



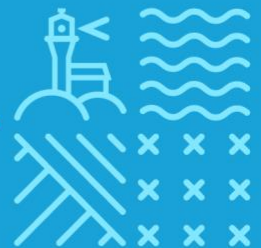
# Application to Amend MPS & Rezone

Application in West Kentville (PID 55551774)

Submitted to: Council, Town of Kentville

Prepared by: Caroline Robertson, CIP, LPP & Reviewed by Elora Wilkinson CIP, LPP  
March 22, 2024

Applicant: Brighter Community Planning & Consulting  
on behalf of Brison Developments



**C+D** community design

## REPORT OVERVIEW

<b>Request</b>	The Town has received a request from Brison Developments to alter the Future Generalized Land Use Designation and rezone PID 55551774. This is a large industrial property located off Park Drive. The purpose of the request is to accommodate a proposed high-density residential development, specifically designed for seniors. The development plan will include amenities, open spaces, and a comprehensively planned residential community.
<b>Description</b>	<p>Given the significant housing challenges affecting Nova Scotia, particularly in the Annapolis Valley region encompassing Kentville, this report aims to explore the effects of converting industrial zones to residential use. With a current housing shortage of 25,000 to 30,000 units, adjusting zoning regulations could open doors for sustainable residential growth, aligning with the Provincial Government's long-term housing strategies. In this unprecedented period, it's challenging to find direct comparisons between industrial and residential zoning benefits. <i>Through thorough research and analysis of similar municipalities, staff recommend prioritizing, well planned, housing opportunities wherever feasible.</i></p> <p>The Applicant has presented three appeals to Council:</p> <ol style="list-style-type: none"> <li>1. Request to change the Future Designation from Industrial to Residential for the entire PID, with Phase 1 to be rezoned to a mixture of Residential (R3 &amp; R4) as indicated on the map.</li> <li>2. Seek adjustments to rezoning requirements to allow for initial submission flexibility, with full compliance required during the permit process upon rezoning approval</li> <li>3. Propose rezoning the remaining Phase 2 to Residential (R5) as depicted on the map.</li> </ol> <p>This report is centered on future housing developments in Kentville and providing Council the opportunity to consider good developments, as they arise. <i>Staff considered the developer's proposal while recognizing the pressing need for housing within the town.</i> Existing policies pose challenges for Council and staff in evaluating new proposals. <i>The suggested adjustments aim to facilitate future housing projects for Council's consideration and offer the applicant various options for phased development if the request is granted.</i></p> <p>A significant portion of land within the town is currently designated for residential development, while a smaller portion (12.3%) has been designated for industrial use in a segregated cluster to prevent conflicts. Much of the existing land that is designated as residential is serviced and offers development opportunities. The existing industrial land designation provides the potential for large-scale industrial development, which could bring jobs and inject new funds into the economy. While prioritizing housing development may meet the immediate needs of residents, unless changes are considered carefully and well-planned, fewer employment options and services may be available for the new residents due to an unbalanced land use map.</p>

<p><b>Recommendation</b></p>	<p>Given the significant housing shortage and the need for sustainable community growth, it is advised that the Council review the following proposals:</p> <ol style="list-style-type: none"> <li>1. Change the designation of PID 55551774 from Industrial to Residential to encourage diverse housing developments.</li> <li>2. Rezone the area marked as Phase 1, on the map, to a mixture of R3 &amp; R4.</li> <li>3. Add more specific language to Policy IM-2 in order to provide Council with the ability to request any necessary studies to make an informed decision for a Municipal Planning Strategy Amendment. <i>This is intended to replace the less enforceable language in IM-7 &amp; IM-8 for Land Use By-Law Amendments</i></li> <li>4. Streamline Policies IM-7 &amp; IM-8 to facilitate rezoning applications and rely on alignment of developments with the Municipal Planning Strategy vision.</li> <li>5. Strengthen existing policies GD-30 and GD-5 to allow for the approval of large-scale housing developments on a single lot through either site plan approval or development agreement at the developer's discretion, or across multiple lots through a Development Agreement.</li> <li>6. Introduce a policy that permits local commercial uses in the R4 Zone to service high density residential areas</li> <li>7. Rezone the remaining portion of PID 55551774 to High-Density Residential R5.</li> <li>8. Implement a policy allowing the consideration of extensive development in the R5 Zone through a Development Agreement.</li> </ol>
<p><b>Relevant Policies and Legislation</b></p>	<p>Municipal Planning Strategy          Land Use By-Law          Subdivision By-Law          Public Participation Program Policy (G62)          Municipal Government Act</p>
<p><b>Follow Up Action</b></p>	<ol style="list-style-type: none"> <li>1. Present to CAC (July 8<sup>th</sup>, 2024)</li> <li>2. Advertise (Advertise 14 days) &amp; Host Public Participation Meeting at CAC</li> <li>3. 1<sup>st</sup> Reading of Council</li> <li>4. Public Hearing</li> <li>5. 2<sup>nd</sup> Reading of Council</li> </ol>

**Contents**

Table of Figures.....5

Background .....6

    Site Suitability .....7

    Traffic Study .....7

    Recreation Study.....9

    Stormwater Management .....11

    Environmental Constraints Overlays .....12

Request to change the Future Designation from Industrial to Residential for the entire PID, with Phase 1 to be rezoned to Residential (R4) as indicated on the map .....14

    Changing Circumstances.....14

        Housing need .....14

        Industrial Need .....19

        Nova Scotia Policy Examples.....20

    Phased Development.....23

        Policy Analysis.....23

    Recommendation .....25

        Community Impact .....25

        Environmental Impact .....25

        Proposed Amendments .....30

Request for adjustments to rezoning requirements to allow for initial submission flexibility .....35

    Accountability .....35

    Policy Analysis.....35

        Existing Requirements of Subdivision & Site Plan Approval .....37

    Recommendation .....39

        Proposed Amendments .....40

Request re-zone the remainder of the PID is to be intended for future residential R5 .....48

    Phased Development.....48

    Policy Analysis.....48

    Recommendation .....50

        Proposed Amendments .....51

Summary of Recommendation .....53



Parcel Description .....54

Additional materials.....57

    Application .....57

    Traffic Scoping Package .....62

    Additional MPS Policy References .....66

**TABLE OF FIGURES**

Figure 1 Analysis of Walking Distance to Existing Recreation for Proposed Development .....10

Figure 2 Wellfield Protection Map.....13

Figure 3 Common Housing Language with Definitions .....15

Figure 4 Future Generalized Land Use Map Town of Kentville -Orange is Existing Residential Designation  
.....17

Figure 5 Existing Land Use Map for Town of Kentville, Residential Uses are Yellow (R1), Pink (R2), Red  
(R3) and Maroon (R4), Unserved Residential is Marked as Peach (R5) .....18

Figure 6 Phase 1 & Remainder - Request R4 & R5 Zoning .....27

Figure 7 Rendering of High-Density Residential Units (Proposed 4 Buildings with Approximately 300 Units  
.....29

Figure 8 Brison Developments Tentative Site Plan.....29

## Background

The applicant bought a large piece of industrial land on Park Drive, designated as an industrial area by the Municipal Planning Strategy and zoned as such by the Land Use By-Law. They wish to develop the site with a mix of residential uses. However, before proceeding, Council must approve a change to the Municipal Planning Strategy and Land Use By-Law. This change would remove the Industrial Designation and allow for residential development in the front portion of the lot while zoning the back portion as High-Density Residential (R5), intended as a holding zone for future residential development. The applicant's goal is to develop the entire lot for residential use in the future.

The Municipal Planning Strategy allows Council to consider changes to the plan if there are changing circumstances (See IM-1 a)). The applicant has requested that Council process their application using Policy IM-4. This policy eliminates the need to provide reasoning for changing the zoning from industrial to residential based on the zoning of the adjacent property. However, the proposed application considers significant changes, such as the lot size, change of use, and service capacity. Therefore, staff believe Policies IM 1-3 should be included in the application analysis. This will give Council a more thorough analysis to help inform their decision-making process. In particular, Policy IM-2 provides Council with the authority to require the applicant to submit sufficient information and argument in support of a proposed Municipal Planning Strategy Amendment. This policy is essential and may even benefit from additional and more specific language.

There isn't a universally accepted standard mix ratio of industrial, residential, and commercial land use designations for towns. The appropriate mix can vary greatly depending on various factors, including the town's size, population, economic base, geographic location, and growth objectives.

However, urban planners often use certain principles to guide their decisions. For example, the Urban Land Institute recommends a balanced approach that considers the needs of the community, the local economy, and the environment<sup>1</sup>. This could mean ensuring sufficient residential space to house the local workforce, enough commercial space to support local businesses and meet consumer demand, and ample industrial space to accommodate existing and anticipated industries.

In addition, it's common for towns to use zoning regulations to separate different types of land use and minimize conflicts. For instance, industrial areas might be placed away from residential areas to reduce noise,

---

<sup>1</sup>": <https://uli.org/>

### *MPS Policy References*

*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*

*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*

*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.*

*Policy IM-4 It shall be the intention of Council to consider an application to amend the Land Use By-Law Zoning Map and Rezone lands abutting a given designation on the Future Generalized 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 policies in this strategy.*

traffic, and pollution. Buffer zones, such as parks or commercial areas, might be used to separate these uses further<sup>2</sup>.

It's also worth noting that many towns are moving towards mixed-use development, which combines residential, commercial, and sometimes industrial uses in the same area. This approach can promote walkability, reduce transportation costs, and create more vibrant, diverse communities<sup>3</sup>.

Although having a diverse land use map that includes various types of land use is a good practice in today's planning, there may be situations where one type of land use needs to be prioritized over others. This decision will depend on the economic and environmental conditions of the community and the surrounding region. *The Government of Nova Scotia has declared a housing crisis and is working with Federal and Municipal entities to speed up and streamline shelter options.* This shift in focus requires Municipal Councils to assess which types of land use are essential and when housing should be given priority over other uses while still keeping in mind the potential for future uses that can create job opportunities and resources for the community. How can we maintain a positive balance of land use that is unique and effective for the current and future needs of our specific community?

## SITE SUITABILITY

The site's suitability hinges on various factors. Initially, the specified land is part of an Industrial land cluster, the only designated industrial area for the Town. Nonetheless, this zone has primarily remained undeveloped, likely due to insufficient services or lack of market demand. Typically, maintaining a comprehensive plan for diverse land utilization with a well-thought-out segregation of functions to prevent disruptions is a standard practice in land use planning, as evident in the current Future Generalized Land Use Map for the Town of Kentville. Despite this, the Town hasn't experienced development pressure for new industrial purposes but rather a surge in requests for additional residential developments. Is permitting a blend of residential and industrial progress in the area slated for future industry feasible? Is the designated land suitable for industrial purposes? How does the presence of a well-field impact the site's appropriateness? What land uses would be less disruptive to the environment and meet the needs of today's community?

### MPS Policy References

*Policy M-4 It shall be the intention of Council to include in the Land Use By-Law and 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.*

*The Town's Planning documents consider the existing well-field sites by limiting the types of industrial uses permitted in the industrial designation. This has been addressed using MPS policy M-4.*

## TRAFFIC STUDY

The Town's Policy T8, of the Municipal Planning Strategy requires a traffic impact study as part of rezoning or subdivision approval if the development is projected to generate 100 or more two-way trips at the site entrance during peak hours.

---

<sup>2</sup> "Zoning and Land Use Planning." [Online] Available:

<https://www.planning.org/divisions/planningandlaw/propertytopics.htm#zoning>

<sup>3</sup> "Mixed-Use Development." [Online] Available:

<https://www.planning.org/knowledgebase/mixedusedevelopment/>

The applicant submitted a traffic scoping plan, [found in the additional materials](#), based on details of a proposed residential development by Brison Developments Ltd on Park Street in Kentville. The development includes 675 residential units of various housing types. Access to the site will be via new streets, with future connections planned. Full build-out is expected within five to ten years as part of Phase 2. GAALCO Traffic Engineering will conduct a traffic impact analysis.

The study will focus on the intersection of Road A and Park Street in the new development. Traffic conditions from 2024 to 2039 will be analyzed, covering full build-out phases. Additional years may be considered based on intersection service levels and highway needs.

Analyses for each horizon year will involve obtaining morning, afternoon, and noon hour counts to meet TAC traffic signal warrants. Turning movement counts will ensure accurate traffic volumes at the Park Street intersection on select weekdays in good weather. Counts will be adjusted to DHVs using weekly factors based on Nova Scotia's Permanent Counters.

Establishing traffic growth rates for highways in the study area will be based on historical traffic counts provided by DPW.

Trip generation rates from the Institute of Transportation Engineers (ITE) will guide traffic analysis for residential units. It is anticipated that senior adults will occupy a significant portion of the land, which will influence the use of specific land use codes.

Trips from the new development will be assigned to Park Street based on turning movements at the Acadia Drive intersection in October 2022. A manual site traffic assignment will allocate trips east and west on Park Street.

An analysis of service level (LOS) using Synchro-SimTraffic software will ensure a minimum LOS of 'D' with a v/c ratio of 0.90. Traffic control devices and lane warrants will be specified for the intersection design review.

A more detailed traffic study that is cohesive with the applicant's fully developed plans for the area will be required as part of the development permit process. Currently, the Developer has not fine-tuned his development intentions. Requiring a more detailed traffic study would increase the developer's cost and provide little information for Council and Staff at this stage.



## RECREATION STUDY

The proposed development's scale and intended use will result in a significant influx of new residents to an area that is currently not serviced. The developer has indicated his intent for the new residents to be primarily seniors. Having appropriate recreation facilities within a short and accessible walking distance will be an important element to include within the planning process for both Phase 1 and Phase 2. A standard walking distance would be between 0 to 1 km from the center of the development, allowing residents from the center out to access the facilities they need. Some examples of recreational infrastructure beneficial to seniors include walking tracks, wide-paved shoulders for active transportation, increased seating areas along important routes, and amenity spaces that allow for social interaction. It is important to note that the community should cater to all age ranges, not just seniors, and that amenities and recreation should reflect this.

**From:** Craig Langille <[clangille@kentville.ca](mailto:clangille@kentville.ca)>

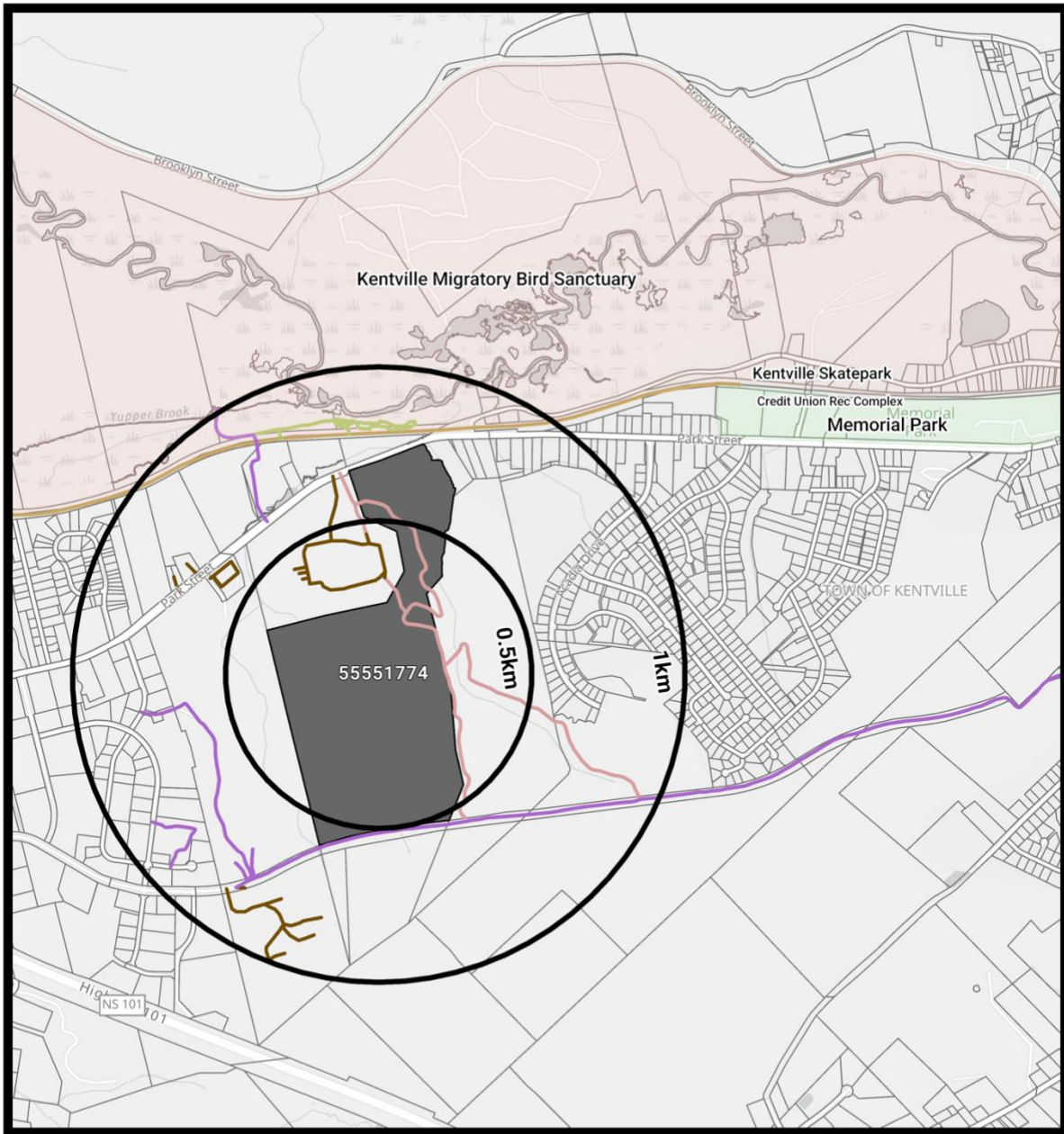
**Sent:** Friday, March 8, 2024 8:43 AM

**To:** Lindsay Young <[lyoung@kentville.ca](mailto:lyoung@kentville.ca)>

**Subject:** RE: Brison Development Report for CAC

The parkland space being proposed in Phase 1 would be unlikely to be developed by the Parks and Recreation Department, and it would be considered conservation if this development went forward. Due to the severe slopes in the area and the department/s experience with developing park spaces behind residential properties, it would be best to keep the parkland space natural. Staff suggest that Road A be used as an active transportation route and be accompanied into the Active Transportation plan if this project goes forward and this would connect the Donald E. Hiltz Connector Road to Park Street and potentially the Harvest Moon Trail.

For phase 2 (remainder), the preference is to have the two small parkland spaces that connect into one larger parkland space.



**Proposed Area for Rezoning - PID: 55551774**

- |                                |                                    |                          |
|--------------------------------|------------------------------------|--------------------------|
| From Industrial to Residential | cycleway                           | Credit Union Rec Complex |
| footway                        | Kentville Migratory Bird Sanctuary | Kentville Skatepark      |
| path                           | Memorial Park                      |                          |
| service                        |                                    |                          |
| track                          |                                    |                          |

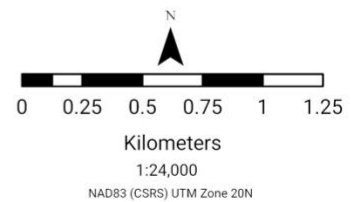


Figure 1 Analysis of Walking Distance to Existing Recreation for Proposed Development

## STORMWATER MANAGEMENT

The proposed site, with Property Identification Number (PID) 55551774, is situated within the Wellfield protection zone of the Town of Kentville. An essential aspect to consider in this area is not only the amount of stormwater produced but also the infrastructure in place to handle runoff and prevent pollution. The nature of the development on the site can significantly impact the volume of stormwater runoff. Nevertheless, it is crucial to recognize that the site layout, landscaping decisions, and paving choices can also wield significant influence on stormwater management. Well-designed communities with features such as bioswales are essential to protect residents and their assets from increasing extreme weather and flooding trends.

The Municipal Planning Strategy for the Town of Kentville outlines a comprehensive approach to sustainable, fiscally responsible development. Recognizing the high upfront costs and ongoing maintenance associated with expanding infrastructure, the Council has prioritized development in areas where existing infrastructure already has capacity. This approach not only minimizes costs but also allows for quicker housing unit construction by reducing the need for extensive preliminary infrastructure work.

A key facet of the Strategy is the logical and efficient extension of municipal services into currently un-serviced areas. This includes upgrades to the regional sewage collection system and treatment plant, enforcement of water protection regulations to ensure safe, clean water for residents, and measures for stormwater management to prevent flooding.

The Strategy's residential goal emphasizes the importance of future residential development occurring in suitable locations with adequate water, sanitary sewer, storm sewer, transportation, and recreational services. *It discourages development further away from existing services and mandates that any new development must be located on incremental extensions of existing services that can handle the additional capacity.*

Most importantly, *the Strategy stipulates that developers or landowners should bear the costs of municipal service extensions.* This ensures that public funds are used efficiently and promotes responsible, sustainable growth. Kentville is taking a proactive, strategic approach to urban planning and infrastructure development by focusing on developing existing areas before expanding outwards.

### MPS Policy References

*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.*

*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 the use of said services.*

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

## ENVIRONMENTAL CONSTRAINTS OVERLAYS

In Part 10 of the Land Use By-Law, there are Environmental Constraint Overlays. This section aims to limit land uses and development in areas with a higher risk of flooding, erosion, slope failure, or other unique features that make them sensitive to development pressures. In the proposed Phase 1 development, there is an area covered by policy 10.2 which has a Steep Slopes 25% overlay. This means that only conservation and related projects, passive recreation, walkways and trails, and public works and utilities are permitted in this area reducing the overall area that may be developed as R4 and R3.

### *Land Use By-Law Policy References*

#### *Part 10 Environmental Constraints Overlays*

##### *10.1 Overlay Purpose*

*The purpose of the Environmental Constraint Overlays is to restrict land uses and development which have an increased risk of flooding, erosion, slope failure or other unique features which cause them to be environmentally sensitive to development pressures. The Environmental Constraint Overlay Map 3 of the Municipal Planning Strategy, identify lands at risk of flooding and/or erosion due to steep slopes based on the best information available to the Town. The Town does not make any representations about the accuracy of this information or provide any assurances that flooding or erosion risks will not exceed these predictions or occur in other areas. Property owners are responsible for all risks associated with development, the effectiveness of flood resistant measures and the impacts of the development on neighbouring properties.*

##### *10.2 Steep Slopes > 25% (SS) Overlay*

###### *10.2.1 Permitted Uses*

- a) Conservation and Related Projects*
- b) Passive Recreation*
- c) Walkways and Trails*
- d) Public Work and Utilities*

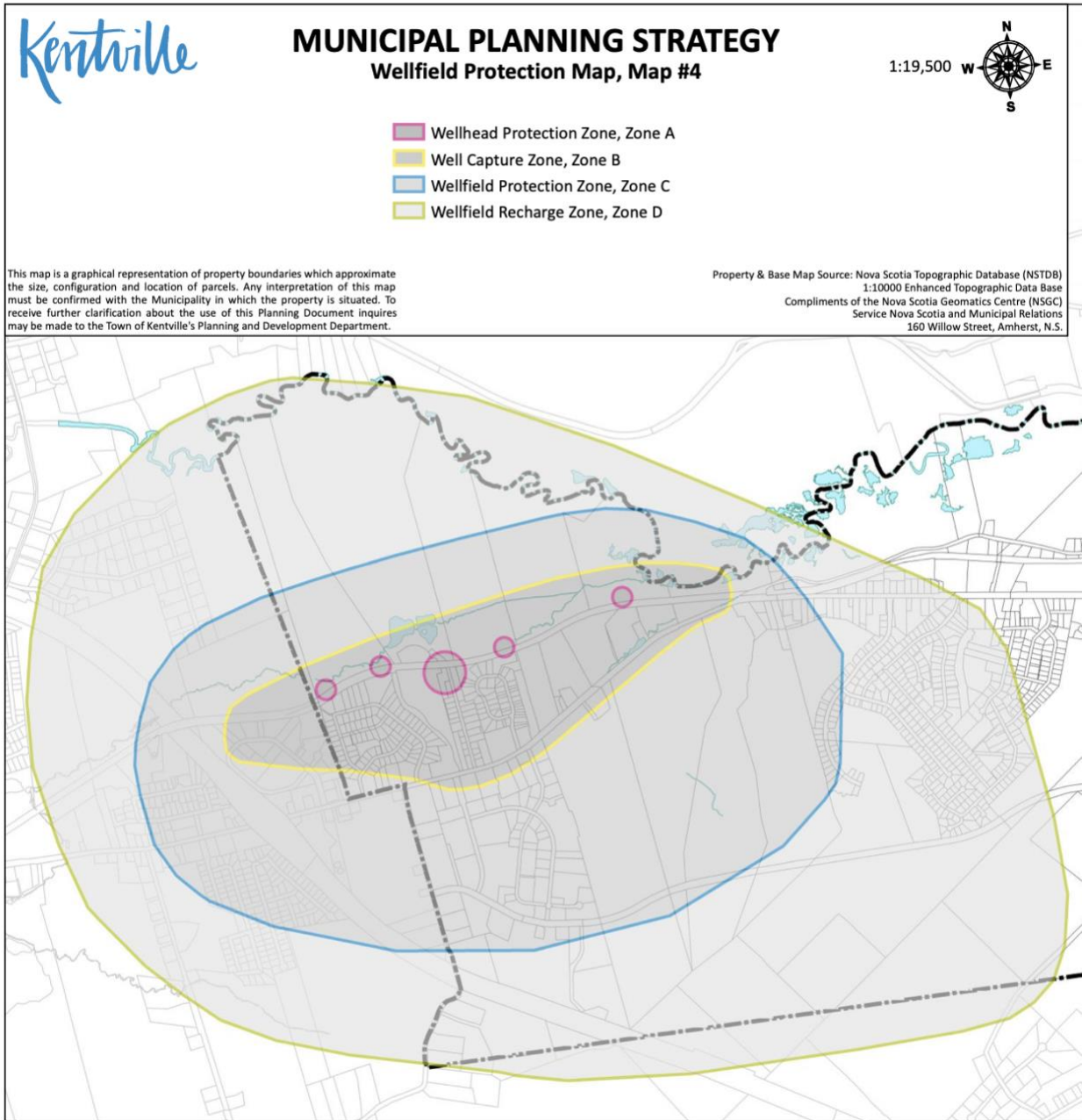


Figure 2 Wellfield Protection Map

**Request to change the Future Designation from Industrial to Residential for the entire PID, with Phase 1 to be rezoned to Residential (R4) as indicated on the map.**

## CHANGING CIRCUMSTANCES

### Housing need

The province of Nova Scotia is currently facing significant housing challenges within the Annapolis Valley region, including Kentville, being particularly affected<sup>4</sup>. The demand for affordable housing has increased due to various factors such as economic growth, demographic changes, and urban migration. The housing shortage is most prominent in Halifax Regional Municipality but also impacts all other regions of the province.

According to a housing needs assessment report, there is a shortage of 25,000 to 30,000 housing units in the province, including a shortage in Kentville<sup>5</sup>. In response, the provincial government is planning to reduce the shortage by funding 222 public housing units across five communities.

Various initiatives are being implemented to tackle this issue, focusing on sustainable development that meets the community's diverse needs without compromising the ability of future generations to meet their own housing requirements<sup>6</sup>. However, experts warn that there are no easy solutions to Nova Scotia's housing shortage and long-term comprehensive strategies are needed to address the crisis adequately.

The housing crisis in Kentville has escalated due to a combination of factors. The demand for affordable housing has increased due to rising costs, new development demographic changes, and residents choosing to live outside of Halifax to reduce their housing costs. Additionally, an influx of new residents, an aging population, and an increase in single-person households have further complicated the situation<sup>7</sup>.

The provincial government has committed to investing \$3 million in establishing shelter communities in Lower Sackville, **Kentville**, and Whitney Pier to address the crisis. However, these initiatives have received mixed reactions from residents. While some support the efforts, others have expressed concerns about potential adverse effects on property values and community dynamics<sup>8</sup>. This is also only one type of housing intended to address the most vulnerable; diverse housing options are required to address the crisis.

To address these concerns, the government has also announced plans to work closely with municipalities to create zoning bylaws that encourage affordable housing developments. This will involve identifying suitable lands and incentivizing developers to build affordable units. Additionally, partnerships with non-profit organizations and private developers are being encouraged to increase the supply of affordable housing throughout the province, including Kentville<sup>4</sup>.

---

<sup>4</sup> <https://www.cbc.ca/news/canada/nova-scotia/municipalities-react-first-local-housing-needs-assessments-1.7046742>

<sup>5</sup> <https://novascotia.ca/action-for-housing/>

<sup>6</sup> <https://www.saltwire.com/atlantic-canada/news/perfect-storm-of-factors-contributed-to-current-housing-crisis-in-nova-scotia-100916472/>

<sup>7</sup> <https://globalnews.ca/news/10042994/nova-scotia-housing-plan-to-reduce-shortage/>

<sup>8</sup> <https://www.cbc.ca/news/canada/nova-scotia/shelter-community-nova-scotia-1.7101760>

Furthermore, initiatives have been launched to support vulnerable populations, such as seniors and individuals experiencing homelessness. This includes funding for programs that provide rental subsidies, home repairs, and supportive housing services<sup>4</sup>.

Despite these efforts, experts stress the need for a more comprehensive approach to tackle the housing crisis in Kentville. This includes addressing systemic issues such as income inequality, lack of affordable rental units, and gentrification. Additionally, a long-term plan for sustainable and inclusive development is necessary to ensure that the housing needs of all residents are met<sup>4</sup>.

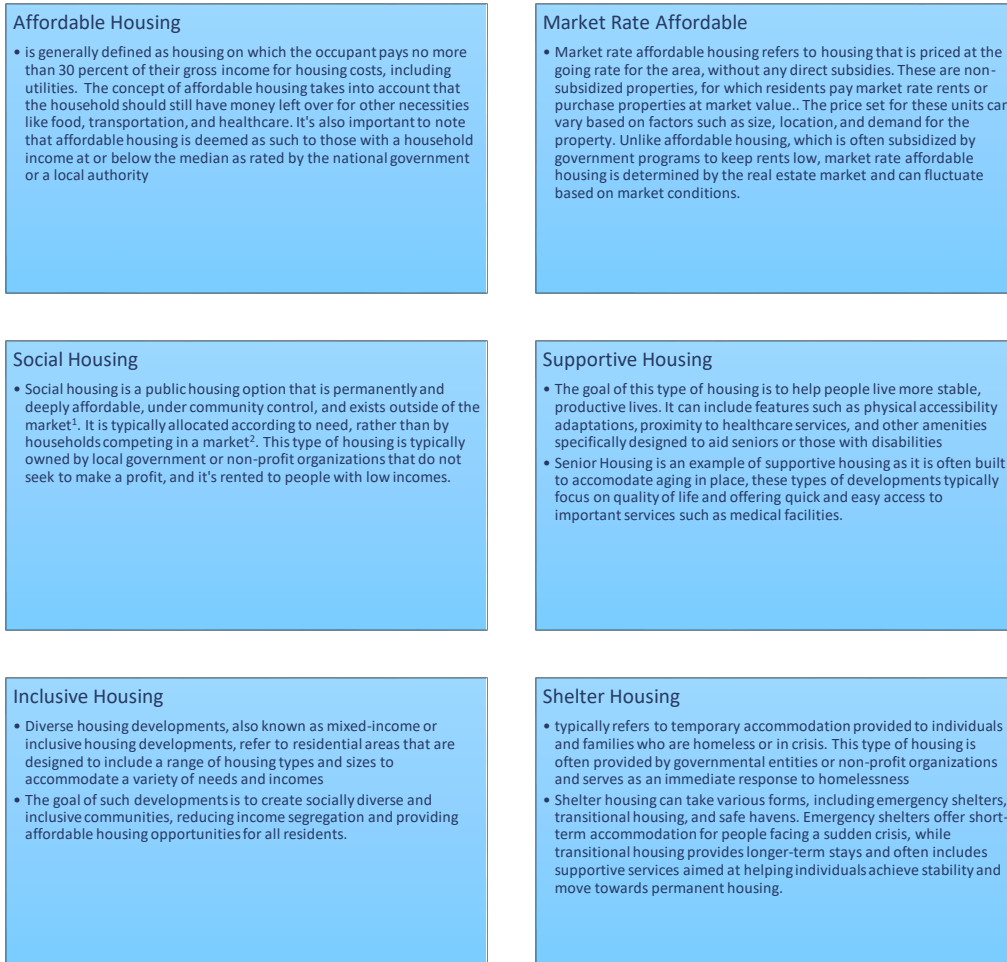


Figure 3 Common Housing Language with Definitions

The Generalized Future Land Use Map and Zoning Map, as shown in the following pages, can provide valuable information about what types of development are planned for different areas of the town. To prevent conflicts, the town has designated a smaller portion of the land for industrial use (12.3%), while most land is set aside for residential development. This means that developers have opportunities to build new homes in serviced areas while also leaving space for potential large-scale industrial development that could create job opportunities and boost the local economy.

In conclusion, while there have been efforts to address the affordable housing crisis in Nova Scotia and Kentville, more work needs to be done. It will require collaboration between various levels of government<sup>4</sup> and rethinking land-use regulations. Overall, the housing crisis in Nova Scotia and the future demand for housing within the Town of Kentville underscores the need for various housing types, including affordable and senior housing projects, to accommodate the community's diverse needs. Sustainable and inclusive solutions must be prioritized to ensure all residents can access suitable accommodations.



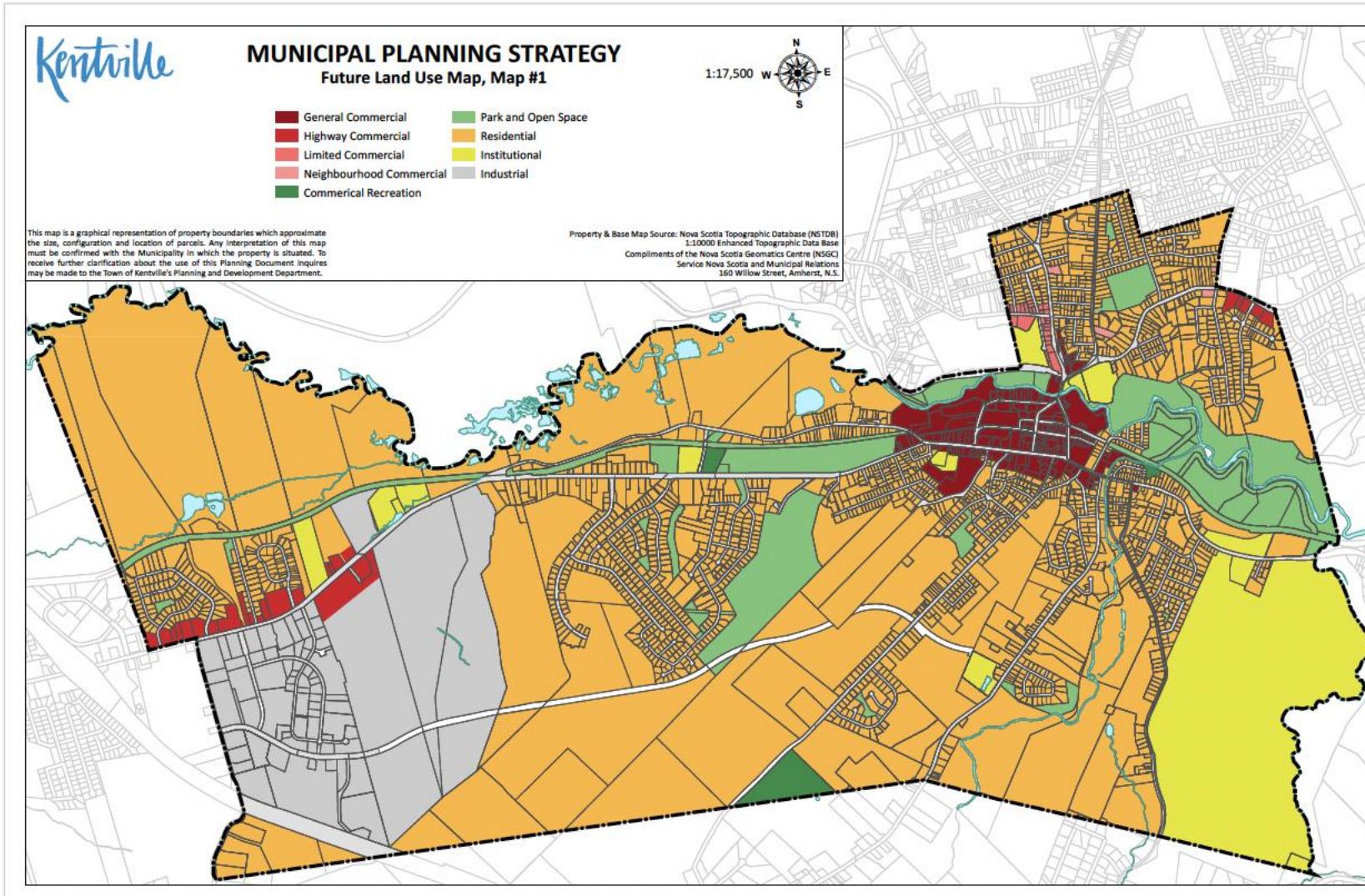


Figure 4 Future Generalized Land Use Map Town of Kentville -Orange is Existing Residential Designation

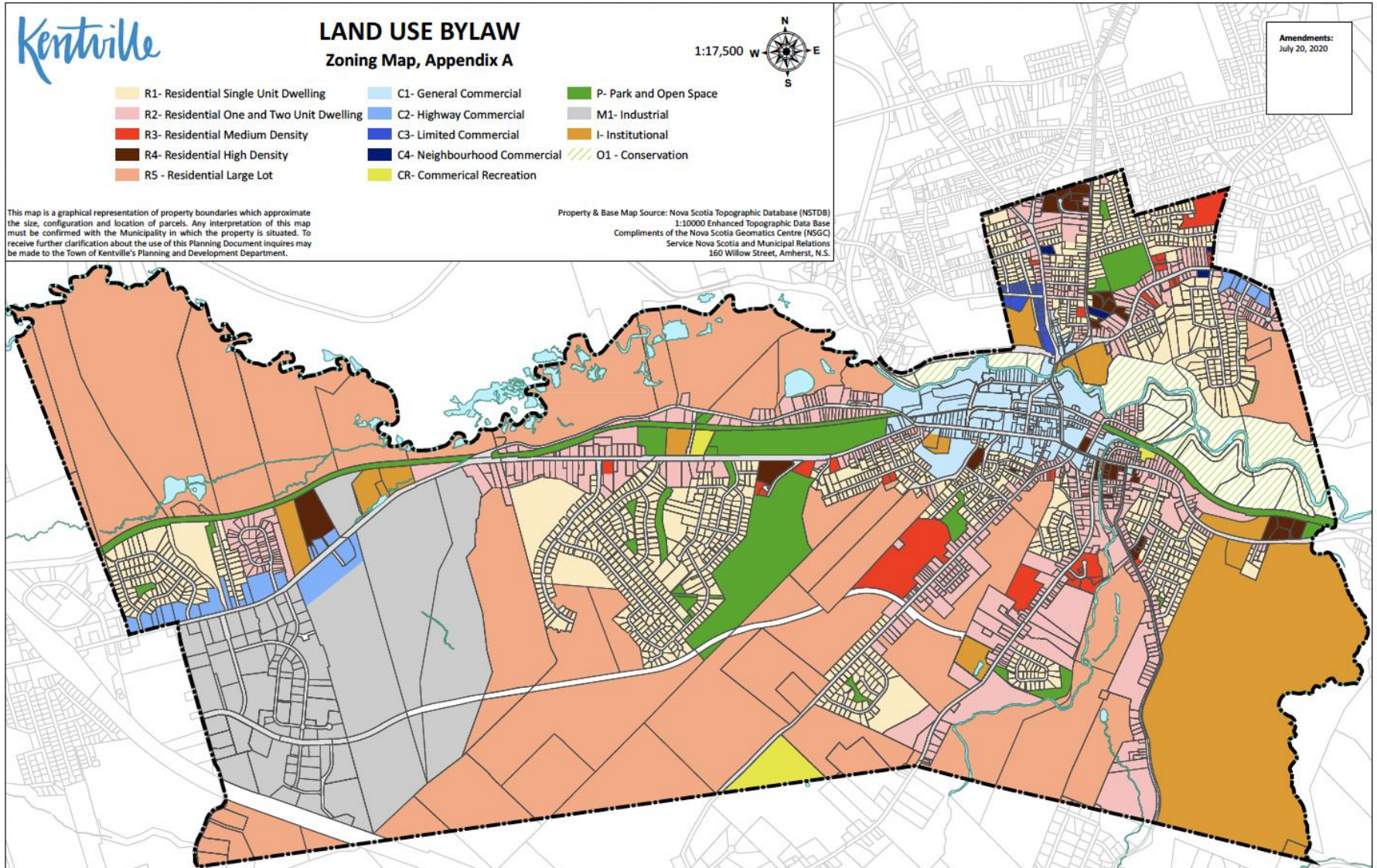


Figure 5 Existing Land Use Map for Town of Kentville, Residential Uses are Yellow (R1), Pink (R2), Red (R3) and Maroon (R4), Unserviced Residential is Marked as Peach (R5)

## Industrial Need

For various reasons, Nova Scotia's municipalities, such as the Town of Kentville, often necessitate industrial land. Planning industrial land is essential as it supports economic development, job creation, and local economic growth. By designating specific zones for industrial purposes, towns can attract businesses, stimulate investment, and boost their local economies<sup>9</sup>. Many industrial uses export to larger communities, bringing new money into the local community's economy and supporting residents.

The average percentage of land dedicated to industrial use in Nova Scotia towns' Generalized Future Land Use Map (GFLUM) can vary. Each municipality evaluates its unique economic landscape, industrial needs, and land availability to determine the suitable proportion of land to allocate for industrial development<sup>10</sup>. As an illustration, the Town of Truro has opted to allocate a considerable portion of its land for industrial purposes, reflecting its strategic emphasis on strengthening the local economy and generating job opportunities<sup>11</sup>. Conversely, the Town of Amherst may allot a different proportion of its land for industrial use, depending on its distinct economic landscape and industrial requirements<sup>12</sup>.

These disparities in the allocation of industrial land underscore the importance of a customized approach to land use planning. *It is vital to consider each municipality's specific needs and goals when deciding the proportion of land to dedicate for industrial use.* By doing so, towns can effectively support economic growth, attract industries, and create employment opportunities for their residents<sup>13</sup>.

Planning for industrial land is not just about supporting economic development; it also involves ensuring a balanced land-use approach. Striking a balance between industrial, residential, commercial, and natural areas is crucial to developing sustainable and vibrant communities<sup>14</sup>. By incorporating diverse land uses into the planning process, towns can foster a healthy and well-rounded environment that caters to the community's evolving needs<sup>15</sup>.

The Valley region has potential industrial uses for agriculture and the food industry. Many Municipal units in the area are interested in protecting land that can be used for growing food. Although the land is capable of agriculture in the Town of Kentville, including some class 2 and class 3 soils, most of it has been cleared and urbanized. As a result, Council has decided that there is limited agricultural potential within the Town. However, Council does support small-scale food production through community gardens, greenhouses, farmers' markets, and through industrial uses that permit the processing of raw materials or goods.

In conclusion, Nova Scotia towns require industrial land to promote economic development, create job opportunities, and bolster local economies. The average percentage of land dedicated to industrial use

---

<sup>9</sup> "2020 Industrial Employment Lands Strategy." [Online] Available:

<https://www.shapeyourcityhalifax.ca/12651/widgets/91889/documents/74297>

<sup>10</sup> " <https://www.bridgewater.ca/images/stories/planning/planningreview/cir/cirpart2.pdf>

<sup>11</sup> " [https://novascotia.ca/nse/ea/melford.international.terminal/MIT\\_Section-05.0.Description.ExistingEnvironment.Section-5.11.pdf](https://novascotia.ca/nse/ea/melford.international.terminal/MIT_Section-05.0.Description.ExistingEnvironment.Section-5.11.pdf)

<sup>12</sup> <https://nsfa-fane.ca/wp-content/uploads/2017/07/Statistical-Profile-of-Halifax-County.pdf>

<sup>13</sup> <https://www.shapeyourcityhalifax.ca/37947/widgets/158173/documents/109456>

<sup>14</sup> <https://novascotia.ca/nse/12percent/docs/12.percent.our.wild.spaces.pdf>

<sup>15</sup> [https://en.wikipedia.org/wiki/Halifax,\\_Nova\\_Scotia](https://en.wikipedia.org/wiki/Halifax,_Nova_Scotia)

in the GFLUM of Nova Scotia towns may vary based on their specific economic landscapes and industrial requirements<sup>16</sup>. Industrial land plays a pivotal role in supporting economic growth and job creation in Nova Scotia's towns. While the exact percentage of land dedicated to industrial use can vary, a thoughtful and balanced approach to land use planning can contribute to the Town of Kentville's long-term success and sustainability<sup>17</sup>. Notably, the Town of Kentville has allocated large tracts of land to the southwest of the town that are currently unserviced and back onto the Donald E. Hiltz Connector Road and the highway. This land is grouped together in a collection and represents 12.3% of land within the Town and the only available industrial land.

## **Nova Scotia Policy Examples**

### *Town of Berwick*

The Town of Berwick's Generalized Future Land Use Map (GFLUM) indeed designates certain areas within the town boundaries as Commercial Industrial Expansion (CIE)<sup>18</sup>. This zoning category is typically utilized to accommodate future growth and expansion of commercial and industrial activities.

The CIE designation suggests that Berwick is preparing for economic growth and development, allowing room for businesses to establish, expand, and thrive. The aim is likely to foster a robust local economy, create job opportunities, and enhance the town's fiscal health.

This strategy also indicates that Berwick is taking a proactive approach to planning, anticipating future needs, and ensuring that sufficient land is available to meet these needs. It's an important part of creating a sustainable, resilient community that can adapt to changing circumstances and seize new opportunities.

However, it's worth noting that while this kind of land use designation can bring significant benefits, it also comes with challenges. These may include managing potential impacts on surrounding land uses, ensuring adequate infrastructure and services, and balancing economic development goals with environmental sustainability and quality of life considerations<sup>19,20</sup>.

---

<sup>16</sup> " <https://www.buylandns.ca/category/statistics/>

<sup>17</sup> [https://www.halifax.ca/sites/default/files/documents/business/planning-development/applications/HalifaxMainland\\_LUB.pdf](https://www.halifax.ca/sites/default/files/documents/business/planning-development/applications/HalifaxMainland_LUB.pdf)

<sup>18</sup> <https://www.berwick.ca/planning/maps/659-2023-05-09-map-3-general-future-land-use-map-arche-1/file.html>

<sup>19</sup> [https://www.un.org/esa/sustdev/publications/industrial\\_development/3\\_1.pdf](https://www.un.org/esa/sustdev/publications/industrial_development/3_1.pdf)

<sup>20</sup> <https://www.ocaf-faco.ca/news-post/economic-social-environmental-benefits-of-smart-growth/>

### *The Town of Truro*

The Town of Truro has crafted an Economic Development Vision and Strategy to promote sustainable economic activity and support local business growth<sup>21</sup>. Their strategy reveals that two-thirds of housing units are second-homeowner units, with the median average housing price experiencing a surge of 12.5% from 2021 to 2022<sup>22</sup>.

Over the past decade, Truro's industry mix has remained relatively unchanged. Residential properties account for 30% of the land, while commercial properties make up 2%. Notably, a significant 71% of the Town's revenues are sourced from local property taxes, predominantly residential<sup>23</sup>.

The Truro Economic Development Committee has produced a report focusing on industry trends and potential solutions aimed at maintaining a diverse and thriving local economy<sup>24</sup>. The resulting policies aim to encourage a variety of housing types through land use planning and also advocate for policies that foster a sustainable business environment in Truro. These policies support well-established business sectors in Truro that provide jobs and a living wage<sup>25</sup>.

The Municipal Planning Strategy for the Town of Truro serves as a guiding policy document for decisions on land use and development matters in the town<sup>26</sup>. The strategy is designed to foster sustainable economic activity and support local businesses.

Regarding industrial designation, the strategy reflects the town's commitment to industrial growth and improved employment opportunities. This is evident in the significant amount of land designated for industrial use in the town's Generalized Future Land Use Map (GFLUM), particularly in the Millbrook area west of the town<sup>27</sup>.

The strategy appears to balance industrial growth with other considerations such as housing, economic development, and community sustainability. It emphasizes the creation of an innovative, sustainable community with socio-economic and cultural diversity<sup>28</sup>.

---

<sup>21</sup> <https://www.truro-ma.gov/economic-development-committee/files/truro-economic-development-vision-strategy>

<sup>22</sup> <https://www.zolo.ca/truro-real-estate/trends>

<sup>23</sup> <https://www.truro.ca/budget-highlights.html>

<sup>24</sup> [https://www.truro-ma.gov/sites/g/files/vyhlf9766/f/uploads/edc\\_report\\_2017.pdf](https://www.truro-ma.gov/sites/g/files/vyhlf9766/f/uploads/edc_report_2017.pdf)

<sup>25</sup> [https://www.truro-ma.gov/sites/g/files/vyhlf9766/f/uploads/final\\_draft\\_local\\_comprehensive\\_plan\\_9-18-2023.pdf](https://www.truro-ma.gov/sites/g/files/vyhlf9766/f/uploads/final_draft_local_comprehensive_plan_9-18-2023.pdf)

<sup>26</sup> <https://www.truro.ca/documents/pln/815-municipal-planning-strategy-jun-18>

<sup>27</sup> <https://www.truro.ca/planning-documents.html>

<sup>28</sup> <https://www.truro-ma.gov/economic-development-committee/agenda/economic-development-committee-agenda-and-packet-10>

### *Town of Amherst*

The Town of Amherst's Generalized Future Land Use Map (GFLUM) strategically separates the Industrial Designation, situating it to the West<sup>29</sup>. Future commercial land will be used as a buffer zone between industrial and residential uses to ensure compatibility and maintain the quality of residential areas<sup>30</sup>. The Town has chosen to designate 20.6% of its available land for Industrial Designation<sup>31</sup>.

The industrial objectives of this plan aim to facilitate the continued development of the Amherst Industrial Park in a manner that harmonizes with the surrounding area<sup>32</sup>. As part of their economic development strategy, land for future industrial development will be set aside and serviced when appropriate. This proactive planning approach reflects the town's anticipation of successful economic growth<sup>33</sup>.

Given the town's compact size and the proximity of available industrial land to the built-up residential areas, noxious, polluting industries will not be permitted within the town boundaries<sup>34</sup>. This policy reflects Amherst's commitment to maintaining a healthy, safe, and pleasant environment for its residents while supporting sustainable industrial growth<sup>35</sup>.

### *Town of Wolfville*

The Municipal Planning Strategy for the Town of Wolfville seems to prioritize agricultural use over industrial use in its land-use planning. This is reflected in the Generalized Future Land Use Map (GFLUM), which designates a large portion of land to the North on the Cornwallis River as Agriculture<sup>36</sup>. The Town of Wolfville has chosen to designate 28% of available land for future Agricultural purposes<sup>37</sup>.

The vision for the Agriculture designation in the Municipal Planning Strategy likely focuses on sustaining and enhancing the agricultural sector as a vital component of the town's economy, landscape, and identity<sup>38</sup>. The strategy might aim to protect and promote agricultural lands and activities, ensuring they continue contributing to the local economy and providing local food sources<sup>39</sup>.

The Agricultural designation may also be intended to protect these lands from development pressures that could lead to their conversion to non-agricultural uses<sup>40</sup>. This can ensure the long-term viability of agriculture within the town boundaries and maintain the rural character of the area<sup>41</sup>.

---

<sup>29</sup> <https://www.amherst.ca/planning-documents.html>

<sup>30</sup> <https://www.amherst.ca/documents/pln/815-municipal-planning-strategy-jun-18>

<sup>31</sup> Toben Laux, Land Use Planner Town of Amherst

<sup>32</sup> <https://www.amherst.ca/industrial-park.html>

<sup>33</sup> <https://www.amherst.ca/economic-development.html>

<sup>34</sup> <https://www.amherst.ca/documents/pln/816-land-use-by-law-jun-18>

<sup>35</sup> <https://www.amherst.ca/sustainability-plan.html>

<sup>36</sup> " <https://www.wolfville.ca/planning-documents.html>

<sup>37</sup> Trevor Robar, GIS Coordinator, Town of Wolfville

<sup>38</sup> <https://www.wolfville.ca/documents/pln/815-municipal-planning-strategy-jun-18>

<sup>39</sup> <https://novascotia.ca/agri/programs-and-services/land/agricultural-land-use/>

<sup>40</sup> " <https://novascotia.ca/agri/programs-and-services/land/agricultural-land-use/>

<sup>41</sup> <https://nsfa-fane.ca/issues/agricultural-land-protection/>

## PHASED DEVELOPMENT

Brison Developments is applying for amendments to both the Municipal Planning Strategy and Land Use By-Law to permit a multi-unit development along the front of PID 55551774. Currently, the land is designated and zoned for industrial purposes. The development of this property is proposed in two phases. Phase 1 includes the potential for four high-density buildings at the front of the lot, accommodating approximately 300 units. However, the developer has expressed an interest in following market trends, therefore this intention may change. The Developer has provided a plan for Phase 1 and has requested a mixture of residential R3 & R4 Zoning. Should Council rezone this portion, any uses permitted in these zones will be allowed. The aim is for this development to mirror The Crossing in Windsor, with target residents being empty nesters and seniors. The current renderings for Phase 1 depict three high-density buildings instead of the proposed four (4). Additionally, the site plan doesn't show any public amenities or pedestrian spaces. As there is no site plan approval requirement for this development, there will be limited control over the design of Phase 1.

Ultimately, the goal is to develop the entire property, linking Park Street to the Donald Hiltz Connector to ensure vehicle and pedestrian connectivity. The comprehensive development will encompass amenities, open spaces, and a well-planned residential community, which will feature a variety of housing types, parks, trails, and new streets and sidewalks. There is also potential for a community centre. This lot has numerous sensitive areas that will necessitate environmental consideration. It will be important that these features be considered and incorporated into Phase 1 as well as Phase 2 of the development.

### Policy Analysis

Policy IM-2 provides Council the ability to require the applicant to submit sufficient information and argument in support of any proposed Municipal Planning Strategy.

Policies GD-1 and GD-2 empower the Council to create a Future Generalized Land Use Map as part of the Municipal Planning Strategy. The map will outline future plans for each piece of land within the Town. Through Chapter 6, the Council aims to foster opportunities in the commercial, industrial, and institutional sectors, intending to diversify the economy for the benefit of municipal residents.

Section 8.2 of the Municipal Planning Strategy addresses Industrial Land Use Policies. It stipulates that the Industrial Zone should accommodate a range of industrial uses suitable for a fully serviced modern

### LUB Policy References

#### 5.5 High Density Residential (R4) Zone

##### 5.5.1 Permitted Uses

*The following Uses shall be permitted as-of-right in the High Density Residential R4 Zone subject to the following requirements:*

- *Single Unit Detached Dwelling*
- *Two Unit Dwelling*
- *Day Care Centres and Nursery Schools*
- *Residential Care Facilities, Home for Special Care or Group Homes*
- *Multi-Unit Dwellings*

##### 5.5.2 Permitted Uses with Conditions

*The following uses shall be permitted in the R4 Zone subject to the requirements of this By-Law:*

- Home based businesses.*
- Bed and Breakfast*
- Inns*
- Accessory Neighbourhood Commercial Uses in accordance with Section 5.1.8 of this by-law*

*See Table 5.4 R4 Zone Requirements for Lot Area and Yard requirements.*

##### 5.5.4 On-Site Amenity Space

*Useable Amenity Space shall be required for the Development of multiple unit apartment buildings containing four or more dwelling units in accordance with Section 4.1.3 of this by-law.*

##### 5.5.6 Landscaping Requirements

*a) Where a parking area abuts a lower density residential zone, a landscaped buffer that is at least 8 ft (2.44m) wide shall be provided.*

*b) Notwithstanding Section 5.5.7(a) , the landscaped strip may be reduced by 50% where i. a minimum 6ft (1.83m) opaque wooden fence is provided; or, an earth berm of a minimum of 6 ft above grade*

industrial/business park area. Notably, heavy or pollutant industries are prohibited within the business park. Additionally, Site Plan Approval is mandatory for new developments within the Industrial Zone if they border residential use.

The Municipal Planning Strategy, via Policy RS-11, mandates that Council establish a High-Density Residential (R4) Zone within the Residential Designation of the Municipal Planning Strategy. *The Municipal Planning Strategy also includes Policy RS-11, which requires the Council to establish a High-Density Residential (R4) Zone within the Residential Designation. Policy RS- 12 allows the Council to set zone standards for the R4 Zone and RS-13 expresses the Council's intention to ensure sufficient recreational amenity space for High-Density Residential developments.*

In reviewing planning best practices and strategies adopted by other towns within Nova Scotia, it's challenging to decide whether the Town of Kentville should retain its industrial land or adapt to changing circumstances.

Several sources underscore the importance of maintaining industrial land, such as "Smart growth's blind side: Sustainable cities need productive urban industrial land"<sup>42</sup> and "The application of industrial ecology principles and planning guidelines for the development of eco-industrial parks: an Australian case study."<sup>43</sup> These studies stress the value of preserving industrial land while promoting innovation.

However, the current housing situation is unique, with no modern examples of successful strategies, as many of the changes being made are novel and future oriented. For instance, "Building maintenance strategies: planning under uncertainty"<sup>44</sup> suggests a potential need to revise traditional planning approaches and maintenance strategies.

In summary, changing the designation of PID #55551774 from industrial to residential requires a thorough evaluation of community needs, economic conditions, and environmental factors. This is particularly important because the lot is part of a preserved future Industrial land cluster but borders a Residential property to the East.

#### ***MPS Policy References***

***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.***

***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.***

***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.***

<sup>42</sup> <https://www.tandfonline.com/doi/abs/10.1080/01944363.2011.645274>

<sup>43</sup> <https://www.sciencedirect.com/science/article/abs/pii/S095965260400085X>

<sup>44</sup> <https://www.emerald.com/insight/content/doi/10.1108/02637471211198152/full/html>



Council must also consider that a designation change and re-zoning to R4 would introduce multiple development opportunities, not just those proposed in the developer's application found in [supplementary materials](#).

## RECOMMENDATION

1. Change the zoning and future designation from industrial to residential, focusing on mixed-housing developments.
2. Re-zone the area marked as Phase 1 on the map to a mixture of R3 & R4.

A zoning change from industrial to residential use in Kentville could significantly help alleviate the housing crisis in the province. However, this transition must be executed with care, keeping in mind sustainability, economic balance, and social welfare. It is important to ensure that the solutions implemented today do not create new problems in the future. The leadership of Council is crucial in making this decision in order to create a future where all members of the community can find a safe and comfortable home.

After an in-depth review of the current and evolving circumstances and the consideration of additional information and studies presented, it is recommended that Council change the designation of the subject property to residential in light of the Government of Nova Scotia's current housing goals. Furthermore, it is advised that the area identified as Phase 1 on the application received from the Applicant be rezoned as a mixture of Medium Density (R3) & High-Density Residential (R4).

However, Council should be aware that by rezoning this portion of the property to the R3 & R4 Zones, the Developer may proceed with any use permitted within the R3 & R4 Zones on the property as zoned, provided the development complies with the development requirements of the assigned zone.

Staff have expressed concerns about potential issues such as stormwater run-off management, recreation and amenity needs, screening between industrial and residential uses, parking, landscaping, driveway access, etc. These concerns may be addressed with greater control later through the subdivision application process or via Land Use By-Law requirements for **Site Plan Approval** or **Development Agreements**.

### Community Impact

**Positive:** Rezoning industrial land to residential use provides an immediate opportunity to increase the available land for housing development. This shift aligns with the government's funding initiatives and can potentially accelerate the provision of affordable housing options.

**Negative:** Potential displacement of industrial activities could affect local employment and economic output. However, careful planning and a phased approach could mitigate these risks.

### Environmental Impact

**Positive:** Residential areas generally encompass lower pollution levels than industrial zones, leading to potential improvements in air quality and overall environmental health.



**Negative:** The conversion must attempt to preserve the ecological balance, taking into consideration stormwater runoff and green spaces and ensuring that infrastructure development does not overtax natural resources



Figure 6 Phase 1 & Remainder – Request R3, R4 & R5 Zoning



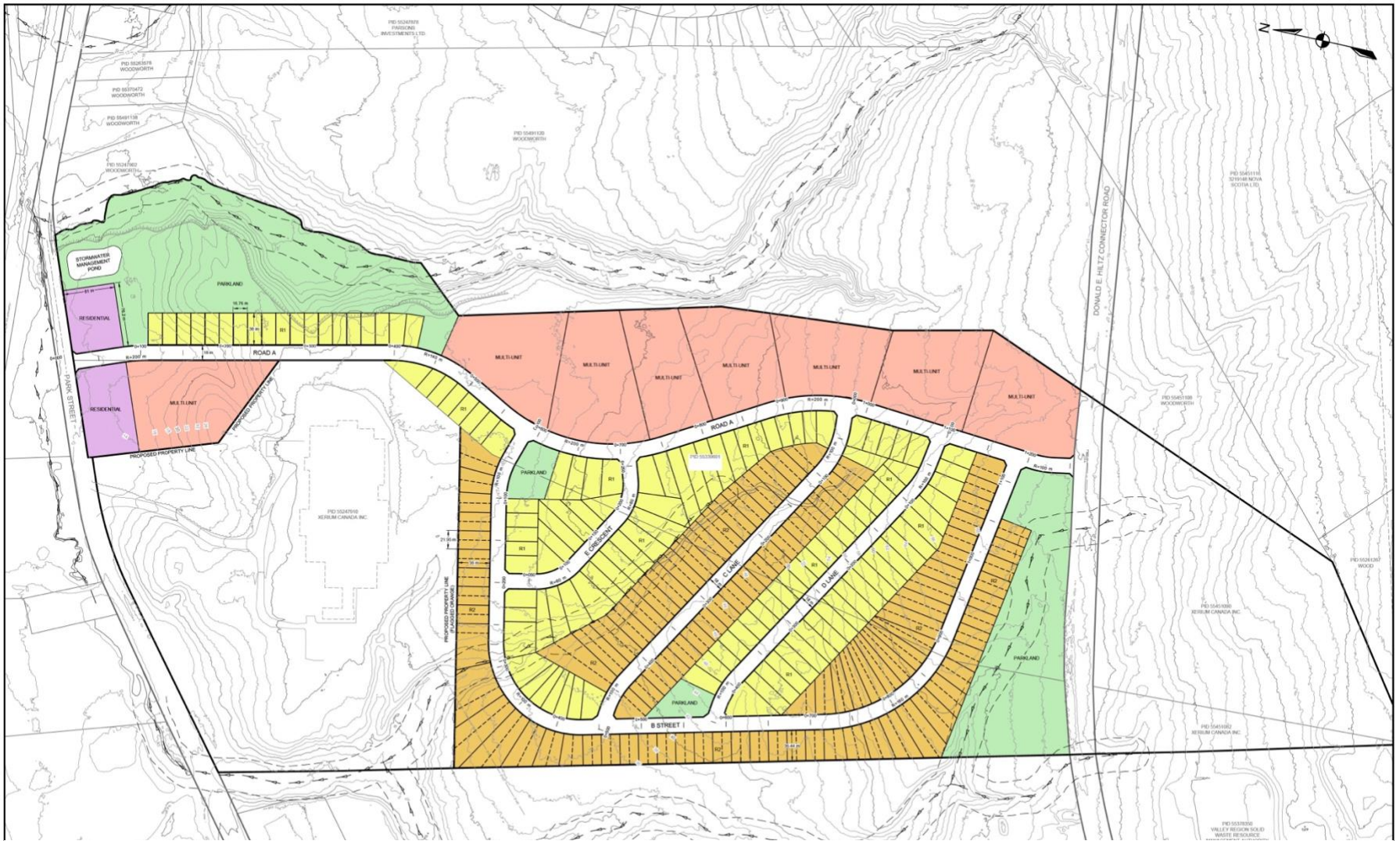


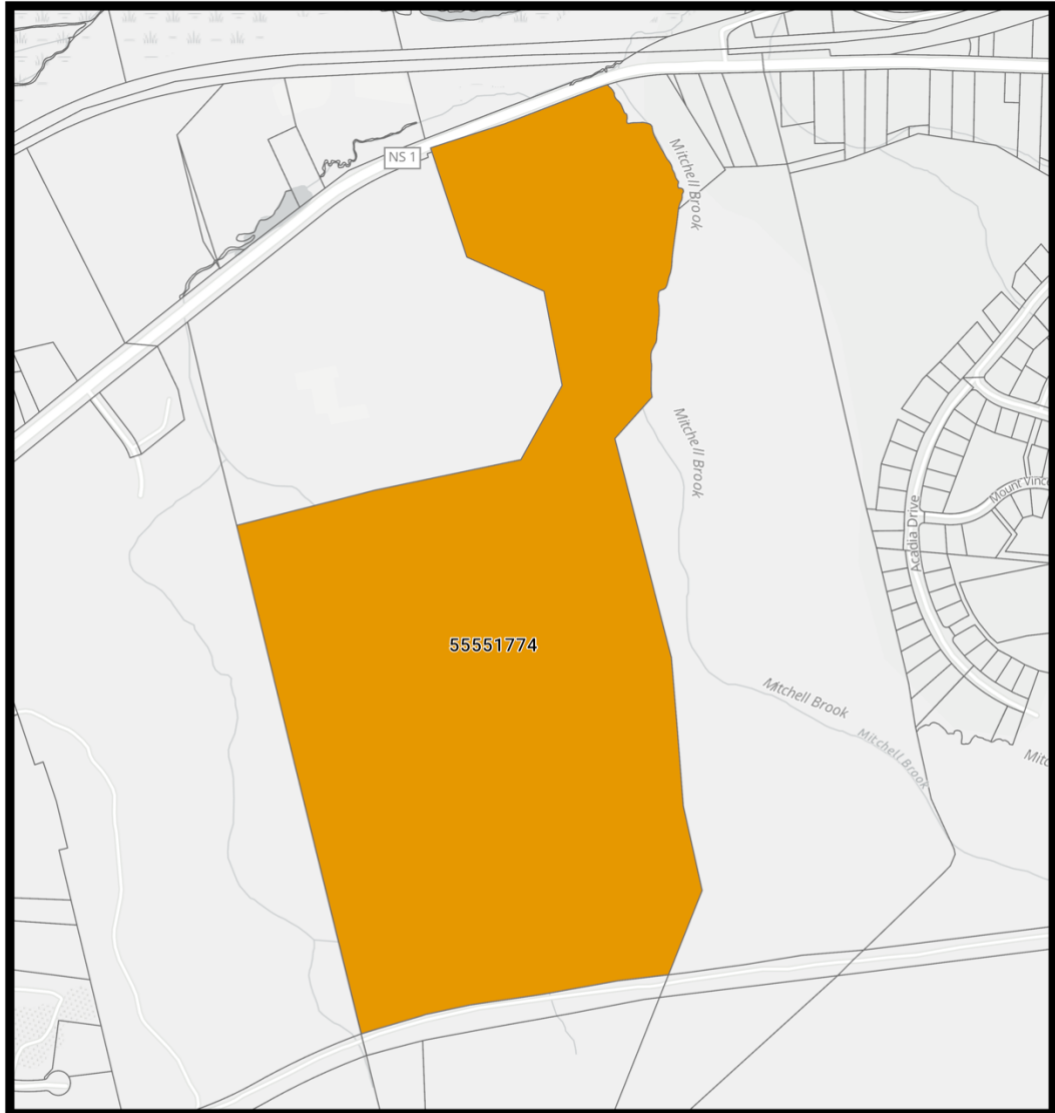
Figure 7 Brison Developments Tentative Site Plan




<b>NOTES</b> 1. CONTOURS (±) IN INTERNAL SYSTEM PROVINCIAL LEAS. 2. PROPERTY LINES FROM PROVINCIAL PROPERTY MAPS (APPROXIMATE ONLY).  NOTE: Concept Plan altered on February 1, 2024 by BCP to (a) show the lots along Park Street will not include stormwater. (b) show the current property owner as Brison Developments. No other aspect of this plan was altered.	<b>PREPARED FOR</b>  	<b>PREPARED BY</b>  	<b>PROJECT</b>  <b>CONCEPT PLAN: KENTVILLE LANDS</b> KENTVILLE, NOVA SCOTIA	Engineer <b>G. WOODFORD</b>  Scale 1:2000  Project No. 22-302  Filename 22-302 CP.dwg	Drawn <b>S. HANNAM</b>  Date Jun. 27, 2023  Drawing No. <b>CP01</b> 1 OF 1
	902-822-5567 designpoint.ca				

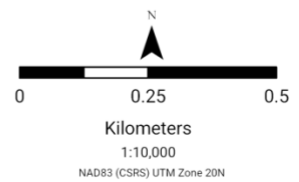
## Proposed Amendments

### MPS Map Change from Industrial to Residential



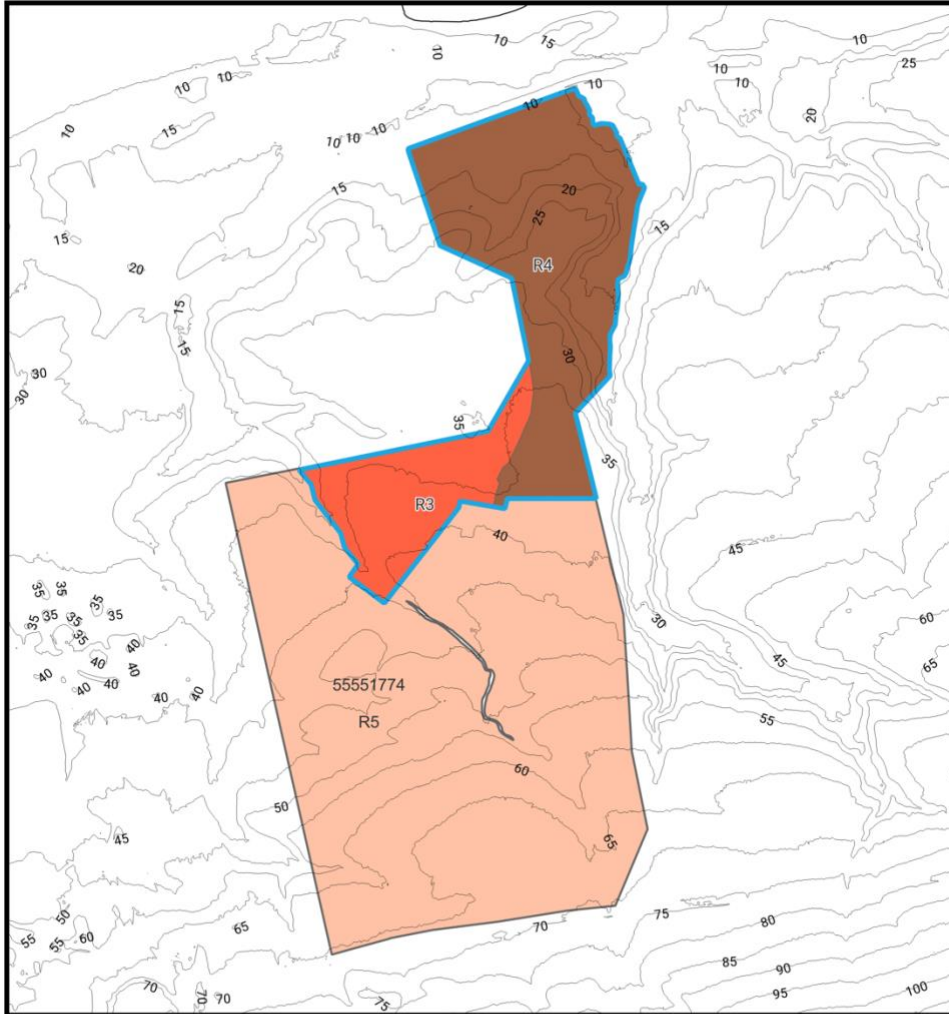
### Proposed Area for Rezoning - PID: 55551774

 From Industrial to Residential

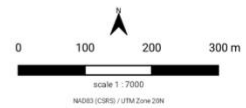




LUB Map Change from Industrial to R3 & R4



**PROPOSED ZONING - PID 55551774**





### *Site Plan Approvals*

*In Nova Scotia, a site plan is a detailed proposal that outlines the layout and use of a specific piece of land. It typically includes details about buildings, landscaping, access routes, parking, and other proposed development features. This tool is pivotal in urban planning as it allows authorities to manage and control how land is developed, ensuring that it aligns with the community's goals and standards<sup>1</sup>.*

*The authority to approve site plans comes from the Municipal Government Act (MGA) of Nova Scotia. This act grants municipalities the power to oversee and regulate land development within their jurisdiction, including approving site plans.*

*Site plans are crucial for large housing developments because they ensure that these projects meet community standards and accommodate necessary infrastructure, such as roads, utilities, and recreational spaces<sup>1</sup>. They also allow councils to negotiate certain site-specific items with developers as a condition of approval, which can help address community needs and concerns.*

*Moreover, site plans help balance various factors, including economic conditions and environmental considerations. For instance, a site plan might dictate the preservation of certain natural features or the inclusion of amenities that enhance residents' quality of life.*

*Site plans are an essential tool for councils to manage land development in a way that aligns with community values, fulfills local requirements, and safeguards the environment. However, the site plan approval process is currently underutilized in the Town of Kentville's planning documents. Policy GD-30 specifies the permitted uses for site plan approval, which includes new constructions in the R3, R4, C1, C2, C3, M1, and CR zones that abut low-density housing areas. Additionally, it permits Daycare Centers in the R1, R2, and R3 zones and Multi-Unit Residential Dwellings up to 50 units per acre in the C1 zone.*

### *Development Agreements*

A Development Agreement is a legally binding contract between a property owner or developer and a local government. It often includes terms not usually addressed in standard zoning or subdivision regulations<sup>1</sup>. This agreement is voluntary, and it's typically used for large-scale projects or complex developments that need special considerations<sup>1</sup>.

In Nova Scotia, the authority for a municipal unit to use Development Agreements comes from the Municipal Government Act (MGA). The MGA provides the legislative framework for municipalities to enter into such agreements with developers.

Development Agreements offer several benefits, making them particularly suitable for large tracts of land. They allow for more flexibility than traditional zoning, as they can cater to the unique characteristics of the land and the specifics of the proposed development<sup>1</sup>. They also provide certainty for both the developer and the community about what will be built and how the site will function<sup>1</sup>.

In the town of Kentville, Development Agreements are not frequently used. Policy GD-5 allows Council to consider applications for Development Agreements that comply with Policies IM-10 and IM-11. These policies apply to Mini Home Parks, the change of use of a non-conforming use to another non-conforming use, and the expansion or alteration of a non-conforming structure. If Council wishes, there is the opportunity to use this tool more in the town's planning documents. This would allow Council to consider housing developments as they arise, taking into account the specific features of the lot.

## Request for adjustments to rezoning requirements to allow for initial submission flexibility

### ACCOUNTABILITY

Brison Developments has requested changes to the policy to allow for greater flexibility in the submission requirements of re-zoning applications. The applicant is not yet prepared to provide detailed engineering information on matters such as stormwater, infrastructure, road design, or parkland. Developing these plans can be expensive and is already mandated as part of the subdivision and site plan approval process.

### POLICY ANALYSIS

Currently, Council has Policies IM-7 & IM-8, which require detailed applications for Land Use By-Law amendments, but Council is unable to hold the developer accountable. Land Use By-Law amendments must align with the vision of the Municipal Planning Strategy. Therefore, importantly the Municipal Government Act gives Council the authority to request studies and details related to Municipal Planning Strategy Amendments.

Policy IM-2 gives Council the authority to require the applicant to submit sufficient information and argument in support of a proposed Municipal Planning Strategy Amendment.

As Council is aware and has experienced recently, the Town's Planning Documents require, through Policy IM-7 & IM-8, applications for rezonings to provide detailed proposals, including both a written and a professionally prepared site plan. These plans can be extremely costly to the developer. *Policy IM-9 states that Council is mindful that other development scenarios may be possible*

#### *MPS Policy Reference*

*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 representation that are drawn to scale. Such graphic proposal must clearly indicate the following;*

- a) The location, area, and dimension 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.*

*under rezoning proposals, and all eventualities outside of the detailed proposal must be considered as part of rezoning applications.*

Municipalities can require detailed development plans for rezoning, although the extent of the requirements can vary based on the municipality's zoning regulations and the nature of the proposed project<sup>45</sup>. For instance, a Council may request to know the proposed use for a re-zoning application, but it is not typical to require detailed design criteria as this will likely change in the future.

There are several reasons why a council might require a detailed development plan for a rezoning, even if the plan is not legally binding and all uses permitted in the new zone may be possible should a rezoning application be approved<sup>46</sup>:

1. **Guide Development:** A detailed development plan provides a roadmap for how the land will be used and developed. It can help guide the developer's actions and ensure that the development aligns with the municipality's overall goals and vision.
2. **Assess Impact:** The plan allows Council to assess the potential impact of the proposed development on the community and the environment<sup>47</sup>. This can include impacts on traffic, noise, air quality, natural resources, public services, and more.
3. **Engage Stakeholders:** The process of creating and reviewing the plan can

<sup>45</sup> <https://marsh-partners.com/blog/the-property-rezoning-need-to-know>

<sup>46</sup> <https://txplanningguide-ojs-utexas.tdl.org/txplanningguide/>

<sup>47</sup> <https://canons.sog.unc.edu/2021/08/comprehensive-guide-to-rezoning/>

#### *MPS Policy Reference*

*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 the 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, outdoors storage, traffic, vehicle headlights, and noise through appropriate site design and 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 and proximity 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.*

provide opportunities for stakeholder engagement. This can include public hearings or meetings where community members can voice their opinions and concerns.

4. **Ensure Consistency:** The plan can help ensure that the development is consistent with the municipality's general plan or comprehensive plan<sup>48</sup>. This is important for maintaining a cohesive and well-planned community.

*Although a detailed development plan is not legally binding, it is crucial to comprehend the applicant's development intentions when considering rezoning.* Therefore, implementing a less restrictive policy may aid in promoting responsible and beneficial development while continuing to guide the community and encourage stakeholder engagement, as per the Council's objectives. Other elements, such as assessing the impact and ensuring consistency, can be addressed by the zone's Land Use By-Law requirements.

### **Existing Requirements of Subdivision & Site Plan Approval**

The developer has expressed their opinion that the current rezoning requirements are too strict. They believe this because the detailed plans are not legally binding and can be expensive to create. If the Council does not approve the rezoning, it could potentially become a risky investment for the developer. Moreover, even after the property has been rezoned, in most cases, there are still Site Plan and Subdivision Requirements that require detailed engineered plans. These requirements typically come up during the Subdivision and Development Permit application phase, when there is much to consider.

If you are planning to construct a new building in the R3 and R4 zones that are adjacent to an R1 zone, you must submit a site plan. Additionally, our proposal includes multi-unit dwellings with six (6) or more units on a lot as part of this requirement. The Town adheres to the guidelines for Site Plan Approval, which are similar to the ones described in Policy IM-7 & IM-8. It is essential to note that Site

---

<sup>48</sup> [https://opr.ca.gov/docs/OPR\\_C9\\_final.pdf](https://opr.ca.gov/docs/OPR_C9_final.pdf)

Plans are a crucial and legally binding component of the Development Permit process. Therefore, site plan approval is binding, whereas the existing rezoning requirements are not.

As per policy P-10, Section 10.2.6, any new subdivision must offer the Town with either public open space or cash in-lieu for a park, playground, or similar public use. During this stage, both Staff and Council have the opportunity to request public park and amenity space to be incorporated. It's important to note that this process is a legally binding component of the Subdivision process.

#### *MPS Policy Reference*

***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 surface material and all other 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 contour of the land and provisions for the management of storm and surface water*
- k) The type, location, number and size of sign structures*
- l) The provision for the maintenance of any of the items referred too in this section*

## RECOMMENDATION

3. Add more specific language to Policy IM-2 to allow the council to request any necessary studies to make an informed decision about a Municipal Planning Strategy Amendment. This is intended to replace the less enforceable language in IM-7 and IM-8 for Land Use By-Law Amendments.
4. Streamline Policies IM-7 & IM-8 to facilitate rezoning applications and rely on alignment of developments with the Municipal Planning Strategy vision.
5. Strengthen existing policies GD-30 and GD-5 to allow for the approval of large-scale housing developments on a single lot through either site plan approval or development agreement at the developer's discretion, or across multiple lots through a Development Agreement.
6. Introduce a policy that permits a balance of local commercial uses based on market demand in high-density residential developments.

It is recommended that Council consider enhancing Policy IM-2 to give Council the opportunity and authority to request the necessary studies when considering a change to the Municipal Planning Strategy in the future rather than relying on the existing implementation policies (IM-7 & IM-8).

This will provide Council and staff with the option to require additional studies such as traffic studies, environmental site assessments, and water/waste infrastructure needs as part of the decision-making process. This change will also provide Council with greater authority than the existing implementation policies and may even replace IM-7 and IM-8, which require significant investment from the developer but have little authority from Council at the development stage.

Understanding why a developer applies for rezoning and determining whether the proposed development aligns with the Municipal Planning Strategy's vision and the requirements of the new zone within the land use by-law is crucial. Usually, the compatibility and suitability requirements for development are included as part of the Land Use By-Law for a specific zone. These requirements must then be included in the Development Permit application as they are legally required. Therefore, it is recommended that Council Consider amending Policy IM-7 & Policy IM-8 to facilitate development and reduce costs for developers.

It is recommended that the Council approve the updated Policies GD-30 and GD-5. These updates would allow for the approval of large-scale housing developments on a single lot through either site plan approval or development agreement at the developer's discretion, or across multiple lots through a Development Agreement.

Additionally, these policies should consider incorporating some commercial uses within the development to service residents and support the local economy, particularly where industrial land is being repurposed. This approach would ensure

that the Town's Planning Documents continue to support our community's growth and vitality,

### Proposed Amendments

#### *Municipal Planning Strategy Amendments*

Policy IM-2 states Council may require the applicant to submit sufficient information and argument in support of any Municipal Planning Strategy Amendment. As staff feel this policy is of high importance for Council's decision-making process, staff feel that an amendment to add more specific language is necessary.

***Policy IM-2 It shall be the intention of Council*** to require the applicant to submit sufficient information and argument, *including a traffic impact study, environmental site assessment, storm water management and any other relevant study,* in support of any proposed Municipal Planning Strategy amendment.

#### 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 the 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 the Development Agreement in accordance with the

#### ***MPS Policy References***

***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 to, 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.*



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;
  - c) The expansion, enlargement or alteration of a non-conforming structure; and

d) Multi-unit dwelling community constructed on multiple adjoining lots or single lots within the High Density (R4) Zone at the developer's discretion.

**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;

"D) Multi-unit residential dwellings with six or more units on a single lot located within the Multi-unit Residential (R4) Zone. Developments must comply with amenity requirements for multi-unit residential buildings, as well as subdivision parkland requirements, where applicable. If the developer prefers, the development may proceed through a development agreement in place of site plan approval, per Policy GD-5 d)."

*MPS Policy Reference*

*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.*

**Policy IM-7** It shall be the intention of Council to consider amendments to the map of the Land Use By-law when the proposed zoning change is not specifically prohibited within this Plan and at least one of the following three conditions is true:

a) the proposed zone is enabled by this Plan for use within the same designation.

b) a non-conforming use appears to have been created by an inadvertent administrative oversight in the Municipal Planning Strategy and Land Use By-law preparation process, resulting in a property being zoned inconsistent with stated policies in this Plan; or

c) The land to be rezoned is adjacent to a designation that permits the proposed use.

~~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.~~

**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

c) all existing buildings are in compliance with the proposed zone requirements

~~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.~~

## Land Use By-Law Amendments

### 5.5.1 Permitted Uses

The following uses shall be permitted as-of-right in the High-Density Residential (R4) Zone subject to the requirements of the Bylaw:

- Single Unit Detached Dwelling
- Two Unit Dwelling
- Day Care Centres and Nursery Schools
- Residential Care Facilities, Home for Special Care or Group Homes
- Multi-Unit Dwellings (under six (6) units)

### 5.5.2 Permitted Uses with Conditions

a) The following uses shall be permitted in the High Density Residential (R4) Zone subject to the requirements of this By-law:

- I. Home Based Businesses, in accordance with Section 5.1.2 and 5.1.3 of this By-law
- II. Bed and Breakfast, in accordance Section 5.1.4 of this By-law
- III. Inns, in accordance with Section 5.1.5 of this By-law
- IV. Accessory Neighbourhood Commercial Uses in accordance with Section 5.1.8 of this Bylaw.

b) The following uses shall be permitted by Site Plan Approval in compliance with the Municipal Government Act and Policy GD-30 :

- I. Multi-Unit Residential Dwellings of six (6) or more units on a single lot within the Multi-Unit Residential (R4) Zone. If the developer prefers, the development may proceed through a development agreement in place of site plan approval, per 5.5.2 c).
- c) Council shall consider entering into a Development Agreement for the following uses, in compliance with the Municipal Government Act and Policies IM-10 and IM-11:
  - a. Multi-unit dwelling community constructed on multiple adjoining lots or single lots within the High Density (R4) Zone at the developer's discretion.

### LUB Amendment for Local Commercial Use

Determining the best practice percentage of residential units to commercial units in large-scale housing developments can be quite complex, and it varies greatly by location, project, and local market conditions. However, some general guidelines are often used in the planning and development fields.

One common approach is the 80/20 rule, where 80% of the development is residential and 20% is commercial. This ratio is often used in mixed-use developments to ensure a healthy balance of living and commercial spaces<sup>49</sup>

However, it's important to note that these percentages are not fixed rules, but rather starting points for discussion. The actual ratio can be adjusted based on a variety of factors, including the size and location of the development, the needs of the community, the local market conditions, and the specific goals of the project.

In addition, it's also essential to consider other factors beyond the simple ratio of residential to commercial units. For example, the design and layout of the development, the types of commercial uses included, and the integration of public spaces can all significantly impact the success of a mixed-use development.

Allowing local commercial uses to be permitted, based on market demand, within the areas where high-density residential uses are permitted is the simplest approach to ensure new residents are serviced by their commercial needs. For this reason, it is recommended that Council add a list of commercial uses to be permitted as of right within the High Density (R4) Zone.

### 4.1.3 Amenity Space

- a) All new Multi-Unit Developments containing four or more dwelling units shall provide On-Site Indoor or Outdoor Amenity Space in accordance with the following requirements:

Bachelor and One Bedroom	200 ft <sup>2</sup> per unit	18.58 m <sup>2</sup> per unit
Two bedroom	225 ft <sup>2</sup> per unit	20.90 m <sup>2</sup> per unit
Three or more bedrooms	255 ft <sup>2</sup> per unit	23.69 m <sup>2</sup> per unit

- b) Amenity space may include decks, balconies, gardens, landscaped open space, gyms, pools and other.
- c) Useable outdoor recreation amenity space shall be located in the side or rear yards and the recreation space must be usable space, meaning it shall be cleared, levelled, and grassed or otherwise landscaped to create an

<sup>49</sup> <https://www.planning.org/pas/reports/report68.htm>

attractive outdoor recreation space for the amenity of the residents on the lot.

- d) Amenity space shall be waived for all residential conversions.

~~5.1.8 Accessory Neighbourhood Commercial Uses~~

~~In the High Density Residential (R4) Zone, cafes, neighbourhood grocery and convenience stores permitted subject to the following requirements:~~

- ~~a) The maximum commercial floor area within the residential structure used for display and sales does not exceed 1000ft<sup>2</sup> (92.9m<sup>2</sup>)~~  
~~b) The primary service area for the use is the immediate residential area in which the neighbourhood commercial use is located;~~  
~~c) Parking shall be required in accordance with table 4.2 herein; and~~  
~~d) One ground sign not to exceed 4 ft (1.219m) in height and not to exceed 10 ft<sup>2</sup> (0.93m<sup>2</sup>).~~

#### 5.5.1 Permitted Uses

The following uses shall be permitted as-of-right in the High Density Residential (R4) Zone subject to the requirements of the By-Law:

- Single Unit Detached Dwelling
- Two Unit Dwelling
- Day Care Centres and Nursery Schools
- Residential Care Facilities, Home Special Care or Group Homes
- Multi-Unit Dwellings

#### 5.5.2 Permitted Uses with Conditions

The following uses shall be permitted in the High Density Residential (R4) Zone Subject to the following requirements of this By-Law:

- a) Home Based Businesses, in accordance with Section 5.1.2 and 5.1.3 of this By-Law
- b) Bed and Breakfast, in accordance with Section 5.1.4 of this By-Law
- c) Inns, in accordance with Section 5.1.5 of this By-Law
- ~~d) Accessory Neighbourhood Commercial Uses with Section 5.1.8 of this By-Law~~
- e) Local commercial uses shall include the following and be approved as part of the site plan approval process, in accordance with 5.1.12.
- Animal Hospital
  - Automobile Service Station
  - Bakery
  - Catering Establishment

- Club (Commercial or Private)
- Convenience Store
- Commercial schools & recreation
- Craft Products
- Day-Care & Nursery Schools
- Dog Grooming
- Dry Cleaning
- Garden Centres
- Golf Courses and Driving Ranges
- Small Scale Grocery Stores (Under 3,000 square feet)
- Medical Clinics
- Restaurant
- Small Scale Retail Space (Under 3,000 square feet)

#### 5.5.4 On-Site Amenity Space

a) Useable Amenity Space shall be required for the development of Multiple Unit Apartment Buildings containing four or more dwelling units in accordance with Section 4.1.3 of this By-law;

**Amenity Space** means a designated area or facility within a large-scale residential development that is intended to enhance the quality of life for residents and visitors. This includes both indoor and outdoor spaces that are accessible and benefit the community.

**Indoor Amenity Space** is a common area within residential buildings that is exclusively for residents' use. These spaces may include but are not limited to, lounges, fitness centres, meeting rooms, or other communal facilities.

**Outdoor Amenity Space** is an area designed for recreational and leisure activities. These include parks, landscaped open spaces, playgrounds, sports facilities, or other recreational areas that contribute to the green space and outdoor enjoyment of the community.

~~any space intended to support the yard space capable of being used for recreational purposes, and may include landscaped areas, patios, verandas, balconies, communal lounges, swimming pools, play areas and similar uses.~~

## Request re-zone the remainder of the PID is to be intended for future residential R5

### PHASED DEVELOPMENT

Brison Developments is applying for amendments to both the Municipal Planning Strategy and Land Use By-Law to permit multi-unit developments along the front of PID 55551774. Currently, the land is designated and zoned for industrial purposes. The development of this property is proposed in two phases.

The Second Phase of the Development will include developing the remainder of the property as residential. However, the details for Phase 2 have not yet been decided. The developer's goal is to link Park Street to the Donald Hiltz Connector to ensure vehicle and pedestrian connectivity.

The Developer has requested that the remainder of the PID be designated and zoned Large Lot R-5, showing the intention to develop this land for residential purposes in the future but leaving time to complete a more detailed plan for this area.

### POLICY ANALYSIS

Holding large tracts of land for future residential development until services are available is a strategic approach often undertaken by councils like that of the Town of Kentville. This practice is based on several key considerations:

1. **Value Appreciation:** raw or undeveloped land often appreciates in value over time due to limited supply and growing demand<sup>50</sup>. By holding land until services are available, Council can potentially increase the value of its investment<sup>51</sup>.
2. **Strategic Planning:** Preparing land-use plans and establishing land banks are important strategies for managing growth and meeting community needs<sup>52</sup>. Holding land allows Council to plan for the future and ensure that development aligns with the community's long-term goals<sup>53</sup>.

---

<sup>50</sup> <https://leaddeveloper.com/raw-land-development-what-you-need-to-know/>

<sup>51</sup> [https://rocketmortgage.ca/?utm\\_source=rmus\\_redirect](https://rocketmortgage.ca/?utm_source=rmus_redirect)

<sup>52</sup> <https://www.oas.org/pgdm/document/BITC/papers/dthomas.htm>

<sup>53</sup> <https://localhousingsolutions.org/housing-policy-library/land-banks/>



**Control Over Development:** By either owning or creating a zone that holds the land, Council can control when and how development occurs<sup>54</sup>. This can help to ensure that development is sustainable and beneficial for the community<sup>55</sup>.

The Town's Municipal Planning Strategy acknowledges the existence of several large tracts of land in Kentville that are not yet serviced and have no immediate plans for development. Council realizes that housing needs and preferences are constantly evolving and that much of this land won't be developed for some time. To avoid costly extensions to municipal infrastructure, the Large Lot Residential (R5) Zone has been created to acknowledge the possibility of future residential development. Limited development will be allowed in the R5 zone until services become available.

*MPS Policy Reference*

***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.***

---

<sup>54</sup> <https://www.fortunebuilders.com/raw-land-investing/>

<sup>55</sup> <https://marsh-partners.com/blog/the-guide-to-a-real-estate-development-feasibility-study>

## RECOMMENDATION

7. Rezone the remaining portion of PID 55551774 to High-Density Residential R5.
8. Add a policy allowing the consideration of extensive development in the R5 Zone through a Development Agreement.

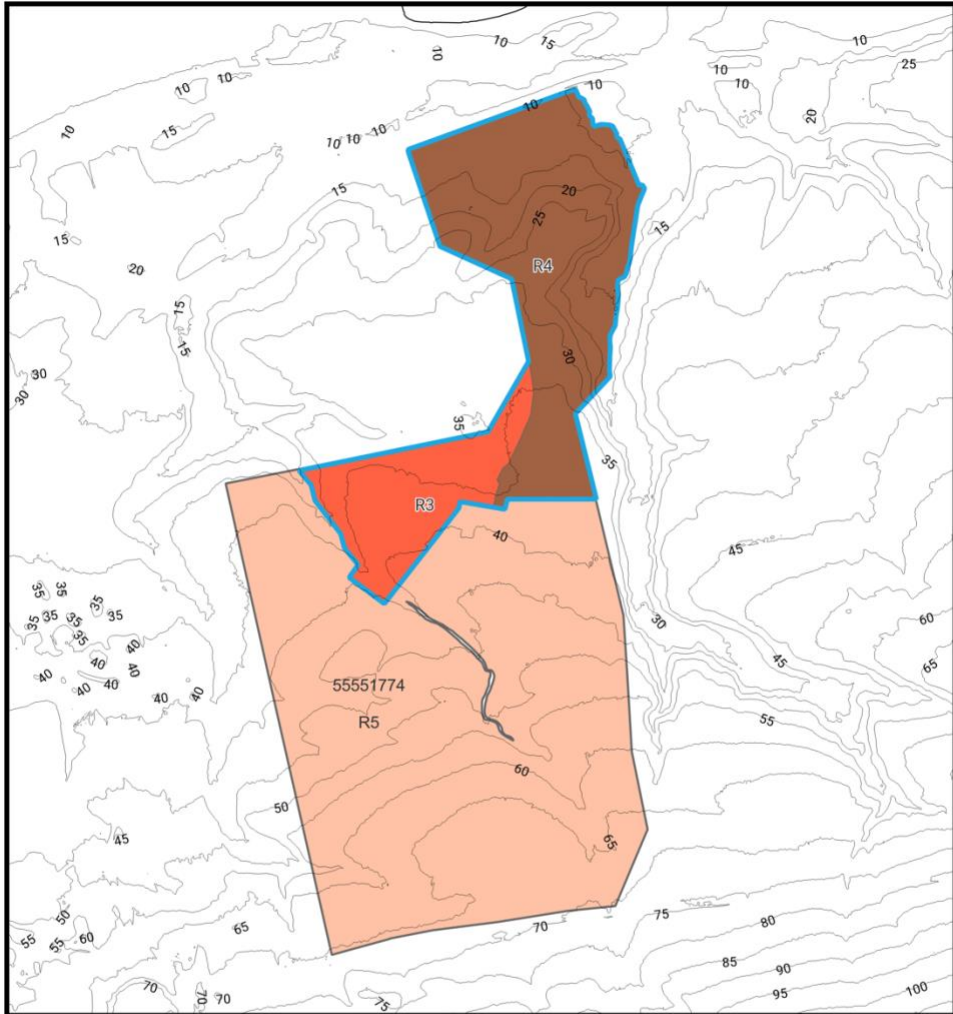
It is recommended that Council consider rezoning the remaining portion of the lot to Large Lot Residential (R5) to demonstrate their support for the proposed future development of the PID 55551774 while allowing time for the development of a Secondary Housing Strategy as planned by Council.

Depending on the circumstances, a reasonable approach to considering development on these lands may be to consider a Development Agreement. Development agreements can provide a flexible framework for negotiating the terms of development, including the timing, scale, and nature of the development and the provision of public benefits. They can also inform the developer and community about what will be built and when.

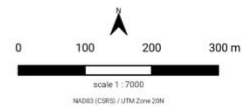
It is recommended that Council consider allowing for the consideration of a Development Agreement in the R5 Zone, provided the Developer is willing to pay for the required Municipal Services; this is in keeping with the zone's intent as outlined within the Municipal Planning Strategy and would enable more housing development opportunities.

## Proposed Amendments

### Proposed Land Use By-Law Map Change



### PROPOSED ZONING - PID 55551774



### *Proposed Land Use By-Law Amendments*

Council established the Large Lot Residential Zone to show support for residential development while keeping in mind the inadequate municipal services available for these large lots. *It would be reasonable for Council to have the power to consider the development of these lots through the Development Agreement process, as long as they comply with the requirements specified in Policies IM-10 and IM-11 and there is the ability to place the costs of the additional services on the Developer.*

Should a developer wish to develop an R5 piece of land without a development agreement or undertake the cost of running municipal services, they may always apply to Council to rezone the property to alternative residential zoning and subdivide. The proposed amendment provides more options to consider housing development within the Town of Kentville.

#### 5.6.3 Permitted Uses by Development Agreement

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

- a) Manufactured Home Parks/Land Lease Communities.
- b) A large-scale housing and community development

### Summary of Recommendation

In light of the considerable housing shortage, teamed with the necessity for sustainable community development, it is recommended that Council consider the following:

1. Change the designation of PID 55551774 from Industrial to Residential to encourage diverse housing developments.
2. Re-zone the area marked as Phase 1 on the map to a mixture of R3 & R4.
3. Add more specific language to Policy IM-2 in order to provide Council with the ability to request any necessary studies to make an informed decision for a Municipal Planning Strategy Amendment. *This is intended to replace the less enforceable language in IM-7 & IM-8 for Land Use By-Law Amendments.*
4. Streamline Policies IM-7 & IM-8 to facilitate rezoning applications and rely on alignment of developments with the Municipal Planning Strategy vision.
5. Strengthen existing policies GD-30 and GD-5 to allow for the approval of large-scale housing developments on a single lot through either site plan approval or development agreement at the developer's discretion, or across multiple lots through a Development Agreement.
6. Introduce a policy that permits a balance of local commercial uses based on market demand in high-density residential developments.
7. Rezone the remaining portion of PID 55551774 to High-Density Residential R5.
8. Add a policy allowing the consideration of extensive development in the R5 Zone through a Development Agreement.

These proposed changes are focused on future housing developments in the Town of Kentville and aim to give Council the opportunity to consider good housing developments as they arise. While evaluating the developer's proposal, staff recognized the urgent need for housing within the Town. However, existing policies pose challenges for Council and staff in assessing new proposals. The suggested amendments mentioned above aim to facilitate future housing projects for Council's consideration and offer the applicant various options for phased development if the request is granted.

### Parcel Description

ALL that certain piece or parcel of land situate, lying and being on the South side of Park Street in Kentville in the County of Kings and Province of Nova Scotia, and shown as Lot 101 on a Plan of Subdivision certified by Derik R. De Wolfe, NSLS, Plan Number 2022-348P, dated August 24, 2023 and bounded and described as follows:

BEGINNING at a survey marker on the southern side of Park Street, at the Northeast corner of Lot 100 as shown on aforementioned plan, said survey marker being the POINT OF BEGINNING;

THENCE North 14 degrees 17 minutes 42 seconds West, a distance of 5.221 metres to a survey marker;

THENCE North 68 degrees 58 minutes 29 seconds East, a distance of 245.673 metres along a southern boundary of Park Street to a survey marker;

THENCE following a curve to the right an arc distance of 19.30 metres more or less along the southern boundary of Park Street to a calculated point on the western side of Mitchell Brook, said calculated point being North 70 degrees 41 minutes 54 seconds East, a chord distance of 19.30 metres more or less, from the aforesaid survey marker;

THENCE southerly following the western side of Mitchell Brook, a distance of 506.4 metres more or less to a calculated point;

THENCE South 07 degrees 59 minutes 05 seconds East, a distance of 13.59 metres more or less along the western boundary of lands now or formerly of Parsons Investments Limited to a survey marker;

THENCE South 42 degrees 00 minutes 44 seconds West, a distance of 76.702 metres along the western boundary of lands now or formerly of Parsons Investments Limited to a survey marker;

THENCE South 14 degrees 30 minutes 34 seconds East, a distance of 310.620 along the western boundary of lands now or formerly of Parsons Investments Limited to a survey marker;

THENCE South 04 degrees 44 minutes 37 seconds East, a distance of 87.416 metres

along the western boundary of lands now or formerly of Parsons Investments Limited to a survey marker;

THENCE South 04 degrees 27 minutes 49 seconds East, a distance of 117.516 metres along the western boundary of lands now or formerly of Parsons Investments Limited to a survey marker;

THENCE South 12 degrees 35 minutes 24 seconds East, a distance of 118.684 metres along the western boundary of lands now or formerly of Parsons Investments Limited to a survey marker;

THENCE South 21 degrees 48 minutes 13 seconds West, a distance of 126.381 metres to the northern side of Parcel "W.X.-1", lands now or formerly of The Town of Kentville, to a survey marker;

THENCE South 82 degrees 49 minutes 33 seconds West, a distance of 200.582 metres along the northern boundary of Parcel "W.X.-1", lands now or formerly of The Town of Kentville to a survey marker;

THENCE following a curve to the left an arc distance of 231.094 metres, a radius of 1015.130 metres along the northern boundary of Parcel "W.X.-1" to a survey marker on the eastern boundary of lands now or formerly of Parsons Investments Ltd., said survey marker being South 76 degrees 18 minutes 14 seconds West, a chord distance of 230.595 metres from the aforesaid survey marker;

THENCE North 13 degrees 50 minutes 53 seconds West, a distance of 395.298 metres along the eastern boundary of lands now or formerly of Parsons Investments Ltd. to an iron pipe;

THENCE North 13 degrees 40 minutes 25 seconds West, a distance of 329.173 metres along the eastern boundary of lands now or formerly of Parsons Investments Ltd. to a survey marker;

THENCE North 77 degrees 48 minutes 26 seconds East, a distance of 400.873 metres to a survey marker;

THENCE North 28 degrees 59 minutes 57 seconds East, a distance of 122.049 metres



to a survey marker;

THENCE North 12 degrees 41 minutes 46 seconds West, a distance of 126.327 metres to a survey marker;

THENCE North 66 degrees 40 minutes 08 seconds West, a distance of 118.015 metres to a survey marker;

THENCE North 19 degrees 36 minutes 52 seconds West, a distance of 147.729 metres to a survey marker, said survey marker being the POINT OF BEGINNING.

A tract of land containing an area of 47.4352 hectares more or less.

All distances are horizontal grid distances, combined scale factor 0.99989205 applied.

All bearings are Grid, based on a 3 degree Modified Transverse Mercator Projection, Zone 5, Central Meridian 64 degrees 30 minutes West Longitude, NAD 83 (CSRS) 2010.0 V7, and are referred to Nova Scotia Active Control Station Number 250001.





## Additional materials

# APPLICATION



2024-01-31

Jeff Lawrence, Chief Administrative Officer  
Town of Kentville

Re: Application in West Kentville (PID 55551774)

---

Dear Jeff:

On January 22, 2024 Town Council authorized a Plan Amendment application for a portion of PID 55551774. This letter provides additional information for the Town to proceed with its review and analysis.

### Description

Brison Developments is applying to make changes to both the MPS and LUB to allow for multi-unit development along the frontage of PID 55551774. This land is currently designated and zoned industrial and requires a change to both the Municipal Planning Strategy and Land Use Bylaw. Brison Developments is seeking planning policy changes that permit approximately four multi-residential buildings in Phase 1 of the subject PID or approximately 300 units.

This is the first phase of a large development that is tentatively called Kentville Crossing. Similar to the Crossing in Windsor, this development is geared towards empty nesters and seniors and will include amenities and open space to create a master-planned residential community. It will include housing at differing densities and price points, parks, trails, new streets and sidewalks and potentially a community centre. It eventually will connect up to the Donald Hitz Connector to provide connectivity for both non-motorized and motorized movement. The developer recognizes the area has areas of steep slope, watercourses and other environmentally sensitive features that will require detailed engineering and planning and will continue to work with the Town to ensure that the Kentville Crossing will be asset to the area.

The initial phase will include four apartment buildings with approximately 300 units, though the number of units will be finalized at a later date. Attached to this email are sample renderings of the apartment building. The remainder of the property is still under design but will include a variety of low and mid-density housing forms. The concept plan has been previously provided to the Town.

### The Request

This is a Plan Amendment, which gives Council latitude in how it wishes to deal with this type of development. Brison is seeking amendments for the following:

1. Designation and zone change to Residential (R-4) as generally shown on the map in the

[www.brighterplanning.ca](http://www.brighterplanning.ca)



- previous submission. (shown as Phase 1 on the attached map)
2. The remainder of the PID to be designated Residential and zoned R-5 to demonstrate Council's intention that the future land use of the area is residential. This will allow time to complete more detailed planning on the lands. (shown as the remainder)
  3. Changes to policy to allow for maximum flexibility in submission requires. At this point, Brison is not prepared to provide detailed engineering information on issues such as storm water, infrastructure, road design or parkland. These issues will be dealt with through subdivision if that is the chosen route for the approval.



### Discussion

The housing need in Kentville is significant, as outlined in the housing needs assessment completed by the province (provided to the applicant by the Town). For over a year, Brison has been encouraging the Town to put the necessary policies in place to allow for the lands in the west end to be comprehensively planned and developed for residential development. We understand that the Town is seeking external funding to support the secondary planning process. However, the need and market opportunities necessitate that Brison make this application in advance of the more detailed planning process/SPS process.

The subject PID is designated and zoned industrial. The property is within the wellfield protection zones, which is an overlay zone intended to protect the drawdown areas of the wells that provide drinking water to the Town of Kentville. The overlay zones, which are a component

[www.brighterplanning.ca](http://www.brighterplanning.ca)



of the source water protection plan for the drinking water supply, are intended to restrict certain land uses that pose a higher risk to the groundwater. It is generally recognized that residential uses pose a lower risk to the water supply than light or heavy industrial uses. The conversion of this area to residential would not pose any additional risk to the wellfield and may actually be more compatible. We further understand that the Town may be installing a new well, which may impact the specific wellfield zone that applies to this land.

The CWWA emphasizes the importance of safeguarding drinking water sources to ensure the health and wellbeing of communities. Industrial areas often involve various activities that may have the potential to generate harmful substances or pollutants. These can include manufacturing processes, storage of chemicals, or disposal of hazardous materials.

Residential land use is generally considered lower risk to drinking water sources compared to industrial land use. Converting industrial lands to residential use can help minimize potential contaminants that may pose risks to water quality. By converting to residential zoning, the potential risk of contaminants to the water supply can be reduced.

Policy IM-1 states Councils intention to consider MPS amendment. This request responds to the three situations identified in these policies

- a) An adjustment is necessitated due to changing circumstances - The housing crisis requires more units in Kentville and the Town is looking for options to address this situation. In addition, the Town was successful in its application for the Donald Hiltz Collector and is planning to begin construction in the near to medium term.
- b) Additional Information or studies - The Housing Needs Assessment completed by the province has shown a shortfall in required housing over the next few years if the current rate of development and construction continues.
- c) Provincial Policy - The province and the federal government have been clear through its Housing Accelerator Funding announcement and associated strategies that communities will need to establish conditions to support accelerated housing. The province, through the [Our Climate, Our Future: Nova Scotia's Climate Change Plan for Clean Growth](#) and the [Our Homes, Action for Housing](#) both are clear that new strategies must be employed to deal with housing. The [CMHC Housing Supply](#) report also clearly identifies the growing gap of housing and supply in Nova Scotia more generally.

Policy IM-4 may also apply in this situation. IM-4 allows for a change in the future land use designation to that which is adjacent without an amendment to the strategy. In this case, the adjacent designation is Residential. With this policy, there is no requirement to undertake an industrial study for the rezoning. The adjacency policy in IM-4 would simply necessitate the evaluation of the policies in the implementation section.

If staff believe this is a Plan Amendment process, we do not believe the requirements for detailed plans should be applied in this case. If zoning is changed to R-4, then the site plan approval process will require most of that detail. Alternatively, a minor policy change to remove this requirement could also be considered."

The potential economic benefits that the Kentville Crossing can bring to the town are significant.

[www.brighterplanning.ca](http://www.brighterplanning.ca)



It can stimulate local job opportunities, attract investment, and generate revenue for local businesses. The increased population will create a demand for services, leading to the growth of local businesses, restaurants, shops, and other supporting industries. The increase in tax revenue is also something that is relevant for consideration. This additional revenue can be used to fund essential services, infrastructure improvements, and community programs that directly benefit all residents of the town.

### Other information

**Traffic Study** - We will provide a draft scope for the Town engineer review and complete traffic study. This will be provided over in February. The Traffic Engineer has begun to gather traffic count information and the turn around time for the traffic study will be fairly quick, once the Town has approved the scope.

**Servicing:** I understand through the Town engineer that the town has sufficient share of the regional sewer capacity to service the proposed development. According to the Atlantic Canada Wastewater Specifications, industrial uses are more of a load on the sewer system than residential. The main line is a County of Kings asset as is the pumping station and that there is capacity in the trunk lines. Is the Town able to provide any information on the capacity of the pumping station and if upgrades are planned? Detailed plans for servicing and storm water are not appropriate during the Plan amendment stage, however, we recognize the Town engineer may require additional information to comment. We request the level of information that the engineer will require in order to provide comment on the Plan Amendment

**Site Plan:** My client is finalizing the site plan but it will generally conform to what is submitted. There is no planned commercial space in the buildings but the attached concept will be revised to reflect this change. Stormwater management, landscaping and other related issues are not required at this time and will be determined at time of site plan approval.



Summary

We will work to provide the additional information as quickly as possible so that the expedited timeline can be met. I understand that the MPS requires a great deal of detail for a zoning change but this information is not possible or required to assess if, from a planning perspective, that this area can be redesignated or rezoned.

Please contact me if you have any questions.

Sincerely,

A handwritten signature in blue ink that reads 'Chr Fuller'.

Chrystal Fuller, LPP, MCIP  
**Brighter Community Planning & Consulting**

## TRAFFIC SCOPING PACKAGE

### Traffic Impact Analysis : Kentville : Park Street Development

*Brisson Developments Ltd* plans a residential development on the south side of Park Street west of Acadia Drive as shown on **Figure 1 : Location Proposed Kentville Lands Development**. It is planned that the property will be developed in accordance with the attached **DESIGNPOINT Concept Plan: Kentville Lands** plan CP01 dated Jun 27 2023. The development will consist of 675 residential units:

- 127 R-1 single family units;
- 99 R-2 duplex lots (198 units); and
- 350 apartment units in four buildings (the apartments are in lieu of the commercial facilities shown on plan CP01).
- Immediate access to the site will be via a new street ('Road A' on the plan CP01) which intersects Park Street (Trunk1) to the north of the development. The completion of the Donald E Hiltz connector will provide a second access to the south of the development which will allow traffic to split between the two arterial streets.
- Full build-out is expected:
  - within five years for the apartment units; and
  - within ten years for the single family and duplex units.

The traffic study will be carried out by *GAALCO Traffic Engineering* in accordance with the following:

1. The study area is the intersection of the new street ('Road A') of the development with Park Street.
2. In addition to the expected initial (2024) traffic conditions three horizon years will be analyzed:
  - 2029 - at the expected full build-out of the apartment units;
  - 2034 - at the expected full build-out of the single family and duplex units; and
  - 2039 - five years after the expected full build-out of the entire development.
 Intermediate horizon year(s) may be analyzed depending upon the level of service of the intersection and / or the highway infrastructure required.

3. The analyses of each horizon year will be for two Daily Design Hourly volumes (DHVs):
  - morning (AM);
  - afternoon (PM); and
  - noon hour counts will be obtained to fulfill the Transportation Association of Canada (TAC) traffic control signal warrants.

Turning movement counts will be obtained to ensure representative traffic volumes. The intersection location on Park Street will be counted on a Tuesday, Wednesday, or Thursday during good weather, and the counts expanded to DHVs using weekly adjustment factors based on roadway class derived from the Provincial network of permanent counters provided by Nova Scotia Department of Public Works (DPW).

4. Traffic growth rates will be established for the highways in the study area based on historical traffic counts made available by DPW.
5. Trip generation rates will be obtained from the Institute of Transportation Engineers (ITE) *Trip Generation*. It is expected that 75 percent of the non-apartment residential units will be occupied by senior adults, which would require ITE Land Use Codes:
 

• Apartments	code 220	100 percent of the units
• R-1 single family detached	code 210	25 percent of the units
• Senior adult detached housing	code 251	75 percent of the units
• R-2 duplex	code 230	25 percent of the units
• Senior adult attached housing	code 252	75 percent of the units

- 5A. However, to ensure that the impact analysis considers the maximum possible generated traffic and the intersections capacity to service it, the Land Use Codes that will be used in the analysis are:
- Apartments code 220 100 percent of the units
  - R-1 single family detached code 210 100 percent of the units
  - R-2 duplex code 230 100 percent of the units
6. Trips generated by the proposed development will be assigned to the intersection of the new street ('Road A') of the development with Park Street and distributed east and west on Park Street in the same proportion as the turning movements at the intersection of Acadia Drive with Park Street which were counted in October 2022.
7. Site traffic assignment will be performed manually with generated trips assigned east and west on Park Street as described in item 6.
8. Analysis of level of service (LOS) will use *Synchro-SimTraffic* computer software.
9. The minimum acceptable level of service (LOS) for each movement at an intersection will be LOS 'D' with a maximum volume to capacity ratio (v/c) of 0.90. Queue lengths will be calculated and included in the report.
10. Transportation demand management techniques are not appropriate for this area.
11. The warrants used for various traffic control devices and auxiliary lanes will be:
- traffic control devices, other than traffic control signals - *TAC Manual of Uniform Traffic Control Devices*;
  - traffic control signals - *TAC Canadian Traffic Signal Warrant Matrix Procedure*;
  - left turn lane analysis- Ontario Department of Highways *Volume Warrants for Left Turn Lanes*; and
  - right turn lane analysis - Ohio Department of Transportation *Right Turn Lane Warrant*.
12. The site design will be reviewed to ensure that there are adequate intersection geometrics, including roadway alignment, proximity of private and public entrances, sight distance, and turning sight distance at any new or reconstructed intersections.



Allan Golding, P.Eng.  
GAALCO Traffic Engineering  
902 499 4003

February 02 2024

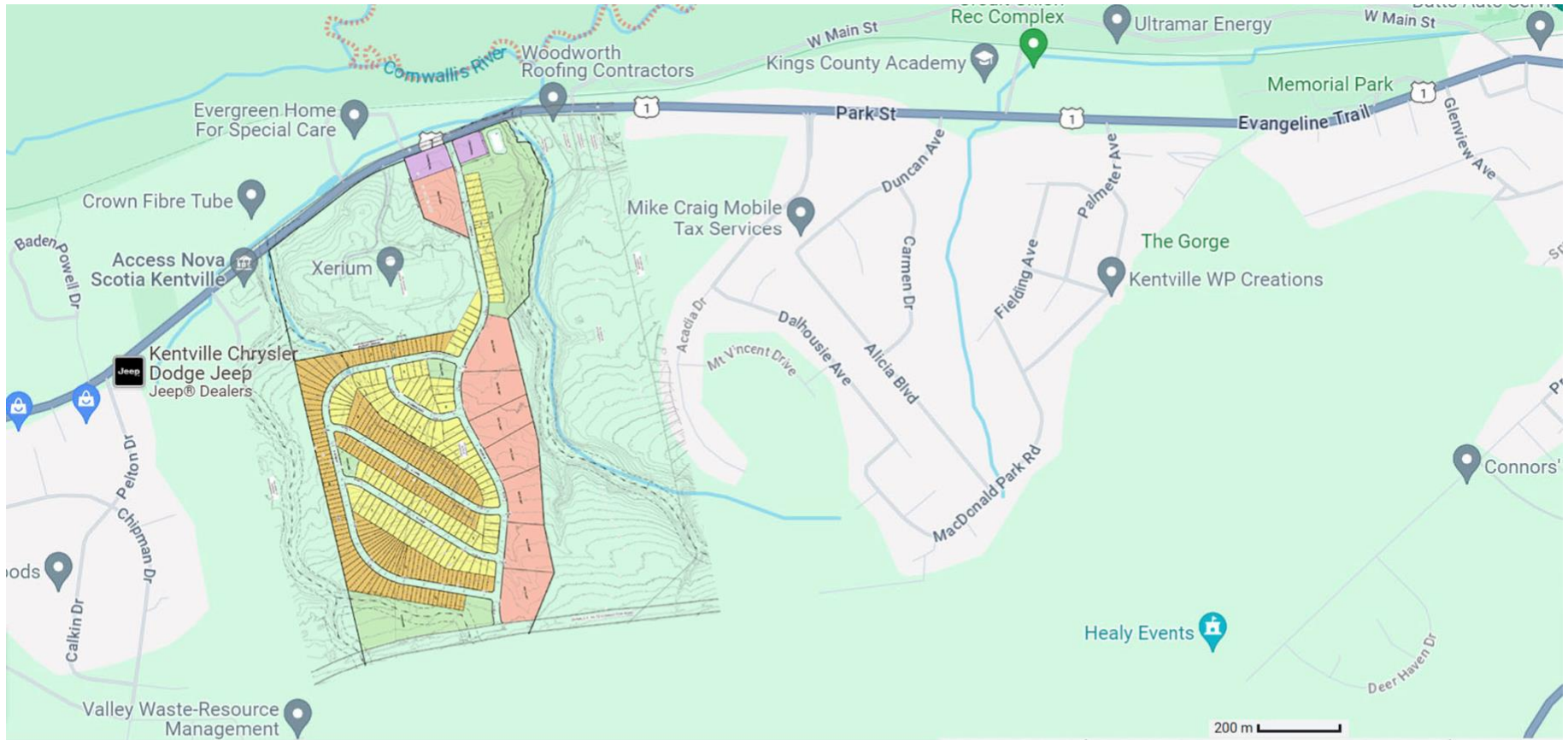
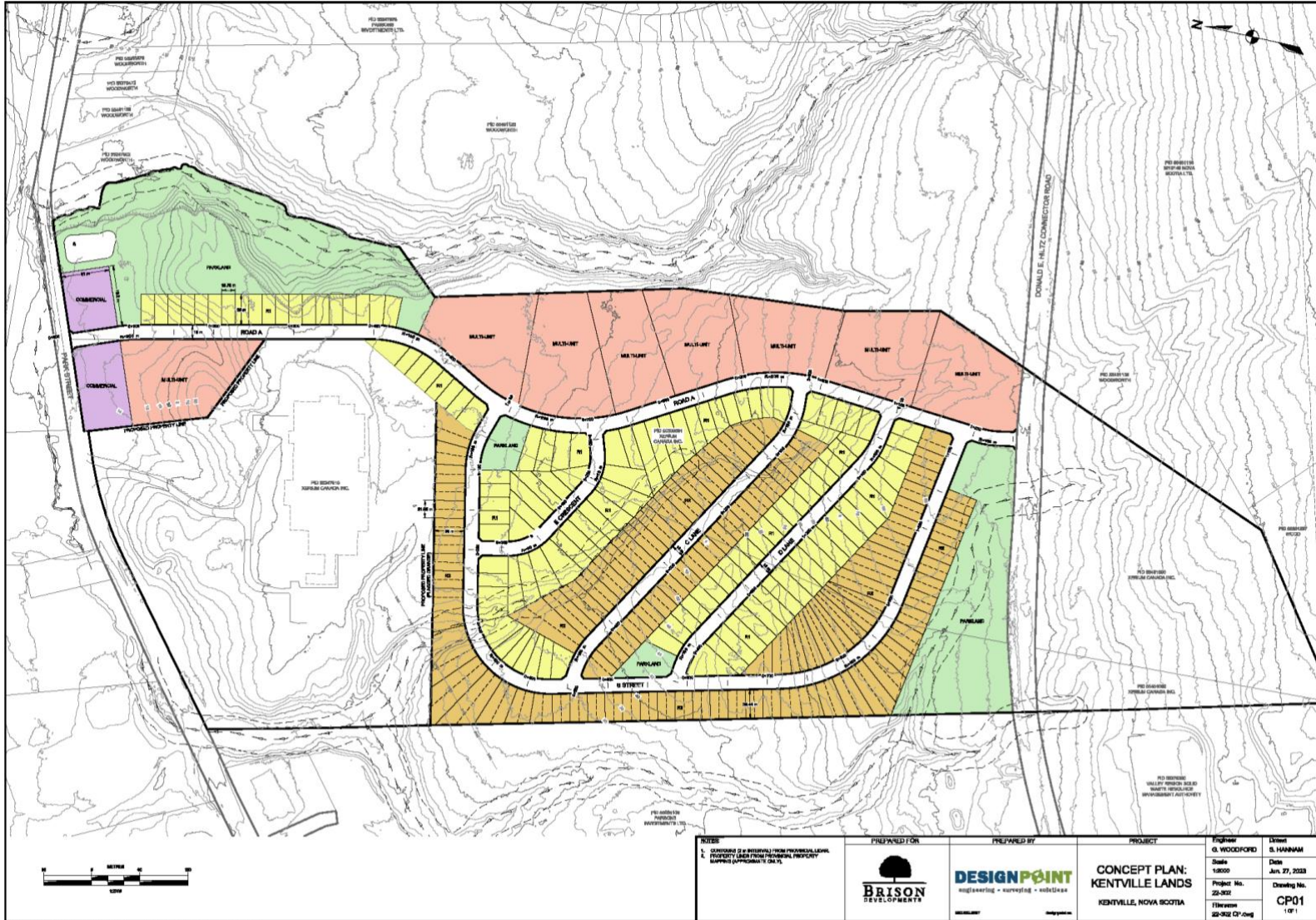


Figure 1 : Location Proposed Kentville Lands Development





<b>NOTES</b> 1. OUTBOUND 50 M BUFFER FROM PROPOSED LOTS. 2. PROPERTY LINES FROM PREVIOUS PROPERTY MAPPING APPROXIMATE (DA 75).	PREPARED FOR 	PREPARED BY 	PROJECT <b>CONCEPT PLAN:          KENTVILLE LANDS</b> KENTVILLE, NOVA SCOTIA	Engineer <b>G. WOODFORD</b>	Owner <b>S. HANNAM</b>
	Scale 1:5000		Date Jun. 27, 2023		
	Project No. 22-302		Drawing No. <b>CP01</b>		
	File name 22-302 CP-01.dwg		1 of 1		
	BRISON DEVELOPMENTS		DESIGNPOINT engineering - surveying - site/civil		

## ADDITIONAL MPS POLICY REFERENCES

### 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.