that the maximum floor area does not exceed 3500 ft² for non-residential purposes; and not located on a Local street as shown on the Transportation Map, Map #2 of this Municipal Planning Strategy.

7.2.3 Compatible Uses

Policy C-14 *It shall be the Policy of Council* that all new commercial development proposals, within the General Commercial (C1) Zone, the Highway Commercial (C2) Zone, Limited Commercial (C3) and the Neighbourhood Commercial (C4) Zone, to be subject to Site Plan Approval in accordance to the Land Use By-law when such new development

proposals about a Residential Single Unit Dwelling (R1) Zone or an One and Two Unit Dwelling (R2) Zone Site Plan info under a separate section.

7.2.4 Commercial Area Aesthetics

Policy C-15 *It shall be the intention of Council* to promote a high degree of aesthetics in all commercial areas. Provisions within the Land Use By-law for various commercial zones will include measures to regulate the following items to a degree appropriate to each zone:

- a) Signage;
- b) Landscaping;
- c) Setbacks and
- d) Parking.

Chapter 8 Industrial

8.1 Objectives and Goals

The history of industry in Kentville is rooted in agriculture. When the Windsor and Annapolis Railway (later named Dominion Atlantic Railway) established its headquarters in Kentville in 1868 and began shipping Annapolis Valley apples to British markets, the community began to thrive. The railway not only employed a large number of people, up to a third of the town's population, but also attracted a host to several traditional industries of the time such as mills, dairies, a large foundry, and a carriage works which entered into the automobile industry. The Town of Kentville is known for the production of the first automobile in Nova Scotia. In 1910, an automobile name the MacKay rolled out of the Carriage Factory on Cornwallis Street in Kentville. Four years later the factory had produced 200 cars.

Manufacturing industries began to bloom after the surge of the industrial revolution of the late 19th century. The Annapolis Valley Regional Industrial Park opened in Kentville in 1979 and was owned and managed by an Industrial Park Commission until 1999 when it dissolved as a result of changes to the MGA. After the de-commissioning of that group, Nova Scotia Business Inc. took over management of the park including land sales and marketing. In 2014, the Town of Kentville purchased the roughly 40 Acres of vacant available land from NSBI, and in November of 2016 re-branded the park to its current name, “The Kentville Business Park” which better reflects the wide variety and types of businesses operating there currently, and better describes the activities the zoning of the park could potentially support in the future. Identity signage at all three entrances to the park have already been updated, and Highway 101 signage is expected to be replaced in 2018.

The Kentville Business Park (KBP) is one of the Valley’s most active business centers. The totality of the park covers approximately 200 acres of land. The KBP houses more than 40 different businesses of various sizes and types including manufacturing companies, heavy industrial and transportation businesses, retail outfits, service businesses, storage facilities and more. The Business Park is home to both large manufacturers and smaller service oriented businesses. Current land available in the Park for sale includes parcels with Highway 101 frontage which will provide high visibility and profile once developed. Business Park lands located in Kentville boast a special industrial tax rate equal to the commercial rate in Kings County. Lands in The Business Park can be subdivided to suit any size or need.

In 2014 a small group of property owners and representatives from the Town of Kentville formed an ad-hoc group of interested parties that could work together on common issues affecting the park including property related items, marketing and promotion of businesses and land, and special projects. The group, informally known as the “Kentville Business Park Working Group” meets quarterly and is open to anyone who is interested in attending meetings and sharing ideas and goals for the future of the park or its general operation. Future projects identified by the working group include a wayfinding system for the park, greenspace development, and beautification initiatives.

Objectives

1. To promote the Annapolis Valley Regional Industrial Park, as the regions prime location for new industrial uses by developing collaboration networks between municipal units, non-governmental organizations, businesses and citizen groups;

2. To encourage development of industrial areas by ensuring that adequate infrastructure exists for potential industrial development. The Town may enter into agreements with developers in order to provide such infrastructure;
3. To facilitate industrial development within the town to diversify our economy and ensure that the employment requirements of Town residents are satisfied within the Town; and
4. To set aside future industrial lands to satisfy the anticipated industrial requirements for the future.

8.2 Industrial Land Use Policies

8.2.1 Generalized Future Land Use Map

Policy M-1 *It shall be the intention of Council* to designate all areas of the Town which are predominately industrial in character as Industrial (M) on the Generalized Future Land Use Map

Policy M-2 *It shall be the intention of Council* to apply the Industrial designation to sufficient vacant land in order to satisfy the estimated demand for all industrial development within a 20 year planning horizon.

8.2.2 Industrial (M1) Zone

Policy M-3 *It shall be the intention of Council* to establish within the Industrial (M) Designation, an Industrial (M1) Zone as shown on the Zoning Map of the Land Use By-law.

Policy M-4 *It shall be the intention of Council* to include in the Land Use By-law an Industrial (M1) Zone. This zone will permit a range of industrial uses appropriate to a fully serviced, modern industrial/business park area. Specifically, no heavy, polluting industry will be permitted within the Industrial/Business Park Zone.

Policy M-5 *It shall be the intention of Council* to include in the Land Use By-law provisions to regulate signage, setbacks, building height and bulk, parking and landscaping within the Industrial (M1) Zone.

8.2.3 Compatible Uses

As provided for in Section 231 of the Municipal Government Act, the Town shall require Site Plan Approvals for all new industrial developments within Industrial (M1) Zone, when such new development(s) abut a Residential Single Unit Dwelling (R1) Zone or an One and Two Unit Dwelling (R2) Zone. No Development Permit shall be issued for such a development in an Industrial (M1) Zone unless the Development Officer has approved an application for Site Plan Approval.

Policy M-6 *It shall be the intention of Council* that a Site Plan Approval shall be required for new developments within the Industrial (M1) Zone (or any additions to an existing industrial structure), when such new development proposals immediately abut a Residential Single Unit Dwelling (R1) Zone or One and Two Unit Dwelling (R2) Zone.

Policy M-7 *It shall be the intention of Council* through site plan approval, to require landscaped buffer zones between industrial and non-industrial zones.

Policy M-8 *It shall be the intention of Council* to ensure that areas designated Industrial are primarily used for industrial purposes. Within designated Industrial areas other uses which may be permitted include:

- a) Parks and open spaces;
- b) Recreation facilities;
- c) Utilities and other such uses deemed to be compatible and desirable within an industrial area;
- d) Retail uses accessory to the main use on the lot.

8.2.4 Existing Industrial Uses Outside the Kentville Business Park

The previous section discussed industrial uses within the Business/Industrial Park. However, there are a number of existing industrial uses which exist outside the boundaries of the park. This section will address these industries outside of the Industrial Park.

Industrial uses located outside the Business/Industrial Park include:

- i. 650 Park Street, PID # 55247910, Xerium (Weavexx).
- ii. 705 Park Street, PID # 55247928, Crown Fibre Tube Inc.
- iii. 742 West Main Street, PID # 55386569, Parkland Fuel Corporation.
- iv. 744 West Main Street, PID # 55251615, Parkland Fuel Corporation.
- v. 746 West Main Street, PID# 55251607, Parkland Fuel Corporation.

The first two industries listed above (Weavexx and Crown Fibre Tube), are well established large industries, located in close proximity to the Industrial Park. They are large employers and have a very positive impact on Kentville's financial well-being. Both industries are located on large tracts of land and have demonstrated a positive approach to the beautification and maintenance of their properties. Their close proximity to the Industrial Park, lack of adjacent conflicting land uses, or concern for their physical appearance, has made these properties quite acceptable in terms of their present locations.

Policy M-9 *It shall be the intention of Council* to designate the Weavexx and Crown Fibre Tube properties, both of which are located upon Park Street, as Industrial on the Future Land Use Map and Industrial (M1) on the Zoning Map.

8.2.5 Bulk Storage Facilities

Bulk petroleum storage facilities located on West Main Street are uses which are not considered compatible with the adjacent residential and recreational uses. The present industrial and/or commercial uses in this area were initially permitted because of their close proximity to the former rail line. With the rail line now abandoned, such uses are now dependent upon road transport for their supply and distribution. West Main Street is a predominately residential neighbourhood with limited access from Park Street. Therefore, all truck traffic must access these industrial and commercial uses through the residential neighbourhood or through a school zone. In addition to the residential component of the surrounding neighbourhood, the industrial uses on West Main Street abut Memorial Park, the Town's main recreational facility.

Therefore, it is Council's intent to designate the present industrial properties on West Main Street Residential (R) on the Future Land Use Map and One and Two Unit Dwelling (R2) on the Zoning Map.

Policy M-10 *It shall be the Policy of Council* to encourage the existing industrial bulk storage uses and other commercial uses located on West Main Street to relocate to other, more appropriate, areas.

Policy M-11 *It shall be the Policy of Council* to designate the West Main Street area Residential (R) on the Generalized Future Land Use Map and zone this area One and Two Unit Dwelling (R2) on the Zoning Map of the Land Use By-law.

8.2.6 Aggregates

North of Park Street the topography of the Town changes dramatically. Not only is there a topographic difference, related to the floodplain of the Cornwallis River, but the type of soil above the floodplain is significantly different. Soil conditions range from a sandy loam to sand. Vast areas consist exclusively of sand. Thousands of tons of sand have already been extracted and there remains a great deal more of this material. Council does not have the authority to regulate or restrict the extraction of this natural resource but does wish to ensure that the topography is restored to a reasonable state once extraction has ceased. Therefore, Council shall engage the property owner to restore these lands to an acceptable state once this sand has been extracted.

Policy M-12 *It shall be the intention of Council* to encourage property owners undertaking sand and or gravel extraction to restore lands to an acceptable state following the extraction of sand and/or gravel.

Chapter 9 Institutional

9.1 Objectives and Goals

Institutional uses within Kentville have had a profound influence on the overall well-being of the Town. Not only are there institutional uses normally found in most communities such as school, churches, fire halls, libraries, homes for senior citizens, hospitals, and other local government offices, Kentville also possess a number of Federal and Provincial government offices. These uses are scattered throughout the Town and benefit the local economy and serves as an attraction for a wider range of development and economic employment. However, there are some institutional uses that can create significant land use conflicts, particularly with regard to compatibility with residential uses. Therefore, Council does not intend to designate or zone undeveloped land specifically for institutional uses but will allow institutional develops as-of-right in certain Commercial zones, in accordance with the Land Use By-law. Council wishes to continue to encourage such facilities; however they should conform to specific standards to ensure their compatibility with surrounding uses. Council intends to achieve this by establishing a separate land use designation and appropriate land use controls.

Objectives

1. To ensure that institutional uses are conveniently located and accessible to the community and its residents; and to ensure that new institutional uses are compatible with any adjacent residential neighborhoods;
2. To encourage regional institutional uses, such as the Justice Facility, Provincial Court, Post Office and health care facilities to remain within the Town of Kentville.

9.2 Institutional Land Use Policies

9.2.1 Generalized Future Land Use Map

Policy I-1 *It shall be the intention of Council* to establish an Institutional Designation (I) on the Generalized Future Land Use Map. This designation is intended to apply to all existing Institutional lands outside the General Commercial (C) Designation.

Policy I-2 *It shall be the intention of Council* to establish an Institutional (I) Zone which shall be applied to those areas designated Institutional on the Generalized Future Land Use Map. The Institutional (I) Zone will permit a wide range of institutional uses and other uses clearly accessory to the principal use, in accordance with the Land Use By-law.

9.2.2 Institutional (I) Zone

Policy I-3 *It shall be the intention of Council* to establish an Institutional (I) Zone as shown on Appendix A, the Zoning Map of the Land Use By-law.

Policy I-4 *It shall be the intention of Council* to establish zone standards and permitted uses for the Institutional (I) Zone in accordance with the Land Use By-law.

9.2.3 Compatible Uses

- Policy I-5** *It shall be the intention of Council* that all new institutional uses within the Institutional (I) Zone be subject to Site Plan Approval, when such new development proposals abut a Residential Single Unit Dwelling (R1) and Residential One and Two Unit Dwelling (R2) Zone.
- Policy I-6** *It shall be the intention of Council* to include in the Land Use By-law provisions to regulate signage, setbacks, height, bulk, and parking within the Institutional (I) Zone.
- Policy I-7** *It shall be the intention of Council* to encourage the continued presence and growth of Institutional uses within the Town of Kentville
- Policy I-8** *It shall be the intention of Council* to establish minimum lot sizes, frontage requirements, and setback requirements for the Institutional (I) Zone to generally recognize existing development and to ensure that new development occurs in an orderly manner that does not create land use conflicts with abutting uses.

Chapter 10

Parks and Open Space

10.1 Objectives and Goals

Parks and open spaces and the recreational opportunities they provide are a vital component of our community's environment, leisure activities, and economy. Parks and open spaces within the Town of Kentville are essential in providing a healthy quality of life.

Creating parks, open spaces, and opportunities for recreation are important to promoting and maintaining a healthy population as well as attracting new residents. The availability of accessible recreational opportunities is a key component in assessing any community's overall quality of life. Most individuals, businesses and industries look for these elements before deciding whether or not to make their home or invest in a particular community.

Kentville is the hub of the Annapolis Valley for such community assets. The Kentville Recreation Department has the operational responsibility for many of the Town's public recreation facilities, for both passive and active recreational uses, including parks, sports field, outdoor pool, tennis courts, community centre, and trails and offers a wide range of recreation programs designed to meet the needs of all the Town's residents. In addition to the public facilities, owned by the Town, there are a number of private recreational uses in town including a curling club, an indoor soccer and squash facility, and a par-3 golf course.

As Kentville continues to grow and diversify the recreational and community needs of the population increases. There is a responsibility by both the Town and developers to ensure an adequate supply of land is devoted for open space needs and the land is usable and accessible to the community.

Therefore, Council will continue to encourage and support public and private parks and open space throughout the Town of Kentville.

Objectives

1. To promote a healthy lifestyle for all town residents;
2. To provide appropriate recreational and cultural facilities and leisure activities which meets the diverse needs of residents of all age groups;
3. To ensure that sufficient public open space is provided in all areas of town to meet the year round recreational needs of all town residents;
4. To maintain a recreational trail system throughout the Town;
5. To ensure that high density residential developments have sufficient open space to residents of such developments

10.2 Parks and Open Space Land Use Policies

10.2.1 Generalized Future Land Use Map

Policy P-1 *It shall be the intention of Council* to establish an Open Space (P) Designation on the Generalized Future Land Use Map. This designation is intended to apply to all existing public and private active and passive parklands, open space and facilities.

Policy P-2 *It shall be the intention of Council* to establish the following zones within the Open Space (P) Designation as shown on the Generalized Future Land Use Map:

- a) Parks and Open Space (P) Zone;
- b) Commercial Recreation (CR) Zone; and
- c) Conservation (O1) Zone.

Policy P-3 *It shall be the intention of Council* to permit parks and playgrounds in any zone provided accessory buildings are small in scale, and all other requirements of the Land Use By-law are met.

10.2.2 Parks and Open Space (P) Zone

Kentville’s Parks and Open Space network is a diverse network of passive and active parks including sports fields, a skate park and walking trails.

Policy P-4 *It shall be the intention of Council* to establish a Parks and Open Space (P) Zone in the Land Use By-Law, as shown on Appendix A, the Zoning Map of the Land Use By-law to be applied to all publicly owned parks and outdoor recreational uses. The Parks and Open Space (P) Zone will permit a range of open space uses such as parks and community gardens, as well as recreation uses such as playgrounds, sports fields, playing courts and recreation facilities.

Policy P-5 *It shall be the intention of Council* that Site Plan Approval shall be required for new or additions to developments within the Parks and Open Space (P) Zone, when such development(s) abut a Residential Single Unit Dwelling (R1) Zone or a Residential One and Two Unit Dwelling (R2) Zone.

10.2.3 Commercial Recreation (CR) Zone

There are properties in Town that offer many aesthetic benefits of a park or open space but are privately owned and used for commercial recreational purposes such as the Island Green golf course. The Commercial Recreation (CR) Zone recognizes the private commercial nature of these facilities but also recognizes that these lands make up a significant part of the green space available in our community. There is an expectation by the community that these privately held green spaces will remain as open space and contribute to the beauty of the Town.

Policy P-6 *It shall be the intention of Council* to establish a Commercial Recreation (CR) Zone in the Land Use By-Law, as shown on Appendix A, the Zoning Map of the Land Use By-law to be applied to all privately owned recreational facilities. The Commercial Recreation (CR) Zone will permit a range of open space uses such as golf courses, curling rinks, arenas, playing courts, and any other similar private recreational facility.

Policy P-7 *It shall be the intention of Council* that Site Plan Approval shall be required for new or additions to developments within the Commercial Recreation (CR) Zone, when such development(s) abut a Residential Single Unit Dwelling (R1) Zone or a Residential One and Two Unit Dwelling (R2) Zone.

10.2.4 Conservation (O1) Zone

The Conservation (O1) Zone will be applied to areas that are affected by floodwaters of the Cornwallis River and Mill Brook. This area is north of the former railway line and is essentially inaccessible. The area has been used for cattle grazing in the past.

Policy P-8 *It shall be the intention of Council* to establish a Conservation (O1) Zone in the Land Use By-Law, as shown on Appendix A, the Zoning Map of the Land Use By-law to be applied those lands susceptible to flooding by the Cornwallis River and Mill Brook. The Conservation (O1) Zone will permit crop farming, grazing pastures and similar uses.

10.2.5 Amenity Space for Multi-Unit Residential Development

New multi-unit residential developments are required to provide residents with outdoor amenity space as part of any development proposal. Outdoor amenity space required in conjunction with any development shall consist of usable space that is dedicated for active or passive recreation use. The definition of amenity space in the Land Use By-law shall limit eligible space to areas designed and intended for recreation use and not include front yards or other landscaped areas that have limited recreational potential.

In certain areas of Town it may not be economically viable to require that new multi-unit residential developments set aside large areas of land for recreation purposes. This is particularly true in the downtown area where lot sizes are small and land values are quite high. Given that the Town is actively seeking to attract multi-unit residential development to the downtown area, it is important that the amenity space provisions allow for some flexibility. Specifically, the Land Use By-law should allow the option of providing such space in the form of internal recreation facilities, such as exercise rooms, pools or balconies rather than outdoor amenity space at grade.

Policy P-9 *It shall be the intention of Council* to require that any new multi-unit residential development include provisions for recreation and amenity space. The Land Use By-law shall allow for the provision of such space either externally or internally to the building, and that such space may consist of common or individual unit space.

10.2.6 Open Space for New Subdivisions

To ensure that Kentville's open spaces and trail networks are extended into newly developed areas, Council shall require the developer who is subdividing land to dedicate a portion of that land to the Town as open space. The Development Officer shall ensure that the dedicated land meets the Town's minimum requirements for usable open space as defined in the Subdivision By-law. If the available land doesn't satisfy those minimum requirements the Town shall require cash-in-lieu of parkland of equivalent value, or an acceptable combination of cash-in-lieu and open space.

Policy P-10 *It shall be the intention of Council* to require the subdivider, except where two or fewer lots are being created, where lots are being consolidated, or where the subdivision changes lot boundaries without creating additional lots, to convey to the Town for park, playground or similar public use one of the following in accordance to the Town's Subdivision By-law:

- a) Require the transfer to the Town land for public open space, which fulfills the “usable land” definition on the Towns Subdivision By-law, and which equals 5% of the area subdivided in the final plan of subdivision, excluding streets, roads and residual land owned by the subdivider;
- b) Require the subdivider to contribute cash-in-lieu of parkland of equivalent values; or
- c) Require the subdivider to contribute a combination of land which meets the “usable land” of the Town’s Subdivision By-law and cash-in-lieu of land of equivalent value.

10.2.7 Accessibility to Individuals with a Disability

Council recognizes the fact that there are residents and visitors to Kentville who may require additional support. These individuals may have limited mobility, therefore, requiring additional aids to assist in their accessibility to Kentville's streets, public buildings, parks and recreational facilities.

Policy P-11 *It shall be the intention of Council* to make every effort where appropriate and feasible, to make park areas and recreational facilities accessible to persons who have mobility challenges.

10.2.8 Preservation of the Kentville Trail System

The Town of Kentville is fortunate to own a continuous linear trail stretching from its most eastern boundary to the most western. In addition to connecting you on-foot to several amenities in Kentville, the 7.5 km trail system offers walkers, bikers and cross-country skiers an enjoyable outing, with opportunities to observe nature in a preserved habitat.

With these right-of-ways, greenbelts, recreational links, and the Kentville Trail exist. Council recognizes the fact that these former rail lines serve as a valuable recreational opportunity to further enhance the quality of life for Kentville residents.

Policy P-12 *It shall be the intention of Council* to preserve this linear trail in order to create a continuous recreational link throughout the length of the Town.

10.2.9 Programing and Inclusivity

The Parks and Recreation Department strives to provide inclusive programming and services through a lens of equality and fairness. Being responsible for the health and wellbeing of all residents, they strive to ensure that those with disabilities and special needs or are marginalized and who are the most at risk, are able to access our programs and services in an equitable manner.

Policy P-13 *It shall be the intention of Council* to encourage, promote and assist community organizations in the delivery of programs and services to the public.

Policy P-14 *It shall be the intention of Council* to develop and promote recreation programs and cultural opportunities that meets the needs and interests of all segments of the population of Kentville.

Policy P-15 *It shall be the intention of Council* to involve the public in the planning and delivery of program and services and to promote the full participation of all Kentville residents in our programs, services, and facilities to ensure they are affordable, inclusive, and responsive to the needs and interests of our residents.

10.2.10 Community Partnerships

The Town relies on a number of partnerships with community groups and organizations to facilitate in the delivery of recreational and leisure activities for all Town residents.

Policy P-16 *It shall be the intention of Council* to continue to work in partnership into an agreement with the Annapolis Valley Regional Center for Education to ensure community access to school facilities when required for the delivery of a recreation program and they are not in direct use for school program purposes.

10.2.11 Community Events

Policy P-17 *It shall be the intention of Council* to continue to facilitate and support major sporting and community events held within the Town.

Chapter 11 Municipal Services

11.1 Objectives and Goals

The provision of Municipal Infrastructure is a crucial component in the economic development of a community and the quality of life afforded to its residents. Municipal services refers to basic services that residents of Kentville expect the Town to provide in exchange for applicable taxes and utility rates. For the purpose of this chapter Municipal Services refer to Water, Sewer, and Solid Waste.

Objectives

1. To require and facilitate logical and efficient extensions of all piped municipal services to un-serviced areas of town;
2. To continue to ensure the long term viability of the Town's municipal water supply and distribution system;
3. To ensure that a long term capital works program is in place to address the timely upgrading and replacement of the existing Town water, sanitary sewer and storm sewer systems; and
4. To ensure an efficient solid waste collection system is in place.

11.2 Municipal Services Policies

11.2.1 Water Services

The provision of water services is the responsibility of the Kentville Water Commission, which reports to the Town of Kentville. The area serviced by the Kentville Water Commission extends past the boundary of the Town of Kentville as the Kentville Water Commission accepted the Stead Water Utility from the Municipality of the County of Kings on October 25, 1988. As property owners within the Municipality of the County of Kings are serviced by the Kentville Water Commission, one of the Commission members is a Councilor of the Municipality of the County of Kings. Prior to 2002, the water source used to meet water consumption demand was surface water which was taken from McGee Lake, which is located south of the Town of Kentville. Since 2002, the Kentville Water Commission has been meeting its water consumption demand from groundwater, through a series of wells located in the West end of Kentville. These wells are protected through monitoring and a source water protection plan. Tests are also taken daily throughout the system to help us provide safe drinking water to our customers, both inside and outside of the Kentville town limits. Water is provided for residential, commercial, industrial, and fire protection uses through a number of pumps, mains, services, fire hydrants, reservoirs and associated infrastructure.

Policy MS-1 *It shall be the intention of Council* not to undertake financial expenditures for further extensions of the main trunk services that are premature by virtue of the availability of serviceable land.

11.2.1.1 Source Water Resource Management and Protection

The Kentville Wellfield area was identified and delineated in a report, the Kentville West Wellfield Resource Management Plan (January 2002) prepared by Hiltz & Seamone Co. Ltd., in association with W.G. Shaw and Associates. The consultants analyzed test well yield data, investigated the local geology, hydrogeological characteristics of the local aquifer, projected water demand, estimated aquifer recharge and developed a water budget to confirm sustainable yield estimates. Utilizing the data and computer

models the study delineated the total area of contributions for the Wellfield as well as various “zones” of sensitivity of lands within the Wellfield. The study also provided a variety of recommendations concerning land use management and control as it would relate to protection of the groundwater within the Wellfield area.

The decision to transfer from a surface water supply to a ground water source affords the Town a number of benefits such as an improved water quality. The development of the wellfield has also presented challenges. The most significant of these is perhaps that the wellfield, due to environmental and hydrogeological necessity, has been located in an area with considerable existing commercial, residential and industrial development. The need to balance the rights of existing development with the need to protect the groundwater source is and will be a primary challenge for planning and development in the Wellfield area.

The Wellfield area is 24 square kilometers, of which three quarters falls within the Kentville Town Boundary, and the remainder extending into Kings County, more specifically the eastern portion of the community of Coldbrook. Our current Source Water Protection Plan, adopted in 2016, identifies 4 different “zones” within the Wellfield area, corresponding to areas of differing sensitivity to contamination and degradation by land use activities. Lands with the highest sensitivity are those located closest to the wells, and are the Wellfield protection zone(s) identified as “Zone A”. This zone has the shortest “time of travel” for a contaminant to enter the groundwater as a result of land use activities. The remaining zones are identified as Zone B, Zone C, and Zone D. The Source Water Protection Plan calls for a significant degree of land use controls in these areas to ensure the long-term protection of the water supply. The Plan recommends incrementally reduced land use control measures for lands located increasingly further away for the wellheads.

The Source Water Protection Plan recommends that development control provisions be placed on certain activities which, due to the nature of the operation and/or the materials used. Included in this list of uses is the bulk storage of petroleum fuels and solvents, bulk storage of chlorinated solvents and the bulk storage of pesticides and herbicides.

The purpose of this section of the Strategy is to identify and implement land use control provisions consistent with the recommendations of the Source Water Protection Plan. This Strategy adopts the Wellfield protection zoning for lands in the wellfield area located within the Town as recommended by the Plan and implements land use control provisions by means of an overlay technique. Lands within the Wellfield area are designated and zoned pursuant to all relevant policies of this Strategy, and the relevant land use and development control provisions for these zones are identified in the Land Use By-law. The properties that fall within the “overlay” zone will be subject to provisions restricting or prohibiting specific uses.

Existing uses within the Wellfield protection area which have been permitted pursuant to the Land Use By-law, but are otherwise prohibited by the overlay zone, will be able to continue to operate as an existing non-conforming use. These uses may be considered for expansion or redevelopment by means of a Development Agreement subject to the provisions of the Strategy.

Policy MS-2 *It shall be the intention of Council* to ensure the provision of high quality, sustainable water supply for current and future needs of the Town.

Policy MS-3 *It shall be the intention of Council* to promote practices aimed at groundwater conservation, protection and management as well as matters beyond the authorities of this Strategy and accompanying Land Use By-law. These measures may include, but not limited to, public education and awareness, promotion of best practices for business operations and property maintenance, emergency/hazardous materials database and incident response planning, management of the use and application of potentially hazardous materials and monitoring of land use activities such as aggregate removal.

Policy MS-4 *It shall be the intention of Council* that existing non-conforming uses within the Wellhead Protection, Well Capture, Wellfield Protection and Wellfield Recharge Zones, shall be permitted to continue to operate in their current form and scope as provided for by the Land Use By-law and may be considered for expansion, redevelopment or change in use only by Development Agreement In accordance with Policies IM-10 and IM-11 herein.

In addition, in considering a Development Agreement Council shall ensure:

- a. the proposed use does not extend beyond the boundaries of the existing lot containing that use;
- b. a favorable review by the Kentville Water Commission is received which may stipulate that the applicant undertake appropriate studies by a qualified independent groundwater expert to assess the risk of impacts on the quality and quantity of groundwater, and when appropriate, prescribe performance standards for both the site design and ongoing operational aspects of the development and an independent monitoring regime with regular reporting to the Kentville Water Commission to determine compliance with the terms of the agreement;
- c. the proposed use will not adversely affect adjacent land uses or pose a potential problem to any applicable Wellfield Protection Zones;
- d. that adequate buffering and separation distances are maintained from all watercourses and residential uses, that siltation dams are installed where needed and that landscaping treatments are included to reduce the visual impact;
- e. the proposed 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
- f. that the proposed development would not have a negative impact or effect on natural water courses, drinking water quality and supply, the Kentville Water Commission System Source Water Protection Area (Map 4) or other natural land features by way of contamination, erosion and sedimentation.

- Policy MS-5** *It shall be the intention of Council* to work cooperatively with municipalities and other levels of government to promote conservation, protection and management of groundwater resources.
- Policy MS-6** *It shall be the intention of Council* to accept the findings and recommendations in the Kentville Water Commission Source Water Protection Plan (SWPP).
- Policy MS-7** *It shall be the intention of Council* to implement through the Land Use By-Law, land use control measures directed at mitigating the potential for contamination of groundwater within the wellfield area.
- Policy MS-8** *It shall be the intention of Council* to identify in the Land Use By-Law the “KWC Water System Source Water Protection Area” (Map 4) as the lands delineated as the Kentville Wellfield Area, in the Kentville Water Commission Source Water Protection Plan (SWPP).
- Policy MS-9** *It shall be the intention of Council* to annually review the Source Water Protection Plan (SWPP) and update as deemed necessary.
- Policy MS-10** *It shall be the intention of Council* to promote practices aimed at groundwater conservation, protection and management as well as matters beyond the authorities of this Strategy and accompanying Land Use By-law. These measures may include, but not limited to, public education and awareness, promotion of best practices for business operations and property maintenance, emergency hazardous materials database and incident response planning, management of the use and application of potentially hazardous materials and monitoring of land use activities such as aggregate removal.
- Policy MS-11** *It shall be the intention of Council* to identify in the Land Use By-Law four zones within the KWC Water System Source Water Protection Area:
- a) the Wellhead Protection Zone – Zone A;
 - b) the Well Capture Zone – Zone B;
 - c) the Wellfield Protection Zone – Zone C; and
 - d) the Wellfield Recharge Zone – Zone D.
- These zones shall be applied to lands within the KWC Water System Source Water Protection Area as set out in the Kentville Water Commission Source Water Protection Plan (SWPP).
- Policy MS-12** *It shall be the intention of Council* to implement through Part 4.5 Water Protection of the Land Use By-Law, Wellfield Protection Area, and specific development control provisions within each of the Kentville Wellfield Protection Area Zones directed at protecting the groundwater resource which shall supersede all other conflicting By-Law provisions.
- Policy MS-13** *It shall be the intention of Council* to implement protective measures in the General Provisions section of the Land Use By-law, pursuant to the Municipal Government Act. Additionally, Council intends to continue to work with the Kentville Water Commission to explore other legal mechanisms and incentives to restrict activities such as the application of road salt (and other de-icing products), pesticides and herbicides, drilling

of private wells, and aggregate extraction, which are beyond the scope of municipal planning legislation. Council also intends to work collaboratively with the local water authority and provincial agencies to determine the number and location of all operating and abandoned wells, which are potential conduits for aquifer contamination.

Policy MS-14 *It shall be the intention of Council* to require where private wells are provided for new or existing developments to install monitoring wells to monitor for any contaminant that may leach into the well head(s).

11.2.1.2 Wellhead Protection Zone, Zone A

The Wellhead Protection Zone, Zone A includes those lands which contain or are immediately adjacent to the wellhead. The limits of this zone, as identified in the Kentville Water Commission Source Water Protection Plan (SWPP) are determined by a less than a 2-week time of travel for a contaminant to reach the wellhead through the groundwater system. These lands are the most sensitive lands within the wellfield and critical to the operation of the Kentville Water Commission and therefore permitted uses within this zone shall be in accordance with the Land Use By-law.

11.2.1.3 Well Capture Zone, Zone B

The Well Capture Zone contains lands which provide and support the short and medium-term groundwater production at the wellheads. The limits of this zone, as identified in the Kentville Water Commission Source Water Protection Plan (SWPP) are delineated by a 2-week to 2-year time of travel for a contaminant to reach the wellhead through the groundwater system. Certain land uses, which by their nature present a significant risk to the groundwater contamination, shall be in accordance with the Land Use By-law.

11.2.1.4 Wellfield Protection Zone, Zone C

The Wellfield Protection Zone contains lands which provide and support the short and medium-term groundwater recharge process. The limits of this zone, as identified in the Kentville Water Commission Source Water Protection Plan (SWPP), are determined by a 2-year to 5-year time of travel for a contaminant to reach the wellhead through the groundwater system. Certain land uses, which by their nature present a significant risk to the groundwater contamination, shall be in accordance with the Land Use By-law.

11.2.1.5 Wellfield Recharge Zone, Zone D

The Wellfield Recharge Zone contains lands which provide and support the long-term recharge to the wellfield protection, well capture and wellhead areas. The limits of this zone, as identified in the Kentville Water Commission Source Water Protection Plan (SWPP) are delineated by a 5-year to 25-year time of travel rating. Similar to the Well Capture and Wellfield Protection Zone certain land uses, which by their nature present an identified risk to groundwater contamination, shall be in accordance with the Land Use By-law.

11.2.1.6 Municipality of the County of Kings Cooperation

Though approximately three quarters of the 24 square kilometer Wellfield Area is located within the Kentville Town boundary, there is a portion of the area that extends into Kings County in the eastern portion of the community of Coldbrook. Most of the development within the Coldbrook's Highway 1 commercial corridor, from the Highway 101 overpass to the Scotian Gold plant, is located within the Wellfield area as are a number of existing residential neighborhoods including Pinewood, Royal Estates and Cornwallis Crescent.

Policy MS-15 *It shall be the intention of Council* to request that the Municipality of the County of Kings implement planning and land use control provisions consistent with the recommendations of the Kentville Water Commission Source Water Protection Plan (SWPP) for those lands in the County which are located within the Wellfield area.

11.2.2 Sanitary Sewage Collection and Treatment

Sanitary sewer is collected from residential, commercial, and industrial users through a number of pumps, mains, services, manholes, lift stations and associated infrastructure. Sanitary sewage from the Town of Kentville is treated at the Kings Regional Sewage Treatment Plant in the Village of New Minas. Sewage is collected and conveyed to the sewage treatment plant by the Kings Regional Sanitary Sewage System. This Regional System carries raw sewage from Coldbrook, Kentville, North Kentville, New Minas, and Greenwich. Each municipality is responsible for maintaining their own collection and transmission systems until their sewage enters the Kings Regional Sewer System.

The Kings Regional Sewage Treatment Plant and System are owned and maintained by the Municipality of the County of Kings. Operation and capital budgets are overseen by the Kings Regional Sewer Committee which is made up of voting members of the Town of Kentville, Village of New Minas, Municipality of the County of Kings and Pepsi Co., a large industrial user. These users pay a portion of operating and capital costs based on sewage flow and characteristics. There is also a Kings Regional Technical Committee comprised of members from the above users who review operational and capital items and report to the Kings Regional Sewer Committee. The latter then reports to the Council of the Municipality of the County of Kings.

The Town of Kentville, as one of the participants of this regional system, has been allocated a portion of the total capacity of the system. As the Town continues to grow and more demands from residential growth as well as industrial growth is experienced, the need for more capacity within the system is anticipated. Future growth and necessary adjustments to the Kings Regional Sewage Treatment Plant and System remains the responsibility of the Kings Regional Sewer Committee.

Policy MS-16 *It shall be the intention of Council* to ensure adequate capacity is available within the Regional Sanitary Sewage System to meet present and future needs of the Town.

11.2.3 Industrial Waste

As the industrial base of the Town expands, it will be necessary for the Town to monitor and control the emissions and waste generated by various types of industries. To this end, the Town shall work in close co-operation with the Province of Nova Scotia who, under authority of the Environmental Protection Act, require all new industrial and commercial operations that may cause environmental problems, either

through emissions or waste, to obtain a permit prior to construction. The Province of Nova Scotia may deny the permit, or issue same, subject to various restrictions in terms of acceptable levels of emissions, and acceptable disposal levels of emissions and acceptable systems for their waste material.

Policy MS-17 *It shall be the intention of Council* to advise the Province of Nova Scotia of all development permit applications for commercial or industrial development that may create, or are suspected of having the potential of creating an emission or waste problem.

11.2.4 Stormwater Management

The Town of Kentville owns and maintains several components of Stormwater Management such as retention ponds, open drainage ditches, protective berms, flood control pumps, outfalls, storm sewers and associated infrastructure. Further to adoption of our Municipal Climate Control Action Plan, future designs must take into consideration the effects of climate change such as sea level rise and increased frequency and intensity of rainfall events. A Stormwater Management Study was conducted in 2015 by CBCL Limited which will provide a guide to future development and stormwater infrastructure renewal within the Town of Kentville. The study looked at peak flows for several sub watersheds that affect lands within the Town of Kentville based on 1 in 5 year, 1 in 10 year, and 1 in 100 year storm events and what the existing conditions are, what would be required under future development with development conditions in place and future development with no development conditions in place.

All proposed development and future infrastructure upgrades are reviewed with the above principles in mind prior to approval by the Town of Kentville. Permits for this work may also require review and approval of the Province of Nova Scotia.

11.2.5 Solid Waste

In 1997, the Valley Regional Solid Waste-Resource Management Authority was formed under an Inter-Municipal Services Agreement, which represented several municipalities within the Annapolis Valley, including the Town of Kentville. These municipalities have given the Authority the responsibility for the management of solid waste-resources within their jurisdictions.

11.2.6 General Municipal Services Policies

11.2.6.1 Service Extensions

Policy MS-18 *It shall be the intention of Council* to ensure that new development be located on incremental extensions of existing services, and that such existing services can handle the additional capacity generated by the new development.

11.2.6.2 Service Capacity

Policy MS-19 *It shall be the intention of Council* to require that new municipal water, sanitary sewer and storm sewer services be built to a capacity capable of providing service to undeveloped lands beyond the immediate development area, when the development of such an area is dependent upon use of said services.

11.2.6.3 Financing Responsibilities

Policy MS-20 *It shall be the intention of Council* to require that the developer/land owner pay the costs of municipal service extensions.

11.2.7 Capital Works Program

Policy MS-21 *It shall be the intention of Council* to ensure that a long term capital works program is established and updated in order to ensure a plan is in place to improve and maintain the Town's municipal services infrastructure.

11.2.8 Un-Serviced Development

Policy MS-22 *It shall be the intention of Council* to limit un-serviced development within the Town; specifically, no development should be permitted south of the Donald E. Hiltz Connector Road until municipal sanitary sewer services can be provided.

Chapter 12 Transportation

12.1 Objectives and Goals

The present road transportation network has evolved as a direct result of the Town's importance as a major commercial, financial, industrial and service center of Kings County. Highway 1, locally referred to as Main Street and Park Street, extends the entire length of the Town in an east/west direction south of the Kentville Bridge. Highway No. 359 and Route No. 341 access Kentville from the north and become our Cornwallis Street and Nichols Avenue respectively. Although Brooklyn Street and Belcher Street are not numbered highways, they still provide an important link running west and east respectively through Kentville, north of the Bridge. Our Chester Avenue runs south from the downtown core and becomes Highway No. 12 at our border. This connects Kentville to Highway No. 101 and to the South Shore of Nova Scotia. In the early 1970's the construction of Highway 101 had a positive impact in reducing large volumes of through traffic on local streets in Kentville and provides a connection from Yarmouth to Halifax.

Active transportation is an important component of our transportation network. Active transportation refers to any form of human-powered transportation. Sidewalks are located along several of our roads and links to our various trails are also present. An active transportation trail was placed on Chester Avenue in 2016 from MacDonald Avenue to approximately civic 300. This is a paved asphalt trail with a width of 3 m.

Objectives

1. To establish and maintain an efficient system of public streets in order to facilitate traffic flow throughout the town;
2. To promote and facilitate pedestrian access to and within all new developments; and
3. To promote a road network capable of supporting future development in Kentville.

12.2 Transportation Policies

12.2.1 Transportation Map

The Transportation Map, Map #2 of the Municipal Planning Strategy shows the existing roads and proposed roads which may be constructed according to need and as resources permit. The Transportation Map has been provided in order to more clearly illustrate the policies contained within this Strategy. This map shows the classifications of all streets as well as future roads and is intended to be used in conjunction with the Generalized Future Land Use Map. Roads are divided into five types: regional, arterial, major collector, minor collector and local. A local road is intended primarily for property access and consists of all roads in Town which is not otherwise designated. Appropriate use, access, and design criteria will be developed and regulated through the Subdivision By-law for each classification and applied to all existing and future streets.

Policy T-1 *It shall be the intention of Council* to maintain a Transportation Map as part of this Strategy and which shall be used in conjunction with the Generalized Future Land Use Map.

Policy T-2 *It shall be the intention of Council* to develop specific technical specifications in the Town's Subdivision By-law for each level of street classification to ensure that new roads are properly constructed.

12.2.2 Street Network

Policy T-3 *It shall be the policy of Council* to establish a street network classification to meet the transportation requirements of the Town. The street network classification is outlined on The Transportation Map, Map #2 of this Plan. For the purposes of this plan, all streets will fall into one of the following classifications:

- **Regional Road**
Regional Roads are those that serve the region as a whole. Highway No. 101, the provincial limited access highway connecting Halifax, the Annapolis Valley and western Nova Scotia is the only road in this category. Highway No. 101 intersects a small section of the Town on the south west boundary and is owned and maintained by the Province of Nova Scotia.
- **Arterial Road**
A high volume street which connects different parts of the Town to each other as well as to the provincial highway network; traffic movement is of primary importance, however access to individual properties is also provided.
- **Major Collector Road**
A street whose function is to move traffic to and from arterial streets.
- **Minor Collector Road**
A street whose function is to provide land access to individual properties and move traffic to and from arterial.
- **Local Road**
A street whose main function is to provide direct land access to individual properties. The efficient movement of traffic is of secondary importance.

12.2.3 Active Transportation

As part of promoting healthy living in Kentville, the maintenance and improvement of existing sidewalks, crosswalks and links to our trail network is an important goal. Given the economic, environmental, and health benefits derived from these modes of transportation, the Town is to make provision for this segment of the population in planning future transportation routes. Such routes can be linked into existing and future park systems throughout the Town.

Policy T-4 *It shall be the intention of Council* to recognize forms of active transportation which should be encouraged to reduce automobile pollution, promote health, and reduce vehicular congestion in the Town.

Policy T-5 *It shall be the intention of Council* to provide for pedestrian and non-motorize vehicle trails when planning future roads and subdivision designs in the Town.

Policy T-6 *It shall be the intention of Council* to upgrade the existing crosswalks and sidewalks in Town as problems are identified and as financially feasible. The establishment of new sidewalks and crosswalks shall be considered as the need arises.

Policy T-7 *It shall be the intention of Council* to require connecting pedestrian pathways from cul-de-sacs and other residential streets where appropriate or order to increase the safety and convenience of pedestrians.

12.2.4 Traffic Impact Studies

A significant part of evaluating a development proposal is understanding their potential impact on the existing transportation network. Council feels it is important to assess this impact at an early stage, particularly if a development could create, or contribute to a need for costly infrastructure improvements such as traffic lights, turning lanes, intersection realignment or other major changes. To ensure that Council has accurate information upon which to base its decision, a traffic impact study will be required as part of rezoning application; or prior to tentative subdivision approval where the nature, or location, of the development warrants such a study.

Generally, the proponent of a development is financially responsible for transportation system changes required to accommodate the proposal or to mitigate adverse impacts of the proposal. Normally, such changes will be included as conditions of development approval. In cases where improvements are necessary as a result of several developments, a cost-sharing arrangement may be possible.

Policy T-8 *It shall be the intention of Council* that a Traffic Impact Study (TIS) may be required as part of a rezoning application or prior to tentative subdivision approval where the nature, or location of the development warrants such a study. A TIS will generally be required if the development is expected to generate 100 or more two-way trips at the site entrance(s) during peak hours. A TIS may be required for other factors or fewer than 100 two way-trips at the site entrance(s) during peak hours if warranted.

Policy T-9 *It shall be the intention of Council* that the traffic impact study shall be prepared by a qualified engineer registered with the Association of Professional Engineers of Nova Scotia.

12.2.5 Capital Works Program

Policy T-10 *It shall be the intention of Council* to ensure that a long term Capital works program is established and updated in order to ensure a plan is in place to improve and maintain the Town's streets and transportation network.

12.2.6 Snow Clearing

Policy T-11 *It shall be the intention of Council* to develop and maintain snow clearing policies in order to maximize the effectiveness of our snow clearing efforts, particularly in regards to emergency vehicle access.

Chapter 13

Natural Environment

13.1 Objectives and Goals

Natural environmental features within a Municipality often play a crucial part in the overall health of the community. Many natural features can be incorporated into the recreational and open space needs of the community or may supplement municipal infrastructure ensuring adequate natural drainage. It is important that these features including floodplains, wetlands, steep slopes and lands susceptible to subsidence or erosion are considered when development is being planned. It is vital to ensure that development is not at risk from natural features such as floodplains, or Climate Change such as Ocean Flood Surge and to ensure that natural features are utilized and incorporated into the development without sacrificing their value to the community.

Floodplains by their very nature are the low, flat, periodically flooded lands adjacent to rivers. Historically, land along rivers has offered many benefits such as fertile land for agriculture, water access, irrigation, transportation and sewage disposal which make river regions popular places to inhabit; Kentville is no exception. Nowadays, the main Commercial sector and several housing areas are located adjacent to the floodplain of the tidally influenced Cornwallis River.

Mapping prepared by the Applied Geomatics Research Group (AGRG) in 2012 identified parts of Kings County that are at risk of overland flooding or ocean storm surge. While flood risk areas have been identified and updated accordingly since the original Municipal Planning Strategy in 1979, the new information is based on modern science and is much more refined. Another flood study was completed on March 4, 2015 by CBCL Limited. This analysis studied the hydrology and hydraulic regime of the Cornwallis River, Mill Brook and their respective watersheds. A hydrologic and hydraulic computer model (Storm Water Management Model Ver.5) as well as an ice jam model (HEC-RAS) was developed for this analysis. The modeling included the various hydrologic characteristics of the tributary watersheds and used very detailed LiDAR topographic information (2m grid elevations).

The topography of Kentville reflects a number of prominent gully systems. These gullies are an intricate component of the Town's natural drainage system. Since 1994 when the Municipal Development Plan (MDP) was adopted, Council has continued to understand the necessity to maintain natural drainage courses to minimize flooding. While there are many steep sloped areas within the Town that are currently developed, the areas of most concern are the ravines that form important natural drainage ways and wildlife corridors. As future development occurs, the Town must recognize the importance of these gullies and work with the developers to ensure proper utilization of these natural drainage systems.

Though there is a clear mandate and responsibility for the Town to prohibit and/or restrict development in these areas, Council wishes to strike a balance between the physical environment and the Town's other objective to promote new development and growth.

Objectives

1. To ensure that development and servicing of land occurs in an environmentally safe manner;
2. To direct development away from areas of high flood risk and steep slopes;
3. To sustain or enhance the quality of the natural and manmade environment within the Town;
and
4. To limit development within or on environmentally sensitive lands.

13.2 Environmental Constraints Map

The two main natural environmental features in Kentville contributing to development constraints are lands susceptible to flooding (floodplain and flood surge area) and land in excess of 25% slopes.

Policy NE-1 *It shall be the intention of Council* to designate all areas of the Town which are known to be environmentally sensitive, including lands susceptible to flooding adjacent to the Cornwallis River and ravine areas containing slopes in excess of 25% on Map #3, Environmental Constraints Map.

Policy NE-2 *It shall be the intention of Council* to establish the following overlay zones, within Appendix A, Zoning Map of the Land Use By-laws:

- a) Floodway (FW) Overlay;
- b) Floodway Fringe (FF) Overlay; and
- c) Steep Slopes (SS) Overlay.

13.3 Statement of Provincial Interest – Flood Risk Areas

Enactment of the 1999 Municipal Government Act established Statements of Provincial Interest on a variety of planning issues one of which the identifying five designated flood plains in Nova Scotia. The purpose of it is to protect public safety and property and to reduce the requirements for flood control works and flood damage restoration specific to those five designated floodplain. Though the Town of Kentville and the Cornwallis River is not one of the designated floodplains, the MGA encourages municipalities who have local knowledge concerning flood risk areas to address them in their planning documents.

Policy NE-3 *It shall be the intention of Council* to establish zone standards and permitted uses for the Floodway (FW) Overlay in accordance with the Land Use By-law.

Policy NE-4 *It shall be the intention of Council* to establish zone standards and permitted uses for the Flood Fringe (FF) Overlay as shown on the Environmental Constraints Map, Map #3, and associated zone standards and permitted uses in the in the Land Use By-law to correspond with newly identified floodplain by the 2012 AGRG Mapping.

13.4 Flood Mitigation

As identified under our Municipal Climate Change Action Plan there are built out areas within the Town of Kentville that are susceptible to flooding. As part of flood mitigation measures, infrastructure has been constructed along the southern bank of the Cornwallis River, west of the Cornwallis Bridge, as per the study “Performance of a Pedway and Flood Control Structure at Kentville, NS” by Environmental Solutions and Environmental Science and Engineering Consulting, dated September 24, 2008. Another plan, completed in 2015, East Kentville Flood Assessment by CBCL Limited, also provides further reference for additional flood mitigation measures within the Town of Kentville. Planning and studies continue for the remainder of lands subject to potential flooding. All proposed development and future infrastructure upgrades are reviewed with the above principles in mind prior to approval by the Town of Kentville.

13.5 Accommodate Development in Flood Risk Areas

There is continued demand for development within some flood risk areas and it is Council's intention that this development be accommodated in a controlled manner. In recognition of the pre-existing developments and the hardship strict limitations that could be placed on property owners, Council is prepared to approve further re-development in flood risk areas provided that it can be effectively flood-proofed and provided that it does not contribute to flooding elsewhere.

Policy NE-5 *It shall be the intention of Council* to accommodate limited development, in accordance with the Land Use By-law, within the Floodway (FW) Overlay where the proposed development can be flood proofed and not contribute to upstream or downstream flooding or result in a change to flood flow patterns.

Policy NE-6 *It shall be the intention of Council* to accommodate development, in accordance with Land Use By-law, within the Floodway (FW) Overlay where the proposed development can be flood proofed and not contribute additional flooding. Flood proofing techniques may include wet-proofing or dry-proofing, or any other as approved and stamped by Licensed Engineer.

Policy NE-7 *It shall be the intention of Council* to accommodate development, in accordance with the Land Use By-law, within the Floodway Fringe (FF) Overlay.

13.6 Steep Slopes

The topography of Kentville reflects a number of prominent gully systems. These gullies are an intricate component of the Town's natural drainage system. In the 1994 Municipal Development Plan (MDP) Council decided that it was necessary to maintain natural drainage courses to minimize flooding. The MDP identified that the areas in excess of 25% slope be left untouched because of the effect the gullies have on flood relief and prevention. Though the boundaries of these slopes are difficult to delineate without detailed survey and contour information, there should be appropriate opportunity to refine the zone boundary as more accurate information becomes available. As future development occurs, the Town must recognize the importance of these gullies and work with the developers to ensure proper utilization of these natural drainage systems. Slopes in excess of 25% are not uncommon throughout the Town.

Policy NE-8 *It shall be the intention of Council* to establish a Steep Slopes (SS) Overlay to be applied to those areas in excess of 25% slopes.

Policy NE-9 *It shall be the intention of Council* to limit development, in accordance with the Land Use By-law in areas that have slopes in excess of 25% slopes.

13.7 Storm Water Management

Policy NE-10 *It shall be the intention of Council* to include storm water management practices in the Subdivision By-law to ensure that new development does not increase the peak flows to adjacent properties.

Chapter 14 Agriculture

14.1 Objectives and Goals

The Province has long recognized agricultural land as a limited resource which is being lost to non-agricultural development. The preservation of agricultural land is important to the future of all Nova Scotians and there will dire physical, economic and social consequences if those lands are not protected. Agricultural land is defined in the Local Government Resource Handbook as:

“means active farmland and land with agricultural potential as defined by the Canada Land Inventory as Class 2, 3 and Class 4 land in active agricultural areas, specialty crop lands and dykelands suitable for commercial agricultural operations as identified by the Department of Agriculture and Marketing.”

As a Provincial Statement of Interest, the Province’s vision to protect Nova Scotia’s water and ocean resources, this provincial interest statement applies to all active agricultural land and land with agricultural potential throughout the province.

The Town of Kentville is an urban community with very little active agricultural uses, other than the Federal Research Station, which as the name implies is an agriculture research facility and not production facility; and a second small crop operation south of Fox Hollow Drive, on the north side of the Cornwallis River which is accessible only via right-of-way over private property. This latter property shall be zoned Conservation (O1) to permit their continued agricultural operations in Kentville. Town Council believes that all forms of future agricultural development in the region should be located outside the town limits where they are better suited. However, in order to support residents’ easy access to healthy, affordable, local food, all neighborhoods should be able to offer opportunities for growing food.

Objectives

1. To support residents’ easy access to healthy, affordable, local food; and
2. To protect active agricultural lands.

14.2 Agricultural Land Use Policies

Policy A-1 *It shall be the intention of Council* to permit as-of-right community gardens, private gardens, including, but not limited to yard gardens, container gardens and roof top gardens throughout Kentville.

Policy A-2 *It shall be the intention of Council* to establish provisions within the Land Use By-law to accommodate chickens on all residential lots.

Chapter 15 Implementation

The Implementation Chapter, as the name implies, describes how policies established in this Strategy are carried out by Town Council. Amendments will inevitably be required to the Land Use By-law and the Municipal Planning Strategy over time, therefore, this Chapter lays out the procedures for different types of planning applications such as development agreements, rezoning's, variances and by-law amendments.

Objectives

- To ensure a clear and consistent public process when considering planning applications.

15.1 The Role of the Municipal Government Act

The Municipal Government Act (MGA) is the Provincial Legislation that sets out the regulations that govern planning and development in Nova Scotia. The MGA describes the various methods of development control available to Nova Scotian municipalities for regulating development and land use decisions within their jurisdiction, sets out the process for adopting Municipal Planning Strategies and Land Use By-laws, and the process for amending these documents or for the different types of development control such as development agreements, variances or site plan approval. The process requirements include minimum public participation and advertising requirements.

15.2 Appeal Process

Most types of planning applications are subject to appeal to the Nova Scotia Utility and Review Board (NSUARB). The exceptions are variance requests and site plan approval applications which are appealable to Town Council, and Municipal Planning Strategy Amendments which are not subject to appeal. The Municipal Government Act (MGA) sets out the appeal procedures associated with the different types of applications.

15.3 Municipal Planning Strategy Amendments

The Town's Municipal Planning Strategy (MPS) is intended to guide development within the community. The goals outlined in the MPS are meant to work in conjunction with each other and the document is intended to be implemented as a whole. To ensure the integrity and intent of the goals of the MPS are maintained Council shall only consider amending the plan when it can be demonstrated to Council's satisfaction that the current planning policies need to be reevaluated.

However, certain circumstances require Council to consider amendments to the MPS.

Policy IM-1 *It shall be the intention of Council* to consider amendments to the Municipal Planning Strategy when:

- a) an adjustment is necessitated due to changing circumstances;
- b) additional information is identified or studies have been undertaken which identify the need for change that should be incorporated into the strategy or which recommend an amendment to the strategy; or
- c) a Provincial Policy change requires a change in policy by the Town.

15.4 Amendment not Initiated by the Town

A member of the public or a developer may make application for an amendment to the Municipal Planning Strategy (MPS). Council will only consider amendment requests when it can be demonstrated that the request satisfies one of the prerequisites outlined in Policy IM-1. In such a case, the applicant shall be required to provide sufficient reason and information in order to support the amendment. An application to amend the Municipal Planning Strategy must be submitted to the Town in writing and include a description of the proposed amendment along with an explanation of how the proposed amendment satisfies Policy IM-1. All amendment applications must also include payment of an advertising deposit to cover the costs of any required public participation notification.

Policy IM-2 *It shall be the intention of Council* to require the applicant to submit sufficient information and argument in support of any proposed Municipal Planning Strategy amendment.

15.5 Future Land Use Map Amendment

There are circumstances under which a rezoning may not be considered at all because it would clearly contradict or ignore a policy or policies in the strategy. For such a rezoning to occur, the Future Land Use Map must also be amended either before the rezoning or concurrently. A Future Land Use Map amendment is subject to Policies IM-8 and IM-9 and Council must be satisfied that there is a demonstrated need to reevaluate the Future Land Use Map. Some development proposals or rezoning's may not comply with the Municipal Planning Strategy (MPS) but they do not necessarily require an MPS amendment.

Policy IM-3 *It shall be the intention of Council* to, subject to Policies IM-1 and IM-2, consider amending the Future Land Use Map by changing a parcel's future land use designation in order to permit a proposed rezoning. The proposed map amendment and rezoning may be considered concurrently.

15.6 Municipal Planning Strategy Amendment Not Required

The Generalized Future Land Use Map designates the overall general land uses that are permitted in various areas throughout Town. Residential rezoning's, for example, will only be considered by Council if the property in question is within the area designated residential on the GFLUM. In order for Council to approve a rezoning that does not fall within the appropriate designation, the property owner would have to propose a concurrent amendment to both the MPS and LUB.

However, where a property borders on two or more land use designations, Council may consider a rezoning of the property as if it were wholly contained within one or the other designations. This will not require an amendment to the MPS.

Policy IM-4 *It shall be the intention of Council* to consider applications to amend the Land Use By-law Zoning Map and rezone lands abutting a given designation on the Future Land Use Map to a zone supported by that designation, without requiring a Municipal Planning Strategy amendment, provided such an application is consistent with other polices in this Strategy.

15.7 Municipal Planning Strategy Review

When Council deems it appropriate, the Municipal Planning Strategy (MPS) shall be reviewed to ensure that the plan is up-to-date and addresses current development issues within the Town.

Policy IM-5 *It shall be the intention of Council* to review the Municipal Planning Strategy when warranted by changing circumstances within the community.

15.8 Role of the Land Use By-law

The Land Use By-law is the principal mechanism by which land use policies in the Municipal Planning Strategy are implemented. It sets out zones, permitted uses and development standards which reflect the policies of the Municipal Planning Strategy. The Zoning Map which forms part of the By-law graphically indicates the zones within the community, each of which has specific written development criteria associated with it. The Land Use By-law is administered by the Development Officer who grants development permits under its regulations.

15.9 Land Use By-law Amendments

There are two basic types of Land Use By-law amendments: text amendments and map amendments or rezoning's. Text amendments involve changes to the actual wording of the Land Use By-law and this can include: changes to specific requirements such as height limits or minimum setbacks; changes to the list of permitted uses in a zone; changes to the definition of a particular land use; or changes to the wording of a particular clause. Map amendments, or rezoning's, involve changing the zoning of a property. Text amendments typically affect clauses and requirements that deal with the entire Town and may or may not be directly linked to a specific development proposal. Rezoning's are site specific and usually involve a specific development proposal.

The Municipal Government Act (MGA) sets out the basic procedure for amendments to a Land Use By-law. The Town is able to augment the process set out in the MGA and is free to add additional public participation or notification requirements provided the minimum requirements are met. In the MGA, both map amendments and text amendments are subject to the same procedural requirements. The Town, however, wishes to deal with map amendments with a greater degree of scrutiny since these amendments are site specific and typically accompanied by a development proposal. Accordingly, these Planning Documents set out a more detailed evaluation process for map amendments.

15.9.1 Text Amendments

A text amendment to the Land Use By-law (LUB) does not involve the rezoning of a property and are typically limited to changes to a particular zone's requirements in order to modify either the site requirements or permitted uses. This amendment affects all properties in that zone. It may be done as an administrative change, or be done at the request of an applicant who wishes to change the zone in order to accommodate a use or site configuration not originally contemplated. No amendment to the Town's Municipal Planning Strategy (MPS) will be required as long as the proposed changes are in keeping with the MPS policies. Provided there is no site specific element to the proposed amendments the evaluation of the proposal need not include any public participation requirements beyond those specified in the Municipal Government Act (MGA) and there is no need to evaluate the proposal using the evaluative for LUB amendments. Council's consideration of a LUB text amendment may be limited to an analysis of the land use planning implications and the conformance with other MPS policies. A text amendment application will require that a written request outlining the proposed amendment(s) and stating the reason for the request be submitted to the Town's Planning &

Development Department. All amendment applications must also include payment of an advertising deposit to cover the costs of any required public notification.

Policy IM-6 *It shall be the intention of Council* to evaluate text amendments to the Land Use By-law that are not site specific and that do not include a specific development proposal by considering the land use planning implications and conformance with other Municipal Planning Strategy policies. Public participation for these amendments shall be limited to the requirements set out in the Municipal Government Act for Land Use By-law Amendments.

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.

15.9.2.1 Rezoning Application Requirements

Council requires that a request to rezone a property must be submitted in writing to the Town's Planning & Development Services Department. The application must include a written description of any related development proposal along with detailed plans with respect to servicing, stormwater drainage, traffic management, landscaping, and other design elements. All amendment applications must also include payment of an advertising deposit to cover the costs of any required public participation notification including newspaper ads and mail outs. By requiring a detailed development proposal, Council, Staff, the Planning Advisory Committee and the public will be able to examine the application more precisely. Where such a proposal involves dimensional or aesthetic issues, it shall also include a professionally prepared graphic representation. Council is aware that there is no legal agreement binding the developer to a proposal submitted as part of rezoning application, but this exercise will help Council evaluate potential land use impacts related to the rezoning request.

Policy IM-7 *It shall be the intention of Council* to require the submission of a detailed proposal as part of any rezoning application or amendment application that affects a specific property or properties. Where such a proposal involves dimensional or aesthetic issues, it shall include both a written and a professionally prepared site plan and graphic representations that are drawn to scale. Such graphic proposal must clearly indicate the following;

- a) the location, area, and dimensions of the subject property;
- b) the proposed location, dimensions, height, and proposed use of all buildings;

- c) the means by which the site is to be serviced by sanitary and storm sewers, water, electrical service and other utilities;
- d) the location of any parking stalls, driveways, walkways, lighting, fencing, refuse containers, and snow storage;
- e) landscaping elements including existing and proposed shrubs and trees; and
- f) architectural features where such features are regulated by the planning document.

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 take into account the other potential development scenarios that may be permitted as a result of a proposed zone change when evaluating a rezoning application.

15.10 Development Agreements

A Development Agreement is a binding legal agreement entered into between the Town and a property owner that are able to address very specific details regarding the design and use of a proposed development. Development Agreements are a very useful planning tool since they allow Council to consider the unique opportunities and constraints facing each development proposal on a case-by-case basis. This is a significant advantage over rezoning's which rely upon the standard zone requirements as set out in the Land Use By-law to regulate a proposed development. With a Development Agreement Council has the discretion to, as an example, increase a side yard where a proposal abuts a potentially incompatible land use or Council may reduce a yard requirement where any negative impact of the reduction has been mitigated. The use of these Agreements gives Council the discretion needed to properly address the concerns of adjacent landowners, and provides the flexibility needed to ensure that new development compliments and enhances the community.

Another other benefit of a Development Agreement is that it is a legally binding contract and the developer is obligated to conform to the plans that form part of the Agreement. A rezoning does not allow this level of development control and even though a detailed proposal may have been included as part of the rezoning application, Council has no ability to require a developer to implement that proposal and the Town's control is limited to the basic zone requirements set out in the Land Use By-law.

Despite the numerous benefits to using Development Agreements a regulatory tool, when compared to a rezoning, the Development Agreement process requires that developers spend more time and resources finalizing development plans prior to any approvals by the Town. Because of the level of detail incorporated into a development agreement, they tend to require more staff time to evaluate the proposal and more time to prepare a report and recommendation. Also, development agreements can be more cumbersome to administer because each agreement contains a different set of land use regulations.

15.10.1 Development Agreement Application Requirements

Council requires that a development agreement application must be submitted in writing to the Town's Planning & Development Department. The application shall be signed by the property owner or an agent of the property owner authorized to act on their behalf. The application must include a written description of any related development proposal along with professionally prepared detailed plans with respect to architectural design, servicing, stormwater drainage, traffic management, landscaping, and other design elements. All amendment applications must also include payment of an advertising deposit to cover the costs of any required public participation notification including newspaper ads. Council may decide that additional information is required to properly address issues such as traffic impact or architectural design. In these instances, Council may require that this information be submitted for Council's consideration prior to making a decision or require that the information be submitted as a condition of approval.

Policy IM-10 *It shall be the intention of Council* to require the submission of a detailed proposal as part of any Development Agreement application. The proposal shall include any information or materials required by Council in order to effectively evaluate the submission. The submission shall be accompanied by professionally prepared plans that effectively illustrate the proposal and include details such as, but not necessarily limited too, the following:

- a) the location, area, and dimensions of the subject property based on a survey or location certificate prepared by a licensed surveyor.;
- b) elevation drawings of the proposed structure or structures;
- c) the proposed location, dimensions, height, and proposed use of all buildings;
- d) the means by which the site is to be serviced by sanitary and storm sewers, water, electrical service and other utilities;
- e) the proposed location and nature of any outdoor storage or display;
- f) the proposed location, design, and content of any signage;
- g) the proposed location and dimensions of any parking stalls, driveways, and walkways;
- h) the proposed location of any fencing, refuse containers, and snow storage;
- i) the proposed location and type of any exterior lighting;
- j) the proposed location of any outdoor amenity space;
- k) landscaping elements including the type and location of any existing and proposed trees or other vegetation;
- l) architectural features including type of materials;
- m) the location of any watercourses on or near the site;
- n) existing and proposed drainage patterns including any stormwater management measures;
- o) the delineation of any 1:20 and 1:100 flood elevations and a description of any proposed flood proofing measures; and
- p) any proposed phasing of the development.

15.10.2 Evaluative Criteria for Development Agreements

Council will evaluate Development Agreement applications using specific evaluation criteria. The full use of the criteria set out below will ensure that the resulting development is in conformity with all policies of this Strategy and will help to ensure that the proposal 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.

Policy IM-11 *It shall be the intention of Council* when considering a development agreement application 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) compatibility of the development with adjacent properties in terms of lighting, signage, outdoor display, outdoor storage, traffic, vehicle headlights, and noise;
- d) the adequacy of sewer services, water services, waste management services and stormwater management services;
- e) that the proposal contributes to an orderly and compact development pattern that makes efficient use of existing and new municipal infrastructure and services;
- 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, and adjacent to, or leading to the development;
- i) the potential for the contamination or sedimentation of watercourses or for erosion;
- 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) the financial ability of the Town to absorb any cost related to the development;
- o) that the proposed development would not have a negative impact or effect on natural watercourses, drinking water quality and supply, the Kentville Water Commission System Source Water Protection Area or other natural land features by way of contamination, erosion and sedimentation;
- p) that the proposal is in conformance with the intent of this strategy and with the requirements of Town By-laws and regulations other than the Land Use By-law; and
- q) the financial ability of the Town to absorb any costs relating to the amendment.

Policy IM-12 *It shall be the intention of Council* to require the submission of additional information to address issues such traffic impact, stormwater management, landscaping, servicing, and impact on the streetscape where Council considers this information to be pertinent to the development process. This information may be required prior to Council's approval or as a condition of approval and required prior to issuance of any development permit.

15.10.3 Advertising Deposit

The Town recognizes that there are significant costs associated with preparing plans and graphics as part of a development application and the Town does not want to add to the cost of submitting an application by charging an administration fee. There is, however, a significant cost involved in the Town's prescribed public participation process and the Town will require that the applicants submit an advertising deposit along with their application for costs associated with placing newspaper adds, and registration of any development agreements. Upon conclusion of the application process or withdrawal of the application, any expenses not covered by the deposit will be charged by the applicant while any balance will be refunded.

Policy IM-13 *It shall be the intention of Council* to require an advertising deposit be paid to the Town as part of any application to amend the Municipal Planning Strategy or Land Use By-law and any application to enter into a development agreement. The deposit will be applied to the costs of conducting a public participation program.

15.10.4 Plans

Where detailed plans are required in relation to a development application, all drawings shall conform to a standard format and level of quality that will allow for plans to be reproduced, scanned, and incorporated into presentation quality reports and digital presentations for Council, and any public meetings. Detailed engineering drawings such as stormwater management plans or servicing plans shall be submitted in a format that is acceptable to the Director of Engineering and Public Works.

Policy IM-14 *It shall be the intention of Council* where site plans, floor plans, or elevation drawings are required in relation to a development application, to require that all plans conform to the following requirements:

- a) plans shall be of a professional quality;
- b) all text and numerals shall be clear and legible;
- c) plans shall be drawn or plotted to scale;
- d) plans shall have the scale indicated on the plan as a bar or graphical scale;
- e) paper copies of plans shall be drawn or plotted on paper no larger than 11 x 17 inches (28 x 43 cm);and
- f) where digital copies are provided, digital copies of plans shall be submitted in a format that can be opened and plotted by Planning & Development Department.

Policy IM-15 *It shall be the intention of Council* to require that all engineering drawings such as stormwater management plans or servicing plans required in conjunction with a development proposal shall be submitted in a format that is acceptable to the Town Engineer.

15.11 Co-ordination with Other Municipal Plans

The Town of Kentville has a number of other Municipal Plans that have been created over the past several years. These plans include the Recreational Master Plan, Community Economic Development Plan, Transportation Mater Plan, Integrated Community Sustainability Plan (ICSP), Municipal Climate Change Action Plan (MCCAP) and the Kentville Water Commission Source Water Protection Plan (SWPP). All of these plans were developed under the auspices of well qualified public committees and contain policies that are vital to the betterment of economic and social health within the Town. Therefore, it is important for the planning staff and for Council to recognize and consider the initiatives contained within these Plans when reviewing development proposals.

Policy IM-16 *It shall be the intention of Council* to recognize the policies established in specialized municipal plans and consider the goals and objectives contained within them when reviewing future development plan.

Future Land Use Map, Map #1

Transportation Map, Map #2

Environmental Constraints Map, Map #3

Wellfield Map, Map #4