

TOWN OF LUNENBURG
PLANNING ADVISORY COMMITTEE
MEETING AGENDA

Wednesday, August 21, 2024 at 6 p.m.

Council Chamber, 120 Townsend Street and Zoom Webinar

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/84019490198>

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 August 21, 2024, meeting as presented.

4. APPROVAL OF MINUTES

Draft motion: Moved and seconded that the Committee approve the minutes of the July 31, 2024, meeting of the Planning Advisory Committee meeting as presented.

5. CORRESPONDENCE FOR THE PUBLIC PARTICIPATION MEETING

5.1 Development Agreements – Blayne Collins

5.2 Lower Green Street – Heather Langille

6. PUBLIC PARTICIPATION MEETINGS

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

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

6.3. Amend the Town's Municipal Planning Strategy and Land-Use By-law to redesignate and rezone lands along lower Green Street

7. BUSINESS ARISING FROM THE PUBLIC PARTICIPATION MEETINGS

7.1. Amend the Town's Municipal Planning Strategy to be consistent with the Old Town Lunenburg Heritage Conservation District Plan and By-law

Recommendation: Recommend to Council that they amend the Municipal Planning Strategy, following Attachment A, to make the Municipal Planning Strategy consistent with the Old Town Lunenburg Heritage Conservation District Plan and By-law.

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

Recommendation: Recommend to Council that they amend the Municipal Planning Strategy, following Attachment A, to allow development agreements on lands purchased from the Town.'

- 7.3. Amend the Town's Municipal Planning Strategy and Land-Use By-law to redesignate and rezone lands along lower Green Street

Recommendation: Recommend to Council that they amend the Municipal Planning Strategy and Land Use Bylaw 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).

8. NEW BUSINESS

9. NEXT MEETING

To Be Determined

10. ADJOURNMENT

**PLANNING ADVISORY COMMITTEE PUBLIC PARTICIPATION
MEETING MINUTES**

TOWN OF LUNENBURG

Monday, July 31, 2024 at 6 p.m.

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



Present	Deputy Mayor Stephen Ernst (Chair) Councillor Ed Halverson Irma DaSie, Citizen Representative Alex Greek, Citizen Representative Colin Whitcomb, Citizen Representative
Also Present	Hilary Grant, Interim CAO Trevor Hume, Planner/Development Officer Marc Kiely, Interim Community Development Manager Maya Mills, Recording Secretary
Call to Order	The Chair called the meeting to order at 6:00 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 July 31, 2024 meeting as presented. Motion carried unanimously
Approval of Minutes	Moved and seconded that the Committee approve the minutes of the March 25, 2024 meeting as presented. Motion carried unanimously
Amending the MPS	Staff reviewed, and the Committee discussed, the information memos regarding amending the MPS to be consistent with the Old Town Lunenburg Heritage Conservation District Plan and By-law; and to allow Development Agreements on lands purchased from the Town. Committee members inquired about whether the amendments would affect the public's process for making property changes within the Old Town Lunenburg Heritage Conservation District and how the amendments might provide guidance or references to heritage conservation guidelines for residents. Members also questioned the inclusion and accessibility of relevant heritage conservation information within the MPS. Additionally, there were questions about the process for Council's approval of Development Agreements, particularly concerning Town-owned lands, and whether the amendments should include specific timelines for entering into these agreements. The potential expansion of Development Agreements

beyond Town-owned lands and the inclusion of "buy-back" agreements were also discussed.

Next meeting August 21, 2024

Adjournment There being no further business, the July 31, 2024 Planning Advisory Committee meeting adjourned at 6:21 p.m.

Minutes were read and approved.

DRAFT

From: [Blayne Collins](#)
To: [Permits](#)
Cc: [Jamie Myra](#); [ED Halverson](#); [Jenni Birtles](#); [Peter Mosher](#); [Hilary Grant](#); [Stephen Ernst](#); [Kayla Byrne](#); [Melissa Duggan](#).
Subject: Public information meeting 21/08/24 to be included in public participation agenda
Date: August 14, 2024 11:48:36 AM

CAUTION: THIS IS AN EXTERNAL MAIL

Dear Planning Advisory Committee, Mayor and Town Council,

I welcome the opportunity to comment on the redesignation of these properties for residential zoning to support the towns sustainable growth and much needed affordable housing. Would these properties be subject to development agreements between the Town Council and purchasers of town owned lands being proposed?

To the south west of these properties the town owns a very large lot (PID 60726403) on Upper Hall Street.

On 10 May 2022 Town Council approved the sale of this lot as per the following fact sheet:

<https://townoflunenburg.ca/fact-sheet-potential-sale-of-lands-upper-hall-street.html>
(<https://townoflunenburg.ca/fact-sheet-potential-sale-of-lands-upper-hall-street.html>)

Could the Town Council please confirm how much this lot is being sold for and when the sale approval will be taking place? Will this property also be subject to the proposed development agreements to ensure it aligns with community needs?


These questions of course raise other questions regarding the Upper Hall Street development. While other town lots are being converted to residential zoning, this lot has been changed to institutional from commercial. Why has this lot not been considered for residential zoning in parallel with other development options elsewhere in town?

It remains unclear what the future proposals are for the current HVH site on Blockhouse Hill. Also how this will impact new infrastructure being proposed to serve the proposed BHH development.

In the context of the current Blockhouse development proposals, (and public consultations), the potential relocation of HVH and rezoning of other town lands including the lots on this agenda, I would like to ask why development options for this important lot on Upper Hall Street have not been considered for public consultation?

The current HVH site is one quarter the size of the Upper Hall Street site. I would also like to ask why a land swap or deal between the Town Council and HVH has not been considered to support the housing need.

Before town council consider the re zoning of the town lands on this meeting agenda it must strategically consider the viable use of its other town lands and assets to address the needs for affordable housing, elderly care and assisted living. It is important to plan carefully and holistically to demonstrate to the towns residents that all options on the table have been fully considered during the consultation process. Otherwise, zoning and bylaw amendments of this kind are at risk of being seen by the public as short sighted and piecemeal.

Kind regards,
Blayne Collins

Lunenburg NS
B0J 2C0

Sent from my iPhone

From: [Heather Langille](#)
To: [Hilary Grant](#)
Cc: [REDACTED]; [REDACTED] [Jenni Birtles](#); [Stephen Ernst](#); [Peter Mosher](#); [ED Halverson](#); [Melissa Duggan](#); [Marc Kiely](#); [Kayla Byrne](#); [Jamie Myra](#)
Subject: Re: Planning Advisory Committee Meeting
Date: August 13, 2024 1:02:27 PM
Attachments: [Outlook-n0e3he5q.png](#)

CAUTION: THIS IS AN EXTERNAL MAIL

Ms. Grant and Mr. Kiely:

Please consider the following my submission to the Planning Advisory Committee. As I have stated previously I cannot attend on such short notice. I have copied Mayor Myra as I note he was not included in your email. I will address the contents of your email further in a subsequent communication.

To the Planning Advisory Committee:

RE: Amendment 1

My neighbours have pointed out several times to the Planning Advisory Committee, Town Council, and Town Staff several times, this portion of the street had been zoned as Residential for decades. It is not, nor has it ever been, a commercial area. It is an intact residential streetscape of heritage homes built between 1887 and 1923. My brothers and I were the 4th generation of our family to live in our home.

These long-term homeowners have always taken great pride in their properties and this is reflected in how well the residential streetscape is maintained. This area of Green Street serves as a backdrop to the park, keeps a sense of neighbourhood feel to the park and its activities, and is also the "first taste" of heritage properties for the many numbers of visitors who arrive in Lunenburg via the Bridgewater and Blockhouse entrances to the Town. A commercial enterprise on that section of the street would destroy the aesthetic integrity of that area.

The change in zoning was done without proper consultation of the long-time residents of the area and they had no knowledge of, or input into the process. In fact, it was a surprise to them and their adult children to learn that their neighbourhood had been rezoned as General Commercial. Furthermore, the decision to rezone this neighbourhood could have very negative repercussions for the inhabitants of the area. A commercial enterprise on that part of the street has the potential to lower property values for the adjacent homes. Additionally, the establishment of a commercial enterprise in that area would almost certainly disrupt the quiet enjoyment of their homes for these citizens, most of whom are in their twilight years.

I cannot be overemphasized that this neighbourhood consists of mostly elderly homeowners, my parents being two of those homeowners. We all recognize the

physical accommodations that must be met to accommodate residents, and there are other important accommodations beyond physical ones. For example, there was no intermediate notice of what was happening to lower Green Street between the last Planning Committee meeting in the March and when the notice of this public meeting was made days ago.

Indeed, having attended the public meeting with my parents and neighbour Kevin Allen and speaking on their behalf then, there's reason to have assumed that the Committee would make a recommendation to Council and that recommendation would then immediately proceed to the next step.

Instead, I spoke, with no opposition, at the public Planning Committee meeting and we were left twisting in the wind with no communication on where the issue stood. In fact, there was apparently no opposition to the change except for two neighbours further down the street who were not part of our original request. That opposition apparently was resolved before the Committee meeting even took place by maintaining those properties under the 2020 zoning change. We don't even know what was said to those neighbours. It seemed odd at the time that they were not at the planning committee meeting to make their concerns public.

If the recommendation had gone to the Council as expected, a public meeting would have been scheduled between that date and late spring. What happened instead was our appeal was put on a shelf to be dealt with ONLY after Staff's new participation policy was implemented. This reflects poorly on all involved.


The Planning Committee meeting of 27 March left us completely up in the air. There was no opposition to our position that the zoning be returned to what it was. Indeed, there was some sympathy expressed by members of the Committee that the zoning was changed in the first place.

The meeting, as I recall, got quite heated with the next issue on its agenda - the parking mayhem on Whynot Street. It seemed there was no resolution of that issue and that it continues to be up in the air but the lower Green Street issue seemed resolved.

If the Committee's recommendation was that our issue go to a public hearing, it very well could have happened between then and July 2024. At the very least, the families on lower Green Street could have received some communication as to what was going on.

We request that the recommendation to return our properties to their original zoning be put directly to Council. You have put my parents and their neighbours through enough.

Heather Langille

 Lunenburg

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

From: Community Development

Date: August 21, 2024



Recommendation

Recommend to Council that they amend the Municipal Planning Strategy, following Attachment A, to make the Municipal Planning Strategy consistent with the Old Town Lunenburg Heritage Conservation District Plan and By-law.

Alternatives

- Recommend different amendments to Council
- Recommend to Council that they not amend the Municipal Planning Strategy
- Defer a decision

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 of 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.

The Planning Advisory Committee received [an information memo on the proposed amendments July 31, 2024](#).

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 By-law 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

In accordance with the Town's Planning Public Participation Policy, this meeting was advertised 14 days in advance in the newspaper, on the Town's website, and on social media. The advertisement was also shared with the Municipality of the District of Lunenburg. A public hearing will be held following receipt of the Planning Advisory Committee's recommendation.

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.

Subject: Municipal Planning Strategy Amendment: Allowing Development Agreements on Lands Purchased from the Town
From: Community Development
Date: August 21, 2024



Recommendation

Recommend to Council that they amend the Municipal Planning Strategy, following Attachment A, to allow development agreements on lands purchased from the Town.

Alternatives

- Recommend different amendments to Council
- Recommend to Council that they not amend the Municipal Planning Strategy
- Defer a decision

Background

The amendment in question is part of the Town's six Housing Accelerator Fund (HAF) initiatives, which were reviewed by Council on August 8, 2023. 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 Town's Municipal Planning Strategy 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.

The Planning Advisory Committee received [an information memo on the proposed amendments July 31, 2024](#). Staff received feedback that timing should be specified to ensure provisions are put in place before land is sold and that areas for Council considerations be further specified. Changes based on this feedback are highlighted in yellow in Attachment A.

The Planning Advisory Committee could recommend to Council to direct Staff to explore using development agreements on more than just town-owned lands and to include buyback agreements in development agreements.

On August 15, 2024, Staff received a request from Heather Langille requesting the Planning Advisory Committee defer their decision on this matter to provide additional time for public feedback.

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

In accordance with the Town's Planning Public Participation Policy, this meeting was advertised 14 days in advance in the newspaper, on the Town's website, and on social media. The advertisement was also shared with the Municipality of the District of Lunenburg. A public hearing will be held following receipt of the Planning Advisory Committee's recommendation.

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:

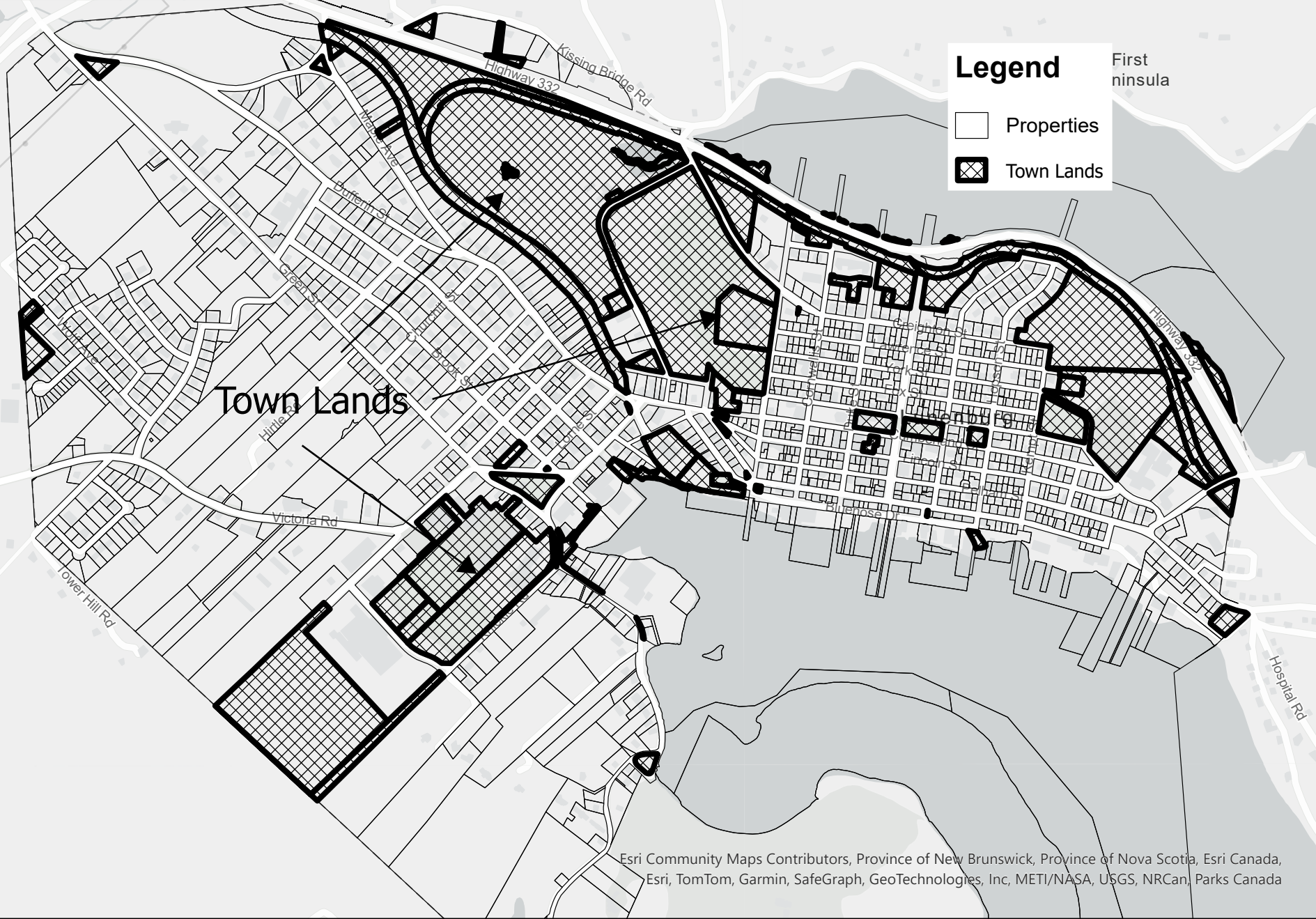
4.6 Town-Owned Land

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 **to ensure community benefit before they are sold**. 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;
- (b) **The proposal respects the heritage value of the area, includes provisions for green spaces to support environmental sustainability or recreational opportunities, includes facilities that contribute to the social needs of residents, or addresses the need for housing, including affordable housing, to the public benefit; and**
- (c) 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



Legend

□ Properties

▣ Town Lands

First ninsula

Town Lands

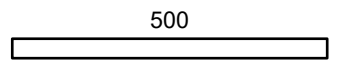
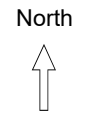
Esri Community Maps Contributors, Province of New Brunswick, Province of Nova Scotia, Esri Canada, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, NRCan, Parks Canada

Document Path: C:\Users\lunenburg\OneDrive - esp@ciatlunenburg.ca\OneDrive - esp@ciatlunenburg.ca\MapData\Advertisement\MapData\TownOwnedLands.aprx Date Saved: 2024-07-24 12:38 PM



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



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	
Review amendment with a focus on equity, diversity, and inclusion.	This amendment will not negatively impact issues pertaining to equity, diversity, and inclusion. The amendment would empower Council to promote accessible and inclusive development on Town owned lands declared surplus.

Subject: Municipal Planning Strategy and Land Use By-law Amendment
Application: Redesignation and rezoning of lands along lower
Green Street

From: Community Development

Date: August 21, 2024



Recommendation

That the Planning Advisory Committee (PAC) recommend amending the Municipal Planning Strategy and Land Use Bylaw 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).

Alternatives

- Recommend refusal of the application of the proposed amendments to the Municipal Planning Strategy (MPS) and Land Use By-law (LUB).
- Recommend redesignation and rezoning of 4 Tannery Road and 3 Green Street to Lower Density Residential (RL).
- Defer a decision.

Background

On October 24, 2023, Council received a presentation requesting that residential properties on Green Street rezoned from Residential (R) to General Commercial (CG) under the 2021 Land Use By-law be reverted to residential zoning. On February 27, 2024 this proposal was brought forward to Council to receive guidance and approval to proceed with the amendments to the MPS and LUB. This was granted by council motion on February 27, 2024 resulting in a March 25, 2024 public participation meeting held by Planning Advisory Committee (PAC). At the conclusion of the meeting, PAC recommended adopting the amendments as presented.

On June 25, 2024, after changes to the Municipal Government Act altered advertising and other requirements regarding public participation and input of changes to planning documents, the Town adopted a new Planning Public Participation Policy. This report has been brought forward again to ensure compliance with the new policy. Staff believe that having a circumstance where the Public were consulted under the previous policy at PAC, yet the process at Council for the amendments will be undertaken under the new June 25, 2024 policy was not ideal. To ensure the entire amendment process is under one consistent policy and process, Staff have brought this amendment package forward again.

On June 25, 2024, following changes to the Municipal Government Act that revised advertising and public participation requirements for planning documents, the Town adopted a new Planning Public Participation Policy. Staff are bringing this amendment request back to the Planning Advisory Committee to ensure full compliance with the new policy. Staff felt having public consultation conducted under the former policy, with the subsequent public hearing following the new June 25, 2024, policy, was not ideal. To ensure the entire amendment process adheres to a single, consistent policy, Staff have brought this amendment package forward to the Planning Advisory Committee again.

Discussion

The residents are concerned that General Commercial Zoning will cause the loss of the historic residential flavour of their neighbourhood. They note that this area has always been residential, with heritage homes built between 1887 and 1923. They argue commercial enterprise on Green Street could lower property values, destroy the aesthetics of the neighbourhood and disrupt residents enjoying their homes, especially seniors (see submission in **Attachment A**).

Staff emailed property owners to ask their opinion on rezoning their properties. Ten property owners want to see their homes rezoned Residential (R), while three want to remain General Commercial (CG).

The property owners willing participants in the requested MPS/LUB amendment are:

- 27 Green Street
- 23 Green Street
- 21 Green Street
- 11 Green Street
- 6 Tannery Road
- 8 Tannery Road

However, three (3) property owners wish to maintain their General Commercial (CG) Use zoning:

- PID 60052487 – 45 Victoria Road
- PID 60052560 – 3 Green Street; and
- PID 60052578 – 2-4 Tannery Road

45 Victoria Road is situated at the corner of Victoria Road and Green Street. Properties along and across Victoria Road will remain in a “commercial” use zone (the Commercial General (CG) Use Zone (across) and the Commercial Mixed Use (CM) Use Zone (down the road towards Tim Horton’s). From this perspective, the retention of this particular property in the General Commercial (CG) zone is considered compatible with the existing zoning within the general area.

3 Green Street and 2-4 Tannery Road are at the intersection of Green Street, Tannery Road, and Falkland Street near West Nova Fuels. From this perspective, the retention of these properties in the General Commercial (CG) zone is considered compatible with the existing zoning within the general area, particularly across Tannery Road and along Falkland Street. However, good planning practice would also suggest that Council may consider a rezoning to “residential” as the properties are part of

the historic residential streetscape of Green Street. As the owners wish to maintain the “commercial” zoning, it was felt that it would be appropriate to keep the status quo with regard to these properties.

The Current Planning Context

Council approved a Comprehensive Community Plan (CCP) in 2020 that designates Victoria Road coming into Town following Falkland Street to Lincoln Street as “Main Street Mixed Use” (Community Structure Tomorrow Map Page 20). The idea is to encourage this corridor’s development into a mixed-use commercial-residential zone. In 2021, lands along Victoria Road near Green Street and Falkland Street were rezoned from Residential (R) to General Commercial (CG) Use under a new MPS and LUB. Tannery and Green Street were also included in the CG Use Zone because otherwise, they would have been a very small strip of residential properties surrounded by commercial, industrial, and institutional zoning. General Commercial Use (GC) zoning of these properties may contribute to developing the mixed-use commercial-residential corridor.

Policy 4.1 (e) of the MPS provide context as to the development of the General Commercial (CG) Use Zone as outlined below:

Policy 4-1: Council shall, through the Land Use By-law, establish Use Zones, shown on the Use Zoning Map of the Land Use By-law, to establish the uses permitted in different areas of Lunenburg. The Use Zones shall generally conform to the following scheme:

- (e) The General Commercial Use (CG) Zone is intended to accommodate the traditional mixing of uses found in Old Town Lunenburg, including a wide range of commercial uses, institutional uses, and residential uses; however, auto-oriented commercial uses, such as gas stations and auto repair, shall not be permitted.

The Request

Rezoning a historic residential street from General Commercial Use (CG) to Residential (R) could have several impacts:

- **Preservation of Historic Character**: Residential zoning may help preserve the historic character of the neighbourhood by preventing commercial development that could alter the architectural and aesthetic qualities or ‘feel’ of the area. However, it would not guarantee any architectural preservation of the streetscape, only its continued residential use.
- **Community Cohesion**: Residential zones often have a sense of community and neighbourhood cohesion, as they typically have fewer residents and lower traffic levels.
- **Reduced Noise and Traffic**: Converting to residential zoning may result in reduced noise and traffic levels, contributing to a more peaceful and tranquil living environment.
- **Economic Impact**: Rezoning to Residential may limit potential economic opportunities for the community, such as local businesses and commercial developments that could contribute to the local economy.

- Loss of Mixed-Use Benefits: Mixed residential-commercial zoning allows for a diverse range of land uses, fostering a more dynamic and vibrant community. It can also decrease the walkability of communities by limiting convenient access to commercial services. Rezoning to Residential would result in the loss of these mixed-use benefits on these specific lots.

There is some disagreement on how the use of zoning impacts property values. Some studies suggest that low-density residential areas may experience higher property values, which could be beneficial for homeowners in the rezoned areas. On the other hand, a wider range of use options can be seen as an advantage to buyers and increase property values. An assessment of the effect of rezoning on property values is beyond Staff expertise.

Granting individual rezoning requests can create a patchwork of zoning designations because it encourages a piecemeal approach to development, driven by individual property owners' interests rather than a holistic strategy considering the broader community impact. This fragmented approach can result in a lack of cohesive land use planning, with adjacent parcels governed by different regulations, making it difficult to implement consistent and coherent policies. Zoning fragmentation can hinder the efficient provision of public services, requiring resources to be allocated based on a shifting landscape of zoning designations. To mitigate these challenges, a careful balance must be struck between accommodating property owner requests and maintaining a cohesive urban planning framework.

Staff recommend amending the MPS and Land Use By-law in keeping with the table above because historically, the lower Green Street area has been residential with a row of historic homes that enhances the residential streetscape and history of the area. The Lower Density Residential Use Zone may help minimize potential impacts from commercial development for residents, such as increased traffic.

Staff struggled with omitting 4 Tannery Road and 3 Green Street from the proposed rezoning to Lower Density Residential (RL) as these homes also have a role to play in preserving the street's residential flavour. However, given the closeness of the General Commercial (CG), Marine Industrial (MM) and Institutional (INST) Use Zones, this end of Green Street/Tannery Road is already a mixed bag of uses and it was felt to be appropriate to maintain the existing General Commercial (CG) use zone for select properties following owner wishes. Council may wish to proceed with redesignating and rezoning 4 Tannery Road and 3 Green Street to Lower Density Residential (RL) without the support of the property owners. Regarding 45 Victoria Road, staff feel it is appropriate to maintain the existing General Commercial (CG) Use Zone in line with other commercial uses along Victoria Road.

Proposed Amendments

Proposed amendments to the MPS are outlined in **Attachment E** and proposed amendments to the LUB are outlined in **Attachment F**.

The proposal requires an amendment to the MPS to redesignate lands under the Future Land Use Map,

as well as an amendment to the LUB to rezone the lands pursuant to the Use Zone Map. Two of the properties are split pursuant to the Future Land Use Designation and one of the properties is split pursuant to the Use Zone Map. It is recommended that these splits be removed so that each lot is in one (1) designation and one (1) Use Zone.

Policy 4-2 (**Attachment B**) of the MPS outlines which Land Use Zones are enabled under which Land Use Designations. The recommended redesignation and rezoning are consistent with Policy 4-2.

Policy 6-22 (**Attachment C**) enables Council to amend the MPS, including the Future Land Use Map when a proposed LUB map amendment conflicts with the MPS and there are valid reasons for the LUB amendment. Most of the lands along Lower Green Street (with the exception of 45 Victoria Road and PID 60052495) are currently located in the Downtown Commercial (DOWN) designation, and as such, a proposed rezoning to residential would be contrary to Policy 4-2 as the Downtown Commercial Land Use Designation does not permit residential Use Zones. Therefore, it is necessary to amend the Future Land Use Map (MPS) to enable the rezoning to residential to occur.

Policy 6-10 and Policy 6-11 of the MPS enables Council to consider an amendment to the Use Zoning Map, Schedule C, of the Land Use By-law (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. Policy 6-10, 6-11 and 6-19 are reviewed in **Attachment D**.

Any amendment to the LUB 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 G**. **Attachment G** also reviews the amendments with regards to the Lunenburg County Accessibility Plan.

As mentioned, the Comprehensive Community Plan (CCP) identified Victoria Road coming into Town following Falkland Street to Lincoln Street as “Main Street Mixed-Use” area on the Community Structure Tomorrow Map (Page 20 of the CCP). The intent was to encourage the development of this corridor as a mixed-use commercial-residential zone. The proposed redesignation and rezoning of the subject lands will not change this intent. The Victoria Road, Falkland Street and Lincoln Street approaches will retain this “Main Street Mixed-Use” flavour and no amendment to the CCP is deemed necessary at this time.

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 Land Use By-law.

Financial

There are no direct financial impact to the Town as a result of the proposed amendments since advertising costs are borne by the applicant.

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. Applicant's Submission
- B. Policy 4-2
- C. Policy 6-22
- D. Evaluation of Policy 6-10, 6-11 and 6-19
- E. Amendments to the MPS – Future Land Use Map
- F. Amendments to the LUB – Use Zone Map
- G. Review of Provincial Interest Statements and Lunenburg Accessibility Plan

ATTACHMENT A

6 November 2023

Mr. Arthur MacDonald
Director of Community Development
Town of Lunenburg
119 Cumberland Street
P.O. Box 129
Lunenburg, Nova Scotia B0J 2C0

Dear Mr. MacDonald:

Thank you for your email of 30 October inviting my parents and their neighbours to request rezoning of the lower part of Green Street and for waiving the fee for such application.

As I and my neighbours have pointed out to you in email correspondence, this portion of the street had been zoned as Residential for decades. It is not, nor has it ever been, a commercial area. It is an intact residential streetscape of heritage homes built between 1887 and 1923. My brothers and I were the 4th generation of our family to live in our home.

These long-term homeowners have always taken great pride in their properties and this is reflected in how well the residential streetscape is maintained. This area of Green Street serves as a backdrop to the park, keeps a sense of neighbourhood feel to the park and its activities, and is also the "first taste" of heritage properties for the many numbers of visitors who arrive in Lunenburg via the Bridgewater and Blockhouse entrances to the Town. A commercial enterprise on that section of the street would destroy the aesthetic integrity of that area.

The change in zoning was done without proper consultation of the long-time residents of the area and they had no knowledge of, or input into the process. In fact, it was a surprise to them and their adult children to learn that their neighbourhood had been rezoned as General Commercial. Furthermore, the decision to rezone this neighbourhood could have very negative repercussions for the inhabitants of the area. A commercial enterprise on that part of the street has the potential to lower property values for the adjacent homes. Additionally, the establishment of a commercial enterprise in that area would almost certainly disrupt the quiet enjoyment of their homes for these citizens, most of whom are in their twilight years.

Please find attached signed applications for municipal planning amendment completed by the homeowners involved.

Yours truly, 

Town of Lunenburg Planning Application for a Municipal Planning Strategy Amendment

PLEASE NOTE THAT ALL INFORMATION PROVIDED IS PUBLIC INFORMATION

APPLICANT INFORMATION	REGISTERED OWNER OF PROPERTY
Name	Name
Company Name	Company Name
Mailing Address <i>BOJ 200 LUNENBURG N.S.</i>	Mailing Address <i>BOJ 200 LUNENBURG N.S.</i>
Email	Email
Phone	Phone
Cell	Cell

PLEASE NOTE: If you are not the registered owner of the property, include a letter of authorization from the owner with your application.

PROPERTY INFORMATION	APPLICATION CHECKLIST
Civic Address	<input type="checkbox"/> Copy of Deed <input type="checkbox"/> Survey Plan or Equivalent <input type="checkbox"/> A Letter Explaining the Proposal <input type="checkbox"/> Application and Advertising Fees \$ 1,539.30 (\$839.30 + \$700.00)
PID #	
Present Use of Property <i>Residence (private)</i>	
Proposed Use of Property <i>Private Residence</i>	

EXPLANATION OF PROPOSAL AND SIGNATURE

A short explanation of your proposal (please include a detailed letter with a full explanation)

WE ARE REQUESTING THAT THE ZONING FOR THIS PROPERTY BE CHANGED BACK TO RESIDENTIAL FROM COMMERCIAL

By submitting this application I affirm that the facts set forth are true and complete.

Name (printed): _____ Signature: _____ Date: *NOV. 5 2023*

OFFICE USE ONLY: Type of Application:

Date received:

Town of Lunenburg Planning Application for a Municipal Planning Strategy Amendment

PLEASE NOTE THAT ALL INFORMATION PROVIDED IS PUBLIC INFORMATION

APPLICANT INFORMATION	REGISTERED OWNER OF PROPERTY
Name	Name
Company Name	Company Name
Mailing Address	Mailing Address
Email	E
Phone	P
Cell	Cell

PLEASE NOTE: If you are not the registered owner of the property, include a letter of authorization from the owner with your application.

PROPERTY INFORMATION	APPLICATION CHECKLIST
Civic Address	<input type="checkbox"/> Copy of Deed <input type="checkbox"/> Survey Plan or Equivalent <input type="checkbox"/> A Letter Explaining the Proposal <input type="checkbox"/> Application and Advertising Fees \$ 1,539.30 (\$839.30 + \$700.00)
PID #	
Present Use of Property <i>private Residence</i>	
Proposed Use of Property <i>private Residence</i>	

EXPLANATION OF PROPOSAL AND SIGNATURE

A short explanation of your proposal (please include a detailed letter with a full explanation)

Please see attached letter by

By submitting this application I affirm that the facts set forth are true and complete.

Name (printed) _____ Signature: _____ Date: *5 Nov. 2023*

OFFICE USE ONLY: Type of Application:

Date received:

5 Nov. 2023

Town of Lunenburg Planning Application for a Municipal Planning Strategy Amendment

PLEASE NOTE THAT ALL INFORMATION PROVIDED IS PUBLIC INFORMATION

APPLICANT INFORMATION	REGISTERED OWNER OF PROPERTY
Name	Name
Company Name	Company Name
Mailing Address	Mailing Address
Email	Email
Phone	Phone
Cell	Cell

PLEASE NOTE: If you are not the registered owner of the property, include a letter of authorization from the owner with your application.

PROPERTY INFORMATION	APPLICATION CHECKLIST
Civic Address	<input type="checkbox"/> Copy of Deed <input type="checkbox"/> Survey Plan or Equivalent <input type="checkbox"/> A Letter Explaining the Proposal <input type="checkbox"/> Application and Advertising Fees \$ 1,539.30 (\$839.30 + \$700.00)
PID #	
Present Use of Property <i>Residential</i>	
Proposed Use of Property <i>Residential</i>	

EXPLANATION OF PROPOSAL AND SIGNATURE

A short explanation of your proposal (please include a detailed letter with a full explanation)

Please see attached letter

By submitting this application I affirm that the facts set forth are true and complete.

Name (printed) _____ Signature: _____ Date: *6 Nov 2023*

OFFICE USE ONLY: Type of Application:

Date received:

6 Nov 2023

Town of Lunenburg Planning Application for a Municipal Planning Strategy Amendment

PLEASE NOTE THAT ALL INFORMATION PROVIDED IS PUBLIC INFORMATION

APPLICANT INFORMATION	REGISTERED OWNER OF PROPERTY
Name	Name
Company Name	Company Name
Mailing Address	Mailing Address
Email	Email
Phone	Phone
Cell	Cell

PLEASE NOTE: If you are not the registered owner of the property, include a letter of authorization from the owner with your application.

PROPERTY INFORMATION	APPLICATION CHECKLIST
Civic Address	<input type="checkbox"/> Copy of Deed <input type="checkbox"/> Survey Plan or Equivalent <input type="checkbox"/> A Letter Explaining the Proposal <input type="checkbox"/> Application and Advertising Fees \$ 1,539.30 (\$839.30 + \$700.00)
PID #	
Present Use of Property <i>private garden</i>	
Proposed Use of Property <i>private garden</i>	

EXPLANATION OF PROPOSAL AND SIGNATURE

A short explanation of your proposal (please include a detailed letter with a full explanation)

Please see attached letter

By submitting this application I affirm that the facts set forth are true and complete.

Name (printed) _____ Signature: _____ Date: *6 Nov 2023*

OFFICE USE ONLY: Type of Application:

Date received:

6 Nov 2023

Attachment B
Policy 4-2

Policy 4-2: Council shall establish, on the Future Land Use Map, a series of Land Use Designations to guide the evolution of Use Zone placement over time. The Designations and the Use Zones permitted for consideration in each Designation are as follows:

- (a) The Residential Land Use Designation permits:
 - i. Lower Density Residential Use (RL) Zone
 - ii. Medium Density Residential Use (RM) Zone
 - iii. Higher Density Residential Use (RH) Zone
 - iv. Rural Use (RUR) Zone
 - v. Institutional Use (INS) Zone
 - vi. Parks and Recreation Use (PR) Zone
- (b) The Main Street Land Use Designation permits:
 - i. Commercial Mixed Use (CM) Zone
 - ii. Institutional Use (INS) Zone
 - iii. Parks and Recreation Use (PR) Zone
- (c) Downtown Commercial Land Use Designation permits:
 - i. General Commercial Use (CG) Zone
 - ii. Institutional Use (INS) Zone
 - iii. Parks and Recreation Use (PR) Zone
- (d) Waterfront Designation permits:
 - i. Waterfront Use (W) Zone
 - ii. Marine Industrial Use (MM) Zone
 - iii. Parks and Recreation Use (PR) Zone
- (e) Industrial Designation permits:
 - i. Industrial Use (M) Zone
 - ii. Institutional Use (INS) Zone
 - iii. Parks and Recreation Use (PR) Zone
- (f) Parks and Institutional Designation permits:
 - i. Institutional Use (INS) Zone
 - ii. Parks and Recreation Use (PR) Zone

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.

Note: The proposed map amendment to the Use Zone map of the LUB would have been in conflict with the MPS without an amendment to the Future Land Use Map of the MPS. Therefore, the proposed amendment to the MPS is in keeping with Policy 6-22(b) of the MPS.

Attachment D

Evaluation of Policy 6-10, 6-11 and 6-19

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 6-10: Council shall consider amendments to the Use Zoning Map of the Land Use By-law when the proposed map amendment is not specifically prohibited within this Plan and at least one of the following three conditions is true:

- (a) the proposed Use Zone is enabled by this Plan for use within the same Future Land Use Map designation;
- (b) a non-conforming use appears to have been created by an inadvertent administrative oversight in the Municipal Planning Strategy and Land Use By-law preparation process, resulting in a property being zoned inconsistent with stated policies in this Plan; or
- (c) notwithstanding the Use Zones permitted within a Future Land Use designation, the land to be rezoned is under 1,000 square metres in area and is abutting a Future Land Use Map designation that permits the proposed Use Zone. For clarity, land that abuts a right-of-way, such as a street, is considered to be abutting the designation on the other side of the right-of-way.

Evaluation: Once the amendment to the Future Land Use Map of the MPS becomes effective (and the amendments may run concurrently) the proposed Use Zone will be enabled by this Plan in keeping with Policy 6-10(a). The proposed MPS amendment to the Future Land Use Map is in keeping with Policy 6-22(b).

Policy 6-11: Council shall not amend the Use Zoning Map of the Land Use By-law unless Council is satisfied that:

- (a) the proposal is consistent with the description of the Use Zone in Policy 4-1 and any specific policies, if any, directing where it is appropriate to place the proposed Use Zone; and
- (b) the proposed Use Zone and the uses it permits meet the general criteria for amending the Land Use By-law, set out in Policy 6-19.

Evaluation: Once the Future Land Use Map of the MPS is amended the proposed Use Zones would be considered consistent with the description of the Use Zone in Policy 4-2. In addition, the proposed rezoning meet the general criteria for amending the Land Use By-law, set out in Policy 6-19 as reviewed below:

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;
Please note that an amendment to the MPS is required. The proposal will be considered consistent with the intent of the MPS once the Future Land Use Map has been amended. Once amended the proposed rezoning will be considered to be consistent with the intent of the MPS, in particular Policy 4-2.
- (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 considered premature or inappropriate due to the ability of the Town to absorb public costs related to the proposal. No public costs are anticipated with the proposed amendments.
 - 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. No new development proposals are anticipated at this time.
 - 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. There is a 375mm water line and a 200mm sewer line available along this section of Green Street. No new development proposals are anticipated at this time.
 - iv. the creation of excessive traffic hazards or congestion on road, cycling, and pedestrian networks within, adjacent to, or leading to the proposal;
The proposal is not 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. The proposed redesignation and rezoning are considered a less intensive use of land and will have less of an impact than development proposals permitted as-of-right under the current General Commercial (CG) Use Zone.

- v. the adequacy of fire protection services and equipment;
There is a 375mm water line available along this section of Green Street. The proposal is not premature or inappropriate due to the adequacy of fire protection services and equipment.
- vi. the adequacy and proximity of schools and other community facilities;
The area is adjacent to the Bluenose Academy and the Town Recreational Complex. The proposal is not premature or inappropriate due to the adequacy and proximity of schools and other community facilities.
- vii. impacts on UNESCO World Heritage Site statements of outstanding value;
The development is in New Town, a significant distance away from Old Town Lunenburg WHS. In this regard the amendments will not have, or impose, any impact on the WHS or its Statements of Outstanding Universal Values (OUV's).
- 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 proposed redesignation and rezoning will not cause any new, or worsening of any known, pollution problems.
- ix. site-specific climate change risks;
The proposed redesignation and rezoning will not cause or increase any known site-specific climate change risks. The dwellings are existing, and no development is being contemplated at this time.
- x. the potential to create flooding or serious drainage issues, including within the proposal site and in nearby areas;
The proposed redesignation and rezoning will not cause any known flooding or drainage issues. The site is located outside of the Flood Risk Area shown on the Flood Risk Area Map, Schedule E, of the Land Use By-law. The dwellings are existing, and no development is being contemplated at this time.
- xi. impacts on known habitat for species at risk;
The proposed redesignation and rezoning will not have any impact on known habitat.
- xii. impacts on the navigability and environment of Lunenburg Harbour;
The proposed redesignation and rezoning will not have any impact on navigation or have any impact on Lunenburg's Harbour. The dwellings are existing, and no development is being contemplated at this time.
- 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
The proposal is not premature or inappropriate due to 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. The dwellings are existing, and no development is being contemplated at this time.

xiv. land use conflicts that could place limits on existing operational procedures at existing businesses.

The proposal is not premature or inappropriate due to land use conflicts that could place limits on existing operational procedures at existing businesses. The proposed redesignation and rezoning are considered a type of “downzoning” from “commercial” to “residential”. As of a result, the proposal should have less land use conflicts. In addition, the dwellings are existing, and no development is being contemplated at this time.

Attachment E

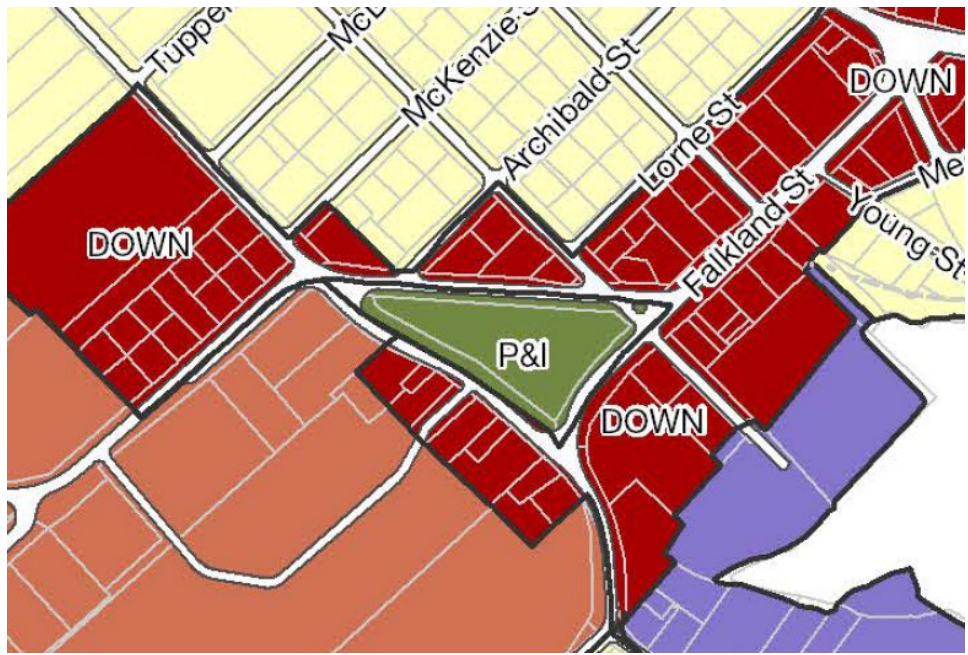
Amendments to Municipal Planning Strategy – Future Land Use Map, Schedule “A”

- 1) An amendment to the Municipal Planning Strategy, in particular the Future Land Use Map, Schedule “A”, thereby redesignating the lands as per table and maps shown below:**

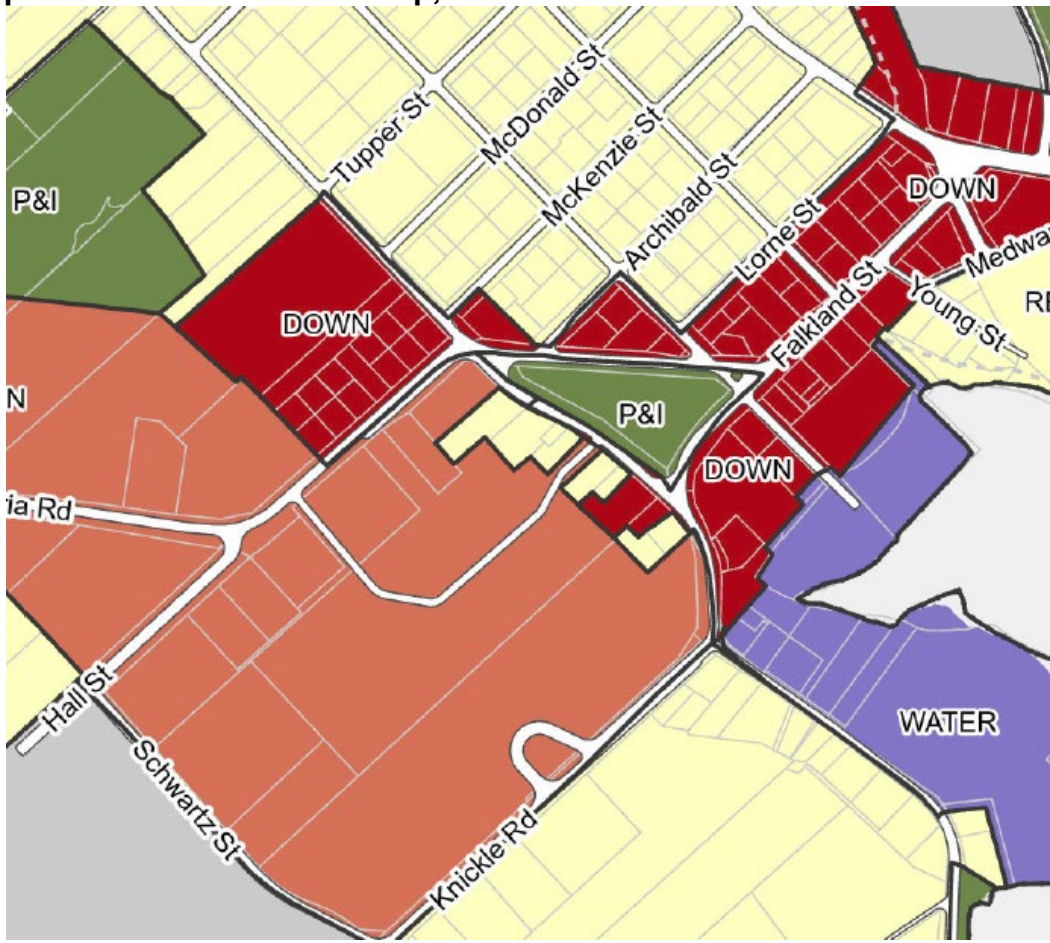
Property:	Application:
PID 60052495 – 27 Green Street (Vacant lot)	Redesignate from Main Street (MAIN) to Residential (RES).
PID 60052503 – 27 Green Street (Rear portion of the lot)	Redesignate from Main Street (MAIN) to Residential (RES).

PID 60052503 – 27 Green Street (Front portion of the lot)	Redesignate from Downtown Commercial (DOWN) to Residential (RES).
PID 60052511 – 23 Green Street	Redesignate from Downtown Commercial (DOWN) to Residential (RES).
PID 60052529 – 21 Green Street	Redesignate from Downtown Commercial (DOWN) to Residential (RES).
PID 60052552 - 11 Green Street	Redesignate from Downtown Commercial (DOWN) to Residential (RES).
PID 60487857 – 11 Green Street (vacant lot)	Redesignate from Downtown Commercial (DOWN) to Residential (RES).
PID 60052586 – 6 Tannery Road	Redesignate from Downtown Commercial (DOWN) to Residential (RES).
PID 60052594 – 8 Tannery Road	Redesignate from Downtown Commercial (DOWN) to Residential (RES).

Existing Future Land Use Map, Schedule “A”:



Proposed Future Land Use Map, Schedule "A":

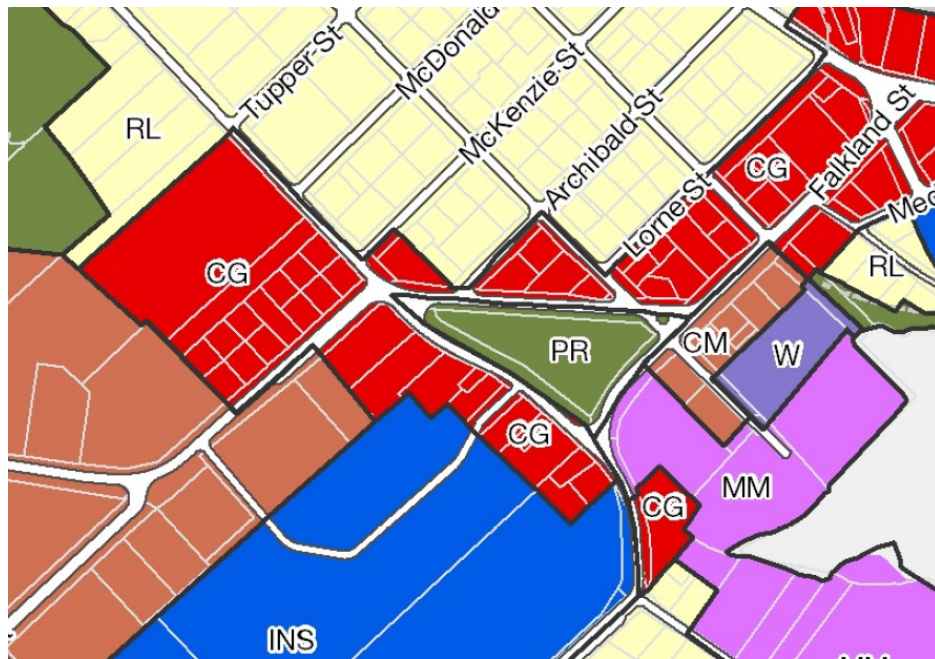


Amendments to Land Use By-law – Use Zone Map, Schedule “C”

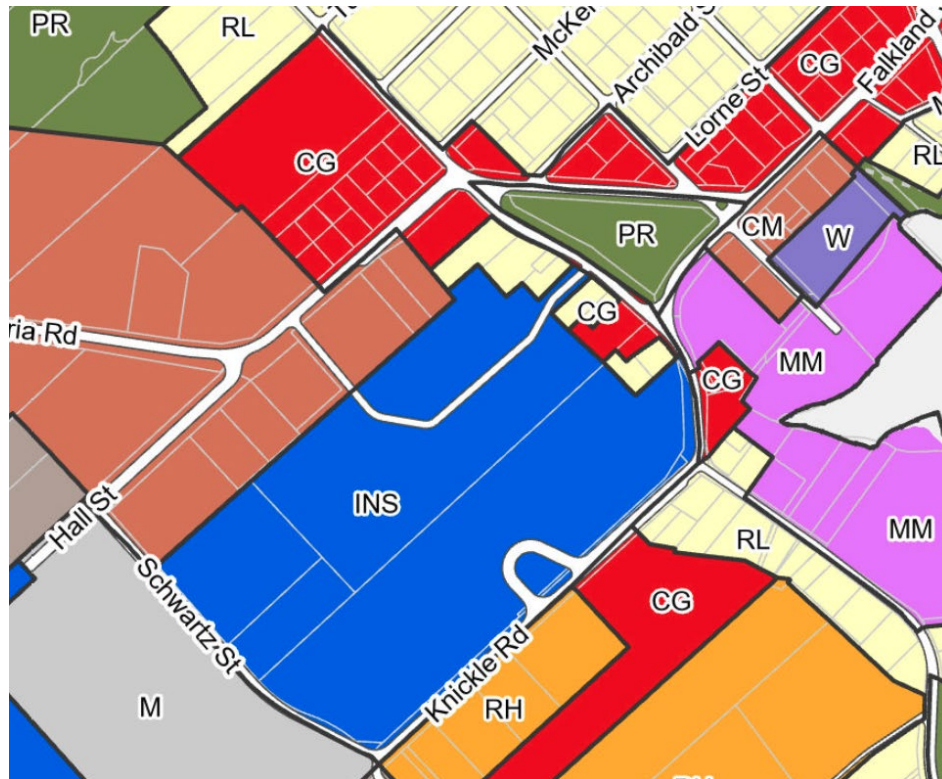
- 1) An amendment to the Land Use By-law, in particular the Use Zoning Map, Schedule “C”, thereby rezoning the lands as per table and maps shown below:

Property:	Application:
PID 60052495 – 27 Green Street (Vacant lot)	Rezone from General Commercial (CG) Use Zone to Lower Density Residential (RL) Use Zone.
PID 60052503 – 27 Green Street (Rear portion of the lot)	Rezone from General Commercial (CG) Use Zone to Lower Density Residential (RL) Use Zone.
PID 60052503 – 27 Green Street (Front portion of the lot)	Rezone from General Commercial (CG) Use Zone to Lower Density Residential (RL) Use Zone.
PID 60052511 – 23 Green Street	Rezone from General Commercial (CG) Use Zone to Lower Density Residential (RL) Use Zone.
PID 60052529 – 21 Green Street	Rezone from General Commercial (CG) Use Zone to Lower Density Residential (RL) Use Zone.
PID 60052552 - 11 Green Street	Rezone from General Commercial (CG) Use Zone to Lower Density Residential (RL) Use Zone.
PID 60487857 – 11 Green Street (vacant lot)	Rezone from General Commercial (CG) Use Zone to Lower Density Residential (RL) Use Zone.
PID 60052586 – 6 Tannery Road	Rezone from General Commercial (CG) Use Zone to Lower Density Residential (RL) Use Zone.
PID 60052594 – 8 Tannery Road	Rezone from General Commercial (CG) Use Zone to Lower Density Residential (RL) Use Zone.

Existing Use Zoning Map, Schedule "C":



Proposed Use Zoning Map, Schedule "C":



ATTACHMENT "E" - Amendments to MPS - Future Land Use Map, Schedule "A"

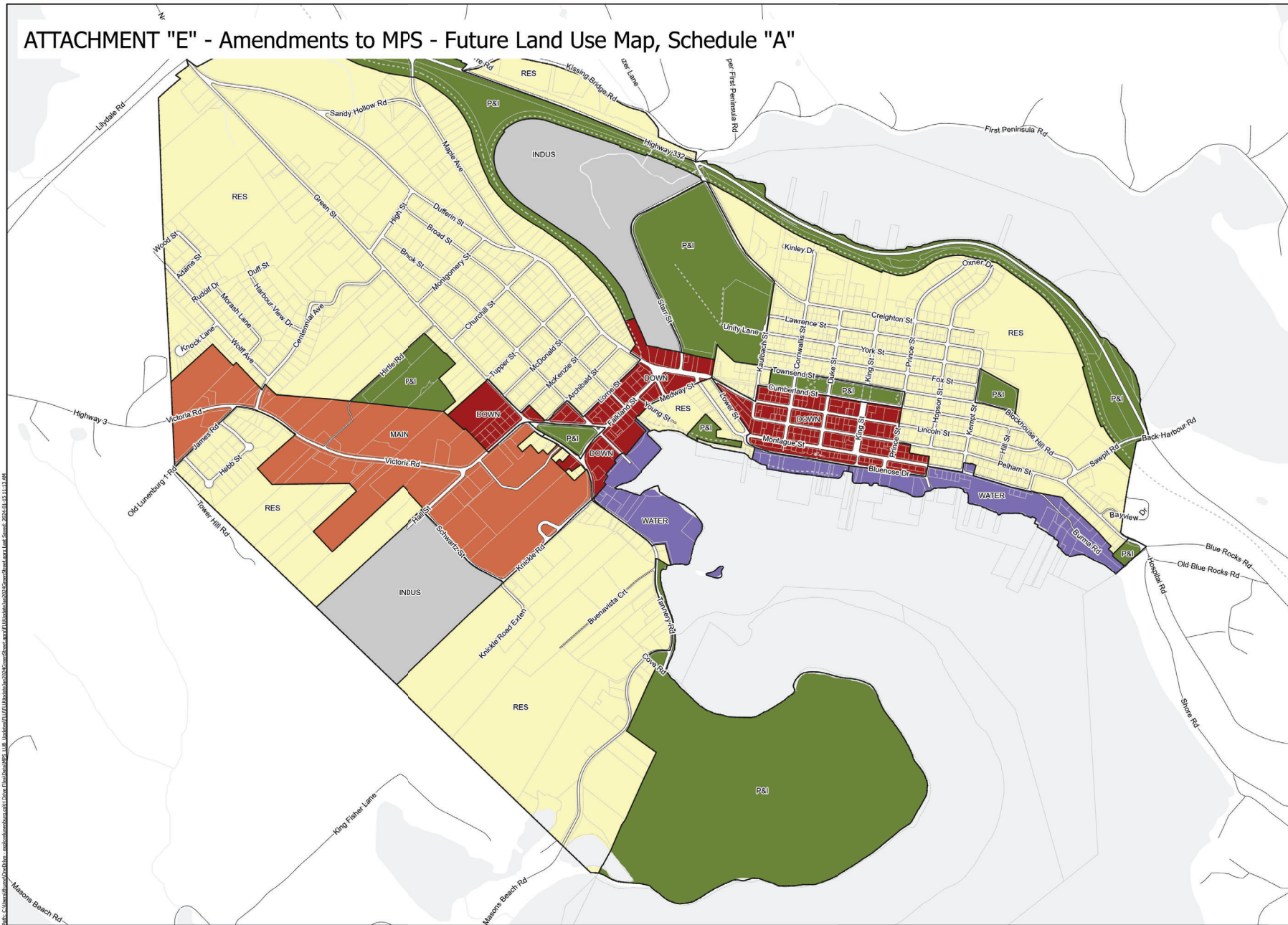


MAP Future Land Use

SCHEDULE	LAST UPDATED
A	2024-01-15

NORTH	SCALE
↑	1:10,000

LEGEND	
	RES Residential
	MAIN Main Street
	DOWN Downtown Commercial
	WATER Waterfront
	INDUS Industrial
	P&I Parks and Institutional



C:\Users\mason\OneDrive\Documents\GIS\MapDocs\2024-01-15-1113.MXD
 2024-01-15 11:13 AM

Attachment G

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 redesignation and rezoning of the subject lands 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 redesignation and rezoning will not have a direct impact on the 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. The lands are located outside of the Flood Risk Area as identified on the Flood Risk Area Map.</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 redesignation and rezoning of the subject lands 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 proposed redesignation and rezoning will not affect Provincial Interest Statement 4. The redesignation and rezoning to “residential” is considered a less intensified use of land and should have less of an impact on Town infrastructure, with regards to water supply and wastewater disposal.</p>
<p>Statement 5: Housing</p> <p>GOAL: To provide housing opportunities to meet the needs of all Nova Scotians.</p>	<p>The proposed redesignation and rezoning are intended to reflect the existing uses and the “residential” flavour of this historic streetscape. Though one could argue that by removing the existing designation and zoning you are removing the possibility for the market to dictate the potential number of dwellings, as the General Commercial (CG) Use Zone permits unlimited number of dwellings. However, the proposed redesignation and rezoning will not affect any existing planned residential expansions. No development is being contemplated at this time. Each lot in the Lower Density</p>

	<p>Residential (RL) Use Zone may development up to three (3) dwellings per lot (two (2) main dwellings and one (1) accessory dwelling). The intensification of dwelling units in this area may still occur. In light of the above, the proposed redesignation and rezoning is considered to be not contrary to Provincial Statement 5.</p>

Review amendment through an accessible lens	
<p>Review amendment with a focus on equity, diversity, and inclusion.</p>	<p>This amendment is a redesignation and rezoning of the use of land and will not negatively impact issues pertaining to equity, diversity, and inclusion. One could argue that addressing the needs and wishes of the community to revert back to “residential” zoning provides a sense of fairness and inclusion in their ability to be heard and respected by Council and the community.</p>