PID 55266134 Rezoning Application

Application to Rezone from R3 to R4
PID #55266134

Applicant: Travis Mills, Cogs Development
Date: June 22, 2024
Prepared by: Elora Wilkinson
Presented to the Council Advisory Committee

C+D community design

REPORT OVERVIEW	
Request	The applicant has requested to rezone PID 55266134 from its current zoning of Medium Density Residential (R3) to High Density Residential (R4) to permit the development of anywhere between 30 to 60 units on the property.
Description	In early April 2024 the applicant approached the Municipality with a rezoning inquiry. Initially the vision for the rezoning was not articulated, but with further work the applicant has refined their vision to one of two development options. Option 1 is to build a large, three-story walk-up building with 50-60 smaller units of 1 and 2 bedrooms, targeting the nearby student population. Option 2 is to build 30-40 tiny homes for the same lot. These would be individual separate homes, but all be placed on the same lot for rental purposes, also known as cluster development. Both proposed developments are suitable based on Council's vision for Residential Development in the Town of Kentville. The lot is large enough to allow for a re-zoning of R4.
Recommendation	To support housing options in the area, it is recommended that the Council Advisory Committee recommend to Council the approval of the application to rezone the subject property at PID 55266134 from Medium Density Residential(R3) to High Density Residential (R4) zoning.
Relevant Policies and Legislation	Public Participation Program Policy - Statement G62 Municipal Planning Strategy Land Use By-Law
Follow Up Action	An amendment to a Planning Document, in this case the Land Use By-Law, does require the Council Advisory Committee to perform a ***Public Participation Program***. This Application Requires the Following Steps: 1. Review of Report (CAC) *to consider rezoning* 2. *Public Participation Meeting (CAC)* 3. 1st Reading (Council) 4. Public Hearing (Council) 5. 2nd Reading (Council)

Application

The applicant has applied to rezone PID 55266134 from its current Medium Density Residential (R3) zoning to the High Density Residential (R4) zoning. The applicant has worked with the Town's planning team to consider two development scenarios of more than the maximum of eight dwelling units permitted under the R3 zone.

However, based on current market demand and the development's target tenants, it was agreed that a single three-story walk-up building with 50-60 units placed at the front of the lot would be most appropriate. That being said, with a rezoning to R4, the applicant will have the option to carry out either of the considered developments.

The Proposal

The property in question is currently Medium Density Residential (R3) zoned and abuts additional R3 properties to the north of the lot. In contrast, low-density development abuts the lot to the West and South in the form of single-unit dwelling (R1) and One- & Two-Unit Dwelling (R2) zoning. The property fronts a Minor Collector Road, Mee Road, and is near schools and recreational services. Moreover, it enjoys a higher elevation than Oakdene Park and is significant in its size: The property is approximately 88,609 sqft with a frontage of 125 ft.

The applicant requests rezoning their property from Medium-Density Residential (R3) to high-density Residential (R4) to allow for a large L-shaped building with approximately 30000 sq ft of space. This building would consist of 50-60 smaller units with 1 and 2 bedrooms, specifically targeting the student population in the area. The building would be a three-story walk-up style with a lift and surface parking behind it.

The applicant has also considered building 30-40 tiny homes on the same lot as an alternative development option. These would be individual separate homes, but all be placed on the same lot for rental purposes, also known as cluster development.
It's important to note that the high-density (R4) zoning would allow either of these options to proceed. However, the applicant favours the larger single building due to market demand and the intended tenancy: students.

Both options would likely require accessory buildings to service the development; these include storage and service buildings. Currently, only two accessory buildings are permitted per lot, and they must comply with the zone's set height and size requirements, which can be found in policy 4.1.1 Accessory Buildings and Structures in the Land Use By-Law.

In addition, policy 4.1.3 Amenity Space in the Land Use By-Law requires that multi-unit developments containing four or more dwelling units shall provide on-site amenity space for residents amenity space currently is considered communal outdoor space that is useable "cleared, levelled and grassed" although useable amenity space may also take the forms of trails, meditation gardens, basketball courts, pools, playgrounds, natural play spaces, gardens, balconies, decks, shared cooking spaces, etc. It is recommended that if the developer has a

creative idea for shared resident space it be considered part of the amenity requirements as there are so many options besides “cleared grass space” that could benefit the community. Currently, amenity space is required to be in the rear or backyard.

Both potential development scenarios involve far more dwelling units than the maximum of eight permitted under the current Medium Density R3 zoning.

Policy Analysis

Municipal Planning Strategy

As the property falls under the Residential designation today, it can be considered for rezoning from R3 to R4. While the Municipal Planning Strategy does not provide detailed guidance on when to consider this rezoning, there is sufficient language in the policy document providing guidance on future multi-residential development, including the following preamble, recognizing the need for more multi-unit residential development: *For many years, residential development within the Town has primarily consisted of traditional Single-Family Dwellings. However, over the last few years, there has been a significant shift away from this demand for traditional single-family homes to semi-detached dwellings, townhouses, and apartments.*

Additionally, the MPS reiterates the desire to use existing infrastructure efficiently and provide diverse housing types to increase overall affordability and meet the needs of all Nova Scotians (see 1.3 Statements of Provincial Interest #4 and #5).

The current zoning on this lot follows the logic of the *Medium Density Residential (R3) Zone, which is intended to provide a transition between lower and higher residential density development. It will be applied to existing medium-density residential units, up to a maximum of eight dwelling units, as well as to vacant serviced lands where the Council wished to encourage residential infill, up to a maximum of eight dwelling units as of right.*

As this lot abuts single-family development to the west and south of the property (shown in Figure 1, Subject Property & Surrounding Zoning), the intention to transition from low to medium development is clear. However, considering Nova Scotia’s significant population growth, a case can be made for higher-density development in this location.

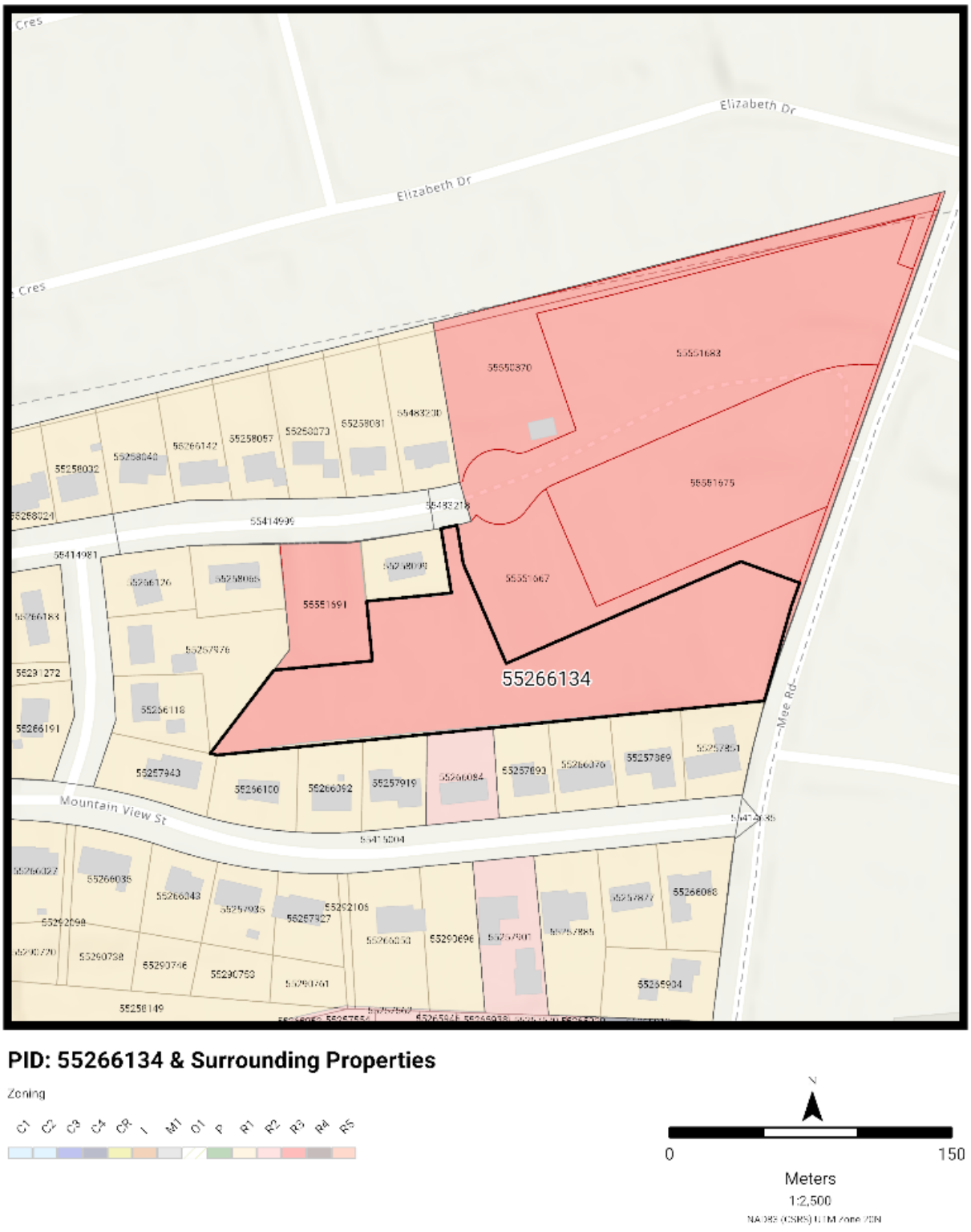

Figure 1 Subject Property and Surrounding Zoning

Given the significant size of this parcel, there is sufficient space to design appropriate transitions and buffers into the building design and the placement of the building on the lot. The significant lot size also ensures Policy RS-21 can be met:

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

Additionally, due to its size, this lot meets all the Land Use By-law requirements for an High Density (R4) property.

As outlined in Policy IM-8 there are several considerations when reviewing a rezoning application for appropriateness. Key to these considerations is the compatibility of the proposed land uses and built form (height, scale, density) to the abutting uses. As this request is considering residential-to-residential land use, there are no concerns in that regard, but built-form transitions must be carefully considered.

Regarding built form and density, the two options proposed offer differing levels of compatibility. Option 1, as a three-story walk-up, will be one to two storeys taller than the abutting low-rise development to the south and west and will take a differing form as an apartment building. However, this transition may be appropriate considering the medium-density residential to the north.

Option 2, with approximately 30 individual tiny homes, would match the existing low-rise development to the south and west while still offering an increased overall density. However, this built form will not offer significant built-form transitions to the medium-density to the north.

Additional relevant policies from the Municipal Planning Strategy for this application are listed in additional materials.

Land Use By-Law

The parcel in consideration can meet all the requirements of the R4 zoning, as outlined in the proposed zoning map R4 below.

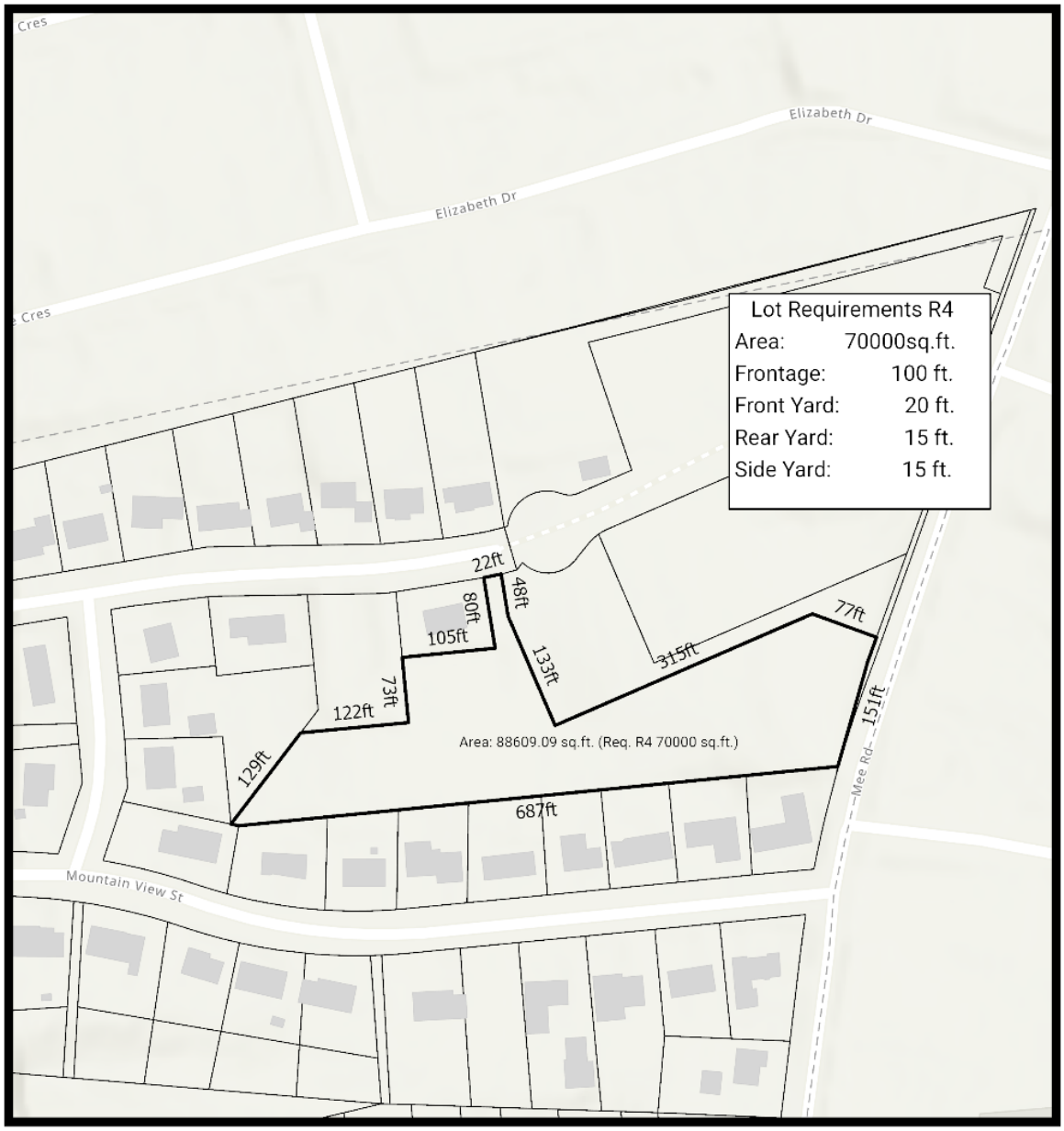

Figure 2 Subject Property Proposed R4 Lot Requirements

In addition, the Land Use By-Law under the High-Density Residential R4) Zone has policy 5.5.4 On-Site Amenity Space for developing multiple unit buildings containing four or more dwelling units following section 4.1.3.

There are also 5.5.6 Landscaping Requirements where parking abuts a lower-density Residential Zone, in which a landscape buffer of at least 8 feet wide shall be provided. This requirement may be reduced by 50% should the developer decide to use a 6ft opaque wooden fence or an earth berm with a minimum of 6ft about the grade at its crest to create a buffer instead.

Finally, policy 5.5.7 Refuse Storage requires that all outdoor refuse storage and bins be screened by a 6 ft high opaque fence or otherwise be closed by a structure so as not to be visible from the street or adjacent property.

Additional relevant policies from the Land Use By-Law for this application are listed in additional materials.

Recommendation

In alignment with policies IM-7 and IM-8, it is recommended that the Council Advisory Committee recommend to Council that they consider approving the rezoning of PID 55266134 from Medium Density Residential (R-3) to High-Density Residential (R-4) following the necessary public participation requirements.

Public Participation Program

The Town of Kentville requires that the Council Advisory Committee oversee a public participation program whenever the town considers amending any of its planning documents.

For this proposal, it is recommended that the Council Advisory perform the requirements of the public participation program.

The following are recommended for the public engagement program:

1. Sign on Property Advertising Proposed Changes
2. Newspaper Advertisement
3. Post on the Municipality's Facebook Page
4. A public meeting held at the Council Advisory Committee
5. Notification of Adjacent Property Owners

Additional Materials

Municipal Planning Strategy Policies

4.2.7 One Main Building on a Lot

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

Policy GD-9 It shall be the intention of Council to allow more than one main building on a lot for the following zones: a) General Commercial (C1); b) Highway Commercial (C2); c) Industrial (M1); d) Medium Density Residential Dwelling (R3); and e) High Density Residential Dwelling (R4)

5.2.2.3 Medium Density Residential (R3) Zone

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

5.2.2.4 High Density Residential (R4) Zone

For new residential developments, mixed density and form is encouraged in the High Density Residential (R4) Zone to provide a range of housing choice, maximize infrastructure and land and support the provision of public transport. Mixed density residential development supports Nova Scotia's Housing Strategy which believes mixed residential densities foster healthy, vibrant and diverse communities by supporting a mix of income levels, housing types and tenure. Higher density land use can help solve many environmental, social and aesthetic problems of sprawl, and promote walkability, connectivity, mixed uses, and mixed housing that promote energy-efficient land use.

Policy RS-21 It shall be the intention of Council to require that any new multiple unit residential development include provisions for recreation and amenity space. The Land Use By-

law shall allow for the provision of such space either externally or internally to the building, and that such space may consist of common or individual unit space.

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

15.9.2 Rezoning's

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

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

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

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;

Yes, the property is designated for residential use and as such is eligible for all residential zoning options. In accordance with the Municipal Planning Strategy, higher-density zoning has been concentrated, transitioning from single-family homes to high-density development. The Council aims to consider more diverse housing types and prioritize infill development that uses existing municipal services.

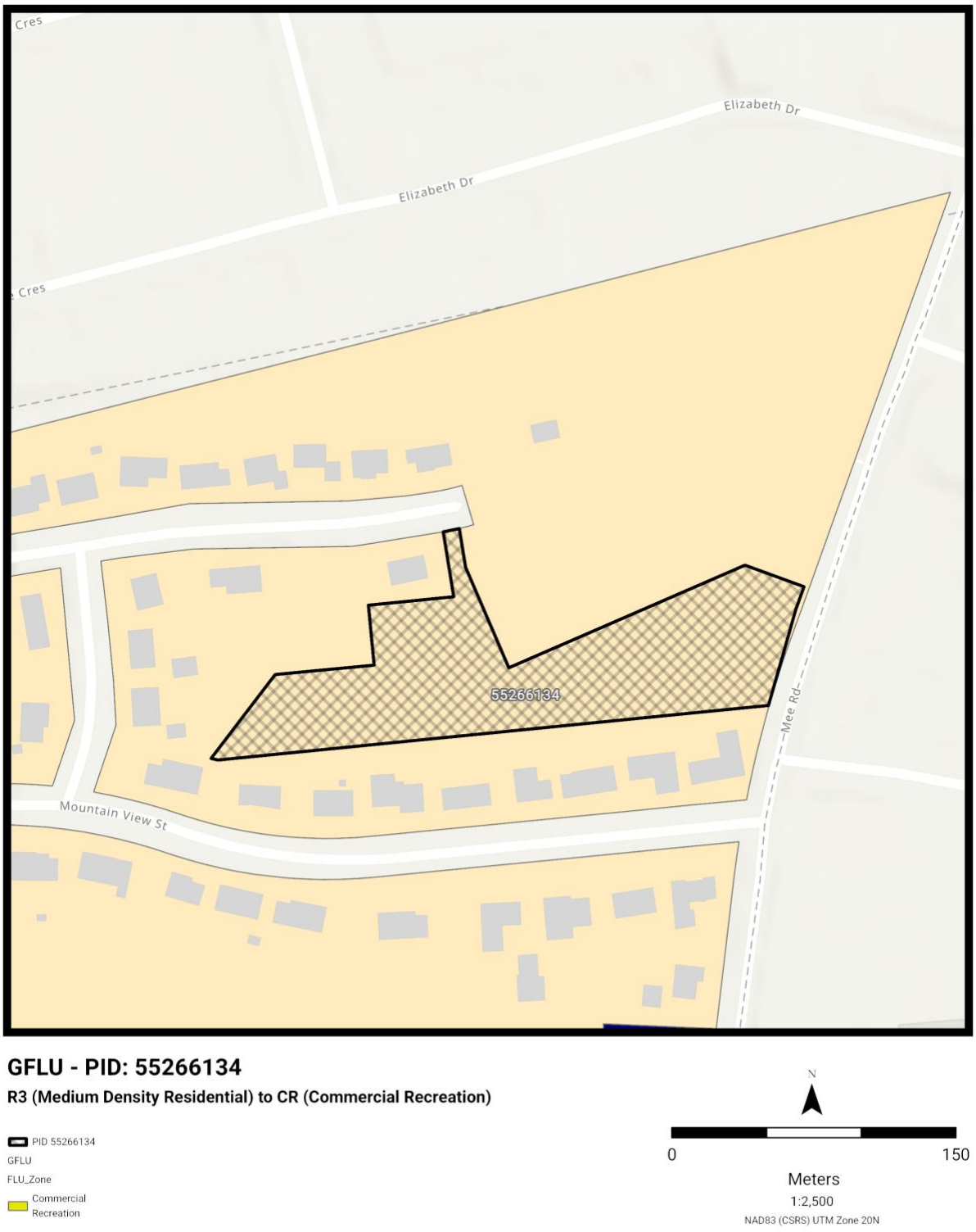

Figure 3 Subject Property Generalized Future Land Use Map

b) compatibility of the development with adjacent properties in terms of height, scale, lot coverage, density, and bulk;

The property is part of a cluster of Medium-Density R3 Zoning, with lower-density residential zoning to the South and West.

Option 1, as a three-story walk-up, will be one to two storeys taller than the abutting low-rise development to the south and west and will take a differing form as an apartment building. However, this transition may be appropriate considering the medium-density residential to the north.

Option 2, with approximately 30 individual tiny homes, would match the existing low-rise development to the south and west while still offering an increased overall density. However, this built form will not offer significant built-form transitions to the medium-density to the north.

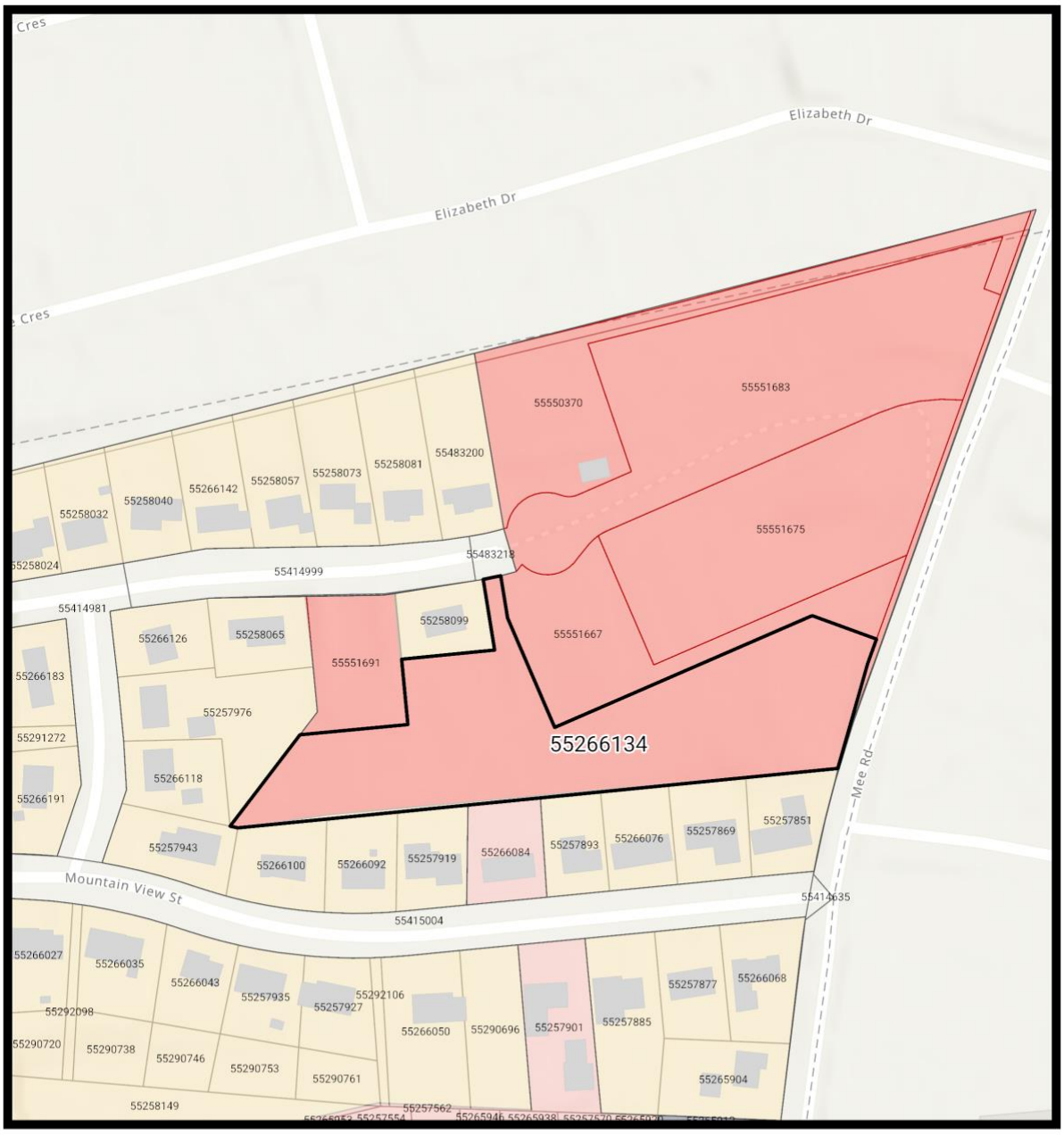

Figure 4 Subject Property Context Map

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;

See requirements of 4.1 General Provisions for all zones and 5.5 High Density Residential (R4) Zone.

d) the adequacy of sewer services, water services, waste management services and storm water management services;

See requirements of 4.1.4 Alteration of Land in which the preparation of land for a development for which a development permit is required a stormwater drainage system must be planned to the approval of the Town Engineer. A site drainage plan may be required by the Development Officer and approved by the Town Engineer prior to granting a Development Permit.

e) that the proposal contributes to an orderly and compact development pattern that makes efficient use of existing and new municipal infrastructure;

The vacant lot is situated in a densely populated residential area with existing municipal services available for future development to connect to. This development aligns with the Council's aim to support infill development.

f) the adequacy and proximity of schools;
g) the adequacy and proximity of recreation and community facilities;

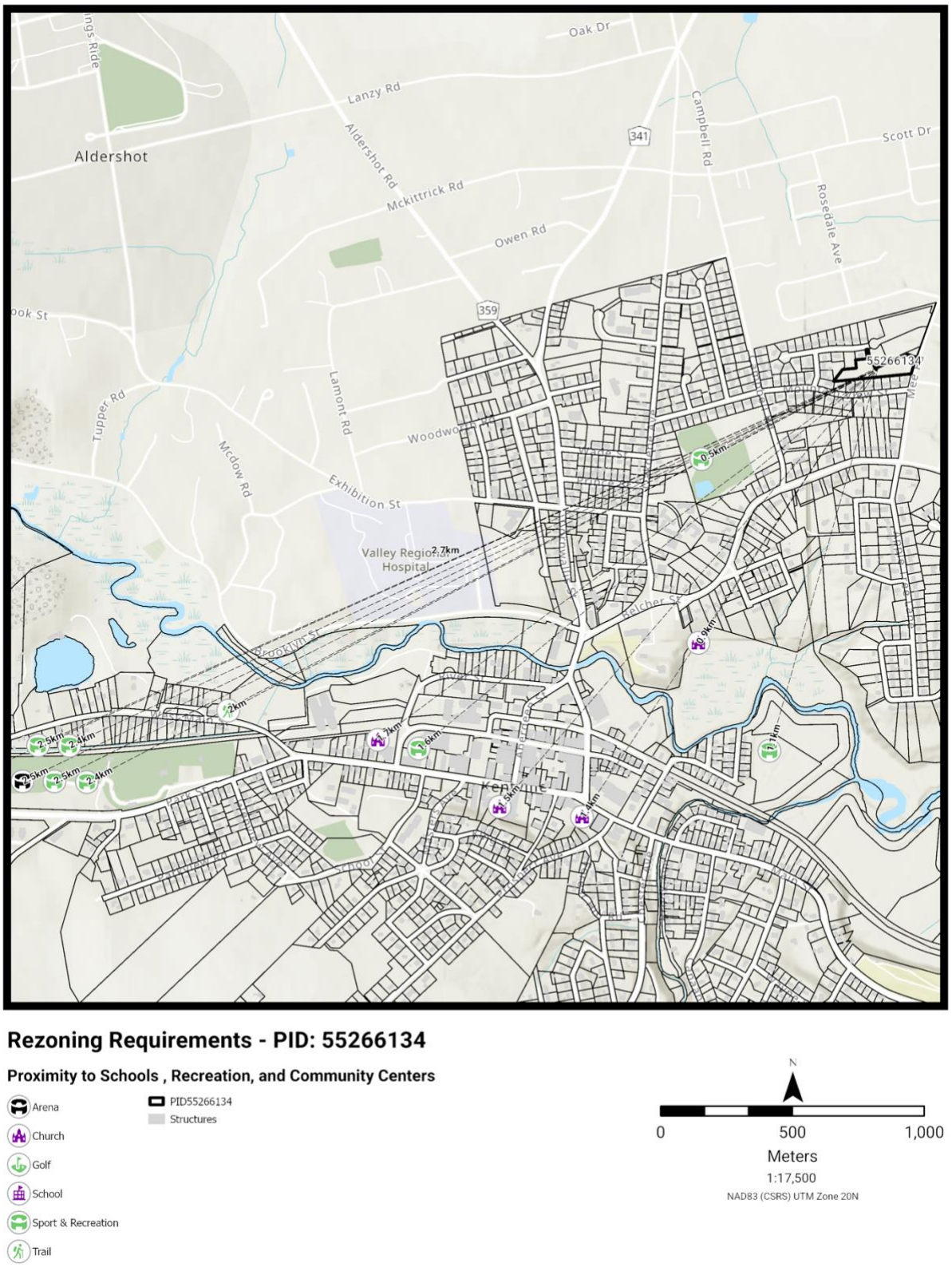

Figure 5 Subject Property Proximity to Community Services

h) the adequacy of the road network in, adjacent to, or leading to the development;

The property is located on Minor Collector Road, near Mee Road and in close proximity to schools and recreational services. This road is expected to be able to accommodate the additional traffic. However, the Development Officer reserves the right to require a traffic study to be approved by an engineer.

i)

j)

k)

l)

m)

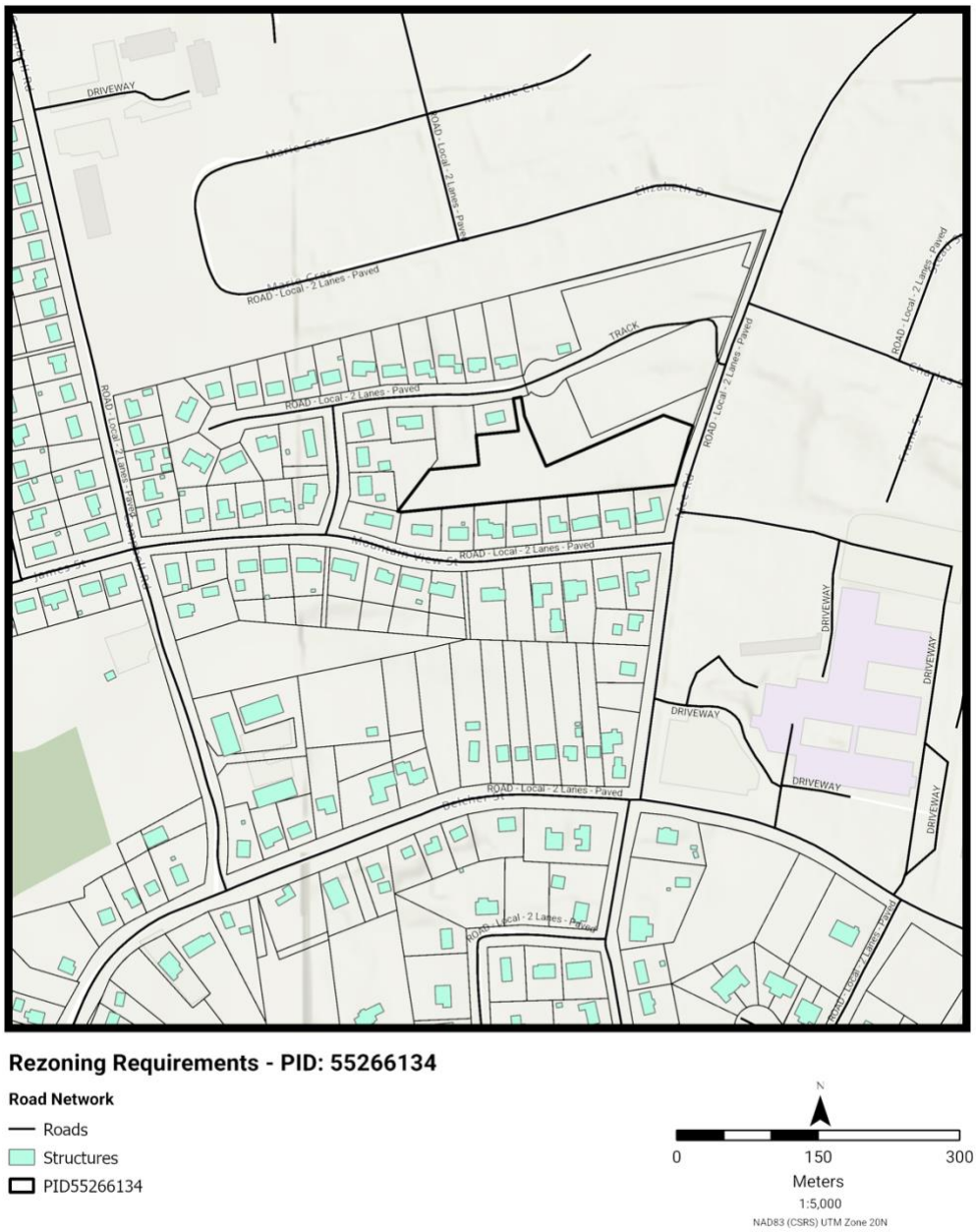

Figure 6 Subject Property Road Network

i) the potential for erosion or for the contamination or sedimentation of watercourses;

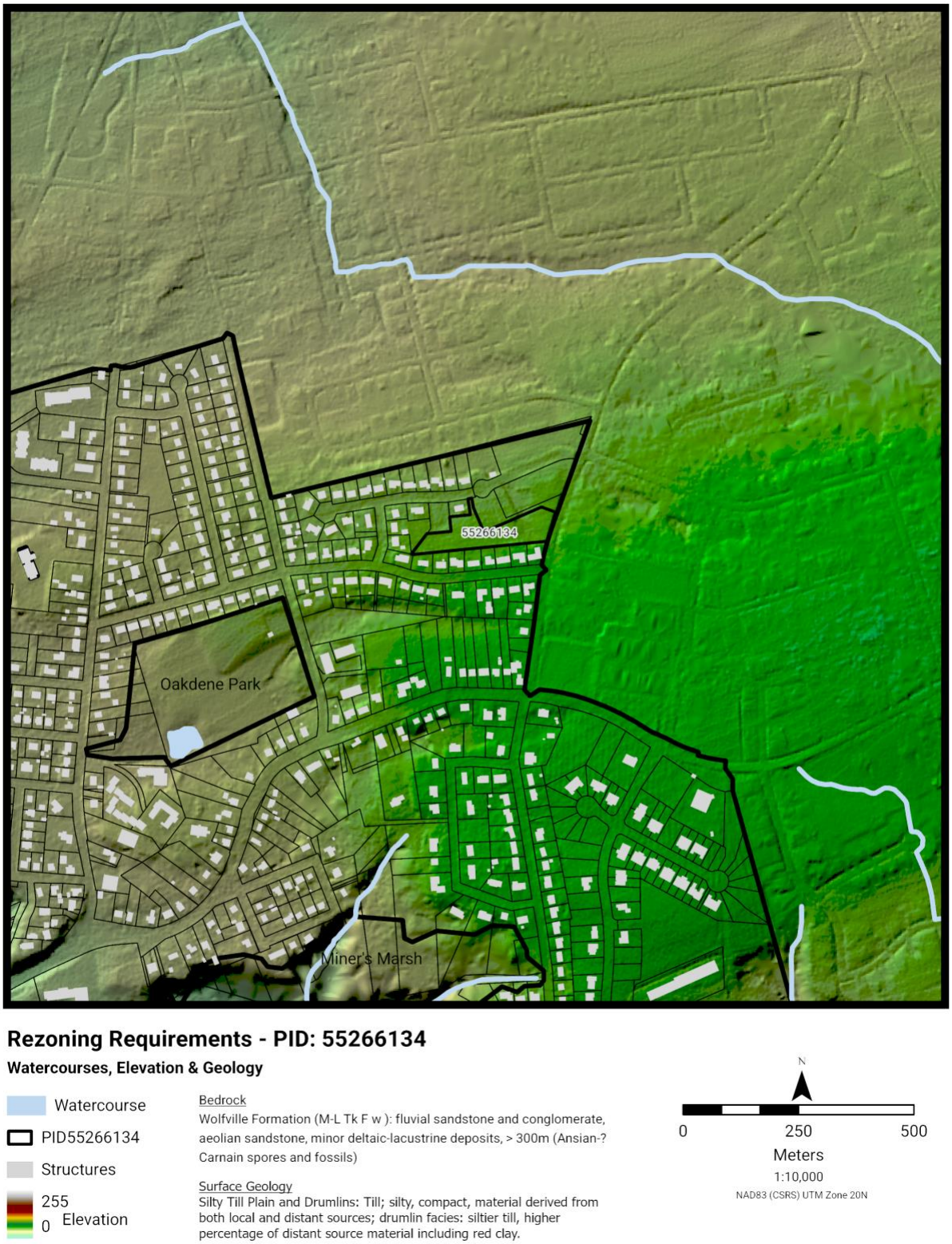

Figure 7 Subject Property Watercourses, Elevation and Geology

j) environmental impacts such as air and water pollution and soil contamination;

The planned construction will involve paving, grading, and roofing, all of which could lead to stormwater runoff and pollution. However, these potential effects are relatively minor compared to those of other activities. The storm water management plans must be approved by the Town Engineer.

k) previous uses of the site which may have caused soil or groundwater contamination;

Non-applicable.

l) suitability of the site in terms of grades, soil and bedrock conditions, location of watercourses, marshes, swamps or bogs;

The subject property has a higher elevation than Oakdene Park and is significant in its size: The property is approximately 88,609 sqft with a frontage of 125 ft.

m) the ability of emergency services to respond to an emergency at the location of the proposed development;

Yes, there is enough space. This will be a requirement of the fire and building codes as part of the permit application process.

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;

Yes, see full details of the report and relevant policies.

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

Yes, this will be a requirement of the development.

p) the financial ability of the Town to absorb any costs relating to the amendment.

According to Policy MS-20, developers or landowners are responsible for the expenses related to extending municipal services for their development

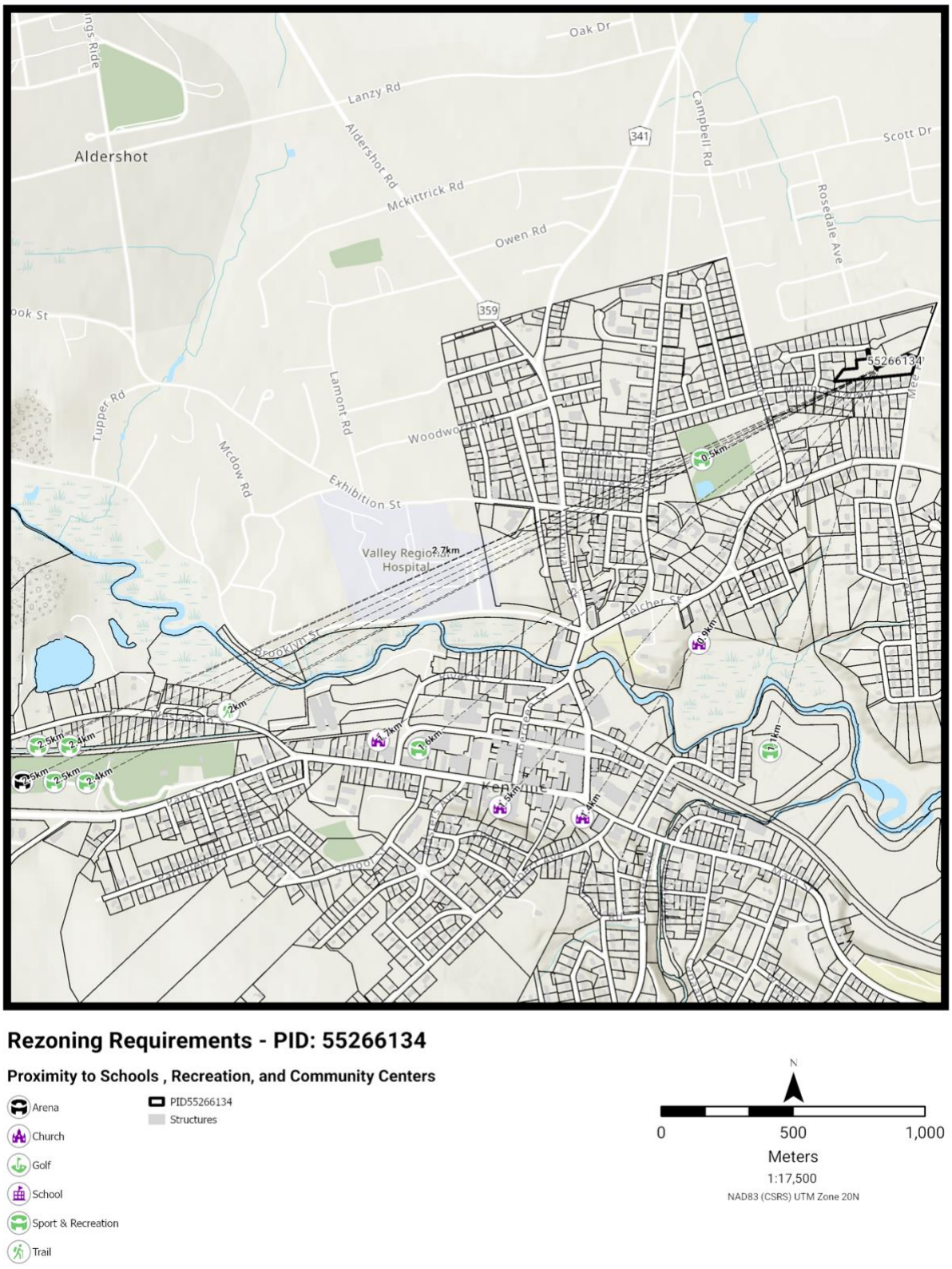

Figure 8 Subject Property Proximity to Commercial

Land Use By-Law Policies

Definitions

Cluster Development, residential means a land development project in which the site plan technique of clustering dwelling units is employed.

Land Leased Community means an establishment comprising of land or premises under single ownership, design and intended for residential use, where residences are primarily in manufactures homes, but does not include public campgrounds. A land leased community may contain mobile homes, mini homes, two unit mini homes, manufactured homes and administrative offices necessary for the operation of a land leased community.

Multi-Unit Residential Development means a development consisting of one or more multiunit dwellings.

4.1 General Provisions for All Zones

4.1.1 Accessory Buildings and Structures

a) Accessory buildings and structures shall only support a use which is subordinate or incidental to the main use or building that is located on the same lot;
b) Accessory buildings shall not be used for human habitation, except in accordance with Section 5.1.1 (g);
c) Accessory buildings shall not be located within the required front yard or flankage yard of the lot;
d) Accessory buildings shall not be built closer to the side lot line or rear lot line than 4 ft (1.22 m) except that: i. Common semi-detached garages may be erected on the mutual side lot line
e) Accessory buildings shall not be built within 6 ft (1.82 m) of the main building or any other accessory building;
f) Accessory buildings shall not exceed 21 ft (6.40 m) in height;
g) No more than 2 accessory buildings shall be permitted on any one lot in any residential zone;
h) Accessory buildings shall not exceed 15% of the total lot area, up to a maximum gross floor area of 1000 ft2 in any residential zone; and
i) Accessory buildings shall not be an automobile, trailer, shipping container or similar type of vehicle or structure or portion thereof whether or not same is mounted on wheels or a foundation.

4.1.3 Amenity Space

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

Bachelor and One Bedroom	200 ft2 per unit	18.58 m2 per unit
Two bedroom	225 ft2 per unit	20.90 m2 per unit
Three or more bedrooms	255 ft2 per unit	23.69 m2 per unit

b) Amenity space may include decks, balconies, gardens, landscaped open space, gyms, pools and other

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

c) Amenity space shall be waivered for all residential conversions.

4.1.13 Fencing

a) Fences shall be limited to a maximum height of 12 ft (3.66 m) except in a Residential Zone where the maximum height shall be 8 ft (2.43 m)

b) All fences shall conform to the following general requirements:
   i. where there is no required front yard, fences in the first 20 feet of the front yard shall not be more than 4 ft (1.21 m) in height except within the Industrial Zone;
   ii. on corner lots, day lighting triangle height restrictions shall apply;
   iii. fences cannot be electrified;
   iv. fences with supporting structures shall be constructed so that the structural members face inward, away from all abutting properties and public streets; and
   v. fences shall not contain barbed wire unless erected in conjunction with a permitted industrial or commercial use.

4.1.14 Frontage on a Street

All new lots to be approved on a final plan of subdivision shall abut a public street.

4.1.16 Illumination

a) No person shall erect any illuminated sign or illuminate an area outside any building unless such illumination is directed away from adjoining properties and any adjacent streets.

b) Commercial signage within or abutting a Residential Zone or designation shall only be illuminated during regular business hours.

4.1.19 One Main Building on a Lot

More than one main building may be permitted on a lot within the:

a) General Commercial (C1) Zone;
b) Highway Commercial (C2) Zone;
c) Industrial (M) Zone;
d) Medium Density Residential (R3) Zone; and
e) High Density Residential (R4) Zone subject to the following requirement:
The minimum distance between the buildings shall be 20 ft (6.10 m), or one-half the height of the highest abutting wall, whichever is greater.

4.1.27 Site Plan Approval

Site Plan Approval is a tool permitted under the Municipal Government Act that relies entirely upon the development officer to evaluate development proposals based on their compliance with a predetermined set of objectives that are written out in the planning documents. The benefit of site plan approval is that it does not require a public hearing or a lengthy approval process compared to the Development Agreement process which can be lengthy an expensive to process, resulting in a legal contract between the developer and the Town. The Town has opted to allow certain development by Site Plan approval as provided for within this Bylaw.

The following developments shall be considered by Site Plan Approval in accordance with Sections 231-233 of the Municipal Government Act, and Section 5.1.12 of this Bylaw.

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 Centers to a maximum of 14 persons in the (R1), (R2) and (R3) zones; and
c) Multi-Unit Residential Development over 50 units per acre in the (C1) zone.

Table 4.2 Parking Requirements

Land Use	Parking Requirement
Residential Land Use	
Dwelling Units (<4 dwelling units)	1 parking space per dwelling unit
Multi-Unit Dwellings (>4 dwelling units)	1.25 parking spaces per dwelling unit
Multi-Unit Dwellings in the (C1) Zone	0.5 per dwelling unit
Home Based Business	1 space in addition to the space required by the dwelling unit
Bed and Breakfast	1 space per rental units in addition to the space required by the dwelling unit.

**** Further parking design standards provided within section 4.2 of the Land Use By-Law

5.1.8 Accessory Neighbourhood Commercial Uses

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

a) the maximum commercial floor area within the residential structure used for display and sales does not exceed 1 000 ft2 (92.90 m2)

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 ft2 (0.93 m2).

5.1.12 Site Plan Criteria for Development in Residential Zones

The following site plan criteria shall apply to all new development that is permitted through the site plan approval process. No development permit shall be issued for development that is inconsistent with these criteria, in addition to all applicable zone standards and other requirements of this Bylaw:

a) the location of new structures (or an addition to an existing structure) is located on the lot so as to minimize any adverse impacts on the surrounding neighbourhood, including, but not limited to noise, dust, or lighting;
b) the location of off-street parking and loading facilities are located and designed as to minimize any adverse impact on the surrounding neighbourhood;
c) the location, number and width of ingress and egress points are designed to prevent traffic congestion, nuisance and inconvenience in the area and minimize any adverse impact on the surrounding neighbourhood;
d) the type, location and height of walls, hedges, fences, trees, shrubs, groundcover or other landscaping elements are designed and built so as to protect and minimize any adverse impact on neighbouring properties;
e) the existing vegetation, where possible and deemed practical, be retained so as to lesson or reduce any adverse impact on abutting properties or the surrounding neighbourhood;
f) the location of pedestrian walkways, and/or related infrastructure, shall be provided to link public walkways and parking areas to the entrance of the primary building;
g) the type and location of outdoor lighting is designed to light the structure, driveways and any pedestrian walkways, but shall not directed onto neighbouring properties;
h) the location of facilities for the storage of solid waste provides for a maximum separation for residential development, public areas, and adjacent properties;
i) the location of existing easements shall be identified;
j) the management of storm and surface water is addressed, and associated plans are approved by the Town Engineer;
k) the type, location, number and size of signs or sign structures do not negatively alter the appearance of the neighbourhood; and
l) the above listed items are maintained in a manner suitable and complementary to the surrounding neighbourhood.

5.4 Medium Density Residential (R3) Zone

5.4.1 Permitted Uses

The following uses shall be permitted as-of-right in the Medium Density Residential (R3) Zone subject to the requirements of the Bylaw:

- Single Unit Detached Dwelling

- Two Unit Dwelling
- Converted Dwellings up to a maximum of 6 units
- Residential Care Facility, Home for Special Care or Group Homes to a maximum of 6 bedrooms devoted to residential care use
- Multi-Unit Dwellings up to a maximum of 8 units, including Townhouses

5.4.2 Permitted Uses with Conditions

The following uses shall be permitted in the Medium Density Residential (R3) Zone subject to the requirements of this By-law:

a) Ancillary Dwelling Units subject to Section 5.1.1 of this By-law
b) Home Based Businesses in accordance with Section 5.1.2 and 5.1.3 of this By-law
c) Bed and Breakfast, in accordance with Section 5.1.4 of this By-law
d) Inns, in accordance with Section 5.1.5 of this By-law

5.4.3 Permitted Uses by Site Plan Approval

The following uses shall be permitted by Site Plan Approval subject to the requirements of this Bylaw:

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

5.4.4 Medium Density Residential (R3) Zone Requirements

In a Medium Density Residential (R3) Zone, no Development Permit shall be issued except in conformity with the following requirements:

Table 5.3 R3 Zone Requirements

Minimum Lot Area	Single Unit/Two Unit Dwelling	5 000 ft^2	464.52 m^2
	Semi-Detached (on same lot)	5000 ft^2	462.52 m^2
	Two Unit Dwelling (on separate lots)	2 500 ft^2/unit	232.26 m^2/unit
	Two Unit Dwelling (on the same lot)	5 000 ft^2	464.52 m^2
	Townhouse (separate lot)	2 000 ft^2	185.81 m^2
	Townhouse (same lot)	2 000 ft^2/unit	185.81 m^2/unit
	Multi-Unit Dwelling (three to four units)	6 000 ft^2	557.42 m^2
	Multi-Unit Dwelling (five to eight units)	10 000 ft^2	929.03 m^2
Minimum Lot Frontage	Single Unit/Two Unit Dwelling	50 ft	15.24 m
	Semi-Detached (on separate lots)	25 ft/unit	7.62 m/unit
	Townhouse	20 ft/unit	6.10 m/unit
	Multi-Unit Dwelling (three or more units)	60 ft	18.29 m
	Multi-Unit Dwelling (five to eight units)	100 ft	30.48 m
Minimum Front Yard		20 ft	6.10 m

Minimum Rear Yard	Single Unit/Two Unit/Townhouse	15 ft	4.57 m
	Multi-Unit Dwelling	15 ft or ½ the height of the main building, whichever is greater	4.57 m
Minimum Flankage Yard	Single Unit/Two Unit/Townhouse	10 ft	3.05 m
	Multi-Unit Dwelling	20 ft	6.10 m
Minimum Side Yard	Single Unit/Two Unit/Townhouse	4 ft	1.22 m
	Multi-Unit Dwelling	15 ft or ½ the height of the main building, whichever is greater	4.57 m

5.4.5 On-Site Amenity Space

Useable amenity space shall be required for Multiple Unit dwellings containing four or more dwelling units in accordance with Section 4.1.3 of this By-law.

5.4.6 Additional Requirements for Row Housing, Townhouse and Linked Units

a) Row Housing, Townhouse, and Link Dwelling Units located on a lot serviced by Municipal water and sewer may be subdivided into individual lots provided:
   i. each lot to be created contains no more than 1 dwelling unit;
   ii. each dwelling unit has separate service connections;
   iii. all applicable provisions of the Land Use By-law and Subdivision By-law are satisfied;

b) Individual Row House, Townhouse, and Link Dwelling Units contained in the same structure shall maintain a front yard setback that is equal to the front yard setback of the adjacent unit(s) or varies no more than 2 ft (0.61 m) from the front yard setback of the adjacent unit(s).

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 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

5.5.2 Permitted Uses with Conditions

The following uses shall be permitted in the High Density Residential (R4) Zone subject to the 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 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 in accordance with Section 5.1.8 of this Bylaw.

5.5.3 High Density Residential (R4) Zone Requirements

In a High Density Residential (R4) Zone, no Development Permit shall be issued except in conformity with the following requirements:

Table 5.4 R4 Zone Requirements

Minimum Lot Area	Single Unit/Two Unit Dwelling	5 000 ft^2	464.52 m^2
	Two Unit Dwelling (on separate lots)	2 500 ft^2/unit	232.26 m^2/unit
	Townhouse	2 000 ft^2/unit	185.81 m^2/unit
	Multi-Unit Dwelling (three to four units)	6 000 ft^2	557.42 m^2
	Multi-Unit Dwelling (five or more units)	7 000 ft^2 first five units + 1 000 ft^2/unit	650.32 m^2 first five units + 92.90 m^2/unit
Minimum Lot Frontage	Single Unit/Two Unit Dwelling	50 ft	15.24 m
	Two Unit Dwelling	25 ft/unit	7.62 m/unit
	Townhouse	20 ft/unit	6.10 m/unit
	Multi-Unit Dwelling (three to four units)	60 ft	18.29 m
	Multi-unit Dwelling (five or more units)	100 ft	30.48 m
Minimum Front Yard		20 ft	6.10 m
Minimum Rear Yard	Single Unit/Two Unit/Townhouse	15 ft	4.57 m
	Multi-Unit Dwelling	15 ft or ½ the height of the main building, whichever is greater	4.57 m
Minimum Flankage Yard	Single Unit/Two Unit/Townhouse	10 ft	3.05 m
	Multi-Unit Dwelling	20 ft	6.10 m

Minimum Side Yard	Single Unit/Two Unit/Townhouse	4 ft	1.22 m
	Multi-Unit Dwelling	15 ft or ½ the height of the main building, whichever is greater	4.57 m

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.

5.5.5 Additional Requirements for Row Housing, Townhouse and Link Units

c) Row Housing, Townhouse, and Link Dwelling Units located on a lot serviced by Municipal water and sewer may be subdivided into individual lots provided:

iv. each lot to be created contains no more than 1 dwelling unit;

v. each dwelling unit has separate service connections;

vi. all applicable provisions of the Land Use By-law and Subdivision By-law are satisfied;

d) Individual Row House, Townhouse, and Link Dwelling Units contained in the same structure shall maintain a front yard setback that is equal to the front yard setback of the adjacent unit(s) or varies no more than 2 ft (0.61 m) from the front yard setback of the adjacent unit(s).

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 (2.44 m) wide shall be provided.
b) Notwithstanding Section 5.5.7(a), the landscaped strip may be reduced by 50% where;
    i. a minimum 6 ft (1.83 m) opaque wooden fence is provided; or,
    ii. an earth berm a minimum of 6 ft (1.83 m) above grade at its crest and trees, a minimum of 5 ft (1.52 m) in height, with an average maximum spacing not to exceed 6 ft (1.83 m), is provided.

5.5.7 Refuse Storage

Outdoor refuse storage and bins shall be screened by a 6 ft (1.83 m) high opaque fence or otherwise be enclosed by a structure so as not to be visible from any street or adjacent property.

Schedule A Property Description

ALL those lots of land situate in the Hillcrest Court Subdivision in the Town of Kentville, County of Kings, Province of Nova Scotia, bounded and described as follows:

BEGINNING at a point marking the southeast corner of lands now or formerly of James G. Vienot;

THENCE South 55 degrees 15 minutes east along the north limit of the Lot number one of the Young Acres Subdivision a distance of 10 feet, more or less;

THENCE South 73 degrees 15 minutes east along other lands of the Young Acres Subdivision a distance of 675.62 feet, more or less, to the West limit of Mee Road being the highway leading from the residence now or formally an occupation of William Smith to the site of the old Presbyterian Meeting house;

THENCE North 37 degrees 59 minutes east along the west limit of me road, a distance of 122 feet, more or less;

THENCE North 41 degrees 52 minutes east along the west limit of Mee Road a distance of 539.6 feet, more or less to a concrete marker set in the southeast corner of lands now or formerly of David Smith;

THENCE North 82 degrees 7 minutes west along the southern boundary of the Smith lands and lands now or formerly of Issac DeAdder a distance of 806.35 feet, more or less, to the northeast corner of Lot number 23 and shown on a plan of Hillcrest Ct. subdivision prepared by W. S Crooker, Jr., P.L.S., and being revised on the second day of October 1967, and file that the Registry of Deeds office at Kentville aforesaid;

THENCE South 12 degrees 36 minutes west along the east limit of Lot number 23 a distance of 156.04 feet, more or less to the southeast corner of Lot number 23;

THENCE North 68 degrees 54 minutes west along the south line of Lot number 23, 53.57 feet;

THENCE North 74 degrees 54 minutes west along the south line of Lots 23 and 22, 95 feet to the southwest corner Lot number 22;

THENCE North 77 degrees 24 minutes west along the south line of Lot number 21 to a point on a line in prolongation of the East limit of Hillcrest Avenue;

THENCE South 16 degrees 45 minutes west 50.13 feet to the northwest corner of Lot number 57;

THENCE South 77 degrees 44 minutes east along the North line of Lot number 57, 22.4 feet;

THENCE South 74 degrees 54 minutes east along the north line of lot number 57, 80 7.7 feet to the northeast corner of lot number 57;

THENCE South 16 degrees 45 minutes west along the east limit of lot number 57, 58, and 59, a distance of 257.04 feet, more or less, to the point or place of beginning.

EXCEPTING THEREFROM any portion of land conveyed to the town of Kentville for use as a public street.

EXCEPTING AND RESERVING THEREFROM all that certain lot, piece or parcel of land known as Lot number 26 of Hillcrest Ct. subdivision, Kentville, in the County of Kings and Province of Nova Scotia, as conveyed to the Town of Kentville, and more particularly to described as follows:

BEGINNING at a point on the North Side of Maxwell Place at the southeast corner of Lot number 25;

THENCE South 75 degrees 54 minutes east along the north side of the Maxwell Place a distance of 70.02 feet to a stake;

THENCE North 12 degrees 36 minutes east a distance of 196 .10 feet to a stake;

THENCE North 82 degrees 07 minutes west a distance of 70.24 feet to the northeast corner of Lot number 20;

THENCE South 12 degrees 36 minutes west along the east side line of Lot 25, a distance of 188.50 feet to the southeast corner of Lot number 25, the place of beginning.

AND FURTHER EXCEPTING THEREFROM all that certain lot, piece or parcel of land situate, lying and being in the Town of Kentville, County of Kings, Province of Nova Scotia, and being Lot #24 of the Hillcrest Court Subdivision, Kentville, Nova Scotia, prepared by W.S. Crooker Engineering Co., dated December 12th, A.D., l969, and approved by the Town of Kentville on December 17th, A.D., l969 and being more particularly bounded and described as follows:

BEGINNING at a point on the north side of Maxwell Place at the southeast corner of Lot Number 23;

THENCE North Twelve Degrees Thirty-Six Minutes East along the east side of Lot #23 a distance of One Hundred Fifty-Six Decimal Zero Four Feet to the northeast corner of Lot Number 23;

THENCE South Eighty-Two Degrees Zero Seven Minutes East a distance of Seventy Decimal Twenty-Four Feet to the northwest corner of Lot #25;

THENCE South Twelve Degrees Thirty-Six Minutes West along the west side of Lot #25 a

distance of One Hundred Seventy-Two Decimal Twenty-Seven Feet to the north side of Maxwell Place;

THENCE North Sixty-Eight Degrees Fifty-Four Minutes West along the north side of Maxwell Place a distance of Seventy Decimal Seventy-Eight Feet to the place of beginning.

AND FURTHER EXCEPTING THEREFROM all that certain piece or parcel of land known as Lot number 25 at Hillcrest Court Subdivision, Kentville, in the County of Kings, and Province of Nova Scotia, more particularly described as follows:

BEGINNING at a point on the north side of the Maxwell Place at the southeast corner lot number 24;

THENCE South 68 degrees 54 minutes east along the north side of Maxwell Place the distance of 70.78 feet to the southwest corner of Lot number 26;

THENCE North 12 degrees 36 minutes east along the west side of Lot number 26 a distance of 188 .50 feet to the northwest corner of Lot number 26;

THENCE North 82 degrees 07 minutes east a distance of 70 .24 feet to the northeast corner lot number 24;

THENCE South 12 degrees 36 minutes west along the east side of Lot number 24 a distance of 172.27 feet to the southeast corner of Lot number 24, the place of beginning.

AND FURTHER EXCEPTING THEREFROM all that certain piece or parcel of land known as Lot number 51 at Hillcrest Court Subdivision, Kentville, in the County of Kings, and Province of Nova Scotia, more particularly described as follows:

BEGINNING at a point on the south side of Maxwell Place on the east side of a street reserve;

THENCE South 75 degrees 54 minutes east along the south side of the said Maxwell Place a distance of 100 feet;

THENCE South 13 degrees 04 minutes west a distance of 79.79 feet to a stake;

THENCE North 73 degrees 15 minutes west a distance of 105 feet to the east side of the said Street reserve;

THENCE North 16 degrees 45 minutes east along the east side of the said Street reserve a distance of 75 feet to the south side of Maxwell Place, the place of beginning.

AND FURTHER EXCEPTING THEREFROM all that certain lot, piece or parcel of land situate, lying and being in the Town of Kentville, County of Kings, Province of Nova Scotia, and being lot #56

on Hillcrest Court Subdivision prepared by W. S. Crooker Engineering Co., dated December 12, A.D., 1969, and approved by the Town of Kentville on December 17th, A.D., 1969 and being more particularly bounded and described as follows:

Beginning at a point on the South side of Maxwell Place at the Northeast corner of Lot #57;

Thence South Seventy-Four Degrees Fifty-Four Minutes East along the South side of Maxwell Place a distance of Three Decimal Fifty-Nine Feet (3.59');

Thence South Sixty-Eight Degrees Fifty-Four Minutes East along the South side of Maxwell Place a distance of One Hundred Six Decimal Seventy-Two Feet (106.72');

Thence South Sixteen Degrees Forty-Five Minutes West a distance of Eighty Feet (80');

Thence North Seventy-Three Degrees Fifteen Minutes West a distance of One Hundred Ten Feet (110') to the East side line of lot # 58;

Thence North Sixteen Degrees Forty-Five Minutes East along the East side lines of Lots 58 and 57 to the South side line of Maxwell Place, the place of beginning.

SAVING AND EXCEPTING LOT 55 as shown on registered plan no. 84946806 recorded in the Land Registration Office for Kings County.

SAVING AND EXCEPTING Lot 27 and Parcel A as shown on registered plan number 85776186 recorded in the Land Registration for Kings County.

SAVING AND EXCEPTING Lot 1N as shown on registered plan no. 122143143 recorded in the Land Registration Office for Kings County.

Saving and Excepting Parcel P, Lot 1S, Lot RLA, and Lot RLC as shown on Registered Plan No 123093321 recorded in the Land Registration Office for Kings County.

SUBJECT TO a utility interest in favour of Nova Scotia Power Inc. as described in the Grant of Easement recorded as Document Number 87599016 on April 16, 2007.

SUBJECT TO a utility interest in favour of Nova Scotia Power Inc. as described in the Grant of Easement recorded as Document Number 112036703 on January 18, 2018.

SUBJECT TO a utility interest in favour of Nova Scotia Power Inc. as described in the Grant of Easement recorded as Document Number 120735049 on June 9, 2022.

*** Municipal Government Act, Part IX Compliance ***

Compliance:

The parcel is created by a subdivision (details below) that has been filed under the Registry Act or registered under the Land Registration Act
Registration District: KINGS COUNTY
Registration Year: 2023
Plan or Document Number: 123093321

Schedule B Zoning Map

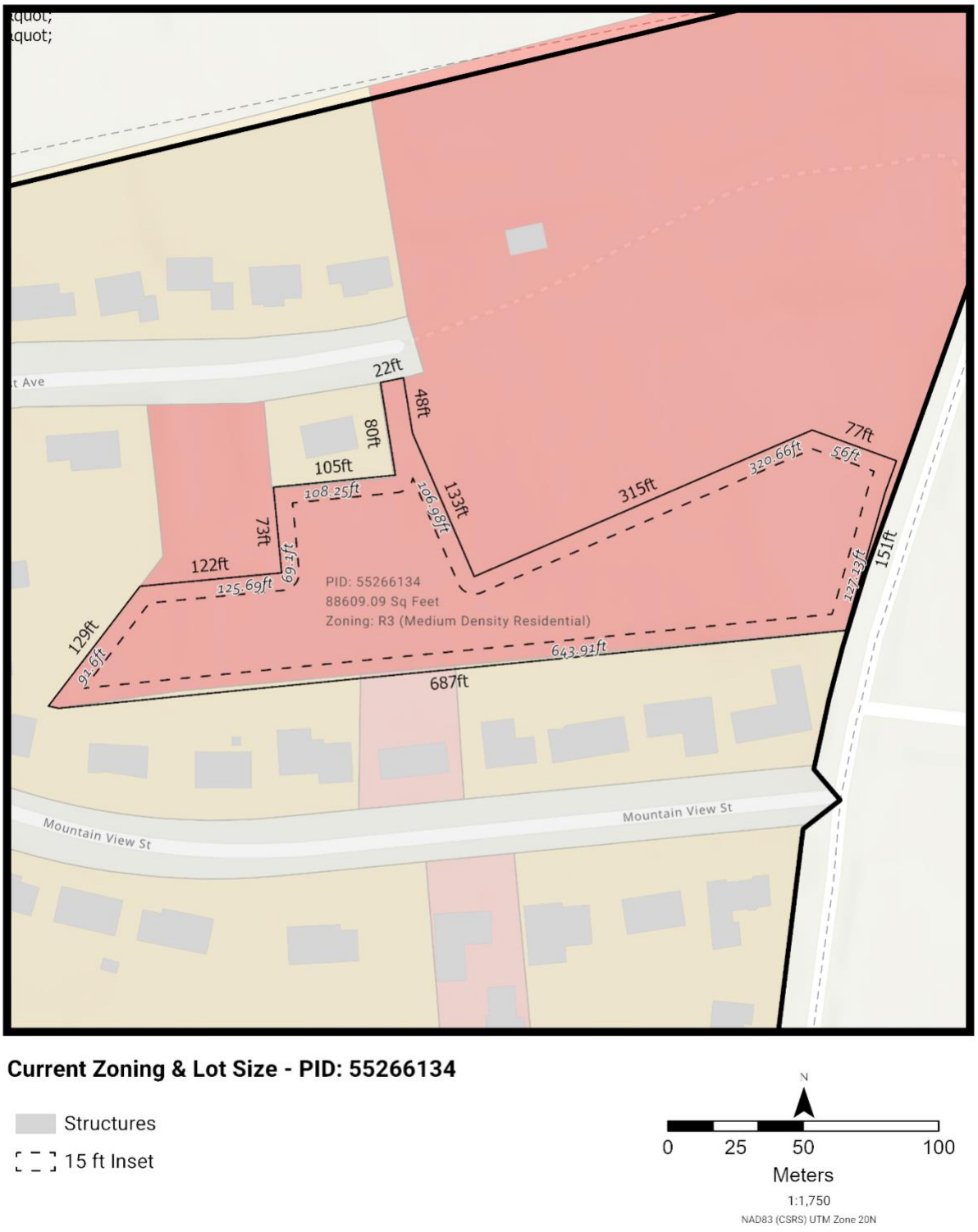

Figure 9 Current Zoning

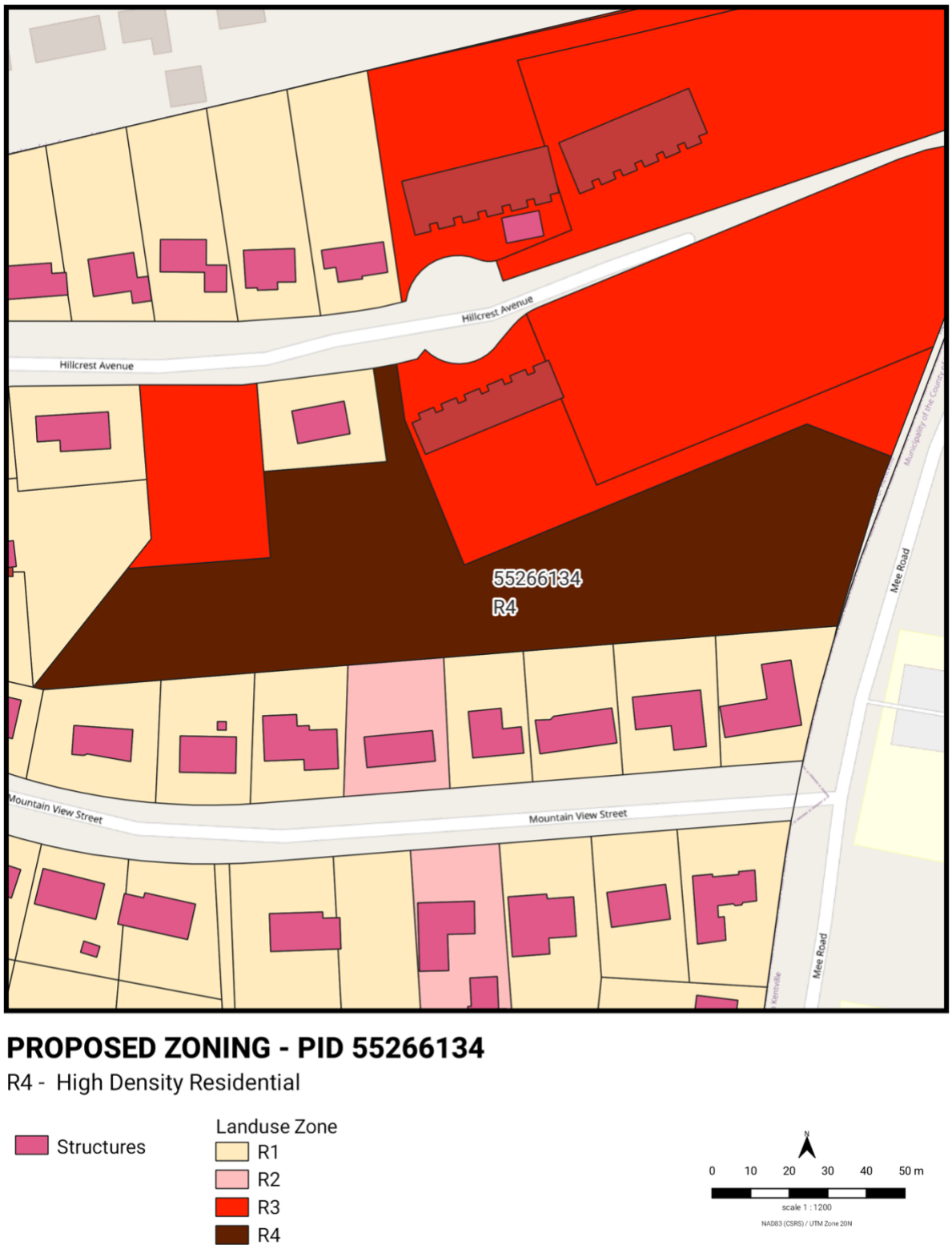

Figure 10 Proposed Zoning

Schedule C Site Plan

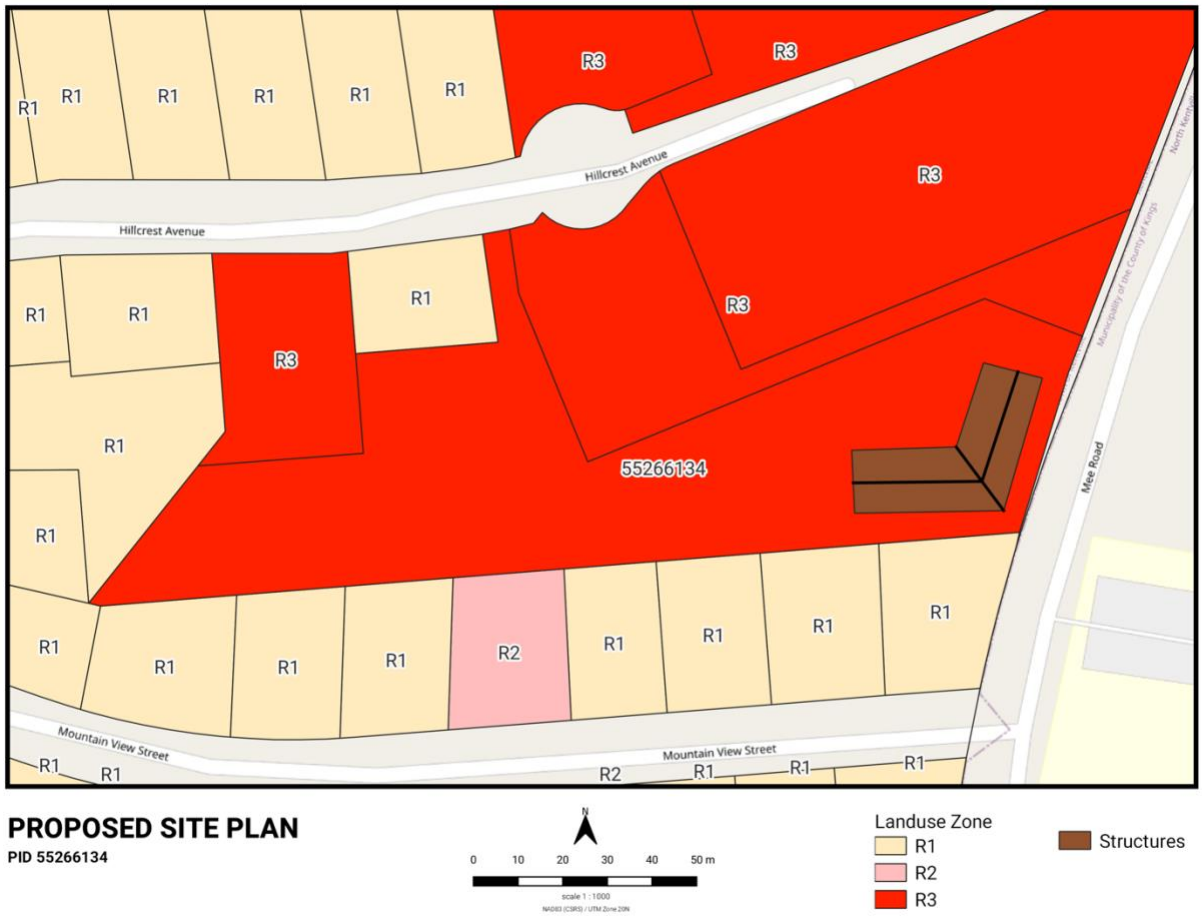

Figure 11 Proposed Site Plan