



## **MUNICIPALITY OF THE DISTRICT OF LUNENBURG**

Osprey Village Secondary Planning Strategy & Land Use By-law  
Proposed Amendments

### **PUBLIC HEARING**

Council Chambers (210 Aberdeen Road, Bridgewater)  
Thursday May 23, 2019 at 9:00AM

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## **PUBLIC HEARING AGENDA**

- 1. CALL TO ORDER at 9:00AM**
  - 2. OPENING REMARKS by MAYOR BOLIVAR-GETSON**
    - a. Introductions
    - b. Review of Agenda and Rules of Conduct
  - 3. REPORT AND PRESENTATION from Planning Staff**
  - 4. WRITTEN AND VERBAL PRESENTATIONS from the Public**
    - a. Review of Written Submissions by the Municipal Clerk (if any)
    - b. Verbal Presentations by the Public (if any)
  - 5. REVIEW OF APPROVAL PROCESS**

*Council can make a decision at the close of this Hearing, or at the next Council meeting. If Council deems it advisable to approve the amendments to the Osprey Village Secondary Planning Strategy and Land Use By-law, Council will conduct Second Reading. Once Council has approved the documents, they are forwarded to the Department of Municipal Affairs for review. Upon confirmation from Municipal Affairs that the documents do not conflict with any provincial interest, a Notice of Approval is inserted into the local newspaper advising of the adoption of the amendments. The date the Public Notice appears in the newspaper is the date the documents become effective.*
  - 6. CLOSING OF THE PUBLIC HEARING**
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## **RULES OF CONDUCT**

Persons who wish to speak at the Public Hearing are asked to note the following:

- [a] State your name and address;
- [b] Direct all statements to the Chairperson;
- [c] Try to limit presentations to 10 minutes;
- [d] Speakers may address Council twice, but before addressing Municipal Council for a second time, speakers will be requested to wait until all others have had the opportunity to speak, before they can then address Council for a second time.

**MUNICIPALITY OF THE DISTRICT OF LUNENBURG**  
**A By-law Amending the Osprey Village Secondary Planning Strategy and Land Use By-law**

Be it enacted by the Council of the Municipality of the District of Lunenburg that the Osprey Village Secondary Planning Strategy and the Land Use By-law be amended as follows:

1. Part 4 of the Osprey Village Secondary Planning Strategy is amended by adding Section 4.0.11 as follows:  
     "It shall be the policy of Council that the municipality is exempt from obtaining a development permit, from itself, when providing for municipal service facilities and buildings."
  
2. Section 4.16 of the Osprey Village Land Use By-law is amended by inserting the words "municipal administration buildings" after the words "but not limited to," in the second line.

Annotation for Official By-law Book	Date of Adoption
Date of First Reading: Date of Advertisement – Notice of Intention	
Date of Second Reading <b>*Date of Advertisement of Amendments to By-law</b>	
Date of mailing to Minister A Certified copy of By-law	
<p>I certify that this "<b>A By-law Amending the Osprey Village Secondary Planning Strategy and Land Use By-law</b>" was adopted by Council and published as indicated above.</p>	
<p>_____</p> <p>Sherry Conrad, Municipal Clerk</p>	<p>_____</p> <p>Date</p>
<p>*Effective Date of the By-law unless otherwise specified in the text of this By-law.</p>	

- ii) any proposed addition to any building, or any building that will replace an existing building, meets the setback or yard requirements of the zone being sought.

**Policy 4.0.9**

Pursuant to the Municipal Government Act, it shall be the Policy of Council to permit the Development Officer to grant a variance in one or more of the following Land Use By-law requirements:

- a) number of parking spaces and loading spaces required;
- b) height of a structure;
- c) floor area occupied by a home-based business / home occupation;
- d) height and area of a sign;
- e) minimum lot area or frontage if:
  - i) the lot existed on the effective date of the by-law, or
  - ii) a variance was granted for the lot at the time of subdivision approval; and
- f) size of yards;

provided that the variance is not granted where the:

- a) variance violates the intent of this Land Use By-law;
- b) difficulty experienced is general to the properties in the area; or
- c) difficulty experienced results from an intentional disregard for the requirements of this Land Use By-law.

**Policy 4.0.10**

It shall be the policy of Council that, pursuant to the Municipal Government Act, a Public Participation Program (MDL-66) shall be held prior to any proposed amendment to the Secondary Planning Strategy, as well as in conjunction with the review of this Planning Strategy and Land Use By-law. The purpose of the Public Participation Program shall be to hear the opinions of the public. Council shall meet with the Planning Advisory Committee when Council is considering a proposal for a rezoning or Development Agreement, or an amendment to the Planning Strategy or the Land-Use By-law. Public Notice of any Planning Advisory Committee meeting at which the proposal is to be discussed shall comply with the Public Participation Program policy as adopted by Council.

Amended April 1, 2015

**Policy 4.0.11**

It shall be the policy of Council that the municipality is exempt from obtaining a development permit, from itself, when providing for municipal service facilities and buildings.

be terminated no more than sixty (60) days after the completion of the construction of the main structure.

**4.13.2 Special Occasions**

Nothing in this By-law shall prevent the use of land or the erection of temporary buildings, structures or signs for special occasions and holidays and no Development Permit shall be required for such temporary uses, provided that such use of buildings or structures remain in place for no more than ten (10) days following the termination of the special occasion or holiday.

**4.14 HEIGHT REGULATIONS**

The height regulations of this By-law shall not apply to a church spire, lightening rod, water tank, monument, elevator enclosure, flag pole, television or radio antenna, telecommunications tower, ventilator, skylight, chimney, solar collector, clock towers, wind turbines and power transmission towers.

**4.15 OUTDOOR LIGHTING**

Pursuant to Secondary Planning Strategy Policy 3.10.3, outdoor lighting shall be directed away from adjoining properties to reduce traffic hazards and nuisances to surrounding land uses.

**4.16 MUNICIPAL GOVERNMENT SERVICE FACILITIES**

Notwithstanding anything else in this By-law, service facilities provided by the municipality, such as, but not limited to, municipal administration buildings, sewage treatment plants, pumping stations, water storage reservoirs and storm water management facilities may be located in any zone and no Development Permit shall be required and no zone standards shall apply.

**4.17 PUBLIC AND PRIVATE UTILITIES**

Notwithstanding anything else in this By-law, public and private utilities located within the street right-of-way or underground may be placed in any zone, and no Development Permit shall be required and no zone standards shall apply.

**4.18 RESTORATION TO A SAFE CONDITION**

Nothing in this By-law shall prevent the strengthening or restoring to a safe condition, any building or structure.

**4.19 SIGHT TRIANGLE**

Notwithstanding anything else in this By-law, on a corner lot, a building, fence, sign, hedge, shrub, bush or tree, or any other structure or vegetation, shall not be erected or permitted to grow to a height more than 1 metre (3.3.ft) above grade of the streets that abut the lot within the sight triangle, included within the street lines for a distance of 4.6 metres (15 feet) from their point of intersection.

**4.20 SUBDIVISION BY-LAW REQUIREMENTS**

**4.20.1 Frontage on a Street**

Pursuant to Secondary Planning Strategy Policy 3.10.7, the access exemption provisions of the Subdivision By-law shall not apply within the Planning Area and for greater clarity, in all zones, no development permit shall be issued unless the



# Municipality of the District of Lunenburg

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## REQUEST FOR DECISION

**REPORT TO:** Planning Advisory Committee

**SUBMITTED BY:** Jeff A. Merrill, MCIP, LPP, Director of Planning & Development Services

**DATE:** May 7, 2019

**RE:** Amendments to the Osprey Village Secondary Planning Strategy and Land Use By-law

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### RECOMMENDATION

***That the Planning Advisory Committee recommend to Council that Council approve the by-law amending the Osprey Village Secondary Planning Strategy and Land Use By-law (Option 1), dated May 7, 2019.***

### BACKGROUND

After extensive study and public engagement that began in the spring of 2017, Council passed a motion to build a new Municipal Services Building in the Municipality of the District of Lunenburg at their Tuesday, March 12, 2019 Council meeting.

The site of the new Municipal Services Building is civic address 10 allée Champlain Drive, Cookville which is in the Osprey Village planning area.

### DISCUSSION

The site of the new Municipal Services Building is located in the Osprey Village planning Area. The building is located in the Village Centre (VC) Zone with part of the parking for the site in the Open Space (OS) Zone. All development within the plan area is by Site Plan Approval, which requires notification to adjacent neighbors. The VC zone permits “government legislative buildings” subject to the approval, but the current OS zone does not permit parking lots as a permitted use.

The Municipal Services Building meets the zone standards of the VC zone and all the Site Plan Approval criteria can be achieved except for the parking requirements.

6.2.3.2(a)(i) *“Where a lot has frontage on a street, parking and loading areas shall be located in the rear yard,”*

The development constraints of the site influenced the location of the parking areas. The topography of the site requires infill for the parking areas and the further from Champlain Drive one goes the more infill is required. The parking and loading areas were therefore located to the side of the building to reduce the amount of infill required.

Council's intent on requiring parking in the rear of the Village Center (VC) Zone was to ensure that asphalt does not dominate the streetscape. Vegetation is being used to reduce the visual impact of the parking areas at the Municipal Services Building.

## **OPTIONS**

To accommodate the Municipal Services Building Council could do the following:

- 1) Clarify in the Planning Strategy and Section 4.16 of the Land Use By-law to make it clear that a municipal administration building is a municipal service that can be in any zone and that no development permit is required, see attached amending by-law.

Existing Land Use By-law Section

### **4.16 MUNICIPAL GOVERNMENT SERVICE FACILITIES**

*Notwithstanding anything else in this By-law, service facilities provided by the municipality, such as, but not limited to, sewage treatment plants, pumping stations, water storage reservoirs and storm water management facilities may be located in any zone and no Development Permit shall be required and no zone standards shall apply.*

- 2) Rezone the site to the Institutional (IN) Zone; revise the parking requirements of the IN zone; and, amend the Open Space zone to permit parking areas. Rezoning to the Institutional zone would allow Council to develop their site for the administration building based on the (IN) zone requirements. The vision for the Village Centre within the Osprey Village plan would remain allowing development to occur without parking lots dominating the landscape. When Council is not the developer Council's vision is implemented through guiding development via the requirements of the Land Use By-law.

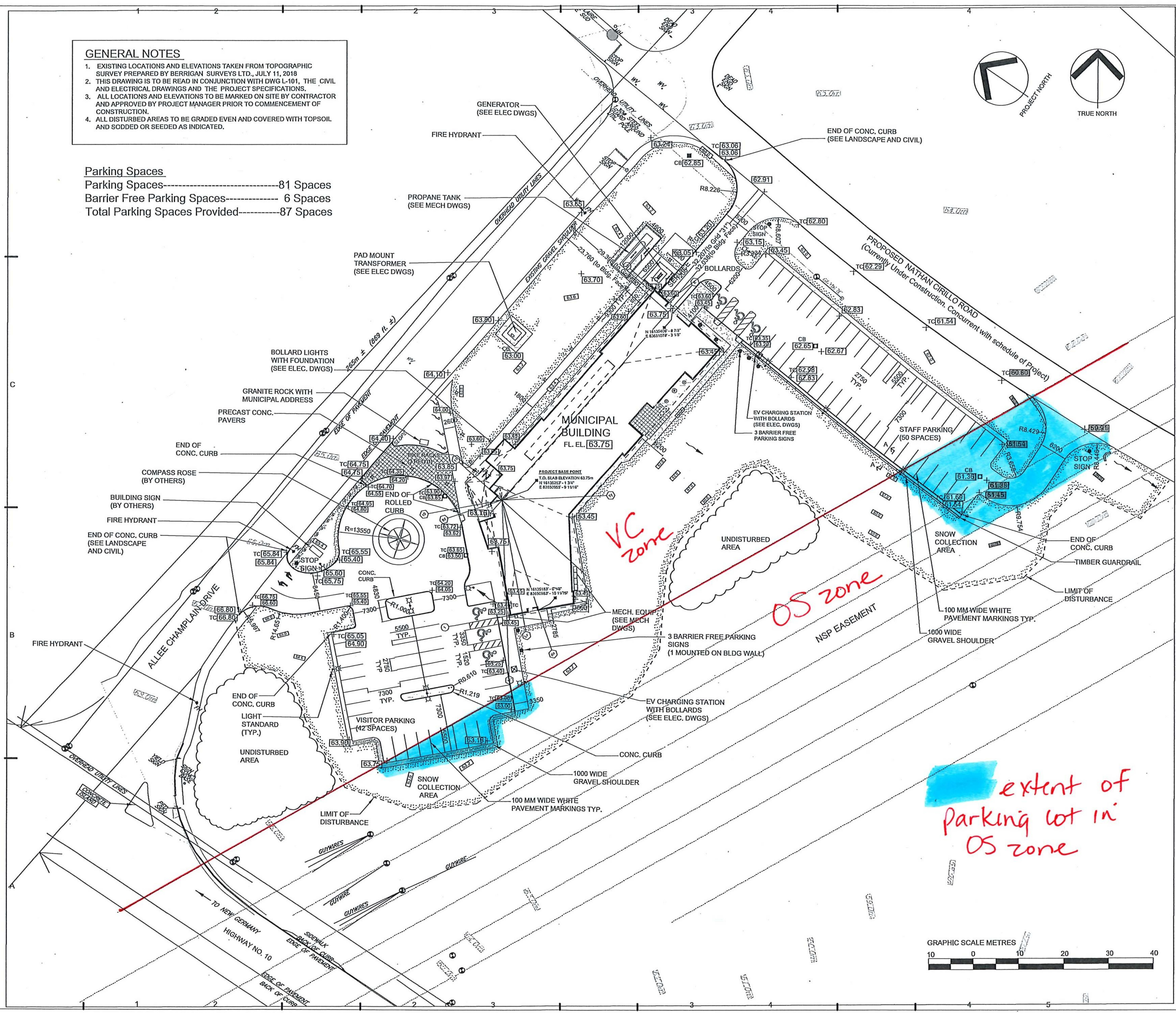
- 3) Amend the Site Plan Approval parking criteria of the Village Centre Zone and amend the Open Space zone to permit parking areas. This amendment would apply to all future developments in the Village Centre zone. Council's vision for parking not to dominate the streetscape in the Village Centre zone would be diminished;

## **CONCLUSION**

If it's Council's intent not to require a development permit from itself on municipal projects such as an administration building, then option 1 provides the housing keeping amendment to clarify Council's intent.

- GENERAL NOTES**
- EXISTING LOCATIONS AND ELEVATIONS TAKEN FROM TOPOGRAPHIC SURVEY PREPARED BY BERRIGAN SURVEYS LTD., JULY 11, 2018
  - THIS DRAWING IS TO BE READ IN CONJUNCTION WITH DWG L-101, THE CIVIL AND ELECTRICAL DRAWINGS AND THE PROJECT SPECIFICATIONS.
  - ALL LOCATIONS AND ELEVATIONS TO BE MARKED ON SITE BY CONTRACTOR AND APPROVED BY PROJECT MANAGER PRIOR TO COMMENCEMENT OF CONSTRUCTION.
  - ALL DISTURBED AREAS TO BE GRADED EVEN AND COVERED WITH TOPSOIL AND SODDED OR SEEDED AS INDICATED.

**Parking Spaces**  
 Parking Spaces-----81 Spaces  
 Barrier Free Parking Spaces----- 6 Spaces  
 Total Parking Spaces Provided-----87 Spaces



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ISSUES	NO.	ISSUANCE	STATUS	DATE
0	Issued For Tender			Apr. 25, 2019

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**PROJECT**  
 Municipality of The  
 District of Lunenburg -  
 Municipal Building

**ADDRESS**  
 10 Allée Champlain Drive  
 Cookville, Nova Scotia

**PROJECT NO:** 116663  
**DRAWN BY:** EMYSR  
**CHKD BY:** LW  
**SCALE:**  
**DATE:** 2019-04-15

**SHEET TITLE**  
 SITE PLAN:

**SHEET NUMBER**  
 A-001

*extent of parking lot in OS zone*

