

TOWN OF LUNENBURG  
**PLANNING ADVISORY COMMITTEE**  
**MEETING AGENDA**

Wednesday, July 31, 2024 at 6 p.m.  
Council Chamber, 120 Townsend Street and Zoom Webinar

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*Notice: Planning Advisory Committee meetings are held in person at Town Hall. Members of the public can attend meetings in person or participate in this meeting through the Zoom livestream. To livestream this meeting starting at 6 pm, use this Zoom link: <https://us06web.zoom.us/j/83698957187>*

**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 the Committee approve the agenda for the July 31, 2024, meeting as presented.*

**4. APPROVAL OF MINUTES**

*Draft motion: Moved and seconded that the Committee approve the minutes of the March 25, 2024, meeting of the Planning Advisory Committee meeting as presented.*

**5. PUBLIC PARTICIPATION MEETINGS**

**6. BUSINESS ARISING FROM THE PUBLIC PARTICIPATION MEETINGS**

**7. NEW BUSINESS**

7.1. Information report - Amending the MPS to be consistent with the Old Town Lunenburg Heritage Conservation District Plan and By-law

7.2. Information Report - Amend the Town's Municipal Planning Strategy and Land Use By-law to allow Development Agreements on lands purchased from the Town

**8. NEXT MEETING**

**9. ADJOURNMENT**



**PLANNING ADVISORY COMMITTEE PUBLIC PARTICIPATION  
MEETING MINUTES**

**TOWN OF LUNENBURG**

Monday, March 25, 2024 at 6 p.m.

Council Chamber, 120 Townsend St. and Zoom Webinar/YouTube Live

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Present

Councillor Susan Sanford (Chair)  
Deputy Mayor Stephen Ernst  
Councillor Ed Halverson (left at 6:45 p.m.)  
Irma DaSie, Citizen Representative  
Alex Greek, Citizen Representative  
Kush Pathak, Citizen Representative  
Colin Whitcomb, Citizen Representative

Also Present

Hilary Grant, Community Development Manager  
Trevor Hume, Planner/Development Officer  
Ann Covey, Recording Secretary

Call to Order

The Chair called the meeting to order at 6:01 p.m.

Land  
acknowledgment

The Chair recognized Lunenburg's location on the unceded territory of the Mi'kmaq people.

Approval of Agenda

Moved and seconded that the Committee approve the agenda for the March 25, 2024 meeting as presented.

**Motion carried unanimously**

Approval of  
Minutes

Moved and seconded that the Committee approve the minutes of the March 4, 2024 meeting as presented.

**Motion carried unanimously**

Public Participation Meeting – Wolff Avenue-Adams Street Parking Land Use By-law Amendment Request

The Chair opened the Public Participation meeting for the Wolff Avenue-Adams Street Parking LUB Amendment Application at 6:04 p.m. The requested amendment is to allow up to five on-site parking spaces in front yards of properties in all medium density residential zones. Staff reviewed the process and related report.

There were no written submissions and public were invited to present.

Gayle Zaunscher, 208 Adams Street, summarized the application, citing pedestrian safety concerns due to limited on-site parking spaces on properties in their neighbourhood.

Rachel Bailey, 219 Victoria Road, questioned why it was recommended to defer consideration of this amendment until after the traffic and parking study is complete.

Staff answered that this was a Council decision in order to address parking issues throughout the Town more holistically.

Moved and seconded to close the public information meeting for the Wolff Avenue-Adams Street Parking Amendment.

**Motion carried unanimously**

This portion of the Public Information Meeting closed at 6:37 p.m.

Public Participation Meeting – Redesignating and Rezoning Lands along lower Green Street Land Use By-law

The Chair opened the Public Information meeting for the Redesignating and Rezoning lands along lower Green Street LUB Amendment Application at 6:37 p.m. The request is to rezone their properties from commercial to residential. Staff reviewed the related report.

There were no written submissions and public were invited to present.

Heather Langille spoke on behalf of Ben and Roxie Smith (her parents), Kevin and Madalyn Allen and Gary and Sarah Whynacht. They are the residents of lower Green Street seeking rezoning. She explained that the area residents were not adequately consulted about rezoning their neighbourhood from residential to commercial and that they wish to return to residential zoning.

There are three properties in the neighbourhood that wish to remain commercially zoned.

Alison Strachan, 46 Lorne Street, spoke of the importance of maintaining heritage while moving forward with planning.

Moved and seconded close the public information meeting for redesignating and rezoning lands along lower Green Street.

**Motion carried unanimously**

6:45 p.m. – Councillor Halverson departed.

This portion of the Public Information Meeting closed at 6:55 p.m.

Wolff Avenue-Adams  
Street Parking LUB  
Amendment

Committee members agreed that although the applicants are looking for an expedient response to their immediate concerns, it is important to ensure the recommendation does not inadvertently allow the issue to worsen as more development proceeds in the area.

Moved and seconded to recommend to Council that they amend the Land Use By-law, following Attachment F of the staff report, to enable up to five on-site parking spaces in front yards in the Medium-Density Residential Zone.

**Motion defeated unanimously**

Moved and seconded to defer decision on the Wolff Avenue-Adams Street Parking LUB Amendment for staff to further research options and repercussions and report back to the Committee with a recommendation.

**Motion carried unanimously**

Re-zoning Lands along  
lower Green Street LUB  
Amendment

Moved and seconded to recommend to Council that they amend the Municipal Planning Strategy and Land Use By-law, following Attachments E and F of the staff report, to redesignate PID 60052495, PID 60052503 (rear and front portion), PID 6005251, PID 60052529, PID 60052537, PID 60052552, PID 60487857, PID 60052586, and PID 60052594 to Residential (RES) and rezone them Lower Density Residential (RL).

**Motion defeated unanimously**

7:14 p.m. – 7:24 – Recess

Moved and seconded to recommend to Council that they amend the Municipal Planning Strategy and Land Use By-law, following Attachments E and F of the staff report, to redesignate PID 60052495, PID 60052503 (rear and front portion), PID 6005251, PID 60052529, PID 60052537, PID 60052552, PID 60487857, PID 60052586, PID 60052594, with the addition of PID 60052560 and PID 60052578 to Residential (RES) and rezone them Lower Density Residential (RL).

**Motion carried unanimously**

Next meeting

TBD

Adjournment

There being no further business, the March 25, 2024 Planning Advisory Committee meeting adjourned at 7:30 p.m.

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Minutes were read and approved.

## INFORMATION REPORT

**Subject:** Amending the MPS to be consistent with the Old Town Lunenburg Heritage Conservation District Plan and By-law

**From:** Community Development

**Date:** July 18, 2024



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### Recommendation

This is an information memo. No decision is being sought.

### Alternatives

- N/A

### Background

On September 13, 2013, the Town's Heritage Advisory Committee recommended the adoption of a new Old Town Lunenburg Heritage Conservation District Plan and By-law. On February 27, 2024, Council moved second reading said Plan and By-law.

Following Council's adoption, Staff sent the new Plan and By-law to the Province for review. A provincial senior plan and Coordinator of the province's Heritage Property Program recommend amending the Town's Municipal Planning Strategy to reconcile it with the new Old Town Lunenburg Heritage Conservation District Plan and By-law. Staff consider this a housekeeping amendment to ensure consistency across Town's plans and by-laws.

### Discussion

#### **The Current Planning Context**

Sections 2.2.2 and 2.2.5 of the 2021 MPS are dedicated to 'A Working Waterfront' and 'Living Heritage.' These Sections do not need to be updated as they align with the new Old Town Lunenburg Heritage Conservation District Plan and By-law.

Section 5.3.1 is the MPS Section that needs to be amended for the new Old Town Lunenburg Heritage Conservation District Plan and Bylaw to come into effect. It says "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."

Section 5.3.2 says "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.”

The accompanying policy is:

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.

Now that a new Old Town Lunenburg Heritage Conservation District Plan and By-law has been adopted, this language should be updated.

### **The Amendment**

The proposed amendment updates the Municipal Planning Strategy so it remains aligned with the Town’s planning context, namely the adoption of a new Old Town Lunenburg Heritage Conservation District Plan and By-law. First, it removes references to ongoing and upcoming work now that this work is complete. It also updates Policy 5-4 so it uses the same language as Policy 47 in the Old Town Lunenburg Heritage Conservation District Plan and By-law.

Policy 47: It is Council's policy to align this Plan and By-law with the Town of Lunenburg's Municipal Planning Strategy and Land Use By-law to ensure the conservation of Old Town Lunenburg Heritage Conservation District.

Staff feel the proposed amendments are administrative in that they do not materially change the intention of the Town’s Municipal Planning Strategy. The intent remains to conserve Old Town Lunenburg National Historic Site and Old Town Lunenburg World Heritage Site.

### **Strategic Plan Relevance**

- *Community Structure*: Direction regarding how the town will be structured and how land will be used.
- *Heritage*: Direction to protect and enhance existing heritage assets and to support a wider cultural narrative.

### **Relevant Legislation**

The Municipal Government Act (MGA) outlines the required process for amendments to the Municipal Planning Strategy.

### **Financial**

There are no direct financial impact to the Town because of the proposed amendments other than advertising costs.

**Communications**

A Public Participation Meeting as well as a Public Hearing will be advertised in the local newspaper and on the Town's website and social media.

**Attachments**

- A. Proposed Amendment
- B. Policy 6-22
- C. Review of Provincial Interest Statements and Lunenburg Accessibility Plan

**Attachment A**  
**Proposed Amendment**

Amend Section 5.3.1 to read “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.~~”

Section 5.3.2 says “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.~~”

The accompanying policy is:

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.~~ align the Municipal Planning Strategy and Land Use By-law with the Old Town Lunenburg Heritage Conservation District Plan and By-law to ensure the conservation of Old Town Lunenburg Heritage Conservation District.

**Attachment B**  
**Policy 6-22**

6.6.2 Municipal Planning Strategy Amendments

This Municipal Planning Strategy may be amended from time to time; it is not necessary to wait for a formal review. The amendment process involves such things as public participation, notification of the adjacent municipality and the Provincial Director of Planning, newspaper notices of the intention to amend, a public hearing, and review by the Province. The specific process is set out in the *Municipal Government Act*. Council may initiate an amendment arising from an internally-identified need, or from a request from a member of the public. However, Council is under no obligation to approve a Plan amendment unless the current Plan conflicts with the *Municipal Government Act*.

**Policy 6-22:** Council shall consider an amendment to this Municipal Planning Strategy, including as necessary Schedule 'A', the Future Land Use Map, when:

- (a) any policy intent is to be changed;
- (b) a proposed amendment to the maps or text of the Land Use By-law or Subdivision By-law is in conflict with this Plan and there are valid reasons for the amendment;
- (c) incorporation of a detailed secondary area strategy into this Plan is desired; or
- (d) this Municipal Planning Strategy is found to be inconsistent with the *Municipal Government Act* or the Statements of Provincial Interest.

The Municipal Planning Strategy can be amended from time to time, and Council may initiate an amendment arising from an internally identified need. The proposed amendment will follow the process outlined in the Municipal Government Act and the Town's Planning Public Participation Policy. The proposed is an amendment to create alignment across the Town's planning and heritage policies.

**Attachment C**

**Review of Provincial Interest Statements and Lunenburg County Accessibility Plan**

Provincial Interest Statements	
Statement 1: Drinking Water  Goal: To protect the quality of drinking water within municipal water supply watersheds.	The proposed MPS amendment will not affect Provincial Interest Statement 1. The quality of Dares Lake Watershed will not be affected by the proposed amendments.
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.	The proposed MPS amendment will not affect Flood Risk Areas as identified on the Flood Risk Area Map, Schedule E, of the Land Use By-law and 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.	The proposed MPS amendment will not affect Provincial Interest Statement 3.
Statement 4: Infrastructure  GOAL: To make efficient use of municipal water supply and municipal wastewater disposal systems.	The proposed MPS amendment will not affect Provincial Interest Statement 4.
Statement 5: Housing  GOAL: To provide housing opportunities to meet the needs of all Nova Scotians.	The proposed MPS amendment will not affect Provincial Interest Statement 5.

Review amendment through an accessible lens	
Review amendment with a focus on equity, diversity, and inclusion.	This amendment will not negatively impact issues pertaining to equity, diversity, and inclusion.

## INFORMATION REPORT

**Subject:** Municipal Planning Strategy Amendment: Allowing Development Agreements on Lands Purchased from the Town

**From:** Community Development

**Date:** July 18, 2024



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### Recommendation

This is an information memo. No decision is being sought.

### Alternatives

- N/A

### Background

On August 8, 2023, Council approved six housing initiatives through an application to the Canadian Mortgage and Housing Corporation's Housing Accelerator Fund (HAF). Unlike traditional funding methods that focus on specific projects, the HAF program provides direct incentive funding to municipalities committed to growth targets and housing initiatives. Municipalities have a four-year window to utilize HAF funding, which can be allocated towards housing initiatives, housing infrastructure, and community infrastructure supporting housing. This funding is stackable and can supplement projects already outlined in the Town's budget. The Town has received approval of \$1,158,943 through HAF. One of the initiatives is to allow development agreements when developing formerly Town-owned residential lands.

At the meeting of Council on July 13, 2024, Staff were directed to investigate amending the MPS to allow for Development Agreements on lands purchased from the Town to meet its Housing Accelerator Fund commitments and address the need for enforceable rules on any potential purchaser of the lower slopes of Blockhouse Hill.

### Discussion

#### **What are Development Agreements**

A development agreement is a legally binding contract between a municipality and a property developer. This agreement outlines the specific terms and conditions under which a particular piece of land can be developed. It is a tool used by municipalities to guide and control land development in a way that aligns with local planning policies and objectives.

Unlike regulatory tools like zoning, development agreements allow for customized conditions tailored to a specific project. This flexibility can address unique site characteristics or community needs. The agreement includes detailed specifications on various aspects of the development, such as land use, density, building design, landscaping, infrastructure requirements, and timelines. This does not mean that the Policies of the MPS can be ignored. In fact, Development Agreements must be consistent with the MPS and its policies to be legal.

Development agreements can only be entered into by Council and require a Council vote. As planning documents, their review and adoption is governed under the Town's [Planning Public Participation Policy](#). Development agreements would be reviewed by the Planning Advisory Committee, who would hold a public participation meeting and make a recommendation to Council. Only after this and Council holding a public hearing can Council enter into a development agreement.

### **The Current Planning Context**

The 2021 MPS and LUB did not eliminate Development Agreements, but they have been limited greatly compared to the previous MPS and LUB documents. Under the 2021 MPS, there are four circumstances under which a landowner can apply to receive a Development Agreement:

- Asking for a Bed and Breakfast larger than six (6) units (Policy 4-10);
- Adaptive reuse of former institutional buildings and properties (Policy 4-12);
- The use of industrial lands (including marine) for heavy industrial uses (Policy 4-17); and
- for expansion of a non-conforming use or change from one non-conforming use to another non-conforming use (Policy 4-24).

Housing is a key issue outlined in the Municipal Planning Strategy (Section 2.2.1).

### **The Amendment**

Staff propose adding a circumstance where a Development Agreement is available in the case where Town lands have been declared surplus towards possible divestiture. This would give Council extra powers after community consultation to add additional restrictions on how Town-owned land could be used, built upon and serviced to maximize community benefit when it is being sold. The Proposed Amendment is outlined in Attachment A. The Amendment would apply to lands currently owned by the Town (Attachment B) or any lands the Town may purchase in the future.

The Amendment entails adding a policy to the Municipal Planning Strategy. The proposed amendment will not require updates to the Future Land Use Map (FLU), nor will it need an accompanying LUB amendment. Requirements for amending the Municipal Planning Strategy are in Attachment C.

Any amendment to the Municipal Planning Strategy should be evaluated pursuant to the Statements of Provincial Interest. The proposed amendments are considered not to be contrary to any Provincial Interest Statements as shown in Attachment D. Attachment D also reviews the amendments with regards to the Lunenburg County Accessibility Plan.

### **Strategic Plan Relevance**

- *Community Structure*: Direction regarding how the town will be structured and how land will be used.

### **Relevant Legislation**

The Municipal Government Act (MGA) outlines the required process for amendments to the Municipal Planning Strategy.

**Financial**

There are no direct financial impact to the Town as a result of the proposed amendments other than advertising costs.

**Communications**

A Public Participation Meeting as well as a Public Hearing will be advertised in the local newspaper and on the Town's website and social media.

**Attachments**

- A. Proposed Amendment
- B. Map of Town Owned Lands
- C. Policy 6-22
- D. Review of Provincial Interest Statements and Lunenburg Accessibility Plan

**Attachment A**  
**Proposed Amendment**

**Add:**

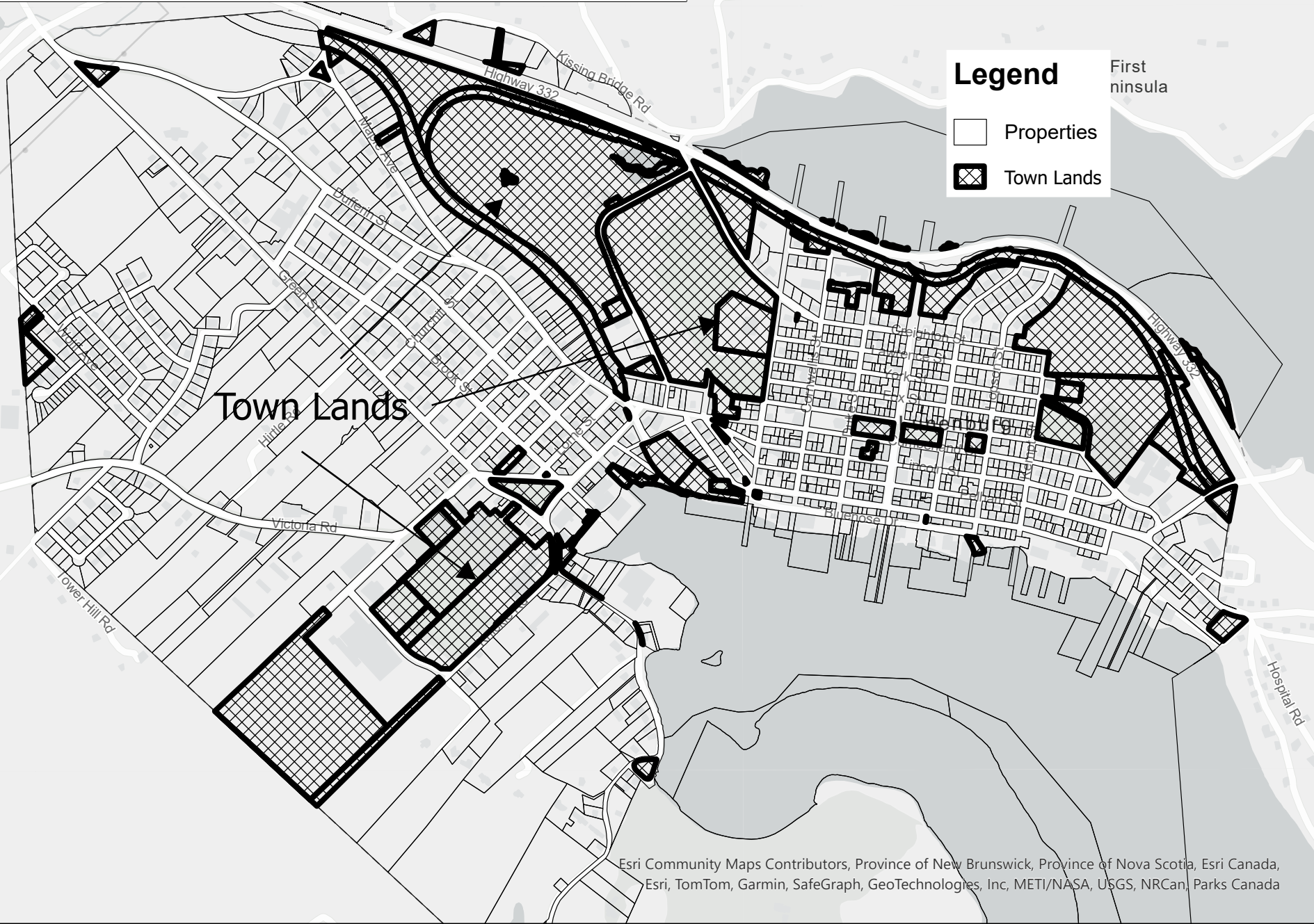
**4.6 Town-Owned Land**

The sale of Town Owned lands should benefit the community. One possible avenue for achieving community goals when selling Town Owned land is to enter into a development agreement with the purchaser of Town Owned land before a sale closes.

**Policy 4-27:** Council may enter into Development Agreements on Town Owned lands that have been declared surplus. Council shall not enter into such a development agreement unless Council is satisfied:

- (a) the proposed use is appropriate for the site and compatible with surrounding uses, either by the fundamental nature of the use or by controls placed upon the use through the development agreement; and
- (b) the proposal is consistent with the general evaluation criteria for development agreements, as set out in Policy 6-19.

# ATTACHMENT "B" - MAP OF TOWN OWNED LANDS



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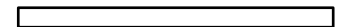
Maps are for graphical purposes only. They do not represent a legal survey. While every effort has been made to ensure that these data are accurate and reliable within the limits of the current state of the art, the Town of Lunenburg cannot assume liability for any damages caused by any errors or omissions in the data. Users of our maps and other analysis products are solely responsible for interpretations made from these products.

## TOWN OF LUNENBURG Town Owned Lands

North



500



Metres



**Attachment C**  
**Policy 6-22**

**6.6.2 Municipal Planning Strategy Amendments**

This Municipal Planning Strategy may be amended from time to time; it is not necessary to wait for a formal review. The amendment process involves such things as public participation, notification of the adjacent municipality and the Provincial Director of Planning, newspaper notices of the intention to amend, a public hearing, and review by the Province. The specific process is set out in the *Municipal Government Act*. Council may initiate an amendment arising from an internally-identified need, or from a request from a member of the public. However, Council is under no obligation to approve a Plan amendment unless the current Plan conflicts with the *Municipal Government Act*.

**Policy 6-22:** Council shall consider an amendment to this Municipal Planning Strategy, including as necessary Schedule 'A', the Future Land Use Map, when:

- (a) any policy intent is to be changed;
- (b) a proposed amendment to the maps or text of the Land Use By-law or Subdivision By-law is in conflict with this Plan and there are valid reasons for the amendment;
- (c) incorporation of a detailed secondary area strategy into this Plan is desired; or
- (d) this Municipal Planning Strategy is found to be inconsistent with the *Municipal Government Act* or the Statements of Provincial Interest.

The Municipal Planning Strategy can be amended from time to time, and Council may initiate an amendment arising from an internally identified need. The amendment will follow the process outlined in the Municipal Government Act and the Town's Planning Public Participation Policy. The proposed is an amendment adding a policy, supplementing the intent of Policy 4-10, Policy 4-12, Policy 4-17, and Policy 4-24 allowing Council to enter into development agreements in select circumstances.

**Attachment D**

**Review of Provincial Interest Statements and Lunenburg County Accessibility Plan**

Provincial Interest Statements	
<p>Statement 1: Drinking Water</p> <p>Goal: To protect the quality of drinking water within municipal water supply watersheds.</p>	<p>The proposed MPS amendment will not affect Provincial Interest Statement 1. The quality of Dares Lake Watershed will not be affected by the proposed amendments.</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>The proposed MPS amendment will not affect Flood Risk Areas as identified on the Flood Risk Area Map, Schedule E, of the Land Use By-law and will not affect Provincial Interest Statement 2.</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>The proposed MPS amendment will not affect Provincial Interest Statement 3.</p>
<p>Statement 4: Infrastructure</p> <p>GOAL: To make efficient use of municipal water supply and municipal wastewater disposal systems.</p>	<p>The amendment would empower Council to further regulate infrastructure requirements on Town-owned land, having a potential positive impact on Town infrastructure, with regards to water supply and wastewater disposal. The proposed MPS amendment is not contrary to Provincial Interest Statement 4.</p>
<p>Statement 5: Housing</p> <p>GOAL: To provide housing opportunities to meet the needs of all Nova Scotians.</p>	<p>The amendment would empower Council to enter into development agreements to promote housing having a potential positive impact on providing housing opportunities. The proposed MPS amendment is not contrary to Provincial Interest Statement 4.</p>

Review amendment through an accessible lens	
<p>Review amendment with a focus on equity, diversity, and inclusion.</p>	<p>This amendment will not negatively impact issues pertaining to equity, diversity, and inclusion. The amendment</p>

	would empower Council to promote accessible and inclusive development on Town owned lands declared surplus.