



## Municipality of the County of Kings

### Report to the Centreville Area Advisory Committee

Application to Amend the Zoning Map of the Land Use By-law (File 16-18)

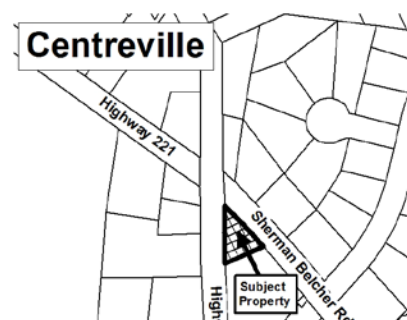
**Date:** Wednesday, April 5, 2017

**Prepared by:** Planning and Development Services

<b>Applicant</b>	Ron and Doreen Cook
<b>Land Owner</b>	Ron and Doreen Cook
<b>Proposal</b>	Amend from the Community Facilities (CF) Zone to the Residential One and Two Unit (R2) Zone
<b>Location</b>	1958 Highway # 359 Centreville, NS, B0P 1J0 PID # 55055776
<b>Area</b>	7,112 sq. ft.
<b>Designation</b>	Residential
<b>Zone</b>	Community Facilities (CF) Zone
<b>Surrounding Uses</b>	Residential; community centre; post office; bed and breakfast
<b>Neighbour Notification</b>	Notice was sent to the 38 owners of properties within 500 feet of the site on December 16, 2016

## 1. PROPOSAL

Mr. and Mrs. Cook have applied to amend the Zoning Map of the Land Use By-law for the lot located at 1958 Highway # 359, Centreville from the Community Facilities (CF) Zone (Appendix A) to the Residential One and Two Unit (R2) Zone (Appendix B). They wish to develop a second unit within the existing structure on the lot, which was originally constructed as a church.



## 2. OPTIONS

In response to the application, the Area Advisory Committee (AAC) may:

- Recommend that the Planning Advisory Committee (PAC) recommend that Council approve the amendment as proposed;
- Recommend that PAC recommend that Council refuse the amendment as proposed; or
- Provide another direction such as requesting further information on a specific topic.

### 3. BACKGROUND

Until 1996, when it was conveyed to an individual, this property was the Centreville United Baptist Church. Since 1996, the permitted use of the building is as a church with an accessory residential unit. Due to the present zoning, the residential unit is only permitted as an accessory use to the church.

The property is at a busy intersection and in an area which has traditionally had intense use – the Post Office is located to the north across Sherman Belcher Road; the Community Centre is to the west across Highway # 359, and the property to the south has permits which allow it to operate both as a bed and breakfast and a tea room.

The structure on the lot was built before the use of land was regulated in Centreville. It is a non-conforming structure which does not meet the requirements of the zone in which it is located, the Community Facilities (CF) Zone, and will not meet the requirements of the Residential One and Two Unit (R2) Zone regarding lot size and yards. The MPS contains policy regarding the expansion of non-conforming uses, but no policy regarding non-conforming structures such as that under consideration. There is nothing within the MPS which prevents the re-zoning of a non-conforming structure.

### 4. INFORMATION

#### 4.1 Site Description

The subject lot is located where Sherman Belcher Road intersects Highway # 359; each is classified as a major collector road. The lot is within the Growth Centre of Centerville. Constructed as a church, the structure is now used only as a single-unit dwelling (Figure 1).

#### 4.2 Site visit

A site visit was carried out December 6, 2016 by a planner and a development officer.

#### 4.3 Comments

Comments were requested and received as follow:

##### 4.3.1 Nova Scotia Department of Transportation and Infrastructure Renewal (DTIR)

DTIR has stated that:

- *“There is acceptable Stop Sight Distance along the property frontage however the applicant has not identified a specific location intended to be a driveway for the 2<sup>nd</sup> possible unit. TIR will reserve comments on a specific location until such time one is identified. No previous permit has been issued.”* The driveway location will be specified at the time the applicant applies for the development permit for the second unit;

- the road networks in, adjacent to, and leading to the site are adequate for the requested and potential development;
- no Traffic Information Study is required;
- DTIR has no other concerns at this time.

Staff received feedback from members of the public with regard to vehicle collisions at the intersection which were forwarded to NSTIR. In this regard, DTIR has indicated that, between 2007 and 2014, there were 7 collisions. Of these, none of the collisions originated from the northbound lane of Highway 359 or the westbound lane of Sherman Belcher Road.

Staff also received feedback from members of the public regarding the ownership of the lands at the intersection of Highway 359 and Sherman Belcher Road and how this has affected traffic flow at the intersection. In this regard, DTIR is performing a survey to determine the extent of the subject site. Once the survey is completed, the property lines will be marked on the site and any obstruction within the DTIR right-of-way shall be removed.

#### 4.3.2 *Engineering and Public Works, Lands and Parks Services (EPWLP)*

EPWLP indicated that:

- *“the site is serviced by Municipal sewer, which has the sufficient capacity for the proposed change. The second unit will need to be serviced by a new sewer lateral, unless specific conditions of the Wastewater Sewer By-Law are met; this will be determined when the applicant applies for a development permit.”*
- Municipal water service is not available at this location
- there are no concerns regarding:
  - the potential for creating, or contributing to, a pollution problem including the contamination of watercourses or the creation of erosion or sedimentation during construction; or
  - the adequacy of storm drainage and the effect of same on adjacent uses; or
  - the suitability of the proposed site in terms of steepness of grades, soil and/or geological conditions, and the relative location of watercourses, marshes, swamps or bogs.
- *“The developer will be required to follow our Municipal Specifications and applicable NSE regulations regarding storm drainage and sedimentation/erosion control. I would also note that the storm drainage system associated with Hwy 259 and Sherman Belcher Road is owned by DTIR”*

#### 4.3.3 *Nova Scotia Department of Environment*

Nova Scotia Environment has commented that it has *“regulatory authority over the proper construction of new wells, whether or not the use of the well meets the definition of a registered public drinking water supply and regulatory authority with respect to withdrawal/storage of water. In this instance, switching zoning from community based to a one/two-unit residential facility does not trigger our regulations; therefore, we have no*

*comment to provide on whether we anticipate any difficulty with the well servicing this property since this is not in our mandate.”*

#### 4.3.4 *Development Control*

Development Control has indicated that it has no concerns with a rezoning from Community Facilities (CF) to the Residential One and Two Unit (R2) Zone.

#### 4.3.5 *Municipality of the County of Kings Building and Enforcement (B & E)*

- B & E has indicated that *“An inspection was last conducted on November 17, 2016 under permit number 160338. The inspection report indicates that the construction is adequate and the next inspection will be a prior to drywall.”*
- there were no further concerns or comments from B & E.

#### 4.3.6 *Municipality of the County of Kings Fire Services*

Fire Services has indicated that *“the municipal fire protection and equipment is more than adequate to serve the proposed development. The fire service responsible for this building has sufficient equipment and if need be access to mutual aid for assistance.”*

### 4.4 **Public Information Meeting**

In accordance with policy PLAN-09-001 a public information meeting was not held, since this is a proposed Land Use By-law map amendment for an area of land less than one acre in area.

Letters were sent December 6, 2016 advising owners of land within 500 feet of the property of the request. No calls have been received. Two e-mails were received which indicated concerns with parking and access for an additional unit, but also indicated *“no problem with the rezoning if extra parking spaces are located as to not further impede sight clearance on this corner”* and went on to state that *“This intersection is becoming an accident waiting to happen”*.

The first review of the request is being done by the Centreville Area Advisory Committee (AAC).

## 5. MUNICIPAL PLANNING STRATEGY

### 5.1 **Policies**

The property is designated Residential on the Centreville Future Land Use Map (Figure 2) and zoned Community Facilities (CF) on the Centreville Zoning Map (Figure 3).

### 5.1.1 Growth Centre Policies

Section 2.1.4. of the MPS, *Residential Growth Centres*, identifies Centreville as a Residential Growth Centre and comments that *“The Centreville Secondary Planning Strategy focuses on supporting the residential nature of the community through supporting the maintenance and development of recreational infrastructure and through the protection of the environment.”*

Section 2.4.1, *Urban Residential Objectives* includes the fostering of residential infilling and efficient development of serviced land; the provision of opportunities for future residential development that reflects the needs of all residents; the encouragement and provision of a wide range of residential accommodations; and increasing the potential for rental accommodation to occur.

The background provided in Section 2.4.5 of the MPS, *One and Two Unit Dwelling Urban Policies* indicates that two-unit dwellings *“offer opportunities for more affordable housing.”* It also notes that *“the intention of the one and two unit residential zone is to provide opportunity for this intensification to occur.”*

Part 2.5, *Institutional, Community and Residential Facilities* contains criteria regarding amending land in the Residential designation to the Community Facilities Zone; there are no specific criteria regarding amending to any residential zone from the Community Facilities (CF) Zone.

This proposed amendment meets the Council’s intentions for Residential Growth Centres as it broadens the range of residential types in Centreville and adds one rental unit to the community.

### 5.1.2 Centreville Secondary Planning Strategy

The objectives of the Centreville Secondary Planning Strategy focus on the planning process rather than development in the community.

One of the goals expressed within the Centreville Secondary Planning Strategy is to *“confirm, and where desirable, modify land use designations to optimize land use opportunities”*, and the confirmed or modified designations appear as the approved Future Land Use Map.

There are no written policies for the Centerville Growth Centre regarding residential development or the Community Facility (CF) Zone. However, the above-noted designations shown on the Future Land Use Map act as a clear statement of Council’s intentions. With the exception of two (2) lots between Butler Road and Millwood Drive, one of which fronts on Highway # 359, which are designated as Community Commercial, and the parkland and golf course which are designated as Parks and Open Space, all of the land within the Growth Centre of Centreville is designated Residential. This reinforces and effectively carries out the statement found in Subsection 2.10.3 *“As a wide range of urban amenities is available in nearby urban areas, Municipal Planning Strategy*

*policies promote the residential nature of this Growth Centre*". The clear intention of Municipal Council is to enable residential development throughout Centreville, no matter the present use of the land.

There also is an emphasis on ensuring all forms of development have sewer service, as clause 2.10.3.12.2.1 notes *"It shall be the policy of Council not to permit any further development serviced by septic tank or disposal field"*.

The residential nature of the community is again emphasized in section 2.10.3.16, which notes that *"The residential Growth Centre designation and the community's vision of remaining a community based on country living nestled in a rich rural and mountainous seacoast hinterland with full access to quality urban services makes it an ideal stopping place from which visitors can enjoy the tourism and heritage within and surrounding the community."*

This proposed amendment meets the Council's intentions for Centreville, in that it would add one residential unit in an area serviced by sewer.

## **5.2 Criteria for Amendment**

An amendment to the Municipal Planning Strategy is not required since the subject lot is within the Residential designation.

No specific criteria are established for amendment from the Community Facilities (CF) Zone to residential zone in any of the Growth Centres, including Centreville. The amendment meets the general intent of the Municipal Planning Strategy.

The proposed amendment meets the criteria set out in Part 6 of the MPS which are examined in detail in Appendix C. In summary:

- no municipal costs related to the proposal are anticipated;
- the site is serviced by Municipal sewer with capacity for the proposed change;
- no impact on community facilities is anticipated;
- road networks are adequate for the requested and potential development;
- there does not appear to be any risk of watercourse contamination; and
- the use is compatible with the adjacent uses

As a result the proposal meets the MPS requirements for amendment.

## **6. CONCLUSION**

As noted above, the proposed amendment shown in Appendix D has been considered within the context of the policies of the MPS and is consistent with the intent, objectives and policies of the MPS.

## **7. STAFF RECOMMENDATION**

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

**Centreville Area Advisory Committee recommends that the Planning Advisory Committee recommend that Municipal Council give First Reading to and hold a Public Hearing regarding amending the Zoning Map of the Land Use By-law from the Community Facilities (CF) Zone to the Residential One and Two Unit (R2) Zone for 1958 Highway # 359, Centreville (PID # 5505576).**

## **8. FIGURES and APPENDICES**

Appendix A	Community Facilities (CF) Zone
Appendix B	Residential One and Two Unit (R2) Zone
Appendix C	Municipal Planning Strategy Policy 6.2.2
Appendix D	Proposed Land Use Bylaw Map Amendment
Figure 1	Existing Structure
Figure 2	Future Land Use Map: Subject Lot
Figure 3	Zoning Map: Subject Lot

## APPENDIX A COMMUNITY FACILITIES (CF) ZONE

For the full text of the Community Facilities (CF) Zone please refer to  
<http://www.countyofkings.ca/residents/planning/lub.aspx>

### 17.2 COMMUNITY FACILITIES (CF) ZONE

#### 17.2.1 Purpose

The purpose of the Community Facilities (CF) Zone is to provide for the development of community facilities serving a local area.

#### 17.2.2 Permitted Uses

No Development Permit shall be issued in a Community Facilities (CF) Zone except for one or more of the following uses and subject to the following requirements:

- Art and Cultural Centres
- Churches and Denominational Uses
- Community Centres
- Day Care Facilities
- Existing Residential Facilities (RF) Uses in Hamlets subject to the standards of the RF Zone
- Fire Stations
- Government Offices
- Libraries
- Medical Clinics
- Museums
- Parks
- Police Stations
- Post Offices
- Search and Rescue Headquarters
- Senior Citizens Housing adjacent to Grand View Manor in South Berwick



## **APPENDIX B**

**For the full text of the Residential One and Two Unit (R2) Zone please refer to <http://www.countyofkings.ca/residents/planning/lub.aspx>**

### **8.3 RESIDENTIAL ONE AND TWO UNIT (R2) ZONE**

#### **8.3.1 Purpose**

The purpose of the Residential One and Two Unit (R2) Zone is to provide for low density residential development in the form of single detached, semi detached, and duplex dwellings.

#### **8.3.2 Permitted Uses**

No Development Permit shall be issued in a Residential One and Two Unit (R2) Zone except for one or more of the following uses and subject to the following requirements:

- Duplexes
- Existing Farms subject to R1 Zone requirements
- Existing Residential Uses
- Multi Sectional Modular Homes
- Residential Care Facilities
- Semi-Detached Dwellings
- Single Detached Dwellings

#### **8.3.3 Uses Subject to Conditions**

- Bed and Breakfast Operations
- Cemeteries
- Churches
- Duplexes, Semi-Detached Dwellings and Single Detached Dwellings on Properties within the 35 NEF Contour in the Growth Centre of Greenwood, except for properties fronting Sampson Drive
- Home Based Businesses
- Home Day Care
- Private Schools
- Urban Home Occupations

## APPENDIX C

### Municipal Planning Strategy Policy 6.2.2

#### 6.2.2 Amendment to the Land Use Bylaw

6.2.2.1 In considering amendments to the Land Use Bylaw, in addition to all other criteria as set out in various policies of this Strategy, Council shall be satisfied:

<i>Policy</i>	<i>Comment</i>
<i>a. the proposal is in keeping with the intent of the Strategy, including the intent of any Secondary Planning Strategy, and can meet the requirements of all other Municipal Bylaws and regulations</i>	
<i>b. the proposed rezoning is not premature or inappropriate by reason of:</i>	
<i>i. the financial capability of the Municipality to absorb any costs relating to the development of the subject site</i>	No municipal costs related to the proposal are anticipated.
<i>ii. the impact on, or feasibility and costs of, sewerage and water services if central services are to be provided, or adequacy of physical site conditions for private on-site sewer and water systems</i>	The Municipal Department of Engineering, Public Works, Land and Parks has indicated the site is serviced by Municipal sewer, which has the sufficient capacity for the proposed change.  The property is currently serviced by on-site water and experiences no issues with quality or quantity.
<i>iii. the potential for creating, or contributing to, a pollution problem including contamination of watercourses</i>	There does not appear to be a risk of pollution associated with this proposal since development will occur within the existing structure.
<i>iv. the adequacy of storm drainage and the effect on adjacent uses</i>	A storm drainage plan cannot be required as any development will be as-of-right.
<i>v. the adequacy and proximity of school, recreation, and any other community facilities</i>	It is not anticipated that one additional unit would strain nearby facilities, and would have less impact than many of the uses allowed as-of-right in the present zone.
<i>vi. the adequacy of street or road networks in, adjacent to, or leading to the subject site</i>	The Department of Transportation and Infrastructure Renewal has stated that the road networks in, adjacent to, and leading to the site are adequate for the requested and potential development.
<i>vii. the potential for the contamination of a watercourse due to erosion or sedimentation</i>	There does not appear to be a risk of watercourse contamination associated with this proposed amendment.
<i>viii. creating extensive intervening parcels of vacant land between the</i>	The site is located close to the centre of the Growth Centre and is surrounded by

<i>existing developed lands and the proposed site, or a scattered or ribbon development pattern as opposed to compact development</i>	existing development.
<i>ix. traffic generation, access to and egress from the subject site, and parking</i>	NSTIR has indicated that there is “acceptable Stop Sight Distance along the property frontage; however the applicant has not identified a specific location intended to be a driveway for the 2 <sup>nd</sup> possible unit. TIR will reserve comments on a specific location until such time one is identified.”
<i>x. incompatibility with adjacent uses and the existing development form of the surrounding area</i>	<p>The proposed use is compatible with the adjacent uses and the development form of the surrounding area.</p> <p>The requirements of the Residential One and Two Unit (R2) Zone appear to ensure that any of the other uses permitted in the proposed zone would be compatible with the existing neighbourhood.</p>
<i>xi. the potential for overcrowding on lakeshores or the reduction of water quality</i>	N/A
<i>xii. the potential for contamination of, or interference with a designated groundwater supply protection area</i>	N/A
<i>c. the proposed site is suitable for development in terms of steepness of grades, soil and geological conditions, location of watercourses, marshes, swamps, or bogs and proximity of highway ramps, railway rights-of-way and other similar factors that may pose a hazard to development</i>	Please see 6.2.2.1 b. iii. above.

**APPENDIX D**  
**Proposed Land Use Bylaw Map Amendment**

**THE MUNICIPALITY OF THE COUNTY OF KINGS**

**AMENDMENT TO BYLAW 75**  
**COUNTY OF KINGS LAND USE BYLAW**

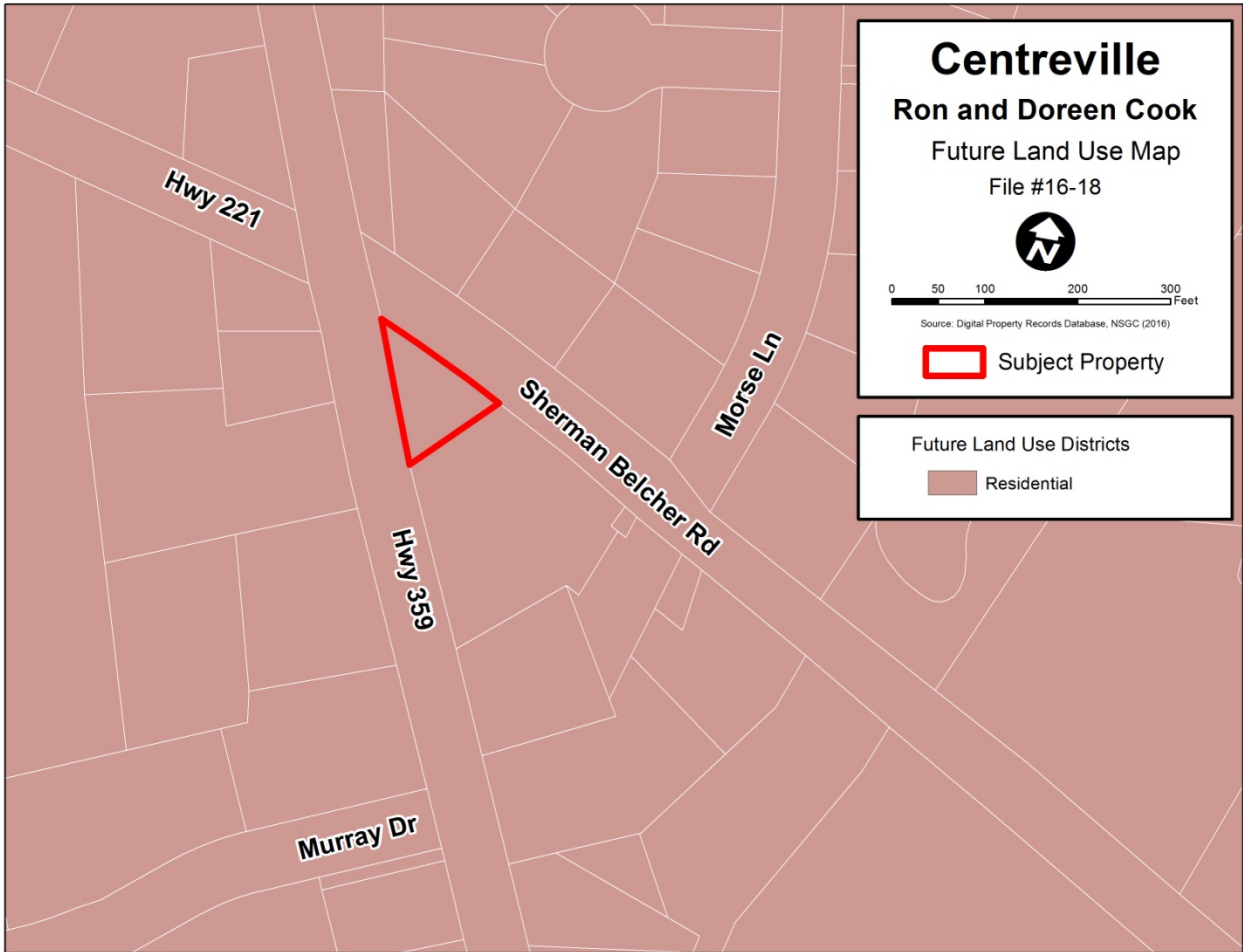
**Amendment to rezone property at 1958 Highway # 359, Centreville, from the Community Facilities (CF) Zone to the Residential One and Two Unit (R2) Zone**

**BYLAW 75 – Land Use Bylaw**

Amend Schedule 4 g, the Zoning Map for the Growth Centre of Centreville, by rezoning the lot at 1958 Highway # 359, Centreville (PID # 5505576), from the Community Facilities (CF) Zone to the Residential One and Two Unit (R2) Zone as shown on the inset copy of a portion of Schedule 4 g below.



**Figure 2**  
**Future Land Use Map: Subject Property**



**Figure 3**  
**Zoning Map: Subject Property**

