



**1. CALL TO ORDER**

**2. LAND ACKNOWLEDGEMENT**

Acknowledgement of Mi'kma'ki the ancestral and unceded territory of the Mi'kmaq People.

**3. APPROVAL OF AGENDA**

*Draft motion: Moved and seconded that Council approve the agenda for the March 14, 2023 meeting as presented.*

**4. APPROVAL OF MINUTES**

*Draft motion: Moved and seconded that Council approve the minutes of the February 28, 2023 meeting as presented.*

**5. PUBLIC HEARINGS, PRESENTATIONS AND QUESTIONS**

**6. CORRESPONDENCE, PETITIONS AND PROCLAMATIONS CONSIDERATION**

**7. BUSINESS ARISING FROM THE MINUTES/UNFINISHED BUSINESS**

7.1 Cornwallis Street Renaming Update – Verbal

**8. COMMITTEE MEETING MINUTES, RECOMMENDATIONS, REPORTS & NOTICES OF MOTION**

8.1 Amendment to Land Use By-Law: Deleting Schedule "G" Vending – 1<sup>st</sup> reading

*Draft motion: Moved and seconded that Council approve first reading of the proposed amendments to the Land Use By-law by deleting Schedule "G" Vending as outlined in the Planner's report.*

8.2 Amendment to MPS and LUB to Delete Architectural Control Areas – 1<sup>st</sup> reading

*Draft motion: Moved and seconded that Council approve first reading of the proposed amendments to the Municipal Planning Strategy and Land Use By-law to delete the Architectural Control Areas and Schedule "F" Heritage Conservation District and Architectural Control Area Map as outlined in the Planner's report.*

## **9. NEW BUSINESS**

### 9.1 2023 Provincial Volunteer Representative

Draft motion: Moved and seconded that Council award Jamie Ernst as the 2023 Provincial Volunteer Award Representative for the Town of Lunenburg.

## **10. IN CAMERA MEETING**

Draft Motion: Moved and seconded that Council meet in camera at \_\_\_\_\_ p.m. to consider the following matter pursuant to section 22 (2), Municipal Government Act:

## **11. RESUMPTION OF COUNCIL MEETING IN PUBLIC SESSION**

Motion to consider any in camera meeting notices of motion and/or recommendations pursuant to section 22 (3), Municipal Government Act.

## **12. ADJOURNMENT**

TOWN OF LUNENBURG  
**COUNCIL MEETING MINUTES**  
 February 28, 2023 | 6 pm  
 Lunenburg Town Hall – Council Chamber




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Present	Deputy Mayor Peter Mosher, Councillors Melissa Duggan, Stephen Ernst, Ed Halverson, Jenni Birtles and Susan Sanford
Absent	Mayor Matt Risser
Also present	Jamie Doyle, Chief Administrative Officer Tyson Joyce, Director of Public Works Arthur MacDonald, Director of Community Development Trevor Hume, Planning Technician Hilary Grant, Senior Planning/Heritage Officer Heather McCallum, Public Engagement Specialist Michael Best, Communications Manager Kathleen Rafuse, Town Accountant Kayla Byrne, Municipal Clerk Sgt. Kelly Plamondon, RCMP Cpl. Traci Johnston, RCMP
Call to Order	The Deputy Mayor called the meeting to order at 6 p.m.
Land acknowledgment	The Deputy Mayor recognized Lunenburg's location on the unceded territory of the Mi'kmaq people.
Approval of Agenda	Moved and seconded that Council approve the agenda for the February 28, 2023 meeting as presented.  <b>Motion carried unanimously</b>
Approval of Minutes	Moved and seconded that Council approve the minutes of the February 14, 2023 meeting as presented.  <b>Motion carried unanimously</b>
Public Hearings, Presentations and Questions	None.
2023/24 REMO Operating Budget	Council received a letter about the 2023/24 operating budget for the Lunenburg County Regional Emergency Management Organization

(REMO). This budget request will be a part of the Town’s overall 2023/24 operating budget.

Repealing of Town Policies

Moved and seconded that Council repeal the following policies:

1. Distribution of Town Pins
2. Reproduction and Use of the Town’s Flag and Logo
3. Legal Counsel for Lunenburg Council, Committee and Staff Members
4. Employment Related Sexual Harassment
5. Right to Refuse Work
6. Use of Seat Belts in Town Vehicles
7. Municipal Planning Strategy and Land Use By-Law Five (5) Year Review
8. Leaf Pick-Up and Disposal
9. Tree Limb and Brush Pick-Up and Disposal
10. Oil Spill Contingency and Waste Oil Disposal Policy (For Electric Utility)
11. Insertions with Electric Light Bills
12. Covid-19 Pandemic Property Tax Financing Program
13. Lunenburg War Memorial Community Centre Accounts Receivable Billing\Accounting Procedure
14. Staff Meeting Pay Procedure
15. Returned Cheques

**Motion carried unanimously**

Committee Minutes, Recommendations & Notices of Motion

None.

Quarterly Police Report

RCMP Corporal Traci Johnston and Sergeant Kelly Plamondon presented a quarterly police report. Report highlights include statistics on various calls for services, staff updates and community programs.

It was noted that the Town may, at anytime, bring forward any RCMP-related priorities, requests, or areas of focus to Cpl. Johnston and Sgt. Plamondon.

Vending By-law

Moved and seconded that Council approve first reading of the Vending By-law as presented.

**Motion carried unanimously**

2022/23 Capital and Operating Budget Variance to Dec. 31, 2022      The Town Accountant summarized the 2022/23 capital and operating budget variance report, which includes capital project spending and completed projects, revenue amounts, operational financial statements, and approved grants from the Town.

LAFF Applications      As a member of the Lunenburg Curling Club, Deputy Mayor Mosher abstained from voting on the three following motions.

Moved and seconded that Council approve the Lunenburg Curling Club's Lunenburg Athletic Facility Fund (LAFF) application in the amount of \$1,354.65 for energy efficient lighting replacements at the Lunenburg Curling Club.

**Motion carried unanimously**

Moved and seconded that Council approve the Lunenburg Curling Club's Lunenburg Athletic Facility Fund (LAFF) application in the amount of \$2,900 for the installation of two donated heat pumps at the Lunenburg Curling Club.

**Motion carried unanimously**

Moved and seconded that Council approve the Lunenburg Curling Club's Lunenburg Athletic Facility Fund (LAFF) application in the amount of \$10,089 for the purchase of reusable vinyl curling sheets to replace the current system of painting the ice at the Lunenburg Curling Club.

**Motion carried unanimously**

In Camera Meeting      Moved and seconded that Council meet in camera at 6:25 p.m. to consider the following matter pursuant to section 22 (2), Municipal Government Act:

- Contract negotiations

**Motion carried unanimously**

Prior to any in camera discussions, the Deputy Mayor called a recess from 6:25 p.m. until 6:50 p.m.

Resumption of Council Meeting      Council reverted to public session at 7:16 p.m. and approved the following motion:

Moved and seconded that Council direct staff to waive the \$2,943.91 interest payment owed by the Lunenburg Academy of Music Performance (LAMP) for its outstanding rent payments; and that Council direct staff to collect the remaining balance of \$15,737.81 over

the next 12-month period, starting in March 2023.

**Motion carried unanimously**

Adjournment

There being no further business, the February 28, 2023 Council meeting adjourned at 7:17 p.m.

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Minutes were read and approved.

**Subject:** Amendment to Land Use By-Law: Deleting Schedule “G” - Vending  
**From:** Arthur MacDonald, Director of Community Development  
**Reviewed by:** Jamie Doyle, CAO  
**Date:** March 2, 2023

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### **Recommendation**

That Council approve first reading of the proposed amendments to the Land Use By-law by deleting Schedule “G” Vending as outlined in the Planner’s report.

### **Alternatives**

- To refuse the amendment
- Approve the amendment with changes.

### **Background**

At its May 10, 2022 meeting, Council passed the following motion:

Motion: moved and seconded to undertake a planning report and draft Vending Bylaw, which would include a map showing permitted areas for vending, and amend the Land Use Bylaw to delete Schedule G, Vending. Motion carried.

The development of a new Vending By-law has been addressed in a separate report. This report focuses on the amendment to the Land Use By-law (LUB) to delete Schedule “G” - Vending.

The Planning Advisory Committee (PAC) held a Public Participation Meeting on February 27, 2023. There were no submissions for or against the proposed amendments. The following the motion was approved:

Moved and seconded that the PAC recommends that Council proceeds with first reading of the proposed amendments to the Land Use By-law by deleting Schedule “G” Vending as outlined in the Planner’s report.

**Motion carried unanimously**

### **Discussion**

The proposal involves the creation of a new Vending By-law that will accommodate all the aspects related to vending within the Town without the need for cross-referencing with the Town’s LUB. Upon completion and adoption, vending will be solely regulated through the new Vending By-law and the LUB will be silent in this regard.

**The Municipal Planning Strategy (MPS):**

Policy 6-9 (Attachment A) enables Council to consider an amendment to the text of the Land Use By-law if the proposed amendment is consistent with this Municipal Planning Strategy and meets the general evaluation criteria for amending the Land Use By-law, as set out in Policy 6-19. The MPS is silent with regarding to “vending” and as such an amendment to the Land Use By-law (LUB) with regards to Schedule “G”- Vending, would not be considered to be inconsistent with the intent of the MPS. In addition, the proposed amendment is considered to meet the general evaluation criteria as set out in Policy 6-19 (Attachment B).

Any amendment to the MPS and LUB must be evaluated pursuant to the Statements of Provincial Interest. The proposed amendment is considered not to be contrary to any Provincial Interest Statements as shown in the table below:

<b>Provincial Interest Statements</b>	
<p>Statement 1: Drinking Water</p> <p>Goal: To protect the quality of drinking water within municipal water supply watersheds.</p>	<p>Enabling vending operations to be completely regulated through a Vending By-law will not have an impact on the municipal water supply.</p>
<p>Statement 2: Flood Risk Areas</p> <p>GOAL: To protect public safety and property and to reduce the requirement for flood control works and flood damage restoration in floodplains.</p>	<p>Enabling vending operations to be completely regulated through a Vending By-law will not have an impact on flood risk areas.</p>
<p>Statement 3: Agricultural Land</p> <p>GOAL: To protect agricultural land for the development of a viable and sustainable agriculture and food industry.</p>	<p>Enabling vending operations to be completely regulated through a Vending By-law will not have an impact on agricultural lands.</p>
<p>Statement 4: Infrastructure</p> <p>GOAL: To make efficient use of municipal water supply and municipal wastewater disposal systems.</p>	<p>Enabling vending operations to be completely regulated through a Vending By-law will not have an impact on infrastructure.</p>
<p>Statement 5: Housing</p>	<p>Enabling vending operations to be completely regulated through a Vending</p>

GOAL: To provide housing opportunities to meet the needs of all Nova Scotians.	By-law will not have an impact on housing.
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### **Yard Sales**

Schedule “G” - Vending of the Land Use By-law includes a section on yard sales. As yard sales will not be covered under the Vending By-law, it would be best to maintain these provisions and have been substituted therefore, under Part 6.12. of the Land Use By-law.

### **Strategic Plan Relevance**

- Economic Development: Direction to support economic development.
- Governance: Direction to enhance internal and external relations through policies, procedures and resources.

### **Relevant Legislation**

The Municipal Government Act outlines the required process for amendments to planning documents.

### **Financial**

The deletion of Schedule “G”-Vending from the LUB and regulating vending activities solely through a new Vending By-law will not have any financial impacts on the Town.

### **Communications**

A Public Hearing will be advertised in the local newspaper and on the Town’s website and social media.

### **Attachments**

- A. MPS Policy 6-9
- B. Evaluation of Policy 6-19
- C. Section 6.12. and Schedule “G”- Vending
- D. Amendments to LUB

**Attachment A**  
**MPS Policy 6-9**

**6.3.3 Amending the Text and Use Zoning Map of the Land Use By-law**

Council recognizes it cannot foresee all possible types of development that might be acceptable in the Town in general, or on a specific piece of land. As such, there will be times when the Land Use By-law needs to be amended to accommodate a new development trend or specific development proposal.

Council also recognizes that it is possible to inadvertently make mapping errors in preparing the maps that accompanying this Plan and the Land Use By-law. Such errors may be in conflict with the policies in this Plan. Where such errors are discovered, Council may consider correcting them through amendments to the Use Zoning Map of the Land Use By-law.

**Policy 6-9:** Council shall amend the text of the Land Use By-law if the proposed amendment is consistent with this Municipal Planning Strategy and meets the general evaluation criteria for amending the Land Use By-law, as set out in Policy 6-19.

**Attachment B**  
**Evaluation of Policy 6-19**

**6.5.1 Amending the Land Use By-law & Entering into Development Agreements**

Amendments to the Land Use By-law and the entering into of development agreements are processes that require careful thought. As such, Council has established a set of general criteria to consider when evaluating all Land Use By-law amendments and development agreement proposals.

**Policy 6-19:** Council shall not amend the Land Use By-law or enter into a development agreement unless Council is satisfied the proposal:

- (a) is consistent with the intent of this Municipal Planning Strategy;  
The proposal is not inconsistent with the MPS. The MPS is silent on the issue of vending.
- (b) does not knowingly conflict with any Town or Provincial programs, by-laws, or regulations in effect in the municipality;  
The proposal does not knowingly conflict with any Town or Provincial programs, by-laws, or regulations in effect in the municipality.
- (c) is not premature or inappropriate due to:
  - i. the ability of the Town to absorb public costs related to the proposal;  
The proposal is not premature or inappropriate due to the ability of the Town to absorb any public costs.
  - ii. impacts on existing drinking water supplies, both private and public;  
The proposal is not premature or inappropriate due to impacts on existing drinking water supplies, both private and public.
  - iii. the adequacy of central water and sewage services or, where such services are not available, the suitability of the site to accommodate on-site water and sewage services;  
The proposal is not premature or inappropriate due to the adequacy of central water and sewage services or, where such services are not available, the suitability of the site to accommodate on-site water and sewage services. No services are required for vending operations and the sites vary throughout the Town.
  - iv. the creation of excessive traffic hazards or congestion on road, cycling, and pedestrian networks within, adjacent to, or leading to the proposal;  
It is difficult to assess this evaluation criteria as no specific site is being proposed. The proposed amendment is to delete vending regulations from the LUB and incorporate vending regulations under a new Vending By-law. Considering the above, the proposal does not seem to be premature or inappropriate due to the creation of excessive traffic hazards or congestion on road, cycling, and pedestrian networks within, adjacent to, or leading to the proposal.
  - v. the adequacy of fire protection services and equipment;  
It is difficult to assess this evaluation criteria as no specific site is being proposed.
  - vi. the adequacy and proximity of schools and other community facilities;  
It is difficult to assess this evaluation criteria as no specific site is being proposed.
  - vii. impacts on UNESCO World Heritage Site statements of outstanding value;  
No impacts on the UNESCO World Heritage Site are anticipated.
  - viii. the creation of a new, or worsening of a known, pollution problem in the area, including, but not limited to, soil erosion and siltation of watercourses;

The amendment will not cause any new, or worsening of any known, pollution problems.

- ix. site-specific climate change risks;  
The amendment will not cause or increase any site-specific climate risks.
- x. the potential to create flooding or serious drainage issues, including within the proposal site and in nearby areas;  
The amendment will not cause any flooding or drainage issues.
- xi. impacts on known habitat for species at risk;  
The amendment will not cause any impact on known habitat.
- xii. impacts on the navigability and environment of Lunenburg Harbour;  
The amendment will not cause any impact on navigation or environmental concerns on Lunenburg Harbour.
- xiii. the suitability of the site in terms of grades, soil and geological conditions, the location of watercourses and wetlands, and proximity to rights-of-way; and  
It is difficult to assess this evaluation criteria as no specific site is being proposed.
- xiv. land use conflicts that could place limits on existing operational procedures at existing businesses.  
The amendment to delete vending regulations from the LUB will not, by itself, cause any land use conflicts with existing businesses. However, the new Vending By-law may, by its nature, impact existing businesses. The proposed Vending By-law strives to strike a balance between fixed roof businesses and mobile vending operations by regulating their locations and fees to ensure a fair and transparent process to permit vending within the Town of Lunenburg.

**Attachment C**  
**Section 6.12. and Schedule “G”- Vending**

**6.12. Vending**

6.12.1 Vending shall comply with the *Vending By-law* and with Schedule ‘G’, Vending, of this Land Use By-law.

6.12.2 Where the *Vending By-law* references a section of this Land Use By-law, that reference shall be considered as a reference to the section with the same name within Schedule ‘G’, Vending, of this Land Use By-law.

## Schedule 'G' – Vending

The provisions of this Schedule shall apply to vending activities in the Town, subject to the *Vending By-law*.

### Outdoor Vending

Outdoor vending activities are prohibited in all use zones except those in which they are specifically permitted.

### Yard Sales

- (a) Yard sales are permitted in any use zone provided that:
  - i. articles for sale may include only the tangible personal property of the residents conducting the sale and may not include goods acquired for resale;
  - ii. only two yard sales may take place on any property during each calendar year; and
  - iii. yard sales may be conducted only on Saturdays from 8 am to 10 pm and on Sundays from 12 noon to 10 pm.
- (b) No development permit is required for yard sales permitted under clause (a).

### Transient Vending

Transient vending is permitted in any use zone and does not require a development permit, but is subject to the Town of Lunenburg *Vending By-law*.

### Vending at Group Fund Raising Events by Community or Religious Not-for-Profit Groups

No development permit is required for vending activities associated with fund raising by community or religious not-for-profit groups from the Town of Lunenburg.

### Outdoor Sales of Prepared Food

Outdoor sales of prepared food shall be prohibited except for:

- (a) those uses specifically authorized by this by-law;
- (b) outdoor food sales in a restaurant;
- (c) outdoor food sales by Transient Vendors authorized under the Town of Lunenburg Vending By-law;
- (d) outdoor food sales in the General Commercial Use Zone or Commercial Mixed Use Zone; and
- (e) outdoor food sales at Craft Markets and Farmers' Markets.

### Walking Tours

Walking Tours shall be permitted in all zones and shall not require a development permit but shall be subject to the Town of Lunenburg *Vending By-law*.

### Flea Markets

- (a) Flea markets organized and operated by community or religious not-for-profit groups from the Town of Lunenburg for the purposes of fund raising are permitted in any use zone other than the Lower Density Residential Use Zone, Medium Density Residential Use Zone, or Higher Density Residential Use Zone.
- (b) Flea markets not otherwise permitted by Clause (a) are prohibited in all use zones.
- (c) A development permit is not required any flea market permitted by Clause (a)

### Mobile Canteens

Mobile canteens are permitted in the following use zones and do not require a development permit but are subject to the *Vending By-law*:

- (a) Commercial Mixed Use Zone

## **Attachment D Amendments to LUB**

- 1) Amendment to the Land Use By-law thereby deleting “6.12. Vending” from the Table of Contents on Page vii of the Land Use By-law and substituted therefore by the words “6.12. Yard Sales”.**
- 2) Amendment to the Land Use By-law thereby deleting “Schedule “G”- Vending” in its entirety from the Table of Contents on Page viii of the Land Use By-law and substituted therefore by the words “Schedule “G”- Vending “DELETED””.**
- 3) Amendment to the Land Use By-law thereby deleting Section “6.12. Vending” in its entirety including Subsection 6.12.1 and Subsection 6.12.2 inclusive as outlined on Page 23 of the Land Use By-law and substituted therefore by the following words:**

### **“6.12. Yard Sales**

6.12.1. Yard sales are permitted in any use zone provided that:

- (a) articles for sale may include only the tangible personal property of the residents conducting the sale and may not include goods acquired for resale;
- (b) only two yard sales may take place on any property during each calendar year; and
- (c) yard sales may be conducted only on Saturdays from 8 am to 10 pm and on Sundays from 12 noon to 10 pm.

6.12.2. No development permit is required for yard sales permitted under Part 6.12.1.”

- 4) Amendment to the Land Use By-law thereby deleting the words “Schedule “G”- Vending” from the list of Schedules on Page 66 of the Land Use By-law and substituting therefore the words “Schedule “G”- Vending “DELETED””.**
- 5) Amendment to the Land Use By-law thereby deleting “Schedule “G”- Vending” in its entirety from the Schedules as outlined on Pages 73 and 74 inclusive of the Land Use By-law and substituting therefore the words “Schedule “G”- Vending “DELETED””.**

**Subject:** Amendment to MPS and LUB to Delete Architectural Control Areas  
**From:** Arthur MacDonald, Director of Community Development  
**Reviewed by:** Jamie Doyle, CAO  
**Date:** March 2, 2023



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### Recommendation

That Council approve first reading of the proposed amendments to the Municipal Planning Strategy and Land Use By-law to delete the Architectural Control Areas and Schedule “F” Heritage Conservation District and Architectural Control Area Map as outlined in the Planner’s report.

### Alternatives

- To refuse the amendment.
- Approve the amendment with changes.

### Background

In keeping with the Town’s Comprehensive Community Plan (CCP) and Council’s direction, the Town intends to adopt a new Heritage Conservation District (HCD) Plan and By-law and delete the Architectural Control Areas (ACAs) from the Municipal Planning Strategy (MPS) and Land Use By-law (LUB). The Dufferin Street ACA will be incorporated within the HCD. The Tannery Road ACA will be eliminated. The thought being that the Tannery Road area was distinct in its own right and did not contribute to the UNESCO World Heritage Site which is the narrative of the new Old Town Heritage Conservation District. This also follows the rationale for the boundaries of the new District as outlined in the Background Study approved by Council on August 9, 2022.

This report will cover the deletion of the ACAs from the Town’s MPS and LUB. The adoption of a new HCD Plan and By-law will be covered under a separate document. The existing MPS and LUB provisions are outlined in **Attachment A**. The Evaluation Criteria, Implementation Policy, 6-19 is outlined in **Attachment B**. The MPS amendments are outlined in **Attachment C**, and the LUB amendments are outlined in **Attachment D**.

The Planning Advisory Committee (PAC) held a Public Participation Meeting on February 27, 2023. There were no submissions for or against the proposed amendments. The following motion was approved:

Moved and seconded that the PAC recommends that Council proceeds with first reading of the proposed amendments to the Municipal Planning Strategy and Land Use By-law to delete the Architectural Control Areas and Schedule “F” Heritage Conservation District and Architectural Control Area Map as outlined in the Planner’s report.

**Motion carried unanimously**

**Discussion**

The proposal involves the creation of a new HCD Plan and By-law and the deletion of the ACAs from the Town’s MPS and LUB. This enables the creation of one document focusing on architectural provisions and eliminates the need for cross-referencing with the Town’s MPS and LUB when it comes time to consider development proposals. Architectural provisions will be regulated through the HCD Plan and By-law through the issuance of a Certificate of Appropriateness. Registered Heritage Properties will be reviewed in light of the Heritage Property Act and the Alteration Guidelines for Municipally Registered Heritage Properties with regards to a Heritage Permit application.

**The Municipal Planning Strategy (MPS):**

Policy 6-9 of the MPS enables Council to consider an amendment to the text of the LUB if the proposed amendment is consistent with this MPS and meets the general evaluation criteria for amending the LUB, as set out in Policy 6-19. To ensure consistency and compatibility, the MPS will be amended to remove any inconsistencies with the new HCD Plan and By-law as well as ensuring that the LUB is consistent with the MPS.

Any amendment to the MPS and LUB must be evaluated pursuant to the Statements of Provincial Interest. The proposed amendment is considered not to be contrary to any Provincial Interest Statements as shown in the table below:

Provincial Interest Statements	
Statement 1: Drinking Water	
Goal: To protect the quality of drinking water within municipal water supply watersheds.	Regulating architectural details through a HCD Plan and By-law rather than the MPS/LUB will not affect Provincial Interest Statement 1.
Statement 2: Flood Risk Areas	
GOAL: To protect public safety and property and to reduce the requirement for flood control works and flood damage restoration in floodplains.	Regulating architectural details through a HCD Plan and By-law rather than the MPS/LUB will not affect Provincial Interest Statement 2.
Statement 3: Agricultural Land	
GOAL: To protect agricultural land for the development of a viable and sustainable agriculture and food industry.	Regulating architectural details through a HCD Plan and By-law rather than the MPS/LUB will not affect Provincial Interest Statement 3.
Statement 4: Infrastructure	
GOAL: To make efficient use of municipal water supply and municipal wastewater disposal systems.	Regulating architectural details through a HCD Plan and By-law rather than the MPS/LUB will not affect Provincial Interest Statement 4.

Statement 5: Housing GOAL: To provide housing opportunities to meet the needs of all Nova Scotians.	Regulating architectural details through a HCD Plan and By-law rather than the MPS/LUB will not affect Provincial Interest Statement 5.

**Strategic Plan Relevance**

- Economic Development: Direction to support economic development.
- Heritage: Direction to protect and enhance existing heritage assets and to support a wider cultural narrative.
- Urban Design: Direction to enhance residents’ and visitors’ experience of the built environment.
- Culture and Recreation: Direction to support community life and assets in Lunenburg, including cultural identity, heritage interpretation, and the arts sector, as well as parks, open spaces, sports, and other activities.
- Governance: Direction to enhance internal and external relations through policies, procedures and resources.

**Relevant Legislation**

The Municipal Government Act outlines the required process for amendments to planning documents.

**Financial**

The deletion of the ACAs and regulating architectural control provisions through a new HCD Plan and By-law will not have any financial impacts on the Town.

**Communications**

A Public Hearing will be advertised in the local newspaper and on the Town’s website and social media.

**Attachments**

- A. Existing MPS and LUB Provisions
- B. Evaluation of Policy 6-19
- C. Amendments to MPS
- D. Amendments to LUB

## **Attachment A Existing MPS and LUB Provisions**

### **Municipal Planning Strategy Provisions:**

#### **5.3 Heritage and Architectural Control**

##### **5.3.1 Introduction**

Lunenburg has a distinct heritage rooted in the Germanic origins many of its first European settlers, its unique architectural character, and its historical association with the growth of the Atlantic fishery and the bygone age of sail. This strong heritage is recognized as an important element of community life, important not only to residents of the Town but to the growing tourism industry as well. The term "heritage" encompasses many things, from vernacular forms of speech, to local food, traditional skills, crafts, and means of livelihood, and the historic built environment.

The Town's architectural character is perceived as being a particularly important component of its heritage and Council has taken a number of initiatives to conserve, maintain, and improve that character.

In 1981, the Heritage Property By-law was first adopted under the *Heritage Property Act*, enabling Council to designate historic buildings, streetscapes, and areas in the Town and to control any substantial alteration to them. Implementation of the By-law began in 1982 when research was undertaken to document the historic and architectural character of the Town. This research culminated, in February 1984, in the publishing of an inventory of historic buildings, which laid the groundwork for subsequent designations of Municipal Heritage Properties under the Heritage Property By-law.

In 1991, Lunenburg received the distinction of having Old Town designated as a National Historic District.

In 1994, with the assistance of the Provincial Department of Housing and Municipal Affairs and a consultant, a background study was undertaken on the possible establishment of the Old Town as a heritage conservation district under the Heritage Property Act, with the district consisting of the National Historic District plus adjacent historic areas. A working group of residents assisted in the preparation of a draft conservation plan and bylaw that included policies restricting demolition of historic (pre-1940) buildings and design guidelines for new buildings, alterations to existing buildings, and signs, fences, and utility structures. The establishment of the heritage conservation district was also intended to qualify property owners for conservation assistance programs available from the provincial government.

In 1995, the Old Town was designated as a World Heritage Site by the United Nations Educational, Scientific and Cultural Organization (U.N.E.S.C.O.).

In 1996, following the Five-Year Review, limited architectural controls were introduced into the municipal planning strategy and land use bylaw. Three architectural control areas were established, one encompassing the Old Town National Historic District / World Heritage Site, another in the Dufferin Street and Falkland Street area, and a third in the Tannery Road area. Within these areas, architectural controls regulated the design of new main buildings and alterations to pre-1920 main buildings.

In 1997, with assistance from the Federal and Provincial Governments, the Town commissioned a Strategic Plan for conservation and management of the Town as a World Heritage Site. The resulting Lunenburg World Heritage Community Strategy, adopted by Council in 1998, identified numerous initiatives relating to cultural preservation and economic development. It also affirmed the need for the establishment of a heritage conservation district, comprehensive architectural controls, and financial incentives. In early 2000, following formal notification of all affected property owners, the heritage conservation district was established and the conservation plan and bylaw were adopted by Council.

In 2021 Council initiated a project to review the Heritage Conservation District Plan and By-law and Architectural Control Areas. However, this process is not yet complete at the time of adoption for this Municipal Planning Strategy and the associated Land Use By-law. As a result, this Municipal Planning Strategy continues without changing the approach contained within the 1996 Municipal Planning Strategy until such time as the review project is complete and this Plan is amended as necessary.

### 5.3.2 Heritage Conservation District and Architectural Control Areas

Council recognizes the potential social and economic benefits of preserving the heritage of Lunenburg and is committed to its protection. The designation of the Old Town as a National Historic District and World Heritage Site also imposes upon Council significant responsibility for its protection and management as a cultural resource of national and international importance. At the same time, Council recognizes that the Town is a living community, not a museum, and that architectural change must be accommodated.

In order to ensure the protection of Lunenburg's built heritage, Council has adopted a **three-**fold approach to architectural control:

- Voluntary designation of individual Municipal Heritage Properties under the Heritage Property By-law.
- Establishment of architectural control areas in the Dufferin Street, Falkland Street, and Tannery Road areas, with limited architectural controls implemented through the Land Use By-law. These architectural controls will continue the regulatory approach originally adopted in 1996 with the exception that the cut-off date for architectural reference is 1940. Within the architectural control areas, architectural controls will apply only to new main buildings and alteration of pre-1940 main buildings.

- Establishment of a heritage conservation district comprised of the Old Town National Historic District & World Heritage Site and adjacent historic areas, with architectural controls implemented through the policies and design guidelines of the conservation plan and bylaw. **Architectural controls in the heritage conservation district will apply to demolition of any pre-1940 building; the design of new buildings, including outbuildings; the alteration of any existing building, regardless of age; the design of fences and signs, and the placement and screening of utility structures.**

**Policy 5-4:** Council shall, through the Land Use By-law and pending completion of the project to review heritage and architectural controls, establish a Heritage Conservation District and Architectural Control Areas consistent with the 1996 Municipal Planning Strategy, as amended.

### 6.3.3 Amending the Text and Use Zoning Map of the Land Use By-law

Council recognizes it cannot foresee all possible types of development that might be acceptable in the Town in general, or on a specific piece of land. As such, there will be times when the Land Use By-law needs to be amended to accommodate a new development trend or specific development proposal.

Council also recognizes that it is possible to inadvertently make mapping errors in preparing the maps that accompanying this Plan and the Land Use By-law. Such errors may be in conflict with the policies in this Plan. Where such errors are discovered, Council may consider correcting them through amendments to the Use Zoning Map of the Land Use By-law.

**Policy 6-9:** Council shall amend the text of the Land Use By-law if the proposed amendment is consistent with this Municipal Planning Strategy and meets the general evaluation criteria for amending the Land Use By-law, as set out in Policy 6-19.

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**Note: The review of the Implementation Policy 6-19 has been addressed in Attachment B.**

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## Land Use By-law Provisions:

### 7.3. Architectural Control Area

#### New Buildings

7.3.1. In addition to all requirements governing land use and building form, new buildings within the Architectural Control Area, as shown Schedule 'F', the Heritage Conservation District and Architectural Control Area Map, shall be similar to any substantially intact pre-1940 main building located within 91 metres (300 feet) of the new building and fronting on the same street, with respect to:

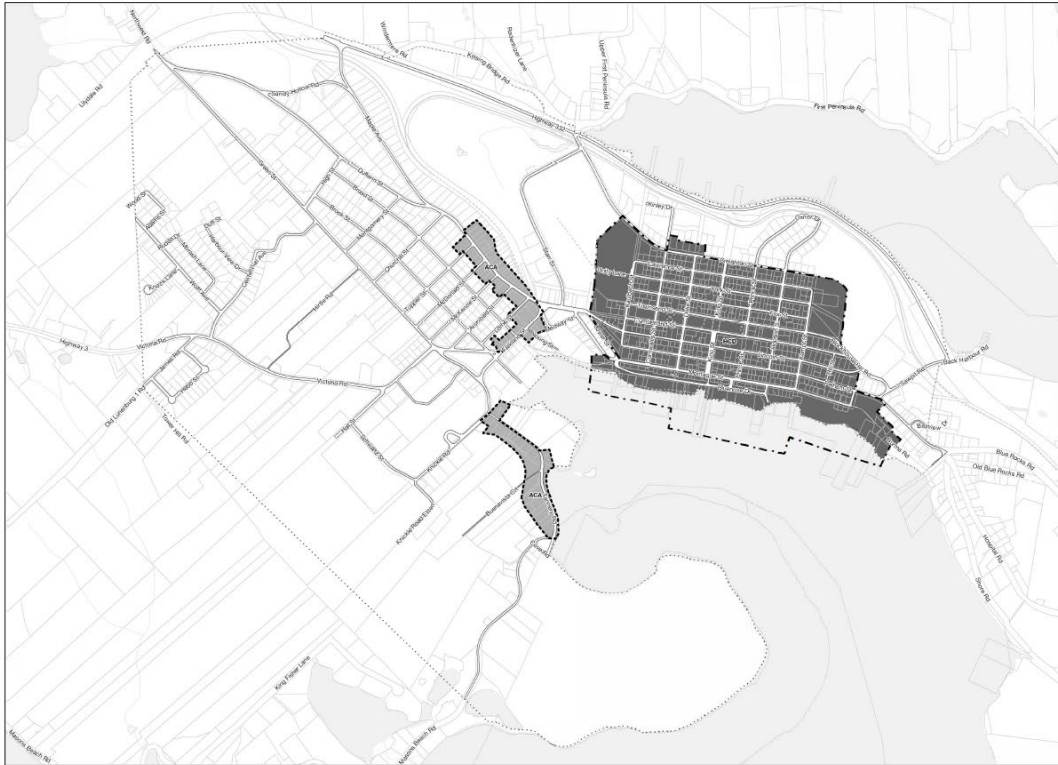
- (a) architectural style;
- (b) building length to width ratio;
- (c) height;
- (d) roof shape;
- (e) appearance of exterior cladding and roof materials;
- (f) architectural details and trim;
- (g) shape and size of porches, doors and windows;
- (h) window area to wall area ratio; and
- (i) location, type, bulk and appearance of chimneys.

7.3.2. New buildings located on corner lots may use either street as the street on which they front.

#### Additions and Alterations to Existing Buildings

7.3.3. In addition to all requirements governing land use, additions and alterations to any main building constructed prior to 1940 within the Architectural Control Area as shown on Schedule 'F', the Heritage Conservation District and Architectural Control Area Map, shall be similar to the main building with respect to Clauses (a) to (i) inclusive of Subsection 7.31. above, and the total building footprint of all additions approved after June 13, 1996 shall not exceed 25% of the building footprint existing prior to June 13, 1996.

# Schedule "F" - Heritage Conservation District and Architectural Control Area Map



MAP  
Heritage Conservation District and Architectural Control Area Map

SCHEMA F LAST UPDATED 2021.07.27

SCALE 1:10,000

- LEGEND
- HCD Heritage Conservation District
  - ACA Architectural Control Area
  - Town of Lunenburg

## **Attachment B**

### **Evaluation of Policy 6-19**

#### 6.5.1 Amending the Land Use By-law & Entering into Development Agreements

Amendments to the Land Use By-law and the entering into of development agreements are processes that require careful thought. As such, Council has established a set of general criteria to consider when evaluating all Land Use By-law amendments and development agreement proposals.

**Policy 6-19:** Council shall not amend the Land Use By-law or enter into a development agreement unless Council is satisfied the proposal:

- (a) is consistent with the intent of this Municipal Planning Strategy;  
The proposal is to amend the MPS to ensure the deletion of the ACA's are consistent with the MPS.
- (b) does not knowingly conflict with any Town or Provincial programs, by-laws, or regulations in effect in the municipality;  
The proposal does not knowingly conflict with any Town or Provincial programs, by-laws, or regulations in effect in the municipality.
- (c) is not premature or inappropriate due to:
  - i. the ability of the Town to absorb public costs related to the proposal;  
The proposal is not premature or inappropriate due to the ability of the Town to absorb any public costs.
  - ii. impacts on existing drinking water supplies, both private and public;  
The proposal is not premature or inappropriate due to impacts on existing drinking water supplies, both private and public.
  - iii. the adequacy of central water and sewage services or, where such services are not available, the suitability of the site to accommodate on-site water and sewage services;  
The proposal is not premature or inappropriate due to the adequacy of central water and sewage services or, where such services are not available, the suitability of the site to accommodate on-site water and sewage services.
  - iv. the creation of excessive traffic hazards or congestion on road, cycling, and pedestrian networks within, adjacent to, or leading to the proposal;  
The proposed amendment is to delete ACA's from the MPS/LUB and incorporate architectural provisions under a new HCD Plan and By-law. The Dufferin Street ACA will be incorporated with the HCD. The Tannery Road ACA will be eliminated. The amendment will not directly impact traffic or congestion. Considering the above, the proposal does not seem to be premature or inappropriate due to the creation of excessive traffic hazards or congestion on road, cycling, and pedestrian networks within, adjacent to, or leading to the proposal.
  - v. the adequacy of fire protection services and equipment;  
There is no specific site being proposed for development. The proposal does not seem to be premature or inappropriate due to the adequacy of fire protection services and equipment.
  - vi. the adequacy and proximity of schools and other community facilities;  
It is difficult to assess this evaluation criteria as no specific site is being proposed.
  - vii. impacts on UNESCO World Heritage Site statements of outstanding value;

The development of a new HCD Plan and By-law will strengthen the Town's provisions for the protection and enhancement of the UNSECO World Heritage Site statements of outstanding value. The removal of the two ACA's (Dufferin Street and Tannery Road) from the MPS/LUB does not seem to be premature or inappropriate due to impacts on UNESCO World Heritage Site statements of outstanding value. These two areas are outside of the UNESCO World Heritage Site.

- viii. the creation of a new, or worsening of a known, pollution problem in the area, including, but not limited to, soil erosion and siltation of watercourses;  
The amendment will not cause any new, or worsening of any known, pollution problems.
- ix. site-specific climate change risks;  
The amendment will not cause or increase any site-specific climate risks.
- x. the potential to create flooding or serious drainage issues, including within the proposal site and in nearby areas;  
The amendment will not cause any flooding or drainage issues.
- xi. impacts on known habitat for species at risk;  
The amendment will not cause any impact on known habitat.
- xii. impacts on the navigability and environment of Lunenburg Harbour;  
The amendment will not cause any impact on navigation or environmental concerns on Lunenburg Harbour.
- xiii. the suitability of the site in terms of grades, soil and geological conditions, the location of watercourses and wetlands, and proximity to rights-of-way; and  
It is difficult to assess this evaluation criterion as no specific site is being proposed.
- xiv. land use conflicts that could place limits on existing operational procedures at existing businesses.  
The amendment will not, by itself, cause any land use conflicts with existing businesses.

## **Attachment C Amendments to MPS**

- 1) Amendment to the Municipal Planning Strategy thereby amending the Table of Contents under “Chapter 5 - Community Form & Heritage” by deleting “5.3 Heritage and Architectural Control” and substituting therefore “5.3 Heritage” and deleting “5.3.2 Heritage Conservation District and Architectural Control Areas” and substituting therefore “5.3.2 Heritage Conservation District”.
- 2) Amendment to the Municipal Planning Strategy thereby amending the Title “5.3 Heritage and Architectural Control” on page 32 and substituting therefore “5.3 Heritage”.
- 3) Amendment to the Municipal Planning Strategy thereby amending the subtitle “5.3.2 Heritage Conservation District and Architectural Control Areas” on page 34 and substituting therefore “5.3.2 Heritage Conservation District”.
- 4) Amendment to the Municipal Planning Strategy (MPS) thereby deleting the last paragraph in Section “5.3.1 Introduction” on page 33 and substituted therefore the following paragraph:

“In 2023 Council approved a new Heritage Conservation District Plan and By-law. The former Dufferin Street and Falkland Street Architectural Control Areas were deleted from the Municipal Planning Strategy and Land Use By-law and incorporated within the new Old Town Lunenburg Heritage Conservation District. The Tannery Road Architectural Control Area was also deleted from the Municipal Planning Strategy and Land Use By-law but was not incorporated within the new District. The thought being that the Tannery Road area was distinct in its own right and did not contribute to the UNESCO World Heritage Site which is the main narrative of the new Old Town Heritage Conservation District. If properties wished to have heritage protection, they are encouraged to have their properties registered as municipal heritage properties under the Heritage Property Act. Council also retains the right to designate the Tannery Road are under its own Heritage Conservation District at a future date, if so desired.”

- 5) Amendment to the Municipal Planning Strategy (MPS) thereby deleting the second paragraph of subsection 5.3.2 and substitute therefore the following:

“In order to ensure the protection of Lunenburg’s built heritage, Council has adopted a two-fold approach to architectural control:”
- 6) Amendment to the Municipal Planning Strategy (MPS) thereby deleting the second bullet in subsection 5.3.2 on page 34.
- 7) Amendment to the Municipal Planning Strategy (MPS) thereby deleting the third bullet in Subsection 5.3.2 on page 34 and substituting therefore the following:

- “
  - Establishment of a Heritage Conservation District comprised of the Old Town National Historic Site and World Heritage Site and the Dufferin Street and Falkland Street

**historic areas, with architectural controls implemented through the policies and design guidelines of the Heritage Conservation District Plan and By-law.”**

- 8) Amendment to the Municipal Planning Strategy (MPS) thereby deleting Policy 5-4 and substituting therefore “Policy 5-4 “DELETED””.**

## **Attachment D Amendments to LUB**

- 1) Amendment to the Land Use By-law by thereby deleting 7.3 from the Table of Contents on page “vii” in its entirety and substituting therefore “7.3 ‘DELETED’”.
- 2) Amendment to the Land Use By-law thereby deleting Section 7.3 in its entirety on Page 29 and substituting therefore “7.3 “DELETED””.
- 3) Amendment to the Land Use By-law thereby deleting “Schedule ‘F’ – Heritage Conservation District and Architectural Control Area Map” from the Table of Contents on page “viii” and substituting therefore “Schedule ‘F’ – “DELETED””.
- 4) Amendment to the Land Use By-law thereby deleting “Schedule ‘F’- Heritage Conservation District and Architectural Control Area Map” and substituting therefore a blank page with the words “Schedule ‘F’- “DELETED””.
- 5) Amendment to the Land Use By-law thereby deleting subsection 4.2.1.(b) and substituting therefore the following:

“(b) Exterior renovations or alterations to a structure that do not result in a change in volume or gross floor area, number of dwelling units, or a change in use of the structure.”
- 6) Amendment to the Land Use By-law thereby deleting subsection 6.13.3. and substituting therefore the following:

“6.13.3. The minimum bicycle parking requirements of Table 3 shall not apply to existing buildings.”
- 7) Amendment to the Land Use By-law thereby deleting subsection 7.2.3. and substituting therefore the following:

“7.2.3. Notwithstanding any other provision of this By-law any vegetation or building or structure including, but not limited to, fences and signs are not permitted to exceed 1.0 metres (3.2 feet) in height above the grade of the abutting streets in a corner vision triangle except in the Old Town Lunenburg Heritage Conservation District. This provision shall not apply above a height of 2.4 metres (7.9 feet).”
- 8) Amendment to the Land Use By-law thereby deleting subsection 7.8.2. and substituting therefore the following:

“7.8.2. Signs require a Certificate of Appropriateness prior to issuance of a development permit if the property is located in the Old Town Lunenburg Heritage Conservation District.”

**Subject:** 2023 Provincial Volunteer Representative  
**From:** Kelly Cunningham, Recreation Manager  
**Reviewed by:** Arthur MacDonald, Director of Community Development  
**Date:** March 2, 2023

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### **Recommendation**

That Council award Jamie Ernst as the 2023 Provincial Volunteer Award Representative for the Town of Lunenburg.

### **Alternatives**

Not approve the recommendation.

### **Background**

A Volunteer Award is awarded for each municipal unit. The Town's Representative Volunteer must be a resident or residents of the Town of Lunenburg. Residents who live outside of the Town are eligible for provincial recognition through their own municipality. Nominees who do not reside in the Town but volunteer within the Town will be recognized at the Town's annual Civic Volunteer Appreciation.

The Town's procedural policy #94 "*Provincial Volunteer Recognition and Representative Volunteer Selection Process*" explains the following:

The Representative Volunteer will be chosen from the submitted nominees. The Recreation Manager and two additional Town staff will score the volunteer nominees using the selection criteria. The selected nominee will be recommended to Council for approval.

The criteria used to help guide the selection of the Town's Representative Volunteer Recipient shall be as follows with the applicable weighting as indicated:

- Years of service = 15%
- Number and diversity of organizations served = 10%
- Leadership & Commitment demonstrated = 25%
- Ability to inspire, motivate, achieve results, create change = 25%
- Exceptional qualities noted = 25%

### **Strategic Plan Relevance**

10.6: u) Continue to promote volunteer opportunities and openings in Lunenburg.

10.6: x) Develop and host regular volunteer appreciation events.

### **Financial**

No financial impact.

**Communications**

Staff will notify Jamie Ernst of his award and promote the award recipient on the Town's social media.

**Attachments**

Nomination form for Jamie Ernst.



**Nomination Deadline:**  
Contact the Recreation  
Department

## TOWN OF LUNENBURG

# Volunteer Recognition Nomination Form

Each year the Town of Lunenburg, the Mayor and Council recognize the extraordinary contributions of volunteers who give of their time and skills to provide services and programs in our community.

The Town invites and encourages nominations of volunteers to be recognized at our annual Civic Volunteer Appreciation Reception.

In addition a Representative Volunteer is selected annually to be recognized at the Provincial Volunteer Awards ceremony. The Representative Volunteer may be an individual (adult or youth), a group of volunteers, or a partner/couple volunteering together.

### Important Information:

- Choosing a Representative Volunteer from all the worthy and valued potential candidates is a challenge. To help us with this process please ensure that all areas of the nomination form are completed. Nominations that are unclear, inaccurate, late or do not comply with the below criteria will impact your volunteer nominee's score.
- The Town's Representative Volunteer must be a resident or residents of the Town of Lunenburg. (*Please note:* Residents who live outside of the Town are eligible for provincial recognition through their own municipality.)
- While we understand some nominators like to surprise a volunteer with this recognition of their service, we highly recommend connecting with the volunteer prior to submitting this form to get a full picture of their volunteer experience.
- From those nominated, a representative volunteer will be selected and recognized at the Provincial Volunteer Awards ceremony to be held in Halifax in early April.
- The Town will hold a Volunteer Appreciation Reception in April to demonstrate gratitude for all volunteers and where all those nominated will be specially recognized.

### Nominees will be scored for the Provincial Volunteer Awards using the following criteria:

- 15% – Years of service
- 10% – Number and diversity of organizations served
- 25% – Contributions: Leadership & Commitment
- 25% – Impact on Community/Organization (Ability to inspire, motivate, achieve results, create change, improve community, change lives, etc.)
- 25% – What makes this volunteer exceptional?

**Nominator's Information**

**Nominator's Name:** \_\_\_\_\_  
**Address:** \_\_\_\_\_  
**Nominator's Phone:** (h) \_\_\_\_\_ (work or cell) \_\_\_\_\_  
**Email Address:** \_\_\_\_\_

**Volunteer Nominee's Information**

**Volunteer's Name:** \_\_\_\_\_  
**Address:** \_\_\_\_\_  
**Volunteer Nominee's Phone:** (h) \_\_\_\_\_ (work or cell) \_\_\_\_\_  
**Email Address:** \_\_\_\_\_

**Nomination forms can be mailed, faxed, dropped off or emailed to:**

**Kelly Cunningham, Recreation Director**  
Town of Lunenburg  
119 Cumberland Street, PO Box 129  
Lunenburg, NS, B0J 2C0

P: 902-634-4006  
F: 902-634-4416  
E: [kcunningham@townoflunenburg.ca](mailto:kcunningham@townoflunenburg.ca)

***On behalf of the Town of Lunenburg, we would like to thank you in advance for taking the time to nominate a deserving volunteer from your community.***

*The personal information collected on this form will only be used for purposes relating to the Volunteer Award's nomination, selection and announcement process or as otherwise consented to herein. If you have any questions about the collection and use of this information, please contact the Recreation Director as above.*

**Volunteer’s Role & Organization Information**

**Example:**

*Organization:* ABC Community Soccer Program

*Purpose of Organization:* To help and facility a soccer program in our community for youth and children.

*Role(s):* Coach of the U12 summer soccer team

*# of Years Volunteering With Organization:* 10 years

Organization:

Purpose of Organization:

Nominee’s Role(s):

# of Years Volunteering with Organization:

**Do you know of any other volunteer roles your nominee holds currently or has held previously? Please provide as much information below as possible:**

Organization:

Purpose of Organization:

Role(s):

# of Years Volunteering with Organization:

Organization:

Purpose of Organization:

Role(s):

# of Years Volunteering with Organization:

Organization:

Purpose of Organization:

Role(s):

# of Years Volunteering with Organization:

**1. Volunteer's Contributions**

*A. Why are you nominating this person?*

*B. Are there other characteristics of this volunteer that makes them exceptional?*

**2. Brief Summary to be read at the Ceremony: Provide 1-2 sentences that outline the nominee's volunteer involvement, which can be read during the ceremony and used in the event program.**

**Example:** *Elizabeth has been a cornerstone at events for ABC Support Society. She keeps the onsite registration running smoothly, oversees volunteers and takes care of everyone. She has contributed well over 200 hours volunteering at this organization as well as with XYZ Children's Centre and her Church. Her selfless hours of dedication make the jobs of others easier. She is an individual who honours the true essence of volunteerism.*