



**Planning Advisory Committee**  
**Tuesday, April 8, 2025 at 1:00PM**  
**Council Chambers**  
**181 Coldbrook Village Park Drive**

## **A G E N D A**

1. Meeting to Order
2. Roll Call
3. Amendments to Agenda
4. Approval of the Agenda
5. Disclosure of Conflict-of-Interest Issues
6. Approval of Minutes
  - a. March 11, 2025 3
7. Business Arising from the Minutes
8. Business:
  - a. Application to rezone the property at 1733 Highway 1 (PID 55079073), Auburn from the Rural Mixed Use (A2) Zone to the Rural Commercial (C4) Zone and amend the Land Use By-law to enable day care facilities within the Rural Commercial (C4) Zone (File 24-21, Alice Jacob) 6
  - b. Application to enter into a Development Agreement for the property located at 1143 West Halls Harbour Road (PID 55041065), Halls Harbour (File 24-13, Alice Jacob) 25
  - c. Application to rezone the property at 683 Central Avenue (PID 55314876) Greenwood from the General Commercial (C1) Zone to the Mixed Commercial Residential (C3) Zone (File 23-16, Alice Jacob) 61
  - d. Application to enter into a Development Agreement for the property located at 1081 Cape Split Road (PID 55014047), Scots Bay (File 24-15, Peri Bowman) 74

9. Other Business

10. Comments from the Public

11. Upcoming Meetings

a. May 22, 2025 at 1:00 pm

12. Adjournment

Accommodations are available for this meeting: please submit your request at  
[www.countyofkings.ca/accommodationsrequest](http://www.countyofkings.ca/accommodationsrequest)

# PLANNING ADVISORY COMMITTEE

March 11, 2025

## Draft Minutes

<b>Meeting, Date and Time</b>	A meeting of the Planning Advisory Committee (PAC) was held on Tuesday, March 11, 2025, in Council Chambers at 181 Coldbrook Village Park Drive.
<b>Attending</b>	In Attendance:
<b>PAC Members</b>	Deputy Mayor Riley Peckford – Vice Chair Councillor Doug Gates Councillor Everett MacPherson Erik Deal – Citizen Member Kate Friars – Citizen Member Logan Morse – Citizen Member
<b>Municipal Staff</b>	Alice Jacob – Planner Peri Bowman – Planner Megan Meldrum – Housing Initiatives Coordinator Trish Javorek – Director, Planning and Inspections Laura Mosher – Manager, Planning Laurie-Ann Clarke – Recording Secretary
<b>Public</b>	1 (until 1:24 pm)
<b>Regrets</b>	Councillor Emily Lutz – Chair
<b>1. Meeting to Order</b>	Deputy Mayor Peckford, Vice-Chair, called the meeting to order at 1:00 pm.
<b>2. Roll Call</b>	Roll call was taken.
<b>3. Amendments to the Agenda</b>	None.
<b>4. Approval of the Agenda</b>	<b>On motion of Councillor Gates and Ms. Friars, that the agenda for the March 11, 2025, meeting of Planning Advisory Committee be approved as circulated.</b>  The question was called on the motion. <b>Motion carried.</b>
<b>5. Disclosure of Conflict-of-Interest</b>	None

- 6. **Approval of Minutes February 11, 2025** **On motion of Councillor MacPherson and Councillor Gates, that the minutes of the Planning Advisory Committee meeting held on February 11, 2025, be approved as circulated.**

The question was called on the motion. **Motion carried.**

- 7. **Business Arising from the Minutes** None

8. **Business**

- a. **Application to rezone the property at 7015 Highway 1 (PID 55153811) in Coldbrook (File 24-19)** Peri Bowman, Planner, presented an application submitted by Murdoch MacKenzie on behalf of Scotian Gold Cooperative Limited for a Land Use By-law (LUB) map amendment to rezone 1.94 acres of the property located at 7015 Highway 1 (PID 58153811) in Coldbrook from the Heavy Industrial (M2) Zone to the Light Industrial Commercial (M1) Zone to permit the development of a retail store.

Questions of Clarification: None

**On the motion of Councillor MacPherson and Councillor Gates, that the Planning Advisory Committee recommends that Municipal Council give First Reading to and hold a Public Hearing regarding the application to rezone 1.94 acres of 7015 Highway 1 (PID 55153811), Coldbrook, from the Heavy Industrial (M2) Zone to the Light Industrial Commercial (M1) Zone as described in Appendix C of the report dated March 11, 2025**

Debate: None

The question was called on the motion. **Motion carried.**

- b. **Application to rezone a property on Ernst Drive (PID 55552640) in Aylesford (File 24-12)** Ms. Bowman presented an application submitted by Eric J. Morse on behalf of 4601748 Nova Scotia Limited for a LUB map amendment to rezone vacant land on Ernst Drive (PID 55552640) in Aylesford from the Residential One and Two Unit (R2) Zone to the Residential Mixed Density (R3) Zone to permit the development of 24 townhouse units and 3 semi-detached dwellings (with a total of 6 residential units).

Questions of Clarification:

The committee had a general discussion related to streetlights and sidewalks with staff clarifying that sidewalks within Villages would be a responsibility of the Village to maintain.

Councillor MacPherson asked for clarification on the built form that the developer intended for the property. Staff advised that at the time of the presentation, the developer was proposing four rows of six townhouses and three semi-detached residences for a total of 30 units however, that could

change as the developer only is required to meet the zone requirements and is not compelled to stay to this design.

**On the motion of Councillor Gates and Mr. Morse, that the Planning Advisory Committee recommends that Municipal Council give First Reading to and hold a Public Hearing regarding the application to rezone a parcel of vacant land on Ernst Drive (PID 55552640), Aylesford, from the Residential One and Two Unit (R2) Zone to the Residential Mixed Density (R3) Zone as described in Appendix C of the report dated March 11, 2025.**

Debate: None

The question was called on the motion. **Motion carried.**

**9. Other Business**

None

**10. Upcoming Meetings**

**a. Date of Next Meeting**

The next meeting of the Planning Advisory Committee will be held on Tuesday, April 8, 2025, at 1:00 pm.

**b. May Meeting**

The Vice-Chair advised that due to scheduling conflicts, the May meeting would need to be rescheduled. Staff suggested Thursday, May 22 as an alternative.

**On motion of Councillor Gates and Ms. Friars that the Planning Advisory Committee meeting originally scheduled for May 13, 2025 be moved to May 22, 2025 due to a scheduling conflict.**

The question was called on the motion. **Motion carried.**

**11. Public Comments**

There were no members of the public remaining in the gallery.

**12. Adjournment**

**There being no further business, on motion of Mr. Morse and Councillor MacPherson, that the meeting adjourn.**

**Approved:  
Planning Advisory Committee**

**Month/Day/Year**

## Municipality of the County of Kings Report to the Planning Advisory Committee

Application for a Land Use By-law text and map amendment to enable the expansion of an existing day care facility at 1733 Highway 1 (PID 55079073), Auburn.

File: 24-21

DATE: April 8, 2025

Prepared by: Planning and Development Services

<b>Applicant</b>	Chris Davison
<b>Landowner</b>	Margo Jean Thomas, Peter John Thomas
<b>Proposal</b>	Enable day care facility within the Rural Commercial (C4) Zone and rezone the subject property from the Rural Mixed Use (A2) Zone to the Rural Commercial (C4) Zone
<b>Location</b>	1733 Highway 1 (PID 55079073), Auburn
<b>Lot Area</b>	66646.80 square feet (1.53 acre(s))
<b>Designation</b>	Agricultural Designation
<b>Zone</b>	Rural Mixed Use (A2) Zone
<b>Surrounding Uses</b>	Residential and Agricultural uses
<b>Neighbour Notification</b>	15 letters were sent to owners of properties within 500 feet of the subject property

### 1. PROPOSAL

Chris Davison on behalf of the Nova Scotia College of Early Childhood Education Society (NSCECE) has applied to both text and map amendments to the Land Use By-law (LUB) to permit the expansion of an existing day care facility at 1733 Highway 1 (PID 55079073), Auburn. The text amendment seeks to permit day care facilities within the Rural Commercial (C4) Zone, while the map amendment seeks to rezone the subject property from the Rural Mixed Use (A2) Zone to the Rural Commercial (C4) Zone to enable the use and the proposed expansion.

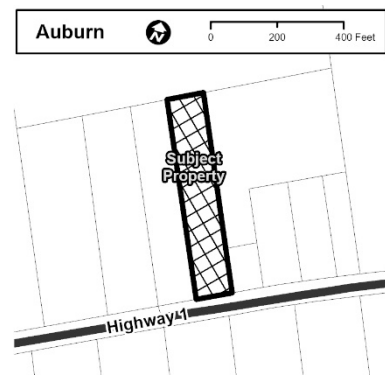


Figure 1: Subject property

## 2. OPTIONS

In response to the application, the Planning Advisory Committee may:

- A. Recommend that Council approve the amendments as drafted;
- B. Provide alternative direction, such as requesting further information on a specific topic, or recommending changes;
- C. Recommend that Council refuse the amendments as drafted.

## 3. STAFF RECOMMENDATION

Staff recommend that the Planning Advisory Committee forward a positive recommendation by passing the following motion:

**The Planning Advisory Committee recommends that Municipal Council give First Reading to and hold a Public Hearing regarding the application to amend the Land Use By-law (LUB) text and map to permit the expansion of an existing day care facility at 1733 Highway 1 (PID 55079073), Auburn, as described in Appendices D and E of the report dated April 8, 2025.**

## 4. BACKGROUND

The property has an existing dwelling and the current property owner has been operating a day care within the dwelling since 2002. Initially, the home day care operated at a capacity that met the requirements of the land use by-law in effect at the time (By-law 75). However, in 2003, the owner wanted to increase the capacity of the day care to 28, which could only be permitted through a development agreement. A development agreement was subsequently entered into under the previous planning policies, permitting the increased capacity. In 2019, the development agreement was amended to



**Figure 2: Existing dwelling and daycare**

permit further expansion by allowing an infant facility on the property for 10 infants. The current owners are looking to retire and are in the process of transferring the property to Nova Scotia College of Early Childhood Education Society (NSCECE), a not-for-profit organisation. NSCECE is currently proposing further expansion to the facility by adding two new buildings on the property: one that would function as the new day care, and the other, an additional infant facility. The proposed expansion will accommodate a total of 82 children and 21 staff. The existing dwelling is proposed to be converted into administrative

and program spaces, and the existing play area is proposed to be relocated to the rear (Refer to Appendix B).

As mentioned above, the development agreement was entered into and amended under previous planning policies. Although the agreement allows for amendments, the proposed additions and the conversion of the dwelling would be considered a substantive amendment. Where the development agreement was initially developed as a home day care, where the owner resided on the property, the new proposal includes the decommissioning of the residential unit and, as a result, the current Municipal Planning Strategy (MPS) does not include policies that could enable this proposal through an amendment to



**Figure 3: Outdoor play area and infant facility**

the development agreement. However, the MPS has policies that could permit rezoning the property to the Rural Commercial (C4) Zone. The Rural Commercial (C4) Zone permits a variety of commercial uses, however a day care facility is not currently a permitted use within the zone, as it was not included at the time the land use by-law was drafted. As a result, the application also seeks to amend the text of the land use by-law to include day care facilities as a permitted use within the Rural Commercial (C4) Zone. If the rezoning and text amendment are approved by Council, the existing development agreement will be discharged.

## 5. SUBJECT PROPERTY INFORMATION

On December 17, 2024, the planner on the file conducted a site visit. The subject property is located within a rural area and has a lot area of 66,646.80 square feet or 1.53 acres. Access to the property is from Highway 1, a collector road on which the subject property has approximately 113 feet of frontage. The property's topography is relatively flat. The existing driveway serving the day care is inadequate for two-way traffic, and the Department of Public Works (DPW) requires the property owners to widen the driveway to accommodate two-way traffic as



**Figure 4: Aerial view of the subject property**



part of the proposed expansion. As previously mentioned, the property has a dwelling in which the owner operates the daycare, and there is a separate infant facility located towards the central portion of the property. The area between the dwelling and the infant facility includes an outdoor play area. The rear area of the property is undeveloped, consisting of grass and a few scattered trees. Parking for the day care is located at the front, between the dwelling and the southern boundary that fronts Highway 1.

Neighbouring properties are located within the same zone as the subject property and are developed with residential uses. There is an Institutional (I1) Zone approximately 1 km to the east, within which West Kings District High School is located. The surrounding areas to the north, west, and east also include agricultural uses.

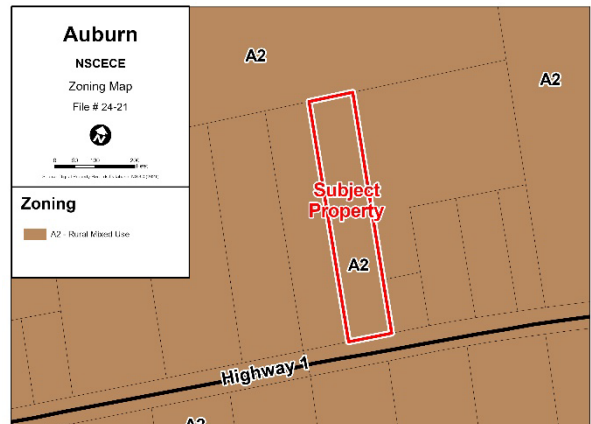


Figure 5: Zoning map

## 6. PUBLIC CONSULTATION

Under the Planning Policies of the Municipality of the County of Kings (PLAN-09-004), a Public Information Meeting (PIM) was required because the application involves a land use by-law map amendment to rezone a property measuring more than an acre, and also includes an amendment to the text of the Land Use By-law. The Public Information meeting was held at the Aylesford and District Lions Club on February 11, 2025. The Public information meeting was advertised on Municipal website and social media sites a week prior to the meeting. Notification letters were sent to 15 property owners within a 500-foot radius of the subject property, seeking comments and feedback on the proposed Land Use By-law map amendment, and notification emails were also sent to all the towns and villages within the Municipality and the abutting municipalities regarding the text amendment.

Staff received a call from one of the neighbouring property owners indicating concerns about improper garbage (diaper) disposal in the past. While this is outside the scope of a rezoning application, the concern was passed onto Valley Waste for investigation, and Valley Waste requested the complainant to contact them directly to discuss; however, the neighbour did not want to proceed with a complaint at this time.

The Public Information Meeting was attended by 17 members of the public, including the applicant, their team and consultants, current property owners, and nearby residents. The main concerns raised were about the inadequacy of the existing driveway and traffic issues, specifically cars lining up in front of neighbours' driveways and blocking access. Attendees also expressed concerns about the varying speed limits in the area (70 km/h, 50 km/h, and 80 km/h). Some suggested extending the nearby school zone to include the day care area to address these concerns. The applicant assured that the issue of blocked driveways would be communicated to families and taken into consideration.

There were other general questions about the proposal regarding the placement of the outdoor play area and the infant facility, as well as the timeline of the process. Neighbours mentioned that they would have no objections to the proposed expansion, provided it blends in with the existing facility and surroundings

and remains within the property boundaries. Attendees were generally supportive of the application and appreciated the day care and its owners. They shared experiences about the difficulties of finding a spot in a day care and the impact on their daily lives, stressing the importance of developing more day care facilities.

## 7. POLICY REVIEW

### 7.1 Enabling Policy for the Text Amendment

Policy 5.3.2 of the Municipal Planning Strategy enables this amendment, it allows Council to consider amendments to the text of the Land Use By-law. The policy states as follows:

*Council shall:*

**5.3.2** *amend the text of the Land Use By-law provided the amendment is consistent with the Vision, Goals and Objectives of this Strategy.*

The text amendment is proposed to permit day care facilities within the Rural Commercial (C4) Zone. According to the Municipal Planning Strategy (MPS), there are a number of established businesses in rural areas that provide services to those communities, serving both the local population and visitors. The Rural Commercial (C4) Zone was established to acknowledge the existing rural commercial uses and enable commercial uses that serve the needs of rural residents. However, due to unpredictable demand, additional lands are not pre-zoned as Rural Commercial (C4), instead, new Rural Commercial (C4) Zones are typically created through rezoning. The following are the policies within the MPS specific to rural areas and the Rural Commercial (C4) Zone.

*Council shall:*

**Policy 2.2.1** *identify areas located outside of Growth Centres as rural areas on Schedule A – Municipal Structure. These areas are intended to contain primarily agricultural, and resource uses and their related industries, rural commercial uses, rural industrial uses, recreational uses, renewable energy uses and limited residential development.”*

And policy 2.2.2, the intent of the Rural Commercial (C4) Zone states:

*Council shall:*

**Policy 2.2.2** *establish and enable the following Rural Zones common to the Agricultural and Resource Designations in the Land Use By-law:*

- (a) Rural Commercial (C4): lands zoned for commercial uses serving rural industries, visitors, and residents to locate and expand in rural communities;*

Further to this policy 2.2.7 also states:

*Council shall:*

**Policy 2.2.7** *zone as Rural Commercial (C4) areas with existing rural commercial businesses and areas intended to contain commercial businesses serving the rural community and visitors;*

Rural areas comprise over 80% of the lands in Kings County. Although developments are restricted within these areas, they still include residents with needs that require facilities. The Rural Commercial (C4) Zone is the only zone specifically established to permit commercial uses within the Agricultural and Resource Designations. All zones within the Agricultural Designation permit residential uses, and the Resource (N1) Zone within the Resource Designation also permits residential uses. Since residential uses are permitted in these zones, day care facilities are essential to serve local residents. The Rural Commercial (C4) Zone permits a variety of commercial uses that are intended to serve local residents, including but not limited to animal boarding facilities, building and construction contractors, community facilities, emergency services, business offices, gas bars, medical and dental clinics, and restaurants. A day care facility may have a relatively lower impact on a neighbourhood compared to some of the other permitted uses within the zone. Additionally, educational facilities, such as schools and training centers, are similar in nature as a day care facility and are already a permitted use within the zone. As a result, it is Staff's opinion that adding day care facilities to the list of permitted uses would be consistent with the intent of the zone and the other policies mentioned above.

Day care facilities can be considered both commercial and institutional uses, depending on their purpose and ownership. As a commercial use, it aligns with the Municipal Planning Strategy's (MPS) economic development goals. Within section 2.5, Economic Development, the goal states, *"To sustain the Municipality's diverse economic base, and encourage entrepreneurship and innovation"*. Permitting day care facilities within the Rural Commercial (C4) Zone would be consistent with this goal to diversify the economic base and promote entrepreneurship. The amendment would also be consistent with the following policies:

**Policy 2.5.2** *encourage the development of new businesses ranging in breadth and scale;*

**Policy 2.5.4** *promote the Municipality as a superior location for new businesses;*

The amendment will also be consistent with transportation objectives mentioned within Section 2.2 Rural Areas and Section 3.6 Resource Designation of the MPS, which states, *"To use the existing rural road network efficiently and provide opportunities for recreational trails"*. Permitting day care facilities within rural areas would help make efficient use of the existing transportation network and reduce transportation needs for rural residents.

Given the proposed amendment's consistency with the above-mentioned policies, goals, and objectives, Staff are of the opinion that the proposed text amendment is consistent with the intent of the Municipal Planning Strategy.

## 7.2 Enabling Policy for the Rezoning

The proposed rezoning is from the Rural Mixed Use (A2) Zone, which is within the Agricultural Designation, to the Rural Commercial (C4) Zone, which is permitted within the Agricultural Designation. Policy 2.2.11 enables Council to consider this rezoning. The policy states as follows:

*Council Shall:*

**Policy 2.2.11** *consider proposals to rezone lands within the Agricultural Designation or Resource Designation from any other zone, except lands within the Agricultural (A1) Zone, to the Rural Commercial (C4) Zone. In evaluating such proposals, Council shall be satisfied that the proposal:*

- (a) limits the rezoning area to the size reasonably required to accommodate the proposal, including any proposed phasing;*
- (b) meets any specific rezoning criteria in the designation applicable to the lot. For the Agricultural Designation, the criteria are in section 3.4 and for the Resource Designation, section 3.6; and*
- (c) meets the general criteria for amending the Land Use By-law set out in section 5.3 Development Agreements and Amending the Land Use By-law;*

With regard to criterion (a) of the above policy, the property measures approximately 66,646 square feet. The property currently has a dwelling located at the front, an infant facility near the center, an outdoor play area between the buildings and two separate on-site septic systems. The proposed expansion will include two new buildings: one behind the existing dwelling where the play area is currently located and another close to the existing infant facility. The existing play area is proposed to be relocated to the rear once the new buildings are developed. Depending on the day care's final capacity, additional septic treatment capacity may be required, and a replacement field may have to be constructed at the rear. The proposed expansion would occupy nearly the entire property, leaving limited space for further development or use. Given this, Staff are of the opinion that it would be appropriate to rezone the entire parcel.

Criterion (b) of policy 2.2.11 further directs to policy 3.4.23, which states as follows:

*Council shall*

**Policy 3.4.23** *consider re-zoning from the Rural Mixed Use (A2) Zone to the Rural Industrial (M3) Zone or the Rural Commercial (C4) Zone. In considering such amendments, Council shall be satisfied that:*

- (a) the application applies only to:*
  - (i) land that has not been in recent agricultural production as determined through a review of diverse information sources including, but not limited to:*
    - (a) Schedule F – 2012 Land Cover Map;*
    - (b) Aerial photography;*
    - (c) Assessment information;*
    - (d) Local knowledge; and/or*

*(e) Any other relevant sources that become available*

The current property owner has owned the property and dwelling since 2002 and has been operating a day care within the dwelling since 2002. A review of aerial imagery from 2003 reveals no evidence of agricultural use on the property, and the 2012 land cover map does not identify the property as active agricultural land.

*(b) the proposal would not re-zone more land than required for the specific proposal cited in the application;*

As previously mentioned, the proposed expansion would occupy nearly the entire property. As a result, it is proposed that the entire property be rezoned.

*(c) will not create undue conflict with nearby agricultural uses or rural residents; and*

The property does not abut any agricultural lands. The nearest agricultural uses are approximately 500-700 feet from the subject property, and the proposed expansion is not expected to cause any conflicts with these uses. The neighbouring uses are primarily residential. The neighbouring property owners were generally supportive of the proposal when presented at the Public Information Meeting. Their main concern was regarding the neighbouring driveways being blocked; however, the Department of Public Works (DPW) requires the applicant to widen the driveway to make it a two-way, which is expected to address this concern.

*(d) meets the general Land Use By-law amendment criteria set out in section 5.3 Development Agreements and Amendments to the Land Use By-law.*

Criterion (d) above and criterion (c) of policy 2.2.11 both reference policy 5.3.7, which is discussed in section 7.4 of this report and reviewed in detail in Appendix C.

Policy 5.3.5 provides additional policy directions in terms of the zone placement and impacts to be considered when considering an application to rezone land. The policy states as follows:

*Council shall:*

**Policy 5.3.5** *consider, in relation to all applications to rezone land:*

*(a) the applicable zone placement policies, including any specific policy criteria for applying the proposed zone set out within this Strategy;*

Following is the intent of the Rural Commercial (C4) Zone within the Municipal Planning Strategy (MPS)

*Council shall:*

**Policy 2.2.2** *establish and enable the following Rural Zones common to the Agricultural and Resource Designations in the Land Use By-law:*

*(a) Rural Commercial (C4): lands zoned for commercial uses serving rural industries, visitors, and residents to locate and expand in rural communities;*

The proposed rezoning would permit the existing daycare facility on the property to expand and serve rural residents, which would be consistent with the intent of the Rural Commercial (C4) Zone.

*(b) the impact of both the specific development proposal and of other possible uses permitted in the proposed zone; and*

The Rural Mixed Use (A2) Zone, which is the current zoning of the property, permits uses such as agricultural-related industries, forest industry uses, animal boarding facilities, abattoirs, agricultural equipment and parts sales and services, and places of worship. Developing any of these uses on the property could potentially have a greater impact on the neighbourhood than the existing day care facility and its proposed expansion. As mentioned, the existing day care is currently permitted through a development agreement and if the dwelling was proposed to be retained, the development agreement could have been amended to permit the proposed expansion. The reason for rezoning is that the property is being transferred to a not-for-profit organization that is purchasing the property specifically to establish the proposed standalone day care facility, with no other uses being considered. As a result, Staff do not have any concerns regarding the other uses permitted within the zone.

*(c) the general criteria for amending the Land Use By-law set out in section 5.3 Development Agreements and Amending the Land Use By-law*

This is discussed in section 7.4 of this report and reviewed in detail in Appendix C.

### **7.3 Municipal Planning Strategy- Supporting Goals, Objectives and Policies**

The proposal would be consistent with one of the priorities identified within the Municipal Planning Strategy's Vision-Healthy Communities, which states: *"Enable all residents to participate in and benefit from a healthy community through the removal of barriers and by addressing inequities."* Concerns about the shortage of day care facilities, difficulties finding available spots, and the effects on daily life and mental health were raised at the Public Information Meeting. The proposed expansion would help address this issue to some extent by providing services to more families in the region, particularly military families in the area.

With regards to infrastructure, the transportation objective of Rural Areas within the Municipal Planning Strategy states, *"To minimize the creation of new public roads in rural areas; and to use the existing rural road network efficiently and provide opportunities for recreational trails."* No new roads are being proposed with regard to the expansion, and the proposal will make efficient use of the existing access from Highway 1.

The property is located outside of Growth Centres within a rural area. The rezoning would permit the expansion of a day care facility, which is an essential facility that would serve the rural residents within the region, consistent with the following policies:

**Policy 2.2.1** *identify areas located outside of Growth Centres as rural areas on Schedule A – Municipal Structure. These areas are intended to contain primarily agricultural and resource uses and their related industries, rural commercial uses, rural industrial uses, recreational uses, renewable energy uses, and limited residential development*

**Policy 2.2.7** *zone as Rural Commercial (C4) areas with existing rural commercial businesses and areas intended to contain commercial businesses serving the rural community and visitors;*

#### **7.4 General Criteria for Rezoning**

Municipal Planning Strategy Policy 5.3.7 contains the criteria to be used when considering all applications for rezonings and development agreement proposals. These criteria consider the proposal's impact on the road network, services, development pattern, environment, finances, wellfields, and the proposal's consistency with the intent of the Municipal Planning Strategy. It is Staff's opinion that the proposal meets the general criteria. There are no costs to the Municipality due to the proposed development and the development raises no concerns regarding emergency services, sewer services or water services. These criteria are reviewed in detail in Appendix C.

### **8. CONCLUSION**

The proposed Land Use By-law text and map amendments are consistent with the intent of the Municipal Planning Strategy. The proposed text amendment would permit day care facilities within the Rural Commercial (C4) Zone, which would be beneficial for rural residents. The proposed map amendment would help facilitate the expansion of an existing facility, enabling more residents to be served. As a result, Staff are forwarding a positive recommendation to the Planning Advisory Committee.

### **9. APPENDICES**

**Appendix A - Future Land Use Map**

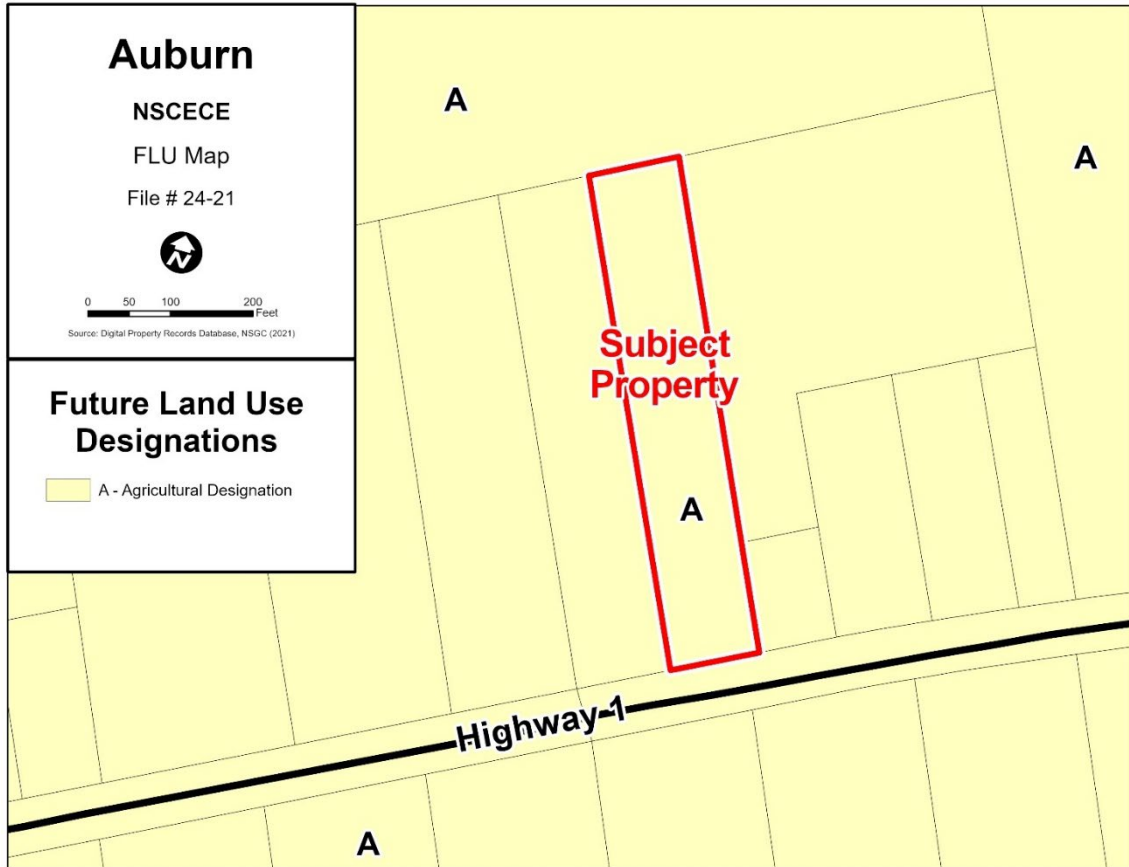
**Appendix B – Site Plans**

**Appendix C - Municipal Planning Strategy (By-law #105), Section 5.3. – General Criteria to Consider for all Development Agreements and Land Use By-law Amendments**

**Appendix D - Proposed Land Use By-Law Text Amendment (By-Law #106)**

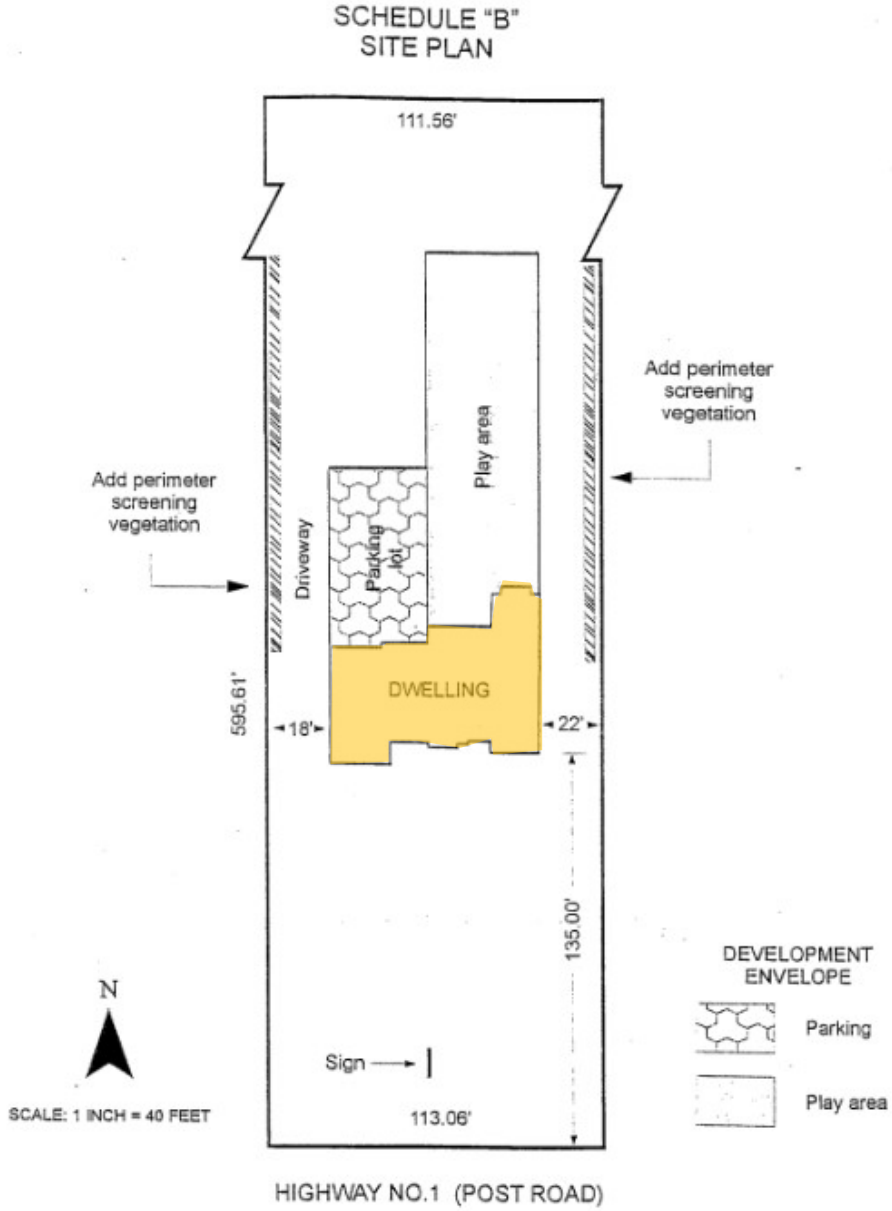
**Appendix E - Proposed Land Use By-Law Map Amendment (By-Law #106)**

**Appendix A**  
**Future Land Use Map**

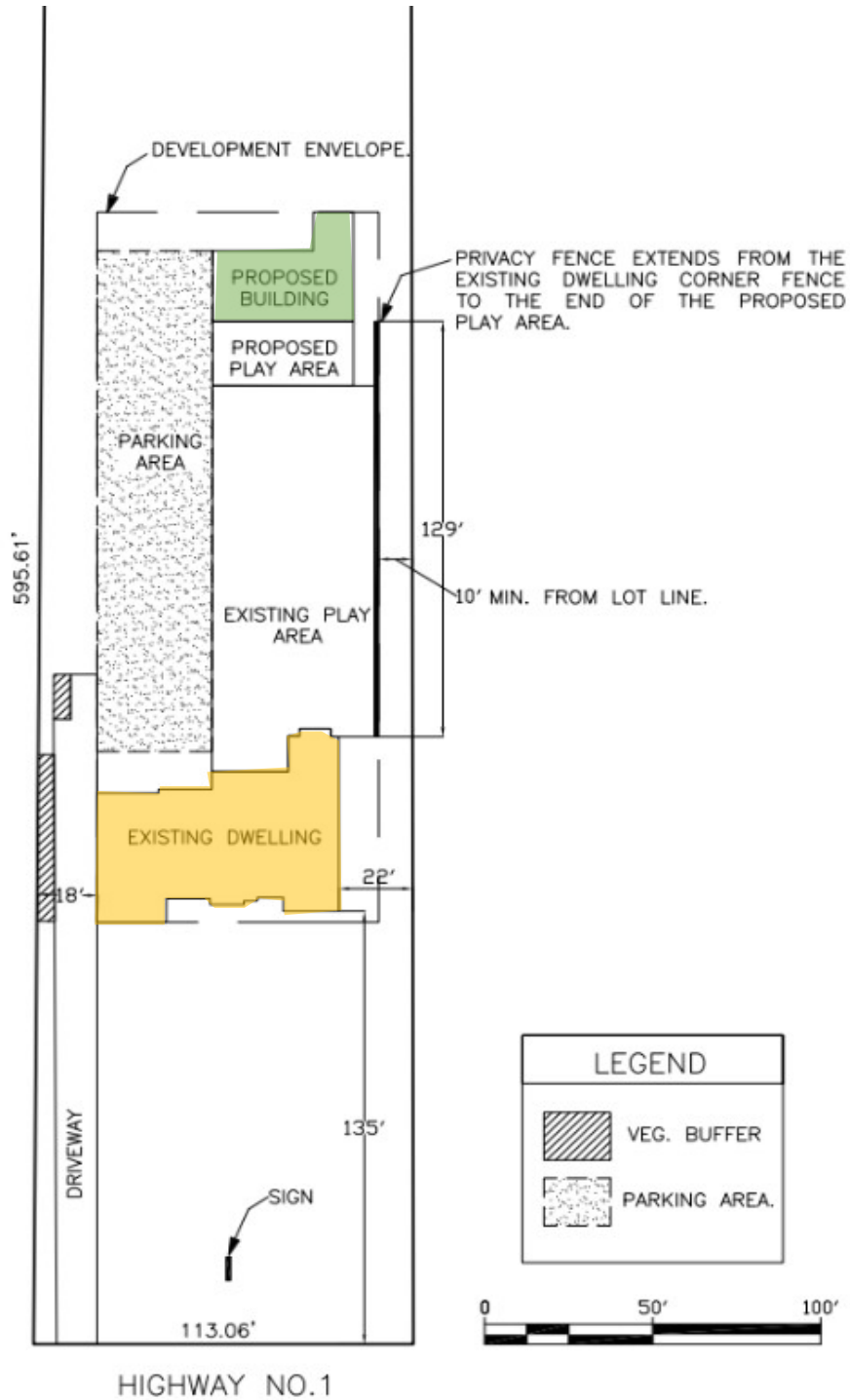




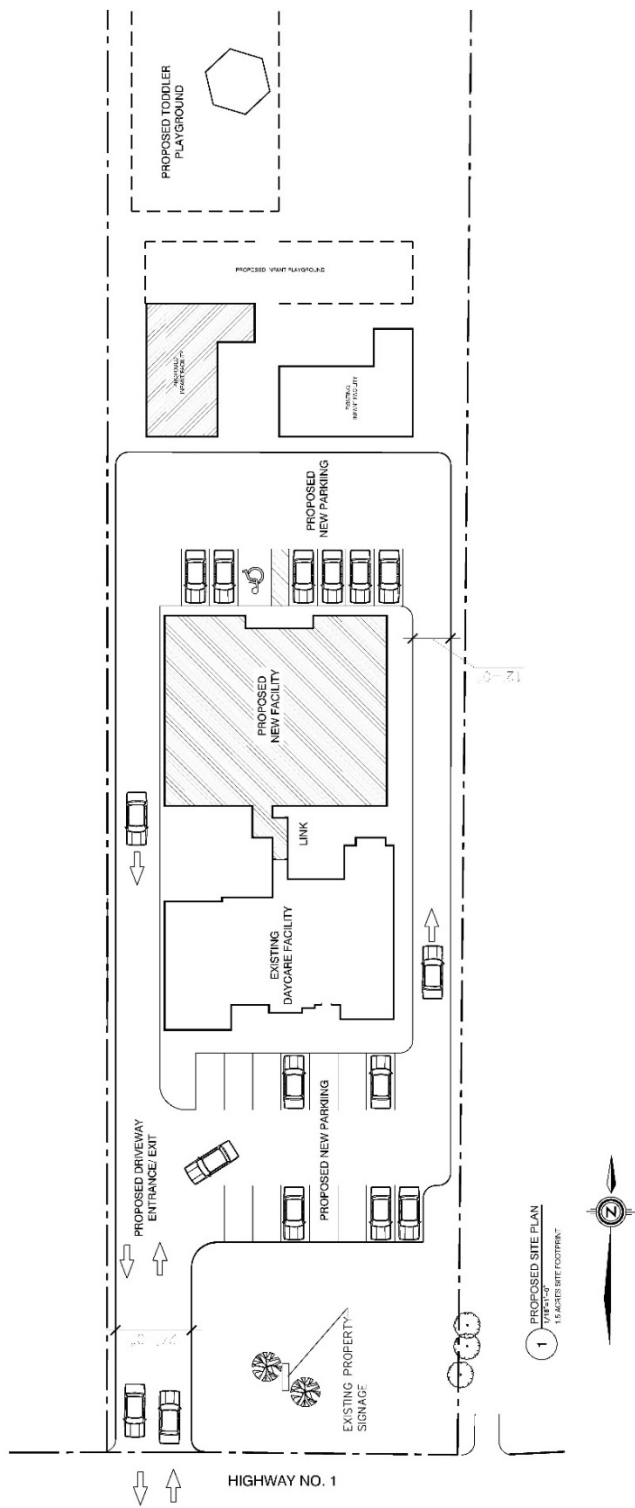
Appendix B  
Site Plans



2002- Dwelling and the day care within



2019- Dwelling, day care within the dwelling and the infant facility



2024- Proposed expansion and changes

**Appendix C**

**Municipal Planning Strategy (By-law #105), Section 5.3. – General Criteria to consider for all Development Agreements and Land Use By-law Amendments**

**Policy 5.3.7**

*Council expects to receive applications to amend the Land Use By-law or enter into a development agreement for development that is not permitted as-of-right in the Land Use By-law. Council has established criteria to ensure the proposal is appropriate and consistent with the intent of this Strategy.*

*Council shall be satisfied that a proposal to amend the Land Use By-law or to enter into a development agreement:*

<b>Criteria</b>	<b>Comments</b>
<i>a. is consistent with the intent of this Municipal Planning Strategy, including the Vision Statements, relevant goals, objectives and policies, and any applicable goals, objectives and policies contained within a Secondary Plan;</i>	The proposed Land Use By-law map amendment is consistent with the intent of the Municipal Planning Strategy, and the applicable goals, objectives and policies contained within the Municipal Planning Strategy.
<i>b. is not in conflict with any Municipal or Provincial programs, By-laws, or regulations in effect in the Municipality;</i>	The proposed amendment is not in conflict with any Municipal or Provincial programs, By-laws, or regulations.
<i>c. that the proposal is not premature or inappropriate due to:</i>	
<i>i. the Municipal or village costs related to the proposal;</i>	The proposal does not involve any development costs to the Municipality or the Village.
<i>ii. land use compatibility with surrounding land uses;</i>	The proposed expansion of the day care might be less impactful than some of the other uses permitted within the current zoning. The owner has been operating the day care since 2002, and the neighbouring property owners were generally supportive of the proposed expansion.
<i>iii. the adequacy and proximity of school, recreation and other community facilities;</i>	Not applicable as no residential uses are proposed.
<i>iv. the creation of any excessive traffic hazards or congestion due to road or pedestrian network adequacy within, adjacent to, and leading to the proposal;</i>	The Department of Public Works requires the owners to widen the existing access to accommodate two-way traffic. They did not indicate any other concerns with regard to the proposal.
<i>v. the adequacy of fire protection services and equipment;</i>	The Aylesford Fire Chief has confirmed the adequacy of fire services and equipment for the subject property. However, the Fire Chief noted a concern regarding traffic safety, mentioning that there is at least one motor vehicle accident per year near this location. Staff investigated the

	<p>matter further and shared the Chief’s concerns and an RCMP report with the Department of Public Works. The department did not indicate further concerns and confirmed that the proposal meets their requirements.</p>
<p><i>vi. the adequacy of sewer and water services;</i></p>	<p>The property is served by on-site sewer and water systems. The property owner will be responsible for ensuring these services meet Provincial requirements.</p>
<p><i>vii. the potential for creating flooding or serious drainage problems either within the area of development or nearby areas;</i></p>	<p>No issues with the existing drainage have been raised. Property owners are required to ensure that the post-development flow does not exceed the pre-development flow.</p>
<p><i>viii. negative impacts on identified wellfields or other groundwater supplies for the area;</i></p>	<p>The property is not within any wellfield protection overlay.</p>
<p><i>ix. pollution, in the area, including but not limited to, soil erosion and siltation of watercourses; or</i></p>	<p>The property owner will be required to follow provincial soil erosion controls during any construction which are enforced by NSECC.</p>
<p><i>x. negative impacts on lake water quality or nearby wetlands;</i></p>	<p>The proposed expansion is not expected to have any negative impact on the nearby wetland.</p>
<p><i>xi. negative impacts on neighbouring farm operations;</i></p>	<p>The subject property is approximately 500-700 feet from the nearest farmland and is not expected to cause any negative impacts.</p>
<p><i>xii. the suitability of the site regarding grades, soils and geological conditions, location of watercourses, marshes, bogs and swamps, and proximity to utility rights-of-way.</i></p>	<p>The subject property is suitable in terms of grades, soils, geological conditions, and proximity to natural features and rights-of-way.</p>

**Appendix D**  
**Proposed Land Use By-law Text Amendment (By-law 106)**

**THE MUNICIPALITY OF THE COUNTY OF KINGS**

**AMENDMENT TO BY-LAW 106**  
**COUNTY OF KINGS LAND USE BY-LAW**

**Land Use By-Law Text Amendment to permit Day Care Facilities within Rural Commercial (C4) Zone.**

**BY-LAW 106 Land Use By-law**

- Delete section 5.6.2.1 of the Land Use By-Law, Permitted Uses within the Rural Commercial (C4) Zone, and replace with the following:

**5.6.2.1 Permitted Uses**

The following uses shall be permitted in the Rural Commercial (C4) Zone subject to all applicable requirements of this By-law, including Section 14 – General Regulations.

<b>RESIDENTIAL USES</b>	<b>SPECIAL CONDITIONS</b>
Mobile Homes	
One Unit Dwellings	
Residential Units in Commercial Buildings	Located above, behind or below ground floor commercial uses
Semi-detached Dwellings	
Two Unit Dwellings	

<b>NON-RESIDENTIAL USES</b>	<b>SPECIAL CONDITIONS</b>
Agricultural Equipment and Parts Sales and Service	
Agricultural Related Industries	
Agricultural Uses	
Agritainment Uses	Section 14.3
Animal Boarding Facilities	Section 14.3
Arts and Cultural Centres	
Automotive Repair	
Automotive Sales and Rental	
Building and Construction Contractors	
Business Office	
Community Facilities	
Crematoria	
<b>Day Care Facilities</b>	
Domestic Animal Grooming	Section 14.3
Dry-cleaning Depots	
Educational Facilities	

Emergency Services	
Equipment Rental	
Farm Market Outlets	
Farm or Vineyard Product Sampling	Section 14.3
Farm Stays	
Fixed Roof Overnight Accommodations	
Food and Drink Production	Maximum 5,000 sq ft. of gross floor area
Forest Related Industry	
Forestry Uses	Section 14.3
Funeral Homes	
Gas Bars	Section 14.3
Goods and Services Shop	
Greenhouses	
Heavy Equipment Facilities	
Household Item Repair	
Indoor Recreation Uses	
Laundromats	
Medical and Dental Clinics	
Outdoor Commercial Display	
Personal Service Shops	
Places of Worship	
Professional Trades	
Restaurants	
Retail Stores	Maximum 5,000 sq ft. of commercial floor area
Self-storage Facilities	
Storefront Recycling Uses	
Tourist Commercial Uses	Section 14.3
Veterinary Clinics	
Visitor Information Centres	
Wildlife Rescue and Rehabilitation Centres	

1. Amended to add *Outdoor Commercial Display*, January 5, 2021, File 20-10
2. Removed "*Residential Facilities*" for consistency, October 1, 2024, File 21-01
3. Amended to add "*Day Care Facilities*", [date], File 24-21

**Appendix E**  
**Proposed Land Use By-law Map Amendment (By-law 106)**

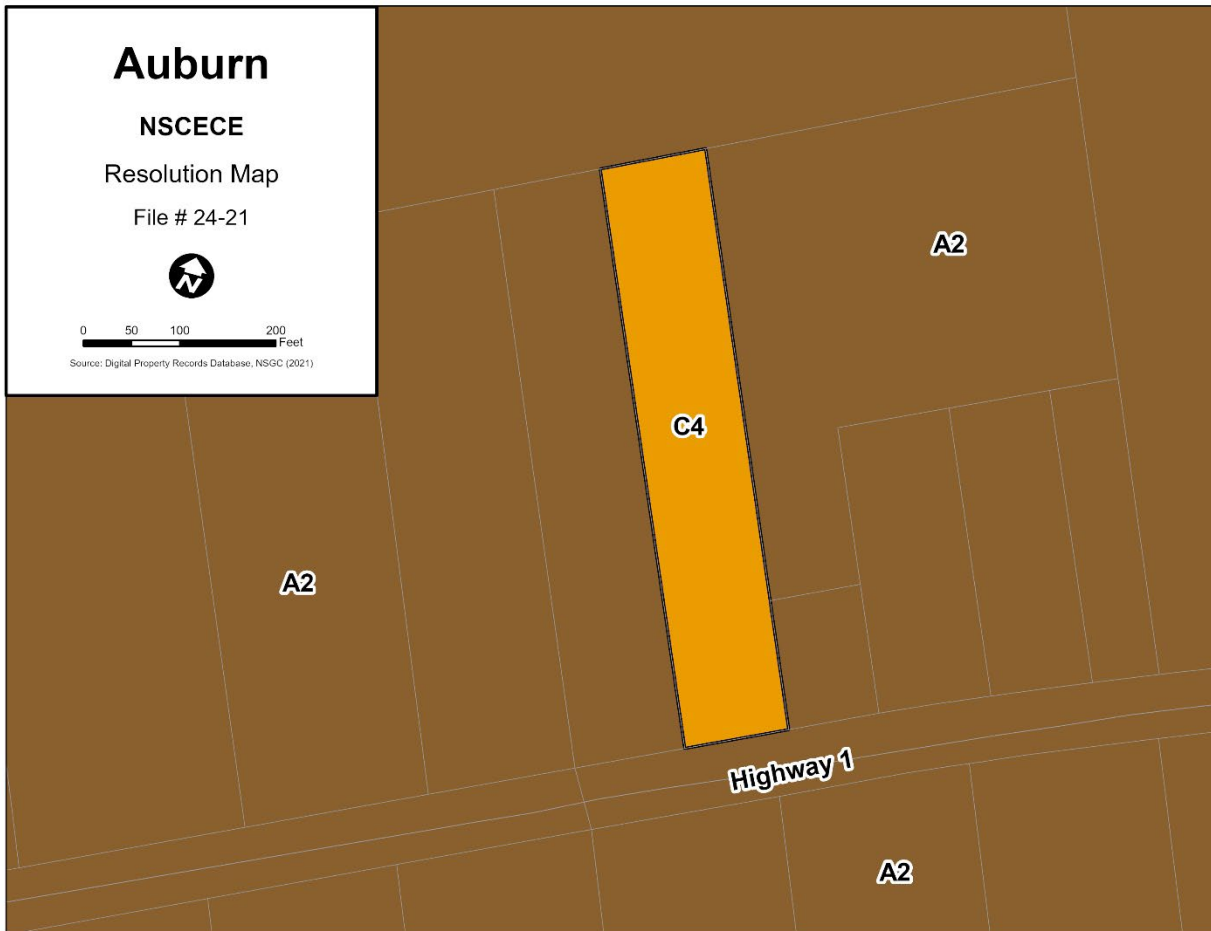
**THE MUNICIPALITY OF THE COUNTY OF KINGS**

**AMENDMENT TO BY-LAW 106**  
**COUNTY OF KINGS LAND USE BY-LAW**

**Land Use By-Law Map Amendment to rezone the property located at 1733 Highway 1 (PID 55079073),  
Auburn from the Rural Mixed Use (A2) Zone to the Rural Commercial (C4) Zone .**

**BY-LAW 106 Land Use By-law**

1. Amend Map 13 Rural Zoning, to rezone PID 55079073, from the Rural Mixed Use (A2) Zone to the Rural Commercial (C4) Zone, as shown on the inset copy of a portion of Map 13 below.





## Municipality of the County of Kings Report to the Planning Advisory Committee

Application for a Development Agreement to legalise three tourist cabins at 1143 West Halls Harbour Road (PID: 55041065), Halls Harbour

(File #24-13)

April 8, 2025

Prepared by: Planning and Development Services

<b>Applicant</b>	Logan Morse
<b>Land Owner</b>	Halls Harbour Properties Inc.
<b>Proposal</b>	Development Agreement to legalise the existing tourist cabins
<b>Location</b>	1143 West Halls Harbour Road (PID: 55041065), Halls Harbour
<b>Lot Area</b>	78,408 square feet (1.80 acres)
<b>Designation</b>	Shoreland
<b>Zone</b>	Tidal Shoreland (T1) Zone
<b>Surrounding Uses</b>	Residential and commercial uses
<b>Neighbour Notification</b>	14 notification letters were sent to property owners within 500 feet of the subject property.

### 1. PROPOSAL

Logan Morse of Halls Harbour Properties Inc. has submitted an application for a development agreement for the property located at 1143 West Halls Harbour Road (PID: 55041065), Halls Harbour. The property has an existing dwelling and three tourist cabins, which are used for short-term rentals. The development agreement seeks to legalise the three tourist cabins.

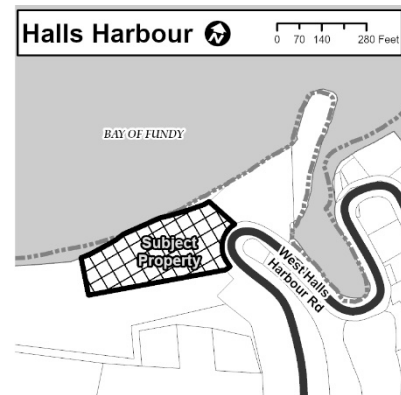


Figure 1: Subject property

### 2. OPTIONS

In response to the application, the Planning Advisory Committee may:

- A. Recommend that Council approve the development agreement as drafted;
- B. Provide alternative direction, such as requesting further information on a specific topic, or recommending changes to the draft development agreement;
- C. Recommend that Council refuse the development agreement as drafted.

### 3. STAFF RECOMMENDATION

Staff recommend that the Planning Advisory Committee forward a positive recommendation by passing the following motion.

**The Planning Advisory Committee recommends that Municipal Council give Initial Consideration to and hold a Public Hearing regarding entering into a Development Agreement to legalise the three tourist cabins on the property located at 1143 West Halls Harbour Road (PID: 55041065), Halls Harbour which is substantively the same (save for minor differences in form) as the draft set out in Appendix D of the report dated April 8, 2025.**

### 4. BACKGROUND

Halls Harbour Properties Inc. acquired the subject property in 2022. The property is developed with a dwelling and three tourist cabins, which the owner uses for short-term rentals. The structures have been on the property for many years. Initially, the cabins were sheds, but the previous property owners renovated and converted them into cabins over time. One of the sheds was renovated with permits, but the permit did not cover converting the structure for human habitation. The other two cabins were renovated and converted



**Figure 2: Aerial view of the subject property**

without permits. The property is in the Tidal Shoreland (T1) Zone. One unit dwellings and short-term rentals within dwellings are permitted uses within the zone. As a result, the dwelling and short-term rental within it are considered legal and permitted. However, the cabins, which were converted without permits are illegal and do not meet the requirements of the Land-Use By-law. Tourist commercial uses are a permitted use within the Tidal Shoreland (T1) Zone, however, they are required to meet specific requirements and are limited to two cabins, accessory to a dwelling. The property has three cabins and does not meet all the requirements to enable a tourist commercial use. The applicant was not aware of the cabins' illegal status at the time of purchase. In 2024, the province made registration mandatory for short-term rentals in order to operate legally. As part of the registration process, property owners are required to obtain a letter from the municipality confirming that the structures comply with the Land Use By-law. It was then that the applicant discovered the cabins' illegal status and, as a result, submitted an application for this development agreement.

## 5. SITE INFORMATION

The subject property is located in Halls Harbour and has a lot area of 78,408 square feet. The property has approximately 154 feet of frontage on West Halls Harbour Road. The road winds downward from south to north, and the properties closer to the shore, including the subject property, are at a lower elevation. The property overlooks the Bay of Fundy, with a part of the northern portion extending into the water. As mentioned previously, the property has an existing dwelling and three tourist cabins. One of the cabins, closer to the road, encroaches onto the adjacent property, and this is addressed through an encroachment agreement.

Regarding topography, the south portion of the property has a steep slope that slopes down to the central area, which is currently developed. The central portion has a gentle slope, and beyond this area, the property slopes downward toward the shore. The slope on the south and the area to the farthest west are covered in thick vegetation, and there is vegetation covering parts of the northern portion of the property.

The property is within the Tidal Shoreland (T1) Zone, and most of the neighbouring properties are within the same zone as well. These include

vacant parcels and properties developed with residential uses. Additionally, there are a few properties zoned Tidal Commercial (T2) to the east, which permits commercial uses servicing the surrounding community and visitors. The Halls Harbour Lobster Pound, permitted through a development agreement, is located within this area and is a very popular location for members of the travelling public.

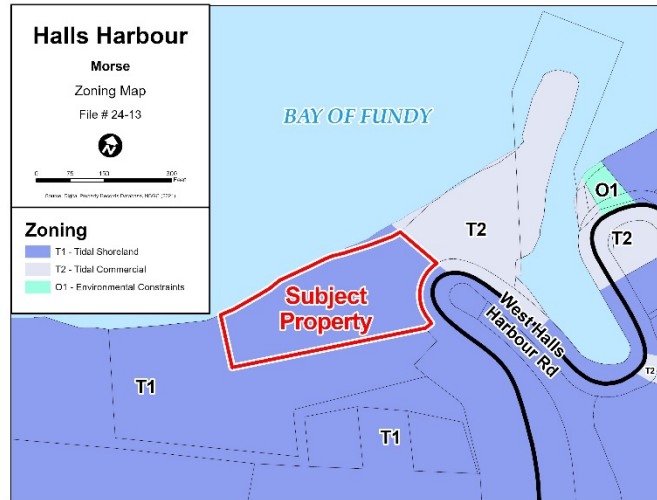


Figure 3: Zoning map

## 6. PUBLIC CONSULTATION

Under the Planning Policies of the Municipality of the County of Kings (PLAN-09-004), a Public Information Meeting (PIM) was required because the application is to enter into a new development agreement. A total of 14 property owners within 500 feet of the subject property were notified of the planning application and the associated meeting via letter mail. Advertisements were also placed on the Municipal website and social media sites a week before the meeting. The Public Information Meeting was held on January 16, 2025, in the Fundy View Community Centre at Halls Harbour. Seven members of the public were present at the meeting. The Planner's presentation was recorded the following day and posted on the municipal website, where it has been available for viewing since then.

The public was supportive of the application. Concerns were raised about past fire and smoke issues on the property, seeking possible solutions. There were questions about future development plans and why

the cabins were being legalised now, rather than previously. The new provincial registration process for short-term rentals and its impact on the Municipality was also discussed.

## 7. POLICY REVIEW

### 7.1 Land Use By-Law

In order for Council to be able to consider a development agreement, the Municipal Government Act ('MGA') requires that this ability be outlined within the Land Use By-law ('LUB'). Section 9.5.5 of the LUB states that,

*Section 9.5.5 Uses Considered by Development Pursuant to the Municipal Planning Strategy, the uses noted below may be considered by Development Agreement within the Tidal Shoreland (T1) Zone:*

*(a) Proposals for visitor-oriented development not permitted as-of-right in accordance with policy 2.5.13 of the Municipal Planning Strategy*

### 7.2 Enabling Policy

Policy 2.5.13 of the Municipal Planning Strategy ('MPS') enables Council to consider entering into a development agreement to permit the development of visitor-oriented developments that are not permitted as-of-right within the Tidal Shoreland (T1) Zone. The policy states:

*Council shall*

*Policy 2.5.13 consider only by development agreement within the Agriculture, Resource, and Shoreland Designations, with the exception of in the Agricultural (A1) Zone, proposals for visitor-oriented developments not permitted as-of-right. In evaluating development agreements, Council shall be satisfied that:*

*(a) the proposal is oriented to visitors or the travelling public, such as, but not limited to, lodging, restaurants, events venues, or other type of special attractions;*

The application seeks to legalise the tourist cabins, which would enable the applicant to offer short-term rentals to visitors.

*(b) the subject property has a lot area that can appropriately accommodate the proposed use, any accessory uses and structures, parking areas and required infrastructure;*

According to the requirements of the Tidal Shoreland (T1) Zone, properties with on-site sewer require a minimum of 30,000 square feet of lot area for a dwelling (one unit and two unit)/recreational cabin. The existing dwelling and cabins on the property are currently connected to a single septic system approved by Nova Scotia Environment, and the property has an area of 78,408 square feet, which comfortably accommodates the structures, parking and required infrastructure

*(c) the site facilities are adequately buffered and/or separated from surrounding residential dwellings (other than a residential dwelling occupied by the operator) to mitigate negative impacts associated with noise, light, and other visual impacts;*

The neighbouring properties to the west are vacant and have no dwellings. The property's southern portion is buffered by a steep slope and vegetation, separating it from the neighbouring properties in that direction. The north side of the property fronts the shore. To the east, the cabin closest to the road is approximately 127 feet from the nearest dwelling, while the other two cabins are approximately 200 feet away. Although this does not meet the setback requirements (250 feet) for a tourist commercial use, the owner has operated short-term rentals within these cabins since 2022 without any reported issues. Additionally, short-term rentals are a permitted use within residential units in all zones that permit residential units. This means any of the neighbouring dwellings (with a setback less than 250 feet), could also operate short-term rentals, with comparable impacts to those of the cabins. The dwelling and the cabins, however, buffer the other site facilities, such as outdoor seating areas and firepits, which are centrally located on the property.

*(d) if the proposal is for a lot located on a lake within the Shoreland Designation, Council shall be satisfied that:.....*

The property is located within the Shoreland designation but does not have frontage on any lake.

*(e) if the use is a listed permitted use, the condition(s) that prevent the proposal from being permitted as-of-right in the designation is addressed by development agreement including, but not limited to, enhanced buffering and the positioning and design of buildings and structures; and*

Tourist commercial uses, consisting of a maximum of two tourist cabins (subject to restrictions) are permitted within the Tidal Shoreland (T1) Zone as an accessory use to a dwelling. As mentioned previously, the subject property and the tourist cabins do not meet the requirements of a tourist commercial use, however, they have been a part of the property for many years, and the property owner has been operating short-term rentals within the structures since 2022 without any reported impacts, issues or complaints. The proposed development agreement seeks to legalise the three cabins and permit their continued operation.

*(f) the proposal meets the general development agreement criteria set out in section 5.3 Development Agreements & Amending the Land Use By-Law.*

This is discussed in section 7.4 of this report and reviewed in detail in Appendix C.

### **7.3 Supporting Policies**

Section 2.5 of the Municipal Planning Strategy, Economic Development, highlights the growing importance of tourism for the region's economic development. The goal of the section states *"To sustain the Municipality's diverse economic base, encourage entrepreneurship and innovation."* Legalising and permitting the continued operation of the cabins would help achieve this goal by supporting entrepreneurship. This section also emphasises Council's intention to encourage visitor-oriented

businesses in the Municipality, as outlined in Policies 2.5.11 and 2.5.12, specifically within the agricultural, resource, and shoreland designations. These policies state that Council shall:

*2.5.11 permit a variety of opportunities for visitor-oriented businesses in locations and at a scale consistent with the intent of the zones enabled within the Agricultural, Resource, and Shoreland Designations as well as the Historic Hamlet of Grand Pré (A5) Zone;*

*2.5.12 encourage and promote opportunities for visitor-oriented businesses in the Municipality;*

The property is located within the Tidal Shoreland (T1) Zone, which is within the Shoreland Designation. Permitting the visitor-oriented business on the subject property would be consistent with the intent of the policies above. Furthermore, it will also be consistent with the economic development objective of the Shoreland Designation, which states, *"To provide opportunities for tourism development in shoreland areas, and to provide flexibility for local development in coastal communities."*

Additionally, the tourist cabins can help achieve the goals of fostering a tourism industry that supports other rural businesses in the area, as set out in Section 2.2, Rural Area, where the economic development objective states, *"To foster industry that increases the viability of and supports rural businesses."* Furthermore, the tourist cabins align with the transportation objective in the same section, which states, *"To use the existing rural road network efficiently and provide opportunities for recreational trails."* The cabins are conveniently accessed via West Halls Harbour Road and are located within proximity to the shore.

#### **7.4 General Policies**

Section 5.3.7 of the Municipal Planning Strategy (By-law #105) contains various criteria to be used when assessing a planning application. These criteria consider the impact of the proposal on the road network, services, development pattern, environment, finances, and wellfields, as well as the proposal's consistency with the intent of the Municipal Planning Strategy. There are no costs to the Municipality because of the proposed development and the development is compatible with the surrounding land uses. There are adequate services to support the development and there are no concerns regarding traffic hazards/ congestion or pollution. These criteria are reviewed in detail in Appendix C.

### **8. SUMMARY OF DRAFT DEVELOPMENT AGREEMENT**

The draft development agreement has been attached as Appendix D to this report. The main contents of the agreement are as follows:

- Recognizes the current tourist cabins and permits them to remain in operation
- Enables the cabins to be rebuilt in the same location and footprint, except for the encroaching cabin, which is permitted to be rebuilt within the subject property boundaries if destroyed

## **9. CONCLUSION**

The proposed development increases opportunities for tourist accommodations in a location where there is significant tourist activity. The proposal is in keeping with the intent of the Municipal Planning Strategy, including the general criteria for all development agreements. As a result, Staff are forwarding a positive recommendation to the Planning Advisory Committee.

## **10. APPENDICES**

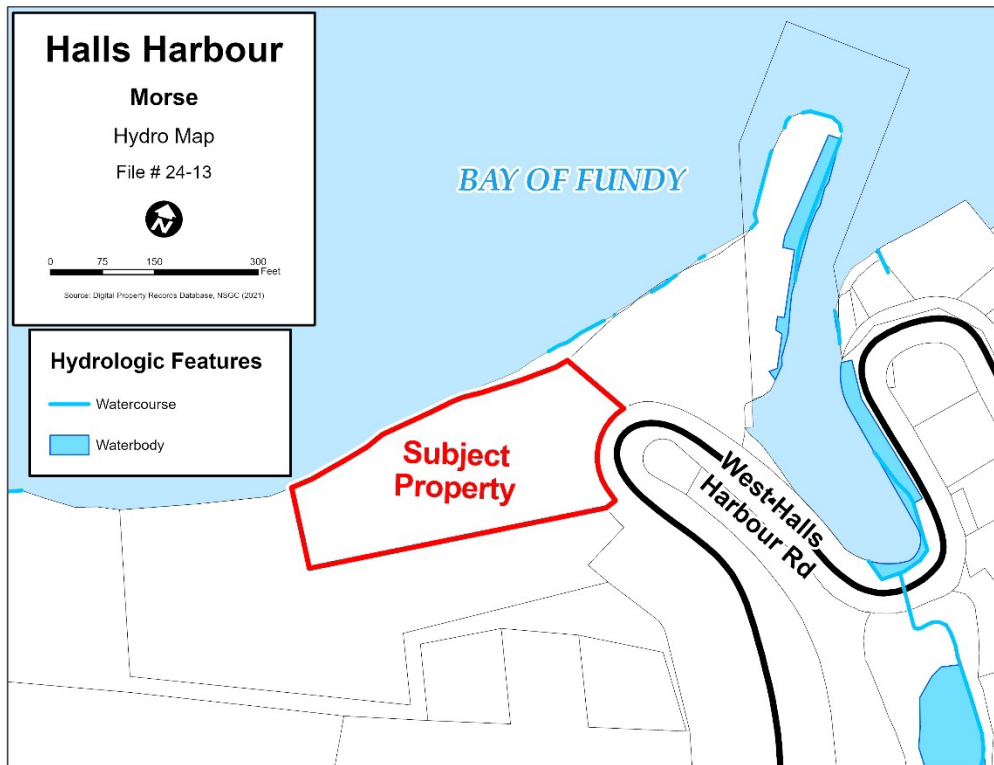
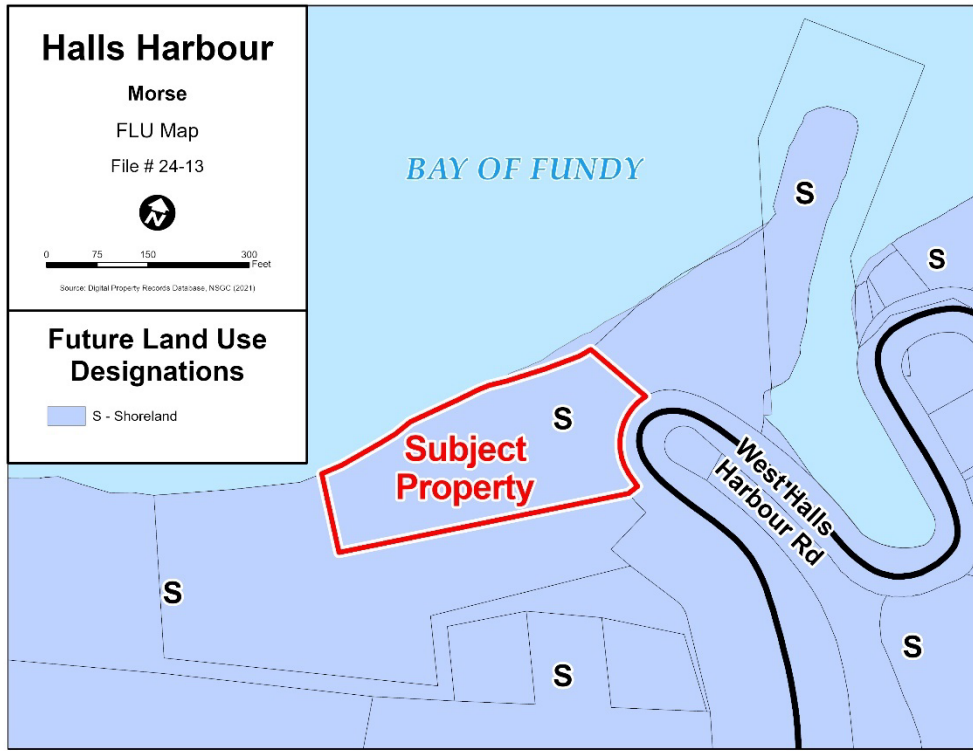
**Appendix A – Future Land Use Map and Hydrological Map**

**Appendix B – Photographs of the Subject Property**

**Appendix C – General Criteria for Development Agreements and Amending the Land Use By-Law**

**Appendix D - Draft Development Agreement**

Appendix A  
Future Land Use Map and Hydrological Map





**Appendix B**  
**Photographs of the Subject Property**



View from the access looking west



The cabin encroaching onto the adjacent property



View of the other two cabins, dwelling and parking



View of the subject property from further west

**Appendix C**  
**General Criteria**

General Development Agreement Criteria Policy 5.3.7 Council expects to receive applications to amend the Land Use By-law or enter into a development agreement for development that is not permitted as-of-right in the Land Use By-law. Council has established criteria to ensure the proposal is appropriate and consistent with the intent of this Strategy. Council shall be satisfied that a proposal to amend the Land Use By-law or to enter into a development agreement:

<b>Criteria</b>	<b>Comments</b>
<i>a. is consistent with the intent of this Municipal Planning Strategy, including the Vision Statements, relevant goals, objectives and policies, and any applicable goals, objectives and policies contained within a Secondary Plan;</i>	The proposed development agreement is consistent with the intent of the Municipal Planning Strategy and the applicable goals, objectives and policies contained within the Municipal Planning Strategy.
<i>b. is not in conflict with any Municipal or Provincial programs, By-laws, or regulations in effect in the Municipality;</i>	The proposal is not in conflict with any Municipal or Provincial programs, By-laws, or regulations.
<i>c. that the proposal is not premature or inappropriate due to:</i>	
<i>i. the Municipal or village costs related to the proposal;</i>	The proposal does not involve any development costs to the Municipality.
<i>ii. land use compatibility with surrounding land uses;</i>	The owner has been operating short-term rentals within the dwelling and the cabins since 2022 without any reported issues. Short-term rentals are a permitted use within residential units in all zones permitting residential units.
<i>iii. the adequacy and proximity of school, recreation and other community facilities;</i>	Not applicable as no residential development is proposed.
<i>iv. the creation of any excessive traffic hazards or congestion due to road or pedestrian network adequacy within, adjacent to, and leading to the proposal;</i>	The Department of Public Works has confirmed the adequacy of road network and did not indicate any concerns regarding traffic hazards or congestion.
<i>v. the adequacy of fire protection services and equipment;</i>	The Halls Harbour Fire Chief has indicated that fire services and equipment are adequate to serve the proposal.
<i>vi. the adequacy of sewer and water services;</i>	The property is served by on-site sewer and water systems. The property owner will be responsible for ensuring these services meet Provincial requirements.
<i>vii. the potential for creating flooding or serious drainage problems either within the area of development or nearby areas;</i>	No issues with the existing drainage have been raised. Staff do not anticipate drainage issues.

<p><i>viii. negative impacts on identified wellfields or other groundwater supplies for the area;</i></p>	<p>The property is not located within any identified wellfield protection overlay.</p>
<p><i>ix. pollution, in the area, including but not limited to, soil erosion and siltation of watercourses; or</i></p>	<p>Staff do not anticipate any issues as no additional development is proposed.</p>
<p><i>x. negative impacts on lake water quality or nearby wetlands;</i></p>	<p>The property is not located within proximity to any lakes or wetlands.</p>
<p><i>xi. negative impacts on neighbouring farm operations;</i></p>	<p>There are no farms in proximity to the subject property.</p>
<p><i>xii. the suitability of the site regarding grades, soils and geological conditions, location of watercourses, marshes, bogs and swamps, and proximity to utility rights-of-way.</i></p>	<p>No new development is proposed on the property. The development agreement seeks to legalise the use within existing structures that have comfortably existed on the property for many years.</p>

**Appendix D**

**Draft Development Agreement**

THIS DEVELOPMENT AGREEMENT BETWEEN:

**HALLS HARBOUR PROPERTIES INC.**, of Billtown, Nova Scotia

and

**GREGORY ALFRED SANFORD and KATHERINE ANN SANFORD**, of Halls Harbour, Nova Scotia

hereinafter called the "Property Owner",

of the First Part

and

**MUNICIPALITY OF THE COUNTY OF KINGS**, a body corporate pursuant to the Municipal Government Act, S.N.S., 1998, Chapter 18, as amended, having its chief place of business at Coldbrook, Kings County, Nova Scotia, hereinafter called the "Municipality",

of the Second Part

WHEREAS the Property Owner is the owner of certain lands and premises (hereinafter called the "Property") which lands are more particularly described in Schedule A attached hereto and which are known as Property Identification (PID) Numbers 55041065 and 55057442 ; and

WHEREAS the Property Owner wishes to use the Property for visitor-oriented business uses; and

WHEREAS the Property is situated within an area designated Shoreland on the Future Land Use Map of the Municipal Planning Strategy, and zoned Tidal Shoreland (T1) on the Zoning Map of the Land Use By-law; and

WHEREAS policy 2.5.13 of the Municipal Planning Strategy and section 9.5.5 (a) of the Land Use By-law provide that the proposed use may be developed only if authorized by development agreement; and

WHEREAS the Property Owner has requested that the Municipality of the County of Kings enter into this development agreement pursuant to Section 225 of the Municipal Government Act so that the Property Owner may develop and use the Property in the manner specified; and

WHEREAS the Municipality by resolution of Municipal Council approved this Development Agreement;

Now this Agreement witnesses that in consideration of covenants and agreements contained herein, the parties agree as follows:

## **PART 1 AGREEMENT CONTEXT**

### **1.1 Schedules**

The following attached schedules shall form part of this Agreement:

Schedule A	Property Description
Schedule B	Site Plan
Schedule C	Encroachment Agreement

### **1.2 Municipal Planning Strategy and Land Use By-law**

- (a) *Municipal Planning Strategy* means By-law 105 of the Municipality, approved on March 5, 2020, as amended, or successor by-laws.
- (b) *Land Use By-law* means By-law 106 of the Municipality, approved on March 5, 2020, as amended, or successor by-laws.
- (c) *Subdivision By-law* means By-law 60 of the Municipality, approved September 5, 1995, as amended, or successor by-laws.

### **1.3 Definitions**

Unless otherwise defined in this Agreement, all words used herein shall have the same meaning as defined in the Land Use By-law unless the context clearly indicates otherwise. Words not defined in the Land Use By-law but defined herein are:

- (a) *Development Officer* means the Development Officer appointed by the Council of the Municipality.
- (b) *Tourist Cabin* means a structure intended for overnight accommodation for the travelling public and may or may not include plumbing for kitchen and/or sanitary facilities.

## **PART 2 DEVELOPMENT REQUIREMENTS**

### **2.1 Use**

That the Parties agree that the Properties shall be limited to the following uses:

- a. the existing structures on PID 55041065 and PID 55057442 identified as “existing 1 bedroom cabin” on Schedule B Site Plan shall be permitted to be used as tourist cabins and;
- b. those uses permitted by the underlying zoning in the Land Use By-law (as may be amended from time-to-time)

Except as otherwise provided in this Agreement, the provisions of the Land Use By-law apply to any development undertaken pursuant to this Agreement.

## **2.2 Site Plan**

All uses enabled by this Agreement on the Property shall be developed in general conformity with Schedule B, Site Plan.

## **2.3 Encroachment**

The existing 1 bedroom cabin encroaching onto PID 55057442 shall be subject to the encroachment agreement in Schedule C. Notwithstanding the encroachment, nothing in this Agreement shall restrict the development of PID 55057442 in accordance with the Land Use By-law.

## **2.4 Replacement**

Should the existing 1 bedroom cabins enabled in section 2.1 be destroyed, they shall be permitted to be rebuilt in the same location and same building footprint, except for the cabin that encroaches onto PID 55057442, which if destroyed may be rebuilt with similar dimensions and shall be contained entirely within PID 55041065, subject to the setback requirements for a one/two-unit dwelling in the underlying zone. The cabins shall be limited to a maximum height of 20 feet.

## **2.5 Driveway**

The width of the existing driveway shall be permitted to be widened, however, it shall not be reduced to less than its current width.

## **2.6 Appearance of Property**

The Property Owner shall at all times maintain all structures, and services on the Property in good repair and a useable state and maintain the Property in a neat and presentable condition.

## **2.7 Subdivision**

No alterations to the lot configuration that would result in a reduced lot area are permitted.

## **2.8 Erosion and Sedimentation Control**

During any site preparation, construction activities or demolition activities of a structure or parking area, all exposed soil shall be stabilized immediately and all silt and sediment shall be contained within the site according to the practices outlined in the Department of Environment *Erosion and Sedimentation Control Handbook for Construction*, or any successor documents, so as to effectively control erosion of the soil.

## **2.9 Vegetation**

Existing vegetation on the southern and western portions of the property shall remain undisturbed. Any portion of the property not covered by buildings or parking areas shall be

landscaped with a mixture of grass, flower beds, shrubs, trees or other permeable surfaces. Nothing in this section shall prevent the removal of dangerous or diseased vegetation.

#### **2.10 Lighting**

The Property Owner shall ensure that any exterior lights used for illumination of the Property shall be arranged so as to divert light downwards and away from streets and neighbouring properties.

#### **2.11 Servicing**

The Property Owner shall be responsible for providing adequate water services and wastewater disposal services to the standards of the authority having jurisdiction and at the Property Owner's expense.

#### **2.12 Fire Pits**

All fire pits on the property shall be in compliance with By-law 63: Open Burning and Smoke Control By-Law of the Municipality, as amended and replaced from time to time, and any other applicable provincial regulations. The property owner shall make sure that visitors are aware of the applicable regulations.

### **PART 3 CHANGES AND DISCHARGE**

**3.1** Any matters in this Agreement which are not specified in Subsection 3.2 below are not substantive matters and may be changed by Council without a public hearing.

**3.2** The following matters are substantive matters

- (a) the uses permitted on the property as listed in Section 2.1 of this Agreement;
- (b) development that would result in any change to Schedule B, Site Plan for uses specifically enabled by this Agreement.

Uses and structures permitted by the underlying zoning on the Property shall not require any amendment to this Agreement.

**3.3** Upon conveyance of land by the Property Owner to either:

- (a) the road authority for the purpose of creating or expanding a public street over the Property; or
- (b) the Municipality for the purpose of creating or expanding open space within the Property;

registration of the deed reflecting the conveyance shall be conclusive evidence that this Agreement shall be discharged as it relates to the public street or open space, as the case may be, as of the date of registration with the Land Registry Office but this Agreement shall remain in full force and effect for all remaining portions of the Property.



- 3.4** Notwithstanding the foregoing, discharge of this Agreement is not a substantive matter and this Agreement may be discharged by the Chief Administrative Officer (CAO) at the request of the Property Owner without a public hearing.
- 3.5** Notice of Intent to discharge this Agreement may be given by the Municipality to the Property Owner following the receipt of approval by the Chief Administrative Officer to give such Notice:
- (a) at the discretion of the Municipality, with or without the concurrence of the Property Owner, where the Development has, in the reasonable opinion of the Chief Administrative Officer on advice from the Development Officer, ceased operation for a period of at least twenty-four (24) months; or,
  - (b) at any time upon the written request of the Property Owner, provided the use of the Property is in accordance with the Land Use By-law or a new Agreement has been entered into.
- 3.6** This Agreement may be discharged thirty (30) days after a Notice of Intent to Discharge has been given. Notwithstanding any other provision of this Agreement, the discharge of this Agreement is not a substantive matter and this Agreement may be discharged by the Chief Administrative Officer (CAO) without a Public Hearing.

#### **PART 4 IMPLEMENTATION**

##### **4.1 Commencement of Operation**

No construction or use may be commenced on the Property until the Municipality has issued any Development Permits, Building Permits and/or Occupancy Permits that may be required.

##### **4.2 Record Drawings**

When an engineered design is required for any portion of a development, record drawings shall be provided to the Development Officer within ten days of completion of the work which requires the engineered design.

##### **4.3 Completion and Expiry Date**

- (a) The Property Owner shall sign this Agreement within 60 days from the date the appeal period lapses or all appeals have been abandoned or disposed of or the development agreement has been affirmed by the Nova Scotia Utility and Review Board or the unexecuted Agreement shall be null and void;
- (b) Development permits for uses enabled by this Agreement in section 2.1. shall be obtained not later than twenty-four (24) months from the date this Agreement is signed. If, in the opinion of the Development Officer, this time limit has not been met, this Agreement may be discharged at the option of the Municipality in accordance with Section 229 of the Municipal Government Act thirty (30) days after giving Notice of Intent to Discharge to the Property Owner.

- (c) Upon the written request of the Property Owner, the Development Officer, at their sole discretion, may grant an extension for a period of time they deem appropriate.
- (d) The Property Owner shall be in complete compliance with all other provisions of this Agreement within six (6) months of receiving an Occupancy Permit for the uses enabled by this Agreement in section 2.1.

## **PART 5 COMPLIANCE**

### **5.1 Compliance with Other By-laws and Regulations**

- (a) Nothing in this Agreement shall exempt the Property Owner from complying with Federal, Provincial and Municipal laws, by-laws and regulations in force or from obtaining any Federal, Provincial, or Municipal license, permission, permit, authority or approval required thereunder.
- (b) Where the provisions of this Agreement conflict with those of any by-law of the Municipality applicable to the Property (other than the Land Use By-law to the extent varied by this Agreement) or any statute or regulation, the higher or more stringent requirements shall prevail.

### **5.2 Municipal Responsibility**

The Municipality does not make any representations to the Property Owner about the suitability of the Property for the development proposed by this Agreement. The Property owner assumes all risks and must ensure that any proposed development complies with this Agreement and all other laws pertaining to the development.

### **5.3 Warranties by Property Owner**

The Property Owner warrants as follows:

- (a) The Property Owner has good title in fee simple to the Lands or good beneficial title subject to a normal financing encumbrance, or is the sole holder of a Registered Interest in the Lands. No other entity has an interest in the Lands which would require their signature on this Development Agreement to validly bind the Lands or the Property Owner has obtained the approval of every other entity which has an interest in the Lands whose authorization is required for the Property Owner to sign the Development Agreement to validly bind the Lands.
- (b) The Property Owner has taken all steps necessary to, and it has full authority to, enter this Development Agreement.

### **5.4 Onus for Compliance On Property Owner**

Any failure of the Municipality to insist upon a strict performance of any requirements or conditions contained in this Agreement shall not be deemed a waiver of any rights or remedies that the Municipality may have and shall not be deemed a waiver of any subsequent breach or default in the conditions or requirements contained in this Agreement.

## **5.5 Breach of Terms or Conditions**

Upon breach of any term or condition of this Agreement, the Municipality may notify the Property Owner in writing. In the event that the Property Owner has not cured any such breach or entered into arrangements with the Municipality related to such breach to the Municipality's satisfaction, acting reasonably, within six (6) months of such notice then the Municipality may rely upon the remedies contained in Section 264 of the *Municipal Government Act* and may enter the land and perform any of the terms contained in the Development Agreement, or take such remedial action as is considered necessary to correct a breach of the Agreement, including the removal or destruction of anything that contravenes the terms of the Agreement and including decommissioning the site. It is agreed that all reasonable expenses, whether arising out of the entry on the land or from the performance of the terms, are a first lien on the land that is the subject of the Development Agreement.

## **5.6 Development Agreement Bound to Land**

This Agreement shall be binding upon the parties hereto and their heirs, executors, administrators, successors and assigns, and shall run with the land which is the subject of this Agreement until such time as it is discharged by the Municipality in accordance with Section 229 of the Municipal Government Act.

## **5.7 Assignment of Agreement**

The Property Owner may, at any time and from time to time, transfer or assign this Agreement and its rights hereunder and may delegate its obligations hereunder to an assign, successor, heir, or purchaser of the land bound by this Agreement.

## **5.8 Costs**

The Property Owner is responsible for all costs associated with recording this Agreement in the Registry of Deeds or Land Registration Office, as applicable, and all costs of advertising for and recording of any amendments.

## **5.9 Full Agreement**

This Agreement constitutes the entire agreement and contract entered into by the Municipality and the Property Owner. No other agreement or representation, oral or written, shall be binding.

## **5.10 Severability of Provisions**

The provisions of this Agreement are severable from one another and the invalidity or unenforceability of one provision shall not affect the validity or enforceability of any other provision.

## **5.11 Interpretation**

- (a) Where the context requires, the singular shall include the plural, and the use of words in one gender shall include all genders as circumstances warrant;
- (b) Where the written text of this Agreement conflicts with information provided in the Schedules attached to this Agreement, the written text of this Agreement shall prevail.
- (c) References to particular sections of statutes and bylaws shall be deemed to be references to any successor legislation and bylaws even if the content has been amended, unless the context otherwise requires.

**THIS AGREEMENT** shall enure to the benefit of and be binding upon the parties hereto, their respective agents, successors and assigns.

**IN WITNESS WHEREOF** this Agreement was properly executed by the respective parties hereto and is effective as of the day and year first above written.

SIGNED, SEALED AND ATTESTED to be the proper designing officers of the Municipality of the County of Kings, duly authorized on that behalf, in the presence of:

**MUNICIPALITY OF THE COUNTY OF KINGS**

---

Witness

---

David L. Corkum, Mayor

---

Date

---

Witness

---

Janny Postema, Municipal Clerk

---

Date

SIGNED, SEALED AND DELIVERED

**HALLS HARBOUR PROPERTIES INC.**

In the presence of:

---

Witness

---

Logan Morse (Halls Harbour Properties Inc.)

---

Date

---

Witness

---

Timothy Greer (Halls Harbour Properties Inc.)

---

Date

**GREGORY ALFRED SANFORD AND KATHERINE  
ANN SANFORD**

---

Witness

---

Gregory Alfred Sanford

---

Date

---

Witness

---

Katherine Ann Sanford

---

Date

**Schedule A – Property Description**  
***[Accessed on Property Online March 17, 2025]***

PID: 55041065

Place Name: Halls Harbour

Municipality/County: Halls Harbour, KINGS COUNTY

Designation of Parcel or Plan: Lot 1

Title of Plan: Plan of Subdivision Lot 1, 2 and 3 lands conveyed to (and claimed by) John D. Neville and Joyce Neville

Registration County: KINGS COUNTY

Registration Number of Plan: P8923

Registration Date of Plan: 1992-04-21

**MGA Compliance Statement**

The parcel originates with an approved plan of subdivision that has been filed under the Registry Act or registered under the Land Registration Act at the Land Registration Office for the registration district of Kings as plan or document number P8923.

PID: 55057442

Municipality of the County of Kings

Designation of parcel on Plan: Lot 2

Title of Plan: Plan of Subdivision Lot 1, 2, and 3 lands conveyed to (and claimed by) John D. Neville and Joyce Neville

Registration District: Kings

Registration Reference of Plan: P-8923

**BURDENS**

**SUBJECT TO** an easement/right of way (burden) in favour of PID 55041107 created by implication of law



on the severance of the ownership of the dominant tenement parcel and the servient tenement parcel by the common owner of both parcels by the deed dated May 30, 1973 recorded in the Land Registration Office for Kings County, Nova Scotia, in Book 339, Page 653, as Document 4143 on June 7, 1973. This conveyance refers to the North line of this parcel bounding on a twenty-five foot wide right of way.

SUBJECT TO an easement/right of way (burden) in favour of PID 55041123 granted by the deed dated August 30, 1976 registered in the Land Registration Office for Kings County, Nova Scotia, in Book 441, Page 625, as Document 5613 on June 13, 1978. Plan P-2206 recorded on August 16, 1976 creating this parcel shows this right of way as twenty-five feet in width.

SUBJECT TO an easement/right of way (burden) in favour of PID 55041115 granted by the deed dated August 30, 1976 registered in the Land Registration Office for Kings County, Nova Scotia, in Book 441, Page 627, as Document 5614 on June 13, 1978. Plan P-2206 recorded on August 16, 1976 creating this parcel shows this right of way as twenty-five feet in width.

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

Compliance:

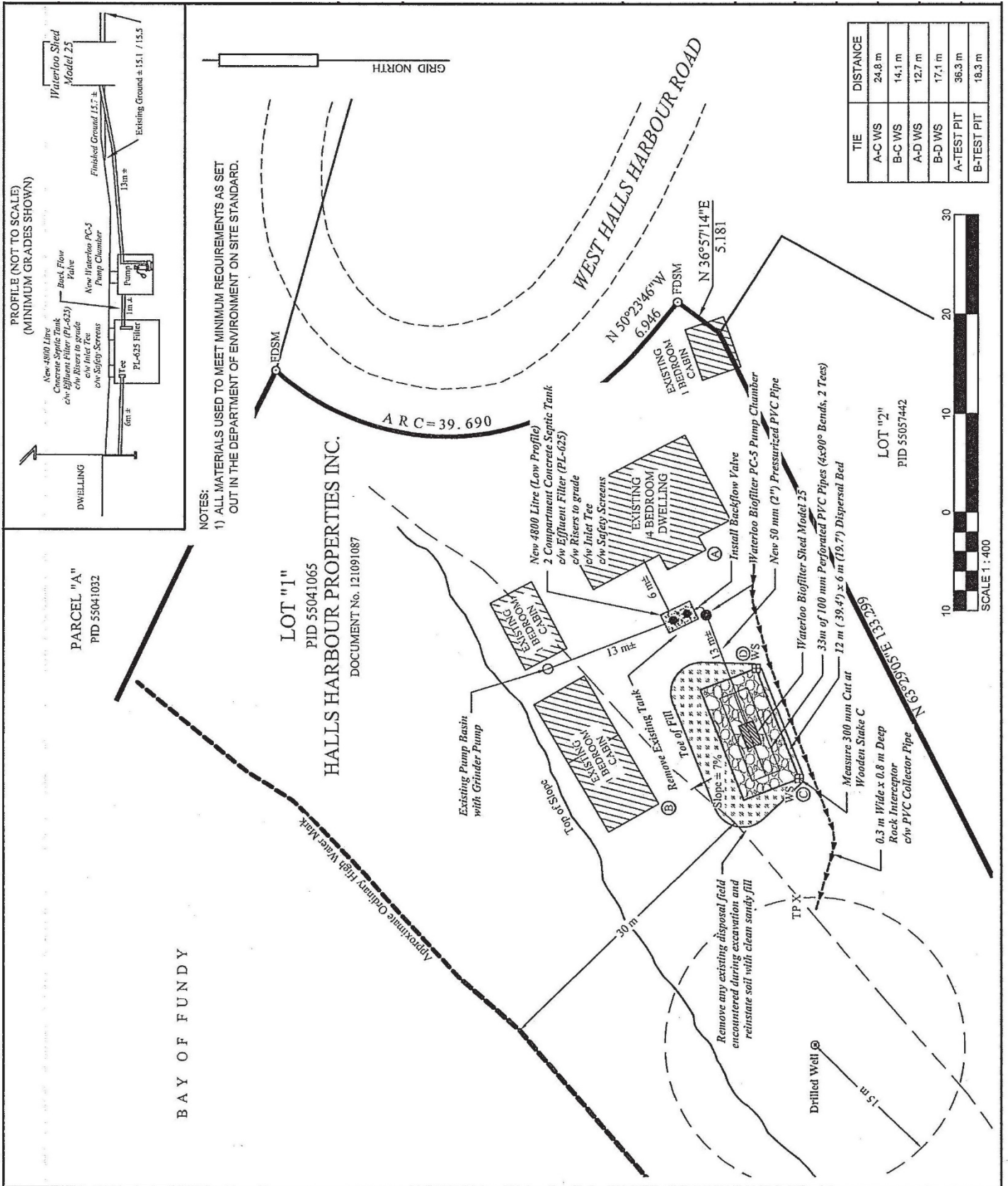
The parcel is created by a subdivision (details below) that has been filed under the Registry Act or registered under the Land Registration Act

Registration District: KINGS COUNTY

Registration Year: 1992

Plan or Document Number: 8923

Schedule B - Site Plan



Schedule C - Encroachment Agreement

Form 24

Purpose: to change the registered interest, benefits or burdens

Instrument Code: 450 - (If change(s) requested relate(s) to one or more of the following and no other interests are being added or removed on this form: manner of tenure, description of manner of tenure, non-resident status, parcel access or NSFLB occupant. Note: This form cannot be used to correct an error in a parcel register).

Registration District: Kings
Submitter's User Number: 3666
Submitter's Name: Robert F. Morrison

For Office Use Only

IN THE MATTER OF Parcel Identification
Number
(PID): 55041065

(Maximum 9 PIDs per form)

KINGS COUNTY LAND REGISTRATION OFFICE
I certify that this document was registered or recorded as shown here.
Penny Goodwin, Registrar
121090964 Document #
AUG 09 2022
LR [checked] ROD [ ]
14:05 Time

The following additional forms are being submitted simultaneously with this form and relate to the attached document: (check appropriate boxes, if applicable)

- [checked] Form 24(s)
[ ] Form 8A(s)

Additional information: (check appropriate boxes, if applicable)

- [ ] This Form 24 creates or is part of a subdivision or consolidation
[ ] This Form 24 is a municipal or provincial street or road transfer
[ ] This Form 24 is adding a corresponding benefit or burden as a result of an AFR of another parcel.
[ ] This Form 24 is adding a benefit or burden where the corresponding benefit/burden in the "flip- side" parcel is already identified in the LR parcel register and no further forms are required.

May 4, 2009

**Power of Attorney (Note: completion of this section is mandatory)**

The attached document is signed by attorney for a person under a power of attorney, and the power of attorney is: (select one or more)

No power of Attorney applies to this document.

(Select all appropriate boxes)

1. **The following registered interests are changed in the parcel's registration - N/A**
2. **The following tenant in common interests that appear in the section of the parcel register labeled "Tenants in Common not registered pursuant to the *Land Registration Act*" are to be removed because the interests are being registered: - N/A.**
3. **I have searched the judgment roll with respect to this revision of the registered interest and have determined that it is appropriate to add the following judgment(s) or judgment-related documents to the parcel register, in accordance with the Land Registration Act and Land Registration Administration Regulations: - N/A.**
4. **The following benefits are to be added and/or removed in the parcel's registration:**

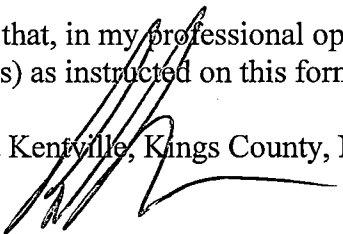
Instrument type	Agreement
Interest holder and type to be removed (if applicable)	N/A
Interest holder and type to be added (if applicable) Note: include qualifier (e.g. estate of, executor, trustee, personal representative) (if applicable)	Together with an Easement/ROW Easement/ROW Holder (Benefit)
Mailing address of interest holder to be added (if applicable)	N/A
Servient tenement parcel(s) (list all affected PIDs):	55057442
Reference to related instrument in names-based roll/parcel register (if applicable)	N/A
Reason for removal of interest (for use only when interest is being removed by operation of law) Instrument code: 443	N/A

5. **The following burdens are to be added and/or removed in the parcel's registration:  
- N/A.**
6. **The following recorded interests are to be added and/or removed in the parcel's  
registration: - N/A.**
7. **I request that the following textual qualifications on the registered interest in the  
above-noted parcel be changed: - N/A.**
8. **I request that the following information about the occupier of the parcel, which is  
owned by the Nova Scotia Farm Loan Board, be changed: - N/A.**

**Certificate of Legal Effect:**

I certify that, in my professional opinion, it is appropriate to make the changes to the parcel register(s) as instructed on this form.

Dated at Kentville, Kings County, Nova Scotia, this August 4, 2022.

  
\_\_\_\_\_  
Signature of Authorized Lawyer

Name: Robert F. Morrison  
Address: 50 Cornwallis Street, Kentville NS B4N 2E4  
Phone: (902) 678-6156  
Email: morrison@tmclaw.com  
Fax: (902) 678-6082

**This document does not affect non-land registration parcels.**

THIS ENCROACHMENT AGREEMENT dated August 4, 2022 is made between

GREGORY ALFRED SANFORD and KATHERINE ANN SANFORD, the "Owners", and  
THE JELLY CUPBOARD LIMITED, the "Neighbour"

Recitals:

1. The Owners own the parcel at Halls Harbour, Kings County, Nova Scotia, PID 55057442, described in Schedule "A", the "Owners' Parcel".
2. The Neighbour owns the parcel at 1143 West Halls Harbour Road, Kings County, Nova Scotia, PID 55041065, described in Schedule "B", the "Neighbour's Parcel".
3. A recreational cabin located on the Neighbour's Parcel encroaches partially on the Owners' Parcel as shown on the attached plan of survey filed in the Kings County Land Registration Office as Plan P-8923 as attached as Schedule "C", the "encroachment".
4. The parties agree that
  - a. the encroachment has been made and will continue to be made with the Owners' consent, and
  - b. the Owners consent to the continuing encroachment on the terms of this Encroachment Agreement ("Agreement")


to prevent either or both the legal doctrines of "adverse possession" (squatter's rights) or "prescription" from adversely affecting the Owners' ownership to the part of the Owners' Parcel which is subject to the encroachment.

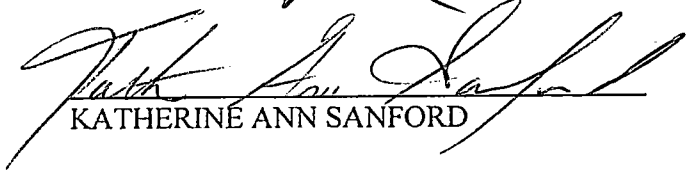
IN CONSIDERATION OF their mutual promises in this agreement the parties agree as follows:

1. The Neighbour acknowledges that the encroachment has been made with the Owners' consent and that it will continue with the Owners' consent under the terms of this Agreement.
2. Should the recreational cabin ever be removed, destroyed or relocated by the Neighbour, the Neighbour's rights under this Agreement shall cease and this Agreement shall become null and void.
3. This Agreement shall enure to the benefit of and be binding upon the parties and their respective heirs, executors, administrators, successors, legal representatives and assigns.

Signed, Sealed and Delivered in the presence of:

  
\_\_\_\_\_  
Witness

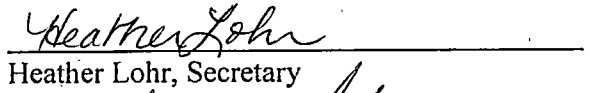
  
\_\_\_\_\_  
GREGORY ALFRED SANFORD

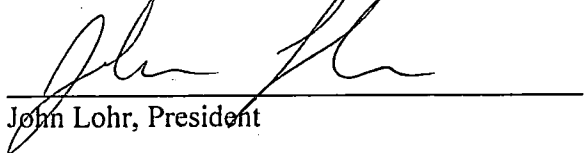
  
\_\_\_\_\_  
KATHERINE ANN SANFORD

Signed, ~~Sealed~~ and Delivered in the presence of:

  
\_\_\_\_\_  
Witness

THE JELLY CUPBOARD LIMITED

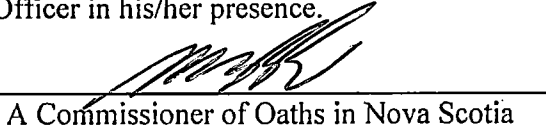
  
\_\_\_\_\_  
Heather Lohr, Secretary

  
\_\_\_\_\_  
John Lohr, President

W. DARRYL DOLLIVER  
A Commissioner of the Supreme  
Court of Nova Scotia  
Expires: November 30, 2022

CANADA  
PROVINCE OF NOVA SCOTIA  
KINGS COUNTY

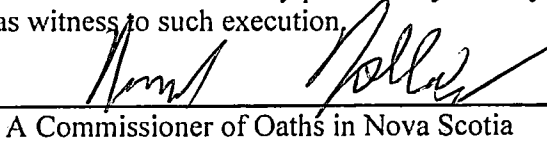
I certify that on <sup>August</sup> ~~July~~ 2, 2022, Daniel L. Oulton  
the subscribing witness to this instrument came before me, made oath, and said that Gregory Alfred Sanford and Katherine Ann Sanford caused the same to be signed and sealed in its name and in its behalf by its duly authorized Officer in his/her presence.

  
\_\_\_\_\_  
A Commissioner of Oaths in Nova Scotia

CANADA  
PROVINCE OF NOVA SCOTIA  
KINGS COUNTY

MICHAEL R. BROOKER, Q.C.  
A Barrister of the Supreme  
Court of Nova Scotia

I certify that on <sup>August</sup> ~~July~~ 4, 2022, THE JELLY CUPBOARD LIMITED executed the foregoing instrument and affixed its corporate seal thereto in my presence by its duly authorized Officers and that I signed such instrument as witness to such execution.

  
\_\_\_\_\_  
A Commissioner of Oaths in Nova Scotia

W. DARRYL DOLLIVER  
A Commissioner of the Supreme  
Court of Nova Scotia  
Expires: November 30, 2022

**PARCEL DESCRIPTION REPORT**

**Schedule "A"**

2022-07-27 13:36:34

**PID:** 55057442  
**CURRENT STATUS:** ACTIVE  
**EFFECTIVE DATE/TIME:** 2013-05-23 10:27:04

Municipality of the County of Kings

Designation of parcel on Plan: Lot 2

Title of Plan: Plan of Subdivision Lot 1, 2, and 3 lands conveyed to (and claimed by) John D. Neville and Joyce Neville

Registration District: Kings

Registration Reference of Plan: P-8923

**BURDENS**

SUBJECT TO an easement/right of way (burden) in favour of PID 55041107 created by implication of law on the severance of the ownership of the dominant tenement parcel and the servient tenement parcel by the common owner of both parcels by the deed dated May 30, 1973 recorded in the Land Registration Office for Kings County, Nova Scotia, in Book 339, Page 653, as Document 4143 on June 7, 1973. This conveyance refers to the North line of this parcel bounding on a twenty-five foot wide right of way.

SUBJECT TO an easement/right of way (burden) in favour of PID 55041123 granted by the deed dated August 30, 1976 registered in the Land Registration Office for Kings County, Nova Scotia, in Book 441, Page 625, as Document 5613 on June 13, 1978. Plan P-2206 recorded on August 16, 1976 creating this parcel shows this right of way as twenty-five feet in width.

SUBJECT TO an easement/right of way (burden) in favour of PID 55041115 granted by the deed dated August 30, 1976 registered in the Land Registration Office for Kings County, Nova Scotia, in Book 441, Page 627, as Document 5614 on June 13, 1978. Plan P-2206 recorded on August 16, 1976 creating this parcel shows this right of way as twenty-five feet in width.

\*\*\* 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: 1992  
Plan or Document Number: 8923

**External Comments:**

**Description Change Details:**

**Reason:**

**Author of New or**

**Changed Description:**



# PARCEL DESCRIPTION REPORT

2022-07-27 13:36:34

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**Name:**

**Registered Instruments:**

**Comments:**

**PARCEL DESCRIPTION REPORT**

**Schedule "B"**

2022-07-27 13:36:55

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**PID:** 55041065  
**CURRENT STATUS:** ACTIVE  
**EFFECTIVE DATE/TIME:** 2010-10-14 11:18:04

Place Name: Halls Harbour  
Municipality/County: Halls Harbour, KINGS COUNTY  
Designation of Parcel or Plan: Lot 1  
Title of Plan: Plan of Subdivision Lot 1, 2 and 3 lands conveyed to (and claimed by) John D. Neville and Joyce Neville  
Registration County: KINGS COUNTY  
Registration Number of Plan: P8923  
Registration Date of Plan: 1992-04-21

**MGA Compliance Statement**

The parcel originates with an approved plan of subdivision that has been filed under the Registry Act or registered under the Land Registration Act at the Land Registration Office for the registration district of Kings as plan or document number P8923.

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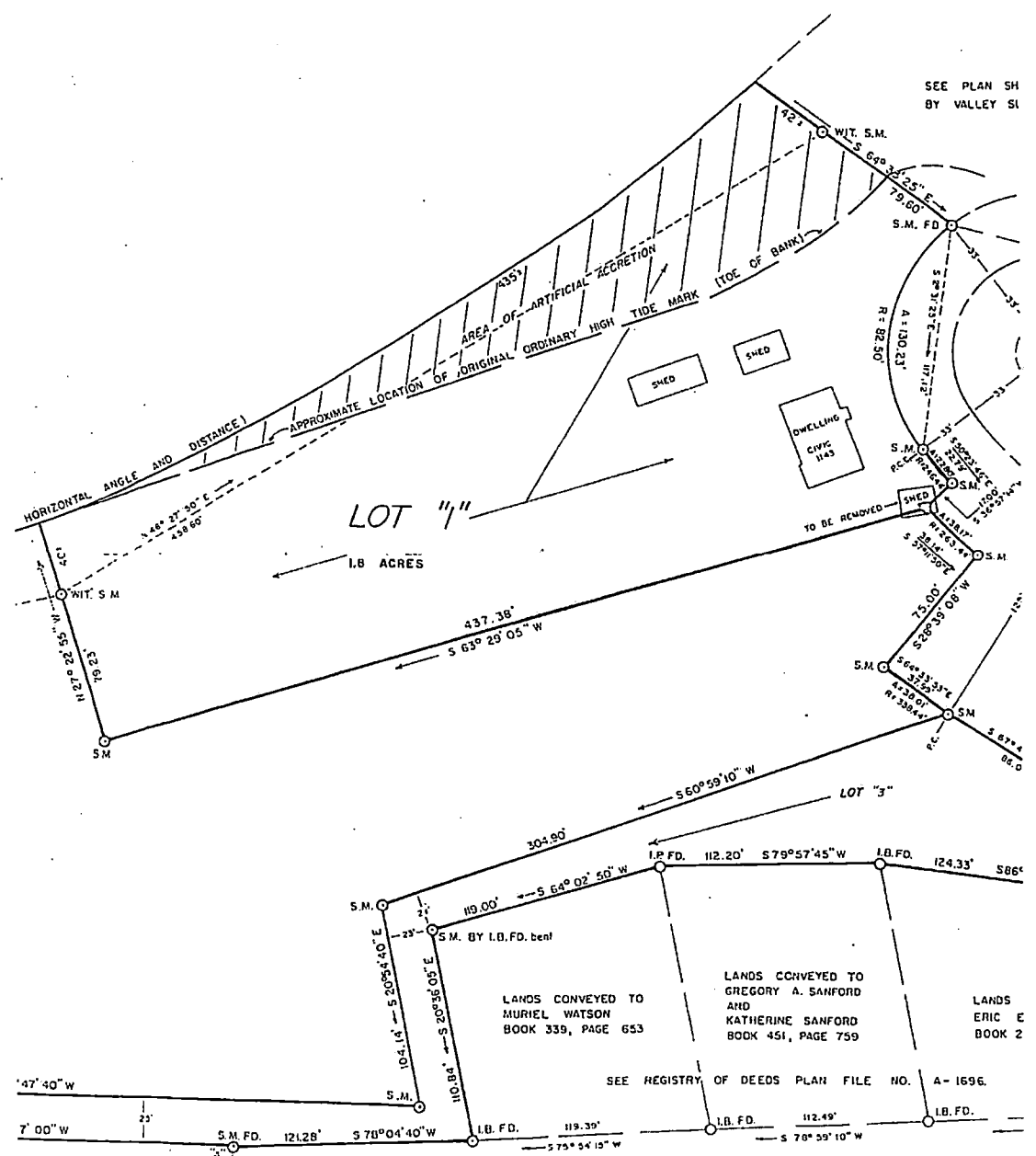
**External Comments:**

**Description Change Details:**

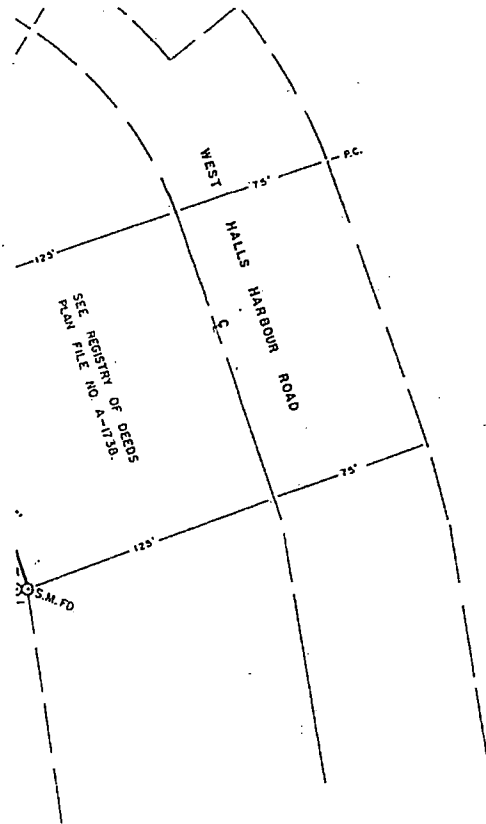
**Reason:**  
**Author of New or**  
**Changed Description:**  
**Name:**

**Registered Instruments:**

**Comments:**

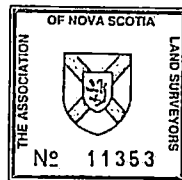


Schedule "C"



TRU-LINE SURVEYS  
 54 CORNWALLIS ST. KENTVILLE, N. S.  
 NICHOLSVILLE, KINGS CO., N.S.  
 MOUNT DENSON, HANTS CO., N.S.

PLAN OF SUBDIVISION  
 LOTS "1", "2" & "3"  
 LANDS CONVEYED TO (AND CLAIMED BY)  
 JOHN D. NEVILLE  
 AND  
 JOYCE NEVILLE  
 BOOK 734, PAGE 869  
 HALLS HARBOUR  
 KINGS COUNTY, NOVA SCOTIA



THIS SURVEY WAS EXECUTED DURING THE PERIOD OCTOBER 9,  
 1991, TO FEBRUARY 18, 1992 BY E.J.C., O.A.B., R.O.M. & G.S.W.  
 DRAWN ON FEBRUARY 20, 1992 BY E.J.C.  
 SCALE: 1" = 50' APPROVED BY: T.C.

PLAN NO. 92-009



I, EDWARD J. CLEVELAND, Nova Scotia Land Surveyor,  
 hereby certify that the Survey represented by this plan was  
 conducted under my supervision, and that the survey and plan  
 were made in accordance with the Nova Scotia Land  
 Surveyors Act and the regulations made thereunder.

DATED THIS 20<sup>th</sup> DAY OF FEBRUARY, 1992.....  
 Edward James Cleveland, N.S.L.S. # 501

P 8923 Apr 21/92

## Municipality of the County of Kings Report to the Planning Advisory Committee

Application to rezone a property located at 683 Central Avenue (PID 55314876), Greenwood from the General Commercial (C1) Zone to the Mixed Commercial Residential (C3) Zone

File: 23-16

DATE: April 8, 2025

Prepared by: Planning and Development Services

<b>Applicant</b>	Rawaa Saba
<b>Landowner</b>	Chamoun Saba, Rawaa Saba
<b>Proposal</b>	Rezoning from the General Commercial (C1) Zone to the Mixed Commercial Residential (C3) Zone
<b>Location</b>	683 Central Avenue (PID 55314876), Greenwood
<b>Lot Area</b>	32,022 square feet
<b>Designation</b>	Commercial Designation
<b>Zone</b>	General Commercial (C1) Zone
<b>Surrounding Uses</b>	Residential uses and commercial uses
<b>Neighbour Notification</b>	49 letters were sent to owners of properties within 500 feet of the subject property

### 1. PROPOSAL

Rawaa Saba has applied to amend the Land Use By-law ('LUB') map to rezone the property located at 683 Central Avenue (PID 55314876), Greenwood from the General Commercial (C1) Zone to Mixed Commercial Residential (C3) Zone to permit a multi-unit dwelling behind an existing mixed-use building on the subject property.



Figure 1: Subject Property

### 2. OPTIONS

In response to the application, the Planning Advisory Committee may:

- A. Recommend that Council approve the amendment as drafted;
- B. Provide alternative direction, such as requesting further information on a specific topic, or recommending changes;

C. Recommend that Council refuse the amendment as drafted.

### 3. STAFF RECOMMENDATION

Staff recommend that the Planning Advisory Committee forward a positive recommendation by passing the following motion:

**The Planning Advisory Committee recommends that Municipal Council give First Reading to and hold a Public Hearing regarding the application to rezone 683 Central Avenue (PID 55314876), Greenwood from the General Commercial (C1) Zone to the Mixed Commercial Residential (C3) Zone, as described in Appendix D of the report dated April 8, 2025.**

### 4. BACKGROUND

The applicant has owned the property since 2009. The front portion of the property is developed with a mixed-use building consisting of commercial use on the first floor and residential use on the second floor, currently leased to tenants. There is a shed behind the building to the east intended to be removed to facilitate the proposed development. A parking area is provided in front of the building, access to this area is currently uncontrolled across the entire frontage. The proposed multi-unit dwelling will occupy the vacant area behind the existing building.



**Figure 2: Existing Building and Parking**

Although residential units are permitted within the existing zone, the residential units are required to be located above, behind or below a commercial use. As a result, the applicant's proposal to develop a separate multi-unit dwelling cannot be permitted as-of-right on the property. Rezoning to the Mixed Commercial Residential (C3) Zone would enable the applicant to develop the proposed development and also open up options for a variety of other residential uses.



**Figure 3: Proposed Location of the Multi-unit Dwelling**

Within the proposed multi-unit dwelling the applicant intended to develop 16 residential units, however, the subject property (32,022 square feet) already has a commercial building with a residential unit and for this use, the Land Use By-law requires at least 4,000 square feet of lot area. The resulting lot area which is 28,022 square feet would be allocated to the proposed multi-unit dwelling use. Based on this area the

applicant can have a maximum of 15 units if rezoned to the Mixed Commercial Residential (C3) Zone since a minimum of 1,800 square feet of lot area is required per residential unit. The total number of units able to be developed will further depend on how the design meets all the other applicable requirements of the zone.

## 5. SUBJECT PROPERTY INFORMATION

The subject property is within the Growth Centre of Greenwood and has a total lot area of 32,022 square feet. Access to the property is from Central Avenue, a collector road on which the property has approximately 77 feet of frontage. The front portion of the property, which is occupied by the existing building and storage shed, is on the same level as the road. Beyond this, the property slopes slightly downward and is covered in grass, weeds and trees. There is a drilled well behind the existing building which currently provides water to the existing uses, the applicant is however trying to obtain a connection to the municipal water supply.

The property is located within the General Commercial (C1) Zone which permits a wide range of commercial uses. The neighbouring properties to the east, west and south are within the same zone as the subject property. Although the General Commercial (C1) Zone prioritises commercial development, most of the surrounding properties (excluding the adjacent ones to the east and the south) are currently developed with residential uses. To the north, the property borders the Residential Mixed Density (R3) Zone which is developed primarily with residential uses.

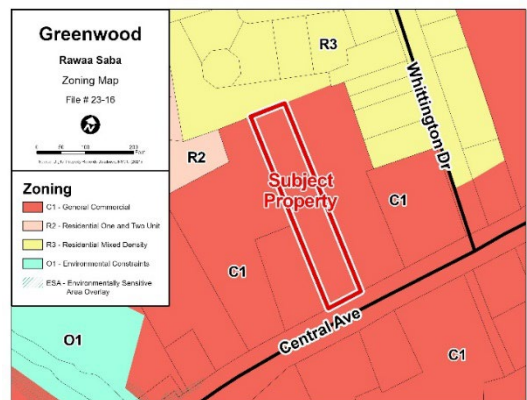


Figure 4: Zoning Map

## 6. CONSULTATION WITH THE PUBLIC AND VILLAGE COMMISSION

Under the previous Planning Policies of the Municipality of the County of Kings (PLAN-09-001), in place at the time of application, a Public Information Meeting (PIM) was not required because the application concerns a land use by-law map amendment to rezone a property measuring less than an acre. Notification letters were sent to 49 property owners within a 500-foot radius of the subject property seeking comments and feedback on the proposed Land Use By-law map amendment. Staff received no inquiries or concerns regarding the rezoning.

Consultation with the Village Commission: As per recent amendments made to the planning policies, planning applications for properties located within a village boundary are now required to be presented to the relevant Village Commission for their feedback and input. The application was presented to the Greenwood Village Commission on December 18, 2024. The Commissioners discussed the application and raised a few clarifying questions, including questions on potential traffic increase and height requirements. Furthermore, the Commissioners expressed concerns about rezoning commercial areas,

emphasizing the importance of commercial areas, but were less opposed due to the housing shortage and the property's location in a transitional area between commercial and residential areas.

## 7. POLICY REVIEW

### 7.1 Enabling Policy

The proposed rezoning is from the General Commercial (C1) Zone to the Mixed Commercial Residential (C3) Zone which are both within the Commercial Designation. Policy 5.3.3 criteria (a) enables the Council to consider this rezoning.

*Council shall:*

**5.3.3** *consider amendments to any one of the zoning maps of the Land Use By-law provided the application is for a specific development and:*

- (a) is to rezone land to another zone enabled within the same designation, unless the zone change is specifically prohibited within this Strategy; or,*
- (b) is to rezone land that is a maximum of five (5) acres in size to a zone that is enabled in an adjacent designation. For clarity, land that abuts a right-of-way, such as a road, is considered to be adjacent to the designation on the other side of the road; and*
- (c) notwithstanding (b) above, Land Use By-law amendments that would result in the expansion of a Growth Centre or that would remove lands from the Agricultural (A1) Zone shall not be permitted without an amendment to this Strategy;*

Criteria (b) and (c) of this policy are not applicable to this application. The application is to rezone land from one zone enabled within the Commercial Designation to another within the same designation. The list of zones enabled within the Commercial Designation is provided in section 3.2 of the Municipal Planning Strategy (MPS).

Policy 3.2.3 of the MPS lists the zones enabled within the Commercial Designation.

*Council shall*

**3.2.3** *permit within the Commercial Designation:*

- (a) all zones in policy 3.2.2 above;*
- (b) all zones permitted within all designations, as listed in policy 3.0.32; and*
- (c) Light Industrial Commercial (M1) Zone;*

Criteria (a) of the above policy further directs to policy 3.2.2 which lists all commercial zones enabled within the commercial designation including the Mixed Commercial Residential (C3) Zone. Since the zone is listed within policy 3.2.3 above, Council is able to consider rezoning the property to the Mixed Commercial Residential (C3) Zone.



Further to this, Policy 5.3.5 provides additional policy directions in terms of the zone placement and impacts to be considered when considering an application to rezone land. The policy states as follows:

*Council shall:*

**5.3.5** *consider, in relation to all applications to rezone land:*

- (a) the applicable zone placement policies, including any specific policy criteria for applying the proposed zone set out within this Strategy;*
- (b) the impact of both the specific development proposal and of other possible uses permitted in the proposed zone; and*
- (c) the general criteria for amending the Land Use By-law set out in section 5.3 Development Agreements and Amending the Land Use By-law*

With regard to criteria (a), policy 3.2.2 (c) provides the zone placement policy for the Mixed Commercial Residential (C3) Zone. The policy states as follows:

*Council shall:*

**3.2.2** *establish the following Commercial Zones in the Land Use By-law:*

*(C) Mixed Commercial Residential (C3): lands located in this zone are intended to complement established commercial areas. These areas shall generally be located on main transportation corridors and associated side streets that have commercial development, traditional 'Main Street' areas within commercial areas that have not yet experienced much development, or areas where flexibility between residential and commercial uses is desired; and to permit both residential and lower impact commercial uses, such as local retail or business offices, in the same area of a Growth Centre;*

The Mixed Commercial Residential (C3) Zone is proposed to be placed on the subject property, which is located on Central Avenue, a main transportation corridor. From this location, the property is within proximity (approximately 1,140 feet) to the various commercial establishments located further east on Central Avenue. Although the property and neighbouring properties in the immediate vicinity are within



the General Commercial (C1) Zone, most of these properties are currently developed with residential uses. Additionally, the property also borders the Residential Mixed Density (R3) Zone to the north which is predominantly developed with residential uses as well. Considering the current nature of the area Staff believe that the Mixed Commercial (C3) Zone would be ideal for the property, providing flexibility and complementing the existing residential and commercial uses in the area.

With regard to uses permitted and their impacts (policy 5.3.5 criteria (b)), the proposed Mixed Commercial Residential (C3) Zone permits a variety of residential uses ranging from one unit dwellings to multi-unit dwellings. Although the General Commercial (C1) Zone does not permit many residential uses it still permits residential uses as part of a commercial use. The residential units could be developed above, behind or above the commercial use. In this case, unlike the previously discussed case of the proposed Mixed Commercial (C3) Zone (section 4), the maximum number of residential units will be determined by the total area of the property (32,022 sq. ft.) and the other zoning requirements, which might potentially allow for more units.

With regards to non-residential uses, all the non-residential uses permitted within the proposed Mixed Commercial (C3) Zone are also permitted within the existing General Commercial (C1) Zone.

As a result, Staff are of the opinion that the proposal and the permitted uses within the Mixed Commercial Residential (C3) Zone are appropriate for the subject property.

Criteria (c) of policy 5.3.5 is discussed in section 7.3 of this report and reviewed in detail in Appendix C.

## **7.2 Municipal Planning Strategy- Supporting Goals, Objectives and Policies**

From the outset of land use regulation, Council has directed urban development to specific areas termed Growth Centres in order to protect agricultural lands and to maintain efficient infrastructure. This intention is discussed within various sections of the MPS. Section 1.1 Vision, the vision on settlement, one of the key priorities' states *"Concentrate new commercial and residential development, including mixed uses, in the Growth Centres with clearly defined boundaries"* and within section 2.1 Growth Centres the objective related to the theme of settlement also states, *"To provide a wide range of urban development and business opportunities supported by cost-effective municipal services"*. Within the same section, the theme of agriculture/ rural and natural areas also states, *"To protect agricultural land and rural character by directing development to clearly defined Growth Centres"*. Also, with regard to infrastructure, section 2.3 Infrastructure, the objective related to the theme of settlement states *"To make use of existing infrastructure located within Growth Centres"*. The proposed development will be located within the Greenwood Growth Centre where it can access the existing municipal sewer and water infrastructure. The proposed development therefore aligns with Council's intention to direct urban development to Growth Centres and the development is also consistent with Council's intention to maximize infrastructure efficiencies. The proposal also complies with the Greenwood Secondary Plan's sewer system objectives, specifically the one stating *"To control development by ensuring new development connects to central sewer services."* The proposed rezoning also aligns with Council's objectives related to transportation. Within section 2.3 Infrastructure the objective related to the theme of transportation states, *"To efficiently use transportation infrastructure by encouraging greater development densities along transit routes and major transportation routes"* and within section 2.8 Energy the objective related to the theme

of settlement states *“To encourage development patterns that reduce transportation needs”*. The property is located on Central Avenue, a main transportation corridor and is within proximity to the various commercial establishments on Central Avenue. Enabling the proposed development on the proposed location would help reduce transportation needs and also help concentrate development densities along transit routes and major transportation routes.

Furthermore, the proposal aligns with the storm water management goals/objectives outlined in the Greenwood Secondary Plan. Within section 4.2 Greenwood Secondary Plan one of the objectives related to storm water management states *“To ensure development does not increase flood risk on the development site and on adjacent or downstream lands”*. The storm water drainage plan provided by the applicant was reviewed by the Municipal Engineering Department and the department did not indicate any concerns.

### **7.3 General Criteria**

Municipal Planning Strategy Policy 5.3.7 contains the criteria to be used when considering all applications for rezonings and development agreement proposals. These criteria consider the proposal's impact on the road network, services, development pattern, environment, finances, wellfields, and the proposal's consistency with the intent of the Municipal Planning Strategy. It is Staff's opinion that the proposal meets the general criteria. There are no costs to the Municipality due to the proposed development and the development raises no concerns regarding emergency services, sewer/water services, traffic hazards/congestion or pollution. These criteria are reviewed in detail in Appendix C.

## **8. CONCLUSION**

The proposed rezoning from the General Commercial (C1) Zone to the Mixed Commercial Residential (C3) Zone to permit a multi-unit dwelling on the subject property is consistent with the intent of the Municipal Planning Strategy including the general criteria for all rezonings. As a result, a positive recommendation is being made to the Planning Advisory Committee.

## **9. APPENDICES**

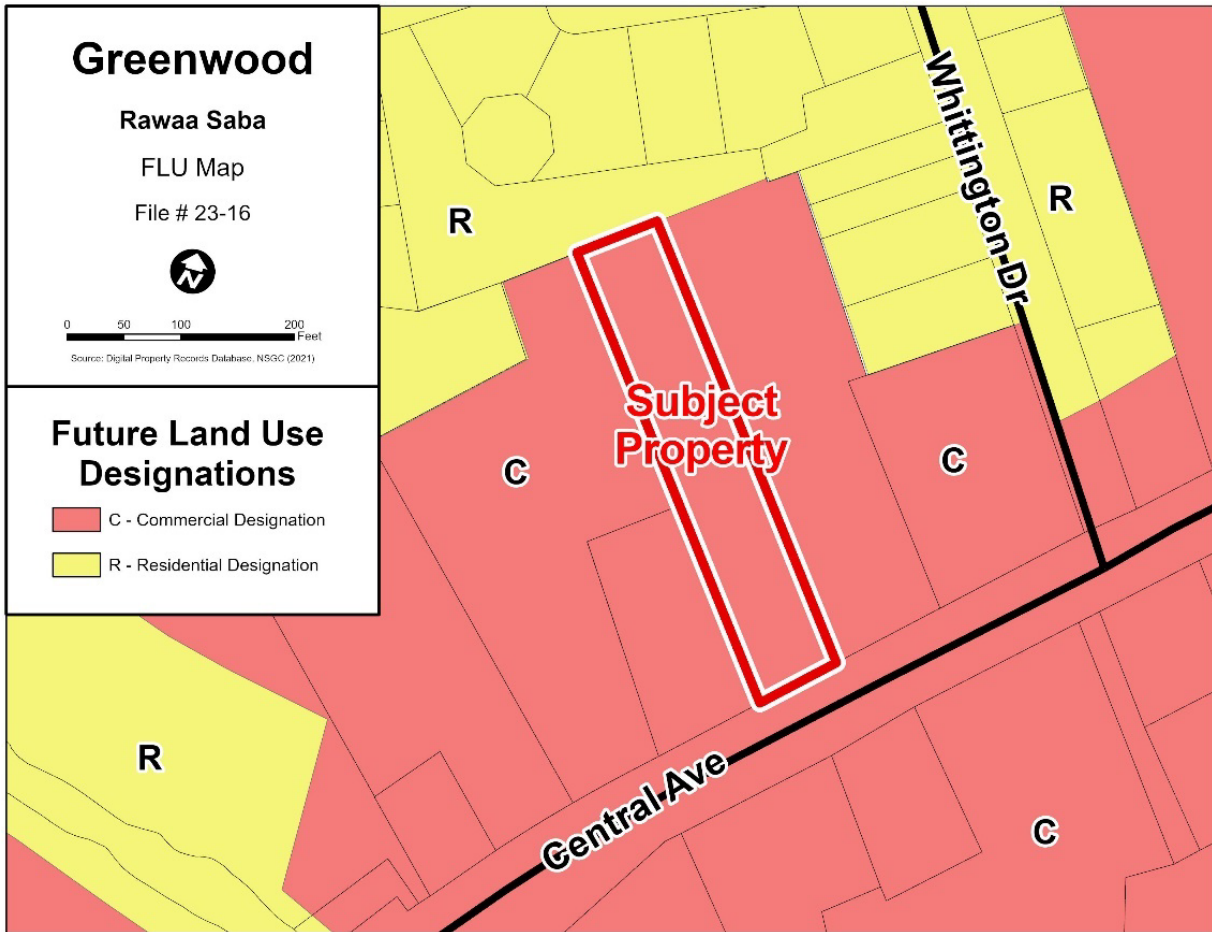
**Appendix A - Future Land Use Map**

**Appendix B – Site Photographs**

**Appendix C - Municipal Planning Strategy (By-law #105), Section 5.3. – General Criteria to Consider for all Development Agreements and Land Use By-law Amendments**

**Appendix D - Proposed Land Use By-Law Map Amendment (By-Law #106)**

Appendix - A  
Future Land Use Map



**Appendix – B  
Site Photographs**



**Neighbouring dwelling to the west**



**Central Avenue and the neighbouring commercial use to the south**



**Neighbouring properties to the North within the Residential Mixed Density (R3) Zone**



**Neighbouring commercial use to the east**

**Appendix – C**

**Municipal Planning Strategy (By-law #105), Section 5.3. – General Criteria to consider for all Development Agreements and Land Use By-law Amendments**

**Policy 5.3.7**

*Council expects to receive applications to amend the Land Use By-law or enter into a development agreement for development that is not permitted as-of-right in the Land Use By-law. Council has established criteria to ensure the proposal is appropriate and consistent with the intent of this Strategy.*

*Council shall be satisfied that a proposal to amend the Land Use By-law or to enter into a development agreement:*

<b>Criteria</b>	<b>Comments</b>
<i>a. is consistent with the intent of this Municipal Planning Strategy, including the Vision Statements, relevant goals, objectives and policies, and any applicable goals, objectives and policies contained within a Secondary Plan;</i>	The proposed land use by-law map amendment is consistent with the intent of the Municipal Planning Strategy, and the applicable goals, objectives and policies contained within the Municipal Planning Strategy.
<i>b. is not in conflict with any Municipal or Provincial programs, By-laws, or regulations in effect in the Municipality;</i>	The proposed amendment is not in conflict with any Municipal or Provincial programs, By-laws, or regulations.
<i>c. that the proposal is not premature or inappropriate due to:</i>	
<i>i. the Municipal or village costs related to the proposal;</i>	The proposal does not involve any development costs to the Municipality.
<i>ii. land use compatibility with surrounding land uses;</i>	The proposed rezoning would enable a range of residential uses and lower-impact commercial uses that would be compatible with the surrounding residential and commercial uses.
<i>iii. the adequacy and proximity of school, recreation and other community facilities;</i>	The subject property is within proximity to schools, recreation and community facilities.
<i>iv. the creation of any excessive traffic hazards or congestion due to road or pedestrian network adequacy within, adjacent to, and leading to the proposal;</i>	The Department of Public Works has confirmed the adequacy of the road networks and did not indicate any concerns with the proposal. The department however indicated that the existing access would need to be evaluated and brought up to current standards.
<i>v. the adequacy of fire protection services and equipment;</i>	The Kingston Fire Chief has confirmed the adequacy of fire protection services and equipment for the property.
<i>vi. the adequacy of sewer and water services;</i>	The Municipality’s Engineering Department has confirmed that there is currently adequate sanitary

	sewer and central water services fronting the property on Central Avenue.
<i>vii. the potential for creating flooding or serious drainage problems either within the area of development or nearby areas;</i>	The Municipality's Engineering Department approved the drainage plan submitted by the applicant.
<i>viii. negative impacts on identified wellfields or other groundwater supplies for the area;</i>	Not within any wellfield protection overlay.
<i>ix. pollution, in the area, including but not limited to, soil erosion and siltation of watercourses; or</i>	Not expected. The Property Owner will be required to follow provincial requirements related to erosion and siltation.
<i>x. negative impacts on lake water quality or nearby wetlands;</i>	The property is approximately 300 feet (4 properties away) from a nearby wetland and is not expected to cause any negative impacts.
<i>xi. negative impacts on neighbouring farm operations;</i>	There are no farms within proximity to the subject property.
<i>xii. the suitability of the site regarding grades, soils and geological conditions, location of watercourses, marshes, bogs and swamps, and proximity to utility rights-of-way.</i>	The subject property is suitable in terms of grades, soils, geological conditions, and proximity to natural features and rights-of-way.



**Appendix - D**  
**Proposed Land Use By-law Map Amendment (By-law 106)**

**THE MUNICIPALITY OF THE COUNTY OF KINGS**

**AMENDMENT TO BY-LAW 106**  
**COUNTY OF KINGS LAND USE BY-LAW**

**Land Use By-Law Map Amendment to rezone the property located at 683 Central Avenue (PID: 55314876), Greenwood from the General Commercial (C1) Zone to the Mixed Commercial Residential (C3) Zone.**

**BY-LAW 106 Land Use By-law**

1. Amend Map 6 Greenwood, to rezone PID 55314876, from the General Commercial (C1) Zone to the Mixed Commercial Residential (C3) Zone, as shown on the inset copy of a portion of Map 6 below.



## Municipality of the County of Kings Report to the Planning Advisory Committee

Application to enter into a development agreement to permit a Tourist Commercial Use at 1081 Cape Split Road (PID 55014047), Scots Bay

(File #24-15)

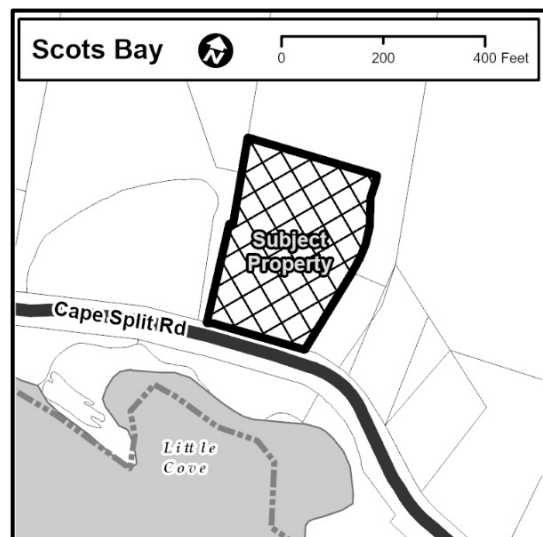
April 8<sup>th</sup>, 2025

Prepared by: Planning Services

<b>Applicant</b>	Mark and Sherry Pineo
<b>Land Owner</b>	Mark and Sherry Pineo
<b>Proposal</b>	To enter into a development agreement to permit a Tourist Commercial Use (use of an existing building as fixed roof accommodation)
<b>Location</b>	1081 Cape Split Road (PID 55014047), Scots Bay
<b>Lot Area</b>	2.02 acres
<b>Designation</b>	Agricultural Designation
<b>Zone</b>	Rural Mixed Use (A2) Zone
<b>Surrounding Uses</b>	Residential uses
<b>Neighbour Notification</b>	13 letters were sent to neighbouring property owners

### 1. PROPOSAL

Mark and Sherry Pineo have submitted an application to enter into a development agreement to permit a Tourist Commercial Use (use of an existing building as fixed roof overnight accommodation) on 1081 Cape Split Road (PID 55014047), Scots Bay.



## 2. OPTIONS

In response to the application, the Planning Advisory Committee may:

- A. Recommend that Council approve the development agreement as drafted;
- B. Provide alternative direction, such as requesting further information on a specific topic, or recommending changes to the draft development agreement;
- C. Recommend that Council refuse the development agreement as drafted.

## 3. STAFF RECOMMENDATION

Staff recommend that the Planning Advisory Committee forward a positive recommendation by passing the following motion.

**The Planning Advisory Committee recommends that Municipal Council give Initial Consideration to and hold a Public Hearing regarding entering into a Development Agreement to permit a Tourist Commercial Use, within an existing building, at 1081 Cape Split Road (PID 55014047), Scots Bay which is substantively the same (save for minor differences in form) as the draft set out in Appendix C of the report dated April 8<sup>th</sup>, 2025.**

## 4. BACKGROUND

In 1995, the subject site was purchased by Mark and Sherry Pineo from the Pineo family who purchased the land in 1984. Kenneth Thorpe (who lives at 1075 Cape Split Road, Scots Bay), advised during the Public Information Meeting that the A-frame building was constructed by his father in 1963. The applicants used the A-frame building as a holiday home until 2021/2022, when they constructed a new dwelling on the land and moved to the subject site on a year-round basis.

As the subject site is located in the Rural Mixed Use (A2) Zone, two, one unit dwellings are not permitted on a lot as of right. As the intent is to use the A-frame building for the purpose of Fixed Roof Overnight Accommodation, in October of 2024 Mark and Sherry Pineo applied to enter into a development agreement to permit a Tourist Commercial Use within the existing A-frame building on the site.

## 5. SITE INFORMATION

The subject site is located in the north-western end of Scots Bay. The site has a lot area of 2.02 acres and has approximately 200 feet of road frontage to Cape Split Road. The subject site contains the new dwelling (located on the eastern side of the site), the A-frame building (located on the western side of the subject site) and a residential accessory building located between the two buildings. The subject site also has two access points. One driveway extends to the main house on the eastern side of the site and the second

access point is a right-of-way driveway (which runs across multiple properties) on the western side the subject site which is used to provide access to the existing A-frame building and neighbouring properties.



The subject site slopes upward from Cape Split Road with an increase of approximately 70 feet from the front of the lot to the rear of the lot. The subject site is serviced by on-site sewer and well water.



The subject site and surrounding properties are all located in the Rural Mixed Use (A2) Zone. The surrounding properties fronting the north side of Cape Split Road are used for residential purposes. Much

of the land to the north is vegetated or forested. A wharf owned by the Scot's Bay Wilderness Society provides access to Little Cove to the south of the subject site. The Cape Split trail head is located approximately 2,000 feet west of the site.

## 6. PUBLIC CONSULTATION

Under the Planning Policies of the Municipality of the County of Kings, Plan-09-004, A Public Information Meeting (PIM) was required because the application concerns a development agreement for a new use. Notification letters were sent to 13 property owners within a 500 foot radius of the subject site providing notice of the meeting and the proposed development agreement.

The Public Information Meeting was held on January 30<sup>th</sup>, 2025 at 6pm at the Scots Bay Community Hall. Eight members of the public, plus the applicants were in attendance at the meeting.

During the meeting questions were asked about the application process and policy, and local residents, along with the applicants provided information about the history of the site. Many were in favour of the application.

The only concern raised was if this proposal would impact neighbouring property owner's property values and property taxes. The residents were advised that property values and property taxes were not considered through the planning application process and to contact Property Values Services Corporation to discuss their assessment.

## 7. POLICY REVIEW

### 7.1 Land Use By-law

In order for Council to be able to consider a development agreement, the Municipal Government Act (MGA) requires that this ability be outlined within the Land Use By-Law (LUB). Section 8.4.5 of the LUB states that:

#### ***LUB Section 8.4.5 – Uses Considered by Development Agreement***

*Pursuant to the Municipal Planning Strategy, the uses noted below may be considered by Development Agreement within the Rural Mixed Use (A2) Zone:*

*(a) Proposals for visitor-oriented development not permitted as-of-right in accordance with policy 2.5.13 of the Municipal Planning Strategy.*

## 7.2 Municipal Planning Strategy Enabling Policy

Policy 2.5.13 of the Municipal Planning Strategy (MPS) enables Council to consider entering into a development agreement to permit the development of visitor-oriented developments not permitted as-of-right in the Rural Mixed Use (A2) Zone. The policy states:

*Council shall*

**MPS Policy 2.5.13** *consider only by development agreement within the Agriculture, Resource, and Shoreland Designations, with the exception of in the Agricultural (A1) Zone, proposals for visitor-oriented developments not permitted as-of-right. In evaluating development agreements, Council shall be satisfied that:*

*(a) The proposal is oriented to visitors or the travelling public, such as, but not limited to, lodging, restaurants, event venues, or other types of special attractions;*

The proposed fixed roof overnight accommodation will provide lodging to visitors and the travelling public at 1081 Cape Split Road.

*(b) The subject property has a lot area that can appropriately accommodate the proposed use, any accessory uses and structures, parking areas and required infrastructure;*

The subject site has an area of 87,991 square feet (2.02 acres) and a lot frontage of 200 feet. Through the LUB, the Rural Mixed Use (A2) Zone permits tourist commercial uses consisting of up to two tourist cabins with a maximum building footprint of 500 square feet each, as an accessory use to a residential dwelling as-of-right on properties having a minimum lot area of 100,000 square feet and 200 feet of road frontage.

The subject site currently accommodates the existing A-frame building and residential dwelling comfortably. The subject site is functioning with an appropriately sized septic system for the two buildings. The buildings have ample setback distances from neighbouring properties and there have been no land use compatibility issues to date.

In addition, the subject site has two separate points of access, with the parking for the proposed fixed use overnight accommodation accessed by the driveway on the western side of the site. The parking space off of the western driveway is located within the subject site and does not interfere with movement up the driveway to 1079 Cape Split Road.

As the A-frame building existed on the site prior to the new residential dwelling it has historically been connected to onsite sewer service and well water.

After considering the requirements for as-of-right development in comparison to the parameters of the subject site, Staff are of the opinion that the subject site can comfortably accommodate the use of the existing A-frame building for the purposes of fixed roof over night accommodation.

*(c) The site facilities area adequately buffered and/or separated from surrounding residential dwellings (other than a residential dwelling occupied by the operator) to mitigate negative impacts associated with noise, light, and other visual impacts;*

The A-frame building is set back 200 feet from the residential dwelling on 1093 Cape Split Road, however the new residential dwelling on the subject site sits between the A-frame building and the residential dwelling on 1093 Cape Split Road. The setback of the A-frame building from the residential dwellings on 1075 and 1079 Cape Split Road are 245 feet and 230 feet respectively.

The driveway and various accessory buildings sit between the A-frame building and the residential dwelling on 1075 Cape Split Road. Given a dwelling and accessory buildings sit between the A-frame building and the neighbouring dwellings to the east and west, no additional vegetation is proposed to be planted along the boundary lines than what is already present.

*(d) If the proposal is for a lot located on a lake within the Shoreland Designation, Council shall be satisfied that: ...*

The location of the subject site is not on a lake or within the Shoreland Designation and is not applicable.

*(e) If the use is a listed permitted use, the condition(s) that prevent the proposal from being permitted as-of-right in the designation is addressed by development agreement including, but not limited to, enhanced buffering and the positioning and design of buildings and structures; and*

A tourist commercial use is a permitted use within the Rural Mixed Use (A2) Zone, however, where the subject site does not meet the requirements for as-of-right tourist commercial use development, the proposal merited the additional ability for review available under the development agreement process. Through this review, Staff are confident that the use can continue to exist without additional negative impacts on neighbouring properties.

*(f) The proposal meets the general development agreement criteria set out in section 5.3 Development Agreements & Amending the Land Use By-Law.*

Municipal Planning Strategy section 5.3.7 contains the criteria to be used when considering all development agreement proposals. These criteria consider the impact of the proposal on the road network, services, development pattern, environment, finances, and wellfields, as well as the proposal's consistency with the intent of the Municipal Planning Strategy. It is Staff's opinion that the proposal meets the general criteria. There are no costs to the Municipality because of the proposed development and the development raises no concerns regarding emergency services, traffic hazards/ congestion or pollution. These criteria are reviewed in detail in Appendix B.

### 7.3 Supporting Policies and Objective from the MPS

Section 2.5, the Economic Development section of the MPS describes the growing importance of tourism to the economic development of the region and the intention to encourage visitor-oriented businesses in the Municipality. Some of the policies within the section that support this development are as follows:

*Council shall:*

***MPS Policy 2.5.11*** permit a variety of opportunities for visitor-oriented businesses in locations and at a scale consistent with the intent of the zones enabled within the Agricultural, Resource, and Shoreland Designations as well as the Historic Hamlet of Grand Pré (A5) Zone;

***MPS Policy 2.5.12*** encourage and promote opportunities for visitor-oriented businesses in the Municipality;

The Rural Mixed Use (A2) Zone permits some visitor-oriented uses such as tourist commercial uses as-of-right in the zone as accessory uses. Within section 2.5 of the MPS, Council also recognizes the importance of imposing limits on the type, location, and scale of visitor-oriented uses to minimize conflict and protect the rural landscape and natural features. Due to the existing nature of the A-frame building, in conjunction with the existing residential dwelling on the land, the A-frame cannot be used for a tourist commercial use, however fixed roof overnight accommodation can still be considered under the provision of visitor-oriented uses development agreement. Additionally, as the proposed use would be located inside the existing A-frame building, no additional development is required, limiting the impact on neighbouring properties and the environment and as the owners of the land actively live on the subject site, they will be available to manage any noise issues or guest/neighbour concerns.

Within section 2.5, the MPS also outlines the Municipality's Economic Development goals, objectives and policies. Within this section, the goal of Economic Development states, *"To sustain the Municipality's diverse economic base, encourage entrepreneurship and innovation"*. Further to this goal, policies 2.5.2 and 2.5.4 state:

*Council shall:*

***MPS Policy 2.5.2*** encourage the development of new businesses ranging in breadth and scale;

***MPS Policy 2.5.4*** promote the Municipality as a superior location for new businesses

The proposal is an opportunity for the Municipality to encourage entrepreneurship and innovation and the proposal will be consistent with the intent of the above policies. Also, in Section 2.5, the Economic Development objectives, the theme on rural and natural areas states *"To facilitate and promote outdoor recreation and eco-tourism opportunities that take advantage of our natural and scenic assets"*. The main intention of the development is to provide nature-based tourism where visitors will get to experience and appreciate the natural and scenic assets Cape Split, Scots Bay and the Annapolis Valley.

The proposed fixed roof overnight accommodation can also help achieve the goals of fostering a tourism industry that can support other rural businesses as set out within section 2.2, Rural area.



*MPS Section 2.2 - Rural Areas Objectives*

*Economic Development Objective – To foster industry that increases the viability of and supports rural businesses.*

*Transportation Objective – To use the existing rural road network efficiently and provide opportunities for recreational trails*

The proposed fixed roof overnight accommodation can support other rural businesses including local restaurants and provincial parks, by providing tourist accommodation. The proposed fixed roof overnight accommodation would also utilize the existing road network and offer excellent access to recreational trails located at Cape Split and Blomidon Provincial Park.

## **8. SUMMARY OF THE DRAFT DEVELOPMENT AGREEMENT**

The draft development agreement has been attached as Appendix C to this report. The main contents of the proposed development agreement includes:

- Enables fixed roof overnight accommodation in the existing A-frame building and defines the A-frame building as a 'Tourist Cabin';
- Requires vehicle access to the Tourist Cabin to be located within the site boundaries;
- Establishes setbacks requirements along all existing property lines;
- Regulates lighting;
- Restricts subdivision; and
- Restricts further expansion of the A-frame building and use.

## **9. CONCLUSION**

The proposed fixed roof overnight accommodation takes advantage of the existing A-frame building on the subject site and provides a view of Scots Bay while being unintrusive and sensitive to surrounding residential uses. As a result, Staff are forwarding a positive recommendation to the Planning Advisory Committee.

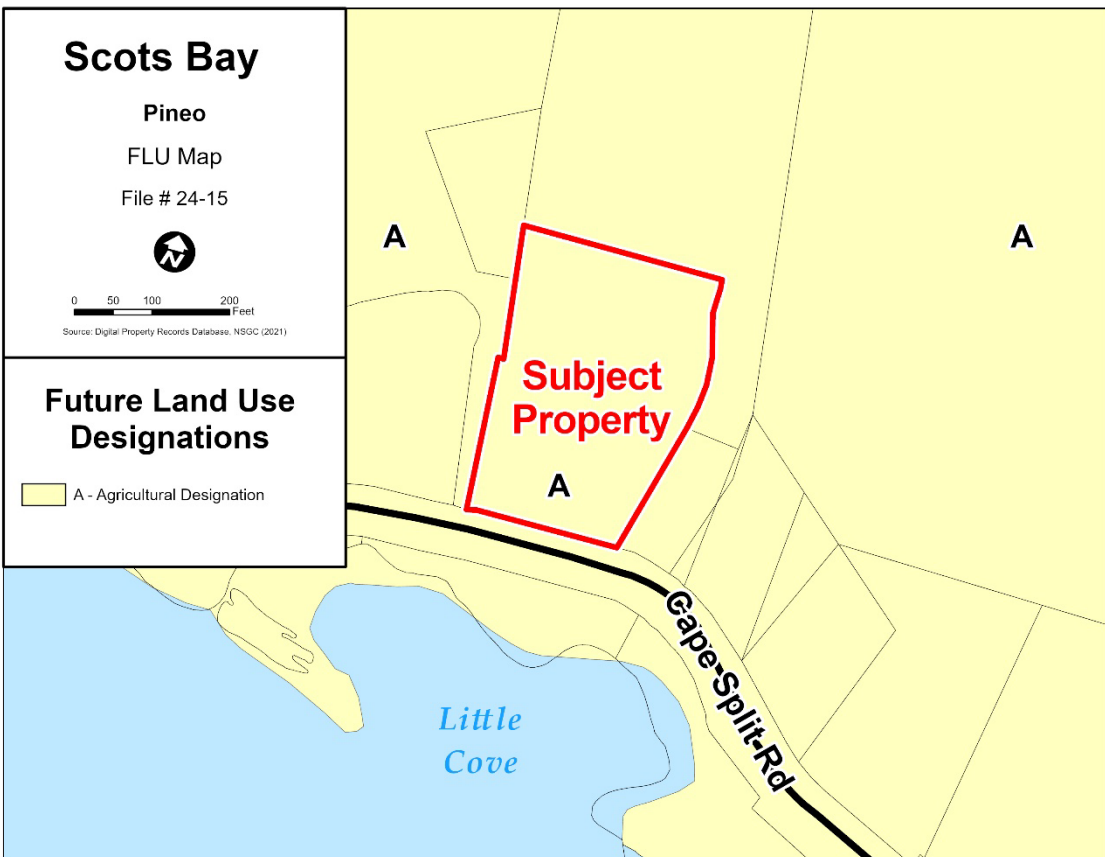
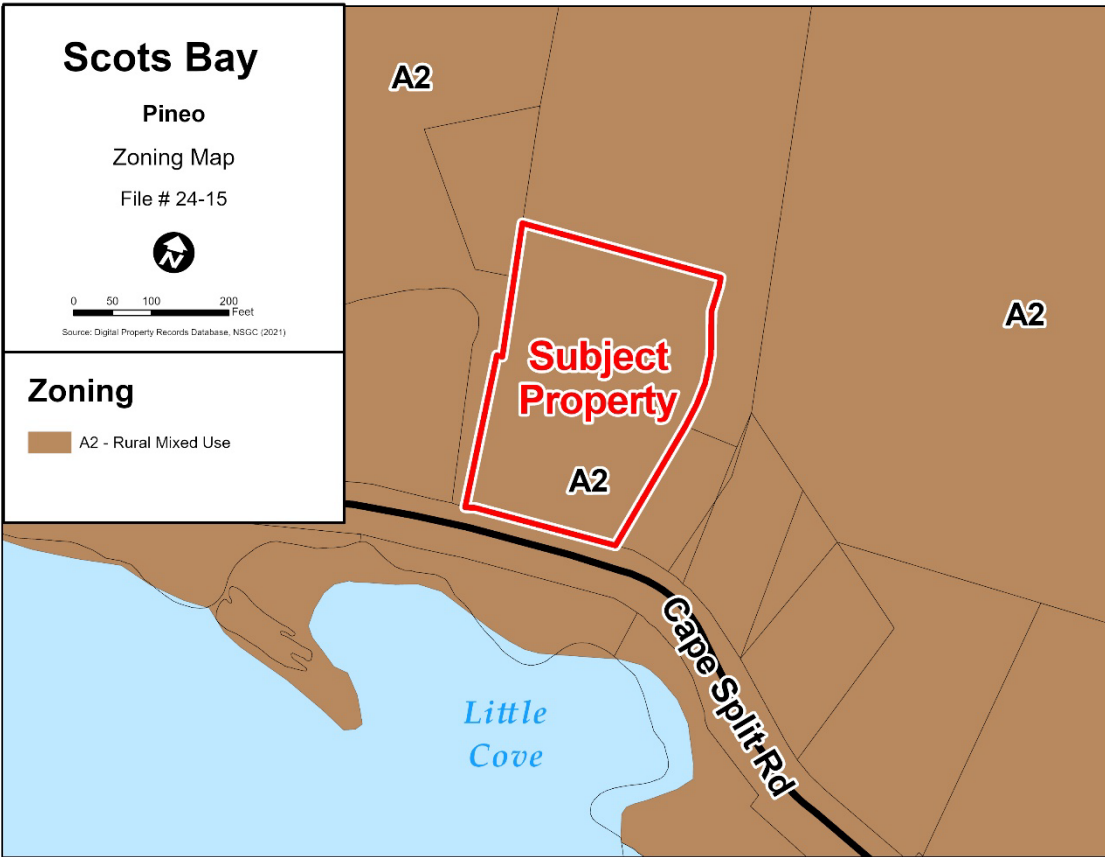
## **10. APPENDIXES**

**Appendix A – Maps**

**Appendix B – General Criteria**

**Appendix C – Draft Development Agreement**

Appendix A – Maps



### Appendix B – General Development Agreement Criteria Policy 5.3.7

Council expects to receive applications to amend the Land Use By-law or enter into a development agreement for development that is not permitted as-of-right in the Land Use By-law. Council has established criteria to ensure the proposal is appropriate and consistent with the intent of this Strategy. Council shall be satisfied that a proposal to amend the Land Use By-law or to enter into a development agreement:

Criteria	Comments
<i>a. is consistent with the intent of this Municipal Planning Strategy, including the Vision Statements, relevant goals, objectives and policies, and any applicable goals, objectives and policies contained within a Secondary Plan;</i>	The proposed development agreement is consistent with the intent of the Municipal Planning Strategy to support tourism and the applicable goals, objectives and policies contained within the Municipal Planning Strategy.
<i>b. is not in conflict with any Municipal or Provincial programs, By-laws, or regulations in effect in the Municipality;</i>	The proposed Development Agreement is not in conflict with any Municipal or Provincial programs, By-laws, or regulations.
<i>c. that the proposal is not premature or inappropriate due to:</i>	
<i>i. the Municipal or village costs related to the proposal;</i>	The proposal does not involve any development costs to the Municipality.
<i>ii. land use compatibility with surrounding land uses;</i>	The proposed use inside an existing building is set back 200 feet or more from neighbouring dwellings and there are buildings located between the A-frame building and neighbouring dwellings to the east and west. The owners of the land live on site and will be available to manage any noise issues which arise.
<i>iii. the adequacy and proximity of school, recreation and other community facilities;</i>	The subject site is within proximity to recreation (Cape Split trail head, Blomidon Provincial Park) and other community facilities (Scot's Bay Community Hall & Little Cove Wharf)
<i>iv. the creation of any excessive traffic hazards or congestion due to road or pedestrian network adequacy within, adjacent to, and leading to the proposal;</i>	The Department of Public Works (DPW) has confirmed the adequacy of the road network and does not anticipate any issues related to access or egress.
<i>v. the adequacy of fire protection services and equipment;</i>	The Canning Fire Chief has confirmed the adequacy of fire protection services.
<i>vi. the adequacy of sewer and water services;</i>	On-site sewer and well water are connected to the A-frame building. The development agreement stipulates the owner is responsible for providing water and wastewater disposal services

	to the standards of the authority having jurisdiction – The Nova Scotia Department of Environment and Climate Change.
<i>vii. the potential for creating flooding or serious drainage problems either within the area of development or nearby areas;</i>	No new development is proposed.
<i>viii. negative impacts on identified wellfields or other groundwater supplies for the area;</i>	The subject site is not within any wellfield protection areas.
<i>ix. pollution, in the area, including but not limited to, soil erosion and siltation of watercourses; or</i>	No new development is proposed as part of this proposal. No soil erosion or siltation of watercourses is expected.
<i>x. negative impacts on lake water quality or nearby wetlands;</i>	The subject site is not in proximity to any lakes or wetlands.
<i>xi. negative impacts on neighbouring farm operations;</i>	The proposed use is not expected to interfere with any of the farm operations in Scot's Bay.
<i>xii. the suitability of the site regarding grades, soils and geological conditions, location of watercourses, marshes, bogs and swamps, and proximity to utility rights-of-way.</i>	The subject site is generally suitable in terms of grades, soils, geological conditions, and proximity to natural features and rights-of-way.

Appendix C – Draft Development Agreement

THIS DEVELOPMENT AGREEMENT BETWEEN:

**Mark Pineo and Sherry Pineo**, of Scots Bay, Nova Scotia, hereinafter called the "Property Owner",

of the First Part

and

**MUNICIPALITY OF THE COUNTY OF KINGS**, a body corporate pursuant to the Municipal Government Act, S.N.S., 1998, Chapter 18, as amended, having its chief place of business at Coldbrook, Kings County, Nova Scotia, hereinafter called the "Municipality",

of the Second Part

WHEREAS the Property Owner is the owner of certain lands and premises (hereinafter called the "Property") which lands are more particularly described in Schedule A attached hereto and which are known as Property Identification (PID) Number **55014047**; and

WHEREAS the Property Owner wishes to use the Property for a Tourist Cabin; and

WHEREAS the Property is situated within an area designated **Agricultural (A)** on the Future Land Use Map of the Municipal Planning Strategy, and zoned **Rural Mixed Use (A2)** on the Zoning Map of the Land Use By-law;

WHEREAS policy **2.5.13** of the Municipal Planning Strategy and section **8.4.5 (a)** of the Land Use By-law provide that the proposed use may be developed only if authorized by development agreement; and

WHEREAS the Property Owner has requested that the Municipality of the County of Kings enter into this development agreement pursuant to Section 225 of the Municipal Government Act so that the Property Owner may develop and use the Property in the manner specified; and

WHEREAS the Municipality by resolution of Municipal Council approved this Development Agreement;

Now this Agreement witnesses that in consideration of covenants and agreements contained herein, the parties agree as follows:

## **PART 1 AGREEMENT CONTEXT**

### **1.1 Schedules**

The following attached schedules shall form part of this Agreement:

Schedule A            Property Description

Schedule B            Site Plan

### **1.2 Municipal Planning Strategy and Land Use By-law**

- (a) *Municipal Planning Strategy* means By-law 105 of the Municipality, approved on March 5, 2020, as amended, or successor by-laws.
- (b) *Land Use By-law* means By-law 106 of the Municipality, approved on March 5, 2020, as amended, or successor by-laws.
- (c) *Subdivision By-law* means By-law 60 of the Municipality, approved September 5, 1995, as amended, or successor by-laws.

### **1.3 Definitions**

Unless otherwise defined in this Agreement, all words used herein shall have the same meaning as defined in the Land Use By-law unless the context clearly indicates otherwise. Words not defined in the Land Use By-law but defined herein are:

- (a) *Development Officer* means the Development Officer appointed by the Council of the Municipality.
- (b) *Tourist Cabin* means the existing A-frame building used for the purpose of providing Fixed Roof Overnight Accommodation to the travelling public on a short term or temporary basis.

## **PART 2 DEVELOPMENT REQUIREMENTS**

### **2.1 Use**

That the Parties agree that the Property shall be limited to the following uses:

- (a) Those uses permitted by the underlying zoning in the Land Use By-law (as may be amended from time-to-time); and
- (b) Tourist Cabin within the area identified on Schedule B – Site plan as ‘Tourist Cabin’ notwithstanding sections 14.3.2 of the Land Use By-law. One dedicated parking space shall be provided to the north of the A-frame building, accessed by the driveway on the western side of the site.

Except as otherwise provided in this Agreement, the provisions of the Land Use By-law apply to any development undertaken pursuant to this Agreement.

## **2.2 Site Plan**

All uses enabled by this Agreement on the Property shall be developed in general accordance with Schedule B, Site Plan.

## **2.3 Appearance of Property**

The Property Owner shall at all times maintain all structures and services on the Property in good repair and a useable state and maintain the Property in a neat and presentable condition.

## **2.4 Vehicle Access**

All vehicular access to the Tourist Cabin must be contained within the boundaries of the property.

## **2.4 Setbacks**

Notwithstanding uses permitted in the underlying zone, the existing buildings, parking areas, and use enabled in 2.1(b), all other activities on the property including, but not limited to, picnic areas and fire pits shall be set back at least 50 feet from the western property line and 100 feet from all other property lines.

## **2.5 Subdivision**

No alterations to the lot configuration that would result in a reduced lot area are permitted.

## **2.6 Erosion and Sedimentation Control**

During any site preparation, construction activities or demolition activities of a structure or parking area, all exposed soil shall be stabilized immediately and all silt and sediment shall be contained within the site according to the practices outlined in the Department of Environment *Erosion and Sedimentation Control Handbook for Construction*, or any successor documents, so as to effectively control erosion of the soil.

## **2.7 Lighting**

The Property Owner shall ensure that any lights used for illumination of the Property or signs shall be arranged so as to divert light downwards and away from streets and neighbouring properties.

## **2.8 Servicing**

The Property Owner shall be responsible for providing adequate water services and wastewater disposal services to the standards of the authority having jurisdiction and at the Property Owner's expense.

## **2.8 Floor area of A-frame**

No increase in the floor area of the A-frame building shall occur except for the purposes of complying with the National Building Code of Canada as amended from time to time and successor documents in regards to change of use.

## **2.9 Signs**

Signage on the Property shall be limited to one Ground Sign in accordance with Section 14.6.10 of the Land Use By-Law – Home-based Business Signs.

### **PART 3 CHANGES AND DISCHARGE**

**3.1** Any matters in this Agreement which are not specified in Subsection 3.2 below are not substantive matters and may be changed by Council without a Public Hearing.

**3.2** The following matters are substantive matters:

(a) the uses permitted on the property as listed in Section 2.1 of this Agreement;

**3.3** Upon conveyance of land by the Property Owner to either:

(a) the road authority for the purpose of creating or expanding a public street over the Property; or

(b) the Municipality for the purpose of creating or expanding open space within the Property;

registration of the deed reflecting the conveyance shall be conclusive evidence that that this Agreement shall be discharged as it relates to the public street or open space, as the case may be, as of the date of registration with the Land Registry Office but this Agreement shall remain in full force and effect for all remaining portions of the Property.

**3.4** Notwithstanding the foregoing, discharge of this Agreement is not a substantive matter and this Agreement may be discharged by the Municipality at the request of the Property Owner without a Public Hearing.

**3.5** Notice of Intent to discharge this Agreement may be given by the Municipality to the Property Owner following a decision of the Chief Administrative Officer to give such Notice:

(b) at the discretion of the Municipality, with or without the concurrence of the Property Owner, where the Development has, in the reasonable opinion of council on advice from the Development Officer, ceased operation for a period of at least twenty-four (24) months; or,

(c) at any time upon the written request of the Property Owner, provided the use of the Property is in accordance with the Land Use By-law or a new Agreement has been entered into.



- 3.6** The Chief Administrative Officer may discharge this Agreement thirty (30) days after a Notice of Intent to Discharge has been given. Notwithstanding any other provision of this Agreement, the discharge of this Agreement is not a substantive matter and this Agreement may be discharged by the Municipality without a Public Hearing.

#### **PART 4 IMPLEMENTATION**

##### **4.1 Commencement of Operation**

No construction or use may be commenced on the Property until the Municipality has issued any Development Permits, Building Permits and/or Occupancy Permits that may be required.

##### **4.2 Drawings to be Provided**

When an engineered design is required for any portion of a development, record drawings shall be provided to the Development Officer within ten days of completion of the work which requires the engineered design.

##### **4.3 Completion and Expiry Date**

The Property Owner shall sign this Agreement within 60 days from the date the appeal period lapses or all appeals have been abandoned or disposed of or the development agreement has been affirmed by the Nova Scotia Regulatory and Appeals Board or the unexecuted Agreement shall be null and void;

#### **PART 5 COMPLIANCE**

##### **5.1 Compliance With Other By-laws and Regulations**

- (a) Nothing in this Agreement shall exempt the Property Owner from complying with Federal, Provincial and Municipal laws, by-laws and regulations in force or from obtaining any Federal, Provincial, or Municipal license, permission, permit, authority or approval required thereunder.
- (b) Where the provisions of this Agreement conflict with those of any by-law of the Municipality applicable to the Property (other than the Land Use By-law to the extent varied by this Agreement) or any statute or regulation, the higher or more stringent requirements shall prevail.

##### **5.2 Municipal Responsibility**

The Municipality does not make any representations to the Property Owner about the suitability of the Property for the development proposed by this Agreement. The Property owner assumes all risks and must ensure that any proposed development complies with this Agreement and all other laws pertaining to the development.

##### **5.3 Warranties by Property Owner**

The Property Owner warrants as follows:

- (a) The Property Owner has good title in fee simple to the Lands or good beneficial title subject to a normal financing encumbrance, or is the sole holder of a Registered Interest in the Lands. No other entity has an interest in the Lands which would require their signature on this Development Agreement to validly bind the Lands or the Property Owner has obtained the approval of every other entity which has an interest in the Lands whose authorization is required for the Property Owner to sign the Development Agreement to validly bind the Lands.
- (b) The Property Owner has taken all steps necessary to, and it has full authority to, enter this Development Agreement.

#### **5.4 Onus For Compliance On Property Owner**

Any failure of the Municipality to insist upon a strict performance of any requirements or conditions contained in this Agreement shall not be deemed a waiver of any rights or remedies that the Municipality may have and shall not be deemed a waiver of any subsequent breach or default in the conditions or requirements contained in this Agreement.

#### **5.5 Breach of Terms or Conditions**

Upon breach of any term or condition of this Agreement, the Municipality may notify the Property Owner in writing. In the event that the Property Owner has not cured any such breach or entered into arrangements with the Municipality related to such breach to the Municipality's satisfaction, acting reasonably, within six (6) months of such notice then the Municipality may rely upon the remedies contained in Section 264 of the *Municipal Government Act* and may enter the land and perform any of the terms contained in the Development Agreement, or take such remedial action as is considered necessary to correct a breach of the Agreement, including the removal or destruction of anything that contravenes the terms of the Agreement and including decommissioning the site. It is agreed that all reasonable expenses, whether arising out of the entry on the land or from the performance of the terms, are a first lien on the land that is the subject of the Development Agreement.

#### **5.8 Development Agreement Bound to Land**

This Agreement shall be binding upon the parties hereto and their heirs, executors, administrators, successors and assigns, and shall run with the land which is the subject of this Agreement until such time as it is discharged by the Municipality in accordance with Section 229 of the *Municipal Government Act*.

#### **5.9 Assignment of Agreement**

The Property Owner may, at any time and from time to time, transfer or assign this Agreement and its rights hereunder and may delegate its obligations hereunder to an assign, successor, heir, or purchaser of the land bound by this Agreement.

#### **5.10 Costs**

The Property Owner is responsible for all costs associated with recording this Agreement in the Registry of Deeds or Land Registration Office, as applicable, and all costs of advertising for and recording of any amendments.

#### **5.11 Full Agreement**

This Agreement constitutes the entire agreement and contract entered into by the Municipality and the Property Owner. No other agreement or representation, oral or written, shall be binding.

#### **5.12 Severability of Provisions**

The provisions of this Agreement are severable from one another and the invalidity or unenforceability of one provision shall not affect the validity or enforceability of any other provision.

#### **5.13 Interpretation**

- (a) Where the context requires, the singular shall include the plural, and the use of words in one gender shall include all genders as circumstances warrant;
- (b) Where the written text of this Agreement conflicts with information provided in the Schedules attached to this Agreement, the written text of this Agreement shall prevail.
- (c) References to particular sections of statutes and bylaws shall be deemed to be references to any successor legislation and bylaws even if the content has been amended, unless the context otherwise requires.

**THIS AGREEMENT** shall ensure to the benefit of and be binding upon the parties hereto, their respective agents, successors and assigns.

**IN WITNESS WHEREOF** this Agreement was properly executed by the respective parties hereto and is effective as of the day and year first above written.

SIGNED, SEALED AND ATTESTED to be the proper designing officers of the Municipality of the County of Kings, duly authorized in that behalf, in the presence of:

**MUNICIPALITY OF THE COUNTY  
OF KINGS**

\_\_\_\_\_  
Witness

\_\_\_\_\_  
David L. Corkum, Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Janny Postema, Municipal Clerk

\_\_\_\_\_  
Date

SIGNED, SEALED AND DELIVERED

**MARK AND SHERRY PINEO**

In the presence of:

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Sherry Pineo

\_\_\_\_\_  
Date

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Witness

---

Mark Pineo

---

Date

Schedule A – Property Description  
(accessed on Property Online on March 31<sup>st</sup>, 2025)

PID 55014047

Parcel Description

Registration County: KINGS COUNTY

Street/Place Name: CAPE SPLIT ROAD /SCOTS BAY

Title of Plan: PLAN OF S/D SHOWING PARCEL A BEING A S/D OF LANDS CONVEYED TO EDGAR APPLETON THORPE KENNETH WARREN THORPE PID 55014021 TO BE ADDED TO LANDS CONVEYED TO SHERRY MAE PINEO PID 55014047 TO FORM LOT P1 CAPE SPLIT RD SCOTS BAY

Designation of Parcel on Plan: LOT P1

Registration Number of Plan: 117526369

Registration Date of Plan: 2020-11-27 15:14:47

BURDEN NUMBER ONE

RESERVING FURTHER to the Grantor herein his heirs and assigns and his agents and servants for all types of vehicles traffic to the use of a 15 foot right of way in common with Warren R. Thorpe et ux, their heirs and assigns, which said right of way is situated on the west side of the herein before described lot.

BURDEN NUMBER TWO

Subject however to an easement/right of way for a utility line granted by Sherry Mae Pineo and Mark Pineo to Bell Canada dated September 25, 2018 and recorded in the Registry of Deeds for Kings County on October 5, 2018 as document number 113377718.

BURDEN NUMBER THREE

Subject however to a right of way reserved by Kenneth Warren Thorpe and Edgar Appleton Thorpe, their heirs and assigns, and their agents and servants for all types of vehicular traffic to the use of a fifteen (15) foot right-of-way in common with the Grantees, their heirs and assigns, which said right-of-way is situated on the west side of Parcel A described in a deed to Sherry Mae Pineo recorded in the Land Registration office for Kings County on November 27, 2020 as document number 117526377.

BENEFIT

Together with a grant of water rights as set on in an agreement between Mabel Fraser and Clazina Marie Pineo dated January 4, 1993 and recorded in the Registry of Deeds for Kings County on January 5, 1993 in Book 928 at Page 826 as document number 48.

\*\*\* 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: 2020

Plan or Document Number: 117526369

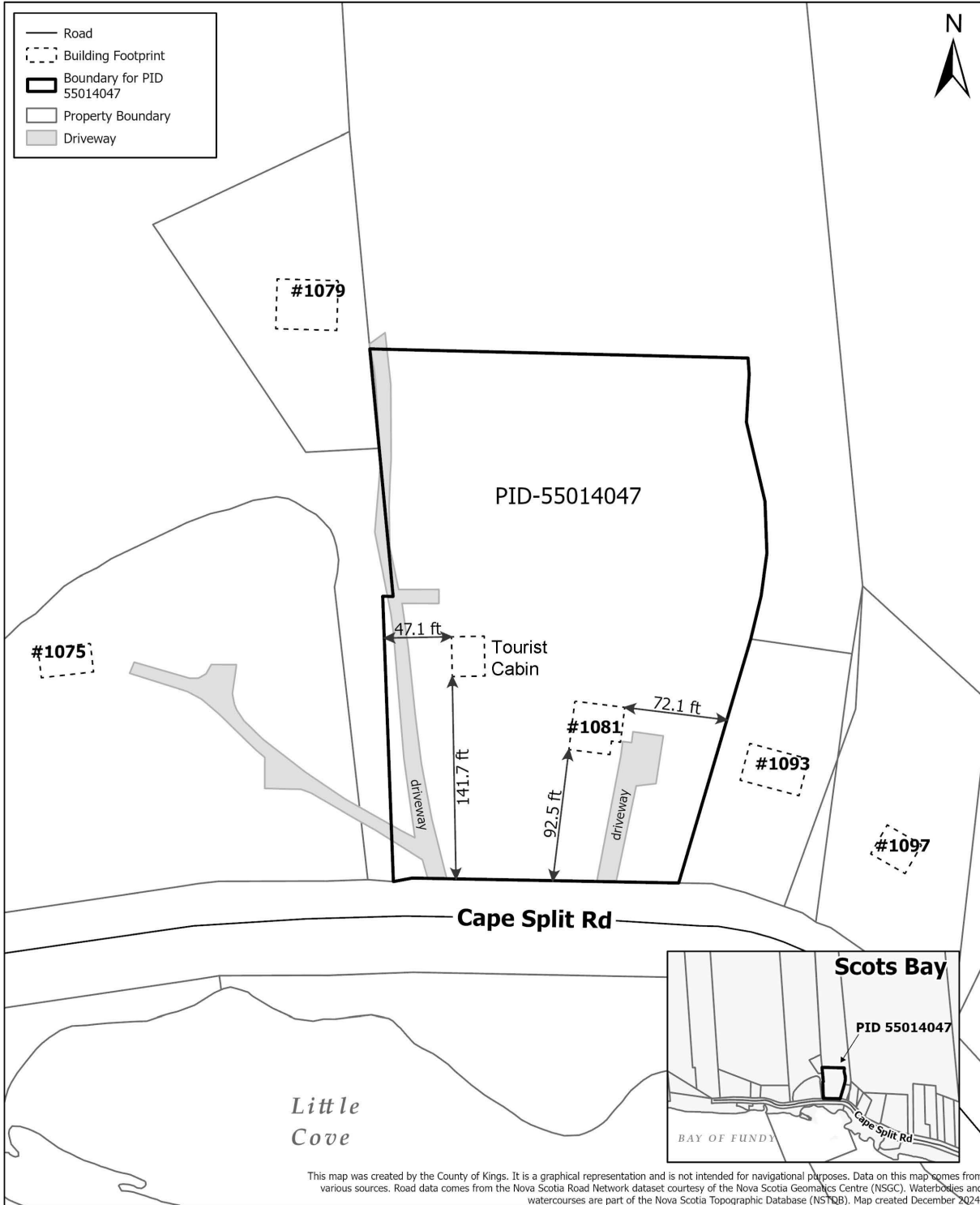
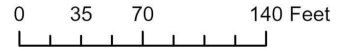
4. Lands conveyed by the heirs and devisees of the Last Will and Testament of Warren Rufus Thorpe, in favour of Her Majesty The Queen in Right of the Province of Nova Scotia, for purposes of road enlargement or realignment, dated July 14, 1976 and recorded on July 19, 1976 in the Kings County Registry of Deeds in Book 402 at Page 540 (see Plan filed as P-2148).
5. Lands conveyed by Warren R. Thorpe and his wife Edna Thorpe to J. Howard Shaw by Warranty Deed dated October 29, 1970 and recorded on October 30, 1970 in the Kings County Registry of Deeds in Book 291 at Page 483 as Document No. 815.

SUBJECT HOWEVER to a Water Agreement between Gemmy Katherine Thorpe, Edgar Appleton Thorpe, and Irene Elizabeth Huntley of the one part, and Perry A. R. Jackson and S. Dianne Jackson, spouses of the other part, dated March 20, 2002 and recorded on that same date in the Kings County Registry of Deeds in Book 1312 at Page 589 as Document No. 1784. The underground domestic waterline running westerly across the so-called Jasper Steele Lot to adjoining lands of Perry and Dianne Jackson on Cape Split Road is also referenced on Page 2 of a separate Water Agreement between Gemmy Katherine Thorpe, Edgar Appleton Thorpe and Irene Elizabeth Huntley of the one part and Gemmy Katherine Thorpe of the other part, dated March 20, 2002 and recorded on that same date in the Kings County Registry of Deeds in Book 1312 at Page 599 as Document No. 1785.

AND FURTHER BEING AND INTENDED TO BE the same lands and premises conveyed by Gemmy Katherine Thorpe, Edgar A. Thorpe and Irene Elizabeth Huntley as Grantor, and by Elva Thorpe (wife of Edgar A. Thorpe) as Releasor, to Gemmy Katherine Thorpe as Grantee, dated October 3, 2001 and recorded on March 20, 2002 in the Kings County Registry of Deeds in Book 1312 at Page 614 as Document No. 1787. This conveyance included the previous one-third undivided Tenant-in-Common interest of Gemmy Katherine Thorpe, and thereby served to convey a one hundred percent fee simple interest in the above described lands to Gemmy Katherine Thorpe.

Application 24-15  
PID 55014047

# Site Plan



This map was created by the County of Kings. It is a graphical representation and is not intended for navigational purposes. Data on this map comes from various sources. Road data comes from the Nova Scotia Road Network dataset courtesy of the Nova Scotia Geomatics Centre (NSGC). Waterbodies and watercourses are part of the Nova Scotia Topographic Database (NSTDB). Map created December 2024.