

MUNICIPALITY OF THE DISTRICT OF LUNENBURG
PUBLIC HEARING
Held by **MUNICIPAL COUNCIL**
at the Mahone Bay Centre, 45 School Street, Mahone Bay, NS
Tuesday, March 12, 2019 – 7:00 p.m.

ATTENDANCE

Mayor Carolyn Bolivar-Getson Deputy
Mayor Cathy Moore, District 5
Councillor Eric Hustvedt, District 1
Councillor Martin Bell, District 2
Councillor Claudette Garland, District 6
Councillor Wade Carver, District 7
Councillor Michael Ernst, District 8
Councillor Reid Whynot, District 9
Councillor Errol Knickle, District 10

Regrets: Councillor Lee Nauss, District 3
Councillor John Veinot, District 4

Staff: Jeff Merrill, Director of Planning and Development Services
Norma Schiefer, Development Officer
Byung Jun Kang, Senior Planner
Sherry Conrad, Municipal Clerk
Tina Robichaud-Bond, Executive Assistant

1. CALL TO ORDER

Mayor Bolivar-Getson called the Public Hearing to order at 7:00 p.m.

2. OPENING REMARKS

Mayor Bolivar-Getson reported that this is a Public Hearing for Council to receive comments, both written and verbal, concerning the proposed Oakland Secondary Planning Strategy and Land Use By-law.

2a – Introduction of Council Members

Councillors and staff members in attendance introduced themselves.

Mayor Bolivar-Getson thanked the Oakland Area Advisory Committee for their work on the Committee and asked the Committee members in attendance to introduce themselves. Geoff MacDonald, Co-Chair, and Bill Scott, Recording Secretary, were in attendance. Councillor Ernst

recognized two other members of the Committee who were not in attendance, Tom Lockwood and Ron Myers.

2b – Review of Agenda and Rules of Conduct

Mayor Bolivar-Getson reviewed the agenda and read the Rules of Conduct that are to be followed by members of the public who wish to speak at the Hearing. The Rules of Conduct were also printed at the bottom of the Agenda.

3. REPORTS AND PRESENTATIONS

Jeff Merrill, Director of Planning and Development Services, gave a presentation, “Oakland Plan Review” (attached to Minutes) and explained the difference between a “Planning Strategy” and a “Land Use By-law”. In his presentation he highlighted the following points:

- Plan Review Process
- Highlighted Changes
- Next Steps

4. WRITTEN AND VERBAL PRESENTATIONS FROM THE PUBLIC

4a – Review of Written Submissions

Mayor Bolivar-Getson asked if any written submissions were received by the Municipality.

No Written submissions were received.

4b – Verbal Presentations by the Public

Mayor Bolivar-Getson asked if there were any verbal presentations to be made by anyone in the audience.

Nigel Matthew, Oakland – Mr. Matthew explained that he and his spouse moved to Oakland approximately 2.5 years ago from Ontario. They were drawn to the area as they felt it had a fair mix of business and residential properties. He advised that he had attended several Area Advisory Committee meetings and was impressed by the Committee members and staff. He felt the draft document was well balanced and the process was clear.

Ian Creary, 1036 Oakland Road – Mr. Creary commended the thorough work of the Area Advisory Committee. He noted that his father, Ray Creary, was one of the founding members of the Oakland/Indian Point Residents Association.

- Commend the AAC for their work – thoroughness
- Attended some AAC meetings
- He wrote a letter supporting the Committee’s basic principles and direction put forth in the draft and the letter turned into a petition signed by over 60 residents.
- There is substantial community support for the revisions to the bylaws
- Feels the amendments are just clarifying what community can do

5. REVIEW OF APPROVAL PROCESS

Mayor Bolivar-Getson reviewed the approval process, noting that Municipal Council could either call a Special Council meeting and make a decision at the close of this Hearing or the decision could be deferred to the next regular Council meeting. Council agreed to hold a Special Council meeting after the Public Hearing.

It was noted that Council has heard the concerns of the residents in attendance.

6. CLOSING OF THE PUBLIC HEARING

Mayor Bolivar-Getson declared the Public Hearing closed at 7:26 p.m.

Oakland Plan Review

Public Hearing

March 12th, 2019

OUTLINE

- Plan Review Process
- Highlights of the draft SPS/LUB
- Next Steps

Land Use Planning Framework

- The Planning Strategy is the POLICY document that provides statements of Municipal Council's intent on managing or controlling land use and development in an identified area.
- The Land Use By-law is the REGULATORY TOOL that interprets / implements the policies that are identified in the Planning Strategy.

Plan Review

- Review of existing plan documents that were adopted by Council in 2003
- Involves staff review / re-drafting a new document with the local Area Advisory Committee
- Requirements for review set in Council policy, Council direction

Review Process

Initial Notice

April 2017

Area Advisory Committee

Meetings

April 2017 - July 2018 (20)

2 Information Meetings – mailed invites

June 2017, August 2017 (Oct 2017)

Public Open House (w/ Draft)

August 2018

Follow-up & Recommendation

to December 5th 2017 (5)

Planning Advisory Committee

January 24, 2019

Municipal Council

FIRST READING @ Council

Feb. 12th

Public Information Session

March 5th

Public Hearing

March 12th Council's point of decision

Review of Planning Documents by Province

Public Notice

Effective Date

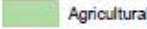
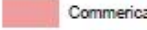
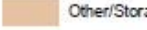
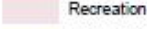
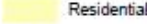
Public Input identified during AAC Review process

- Diverse perspectives were well-identified over 20-month process.
- Concerns provided to AAC in written submissions.
 - January 2018 letter (during Policy drafting)
 - August 2018 Community member Newsletter
 - October 2018 petition (post Open House)
 - Second petition & letter in October expressed support for Drafted changes.
- post-August Open House survey generally expressed support.

OAKLAND

Existing Land Use 2017 Review

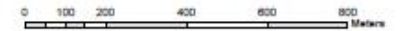
Existing Land Use

-  Agricultural
-  Commercial
-  Other/Storage
-  Recreation
-  Residential



Source: Digital Base Map Data from the Nova Scotia Geomatics Centre, Annapolis, NS

Disclaimer: Information compiled from numerous sources and may not be complete or accurate. Graphical representation only.



Date: March 2017

Prepared By: Planning & Development Services
Municipality of the District of Lunenburg



Development Activity

- Over 13 years (2003-2016):
- 100 building permits in Plan Area
- 25 permits worth \$100,000+ (all residential)
- 18 permits identified with a new residential use (dwelling) construction
- 5 properties identified with non-residential-related permit.

Existing Land Uses

- Single unit residential
- Existing commercial uses “concentrated”
- Policy framework for non-residential uses.

Highlighted Changes

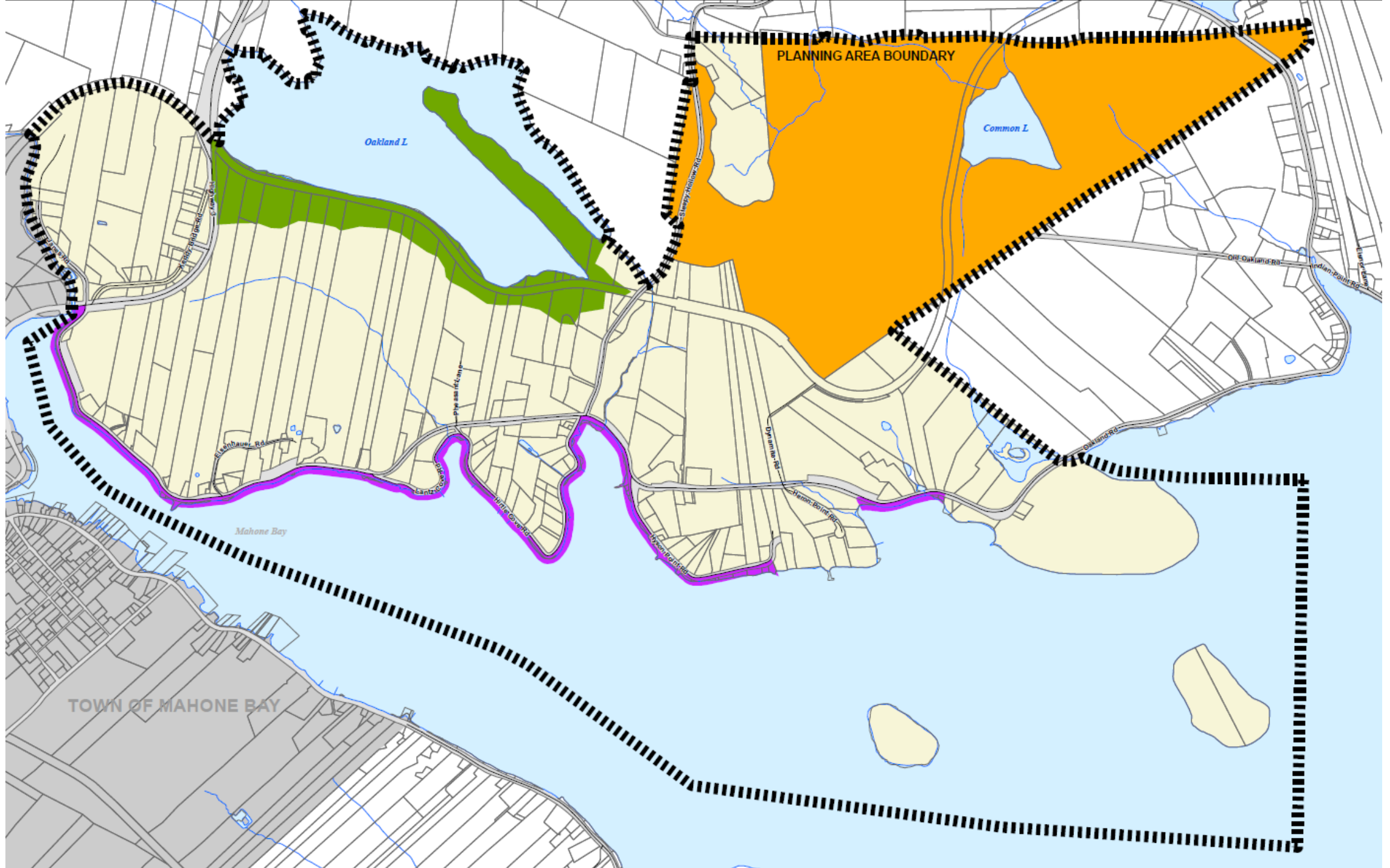
Secondary Planning Strategy (SPS) & Land Use By-law (LUB)

Noted Changes from existing SPS / LUB

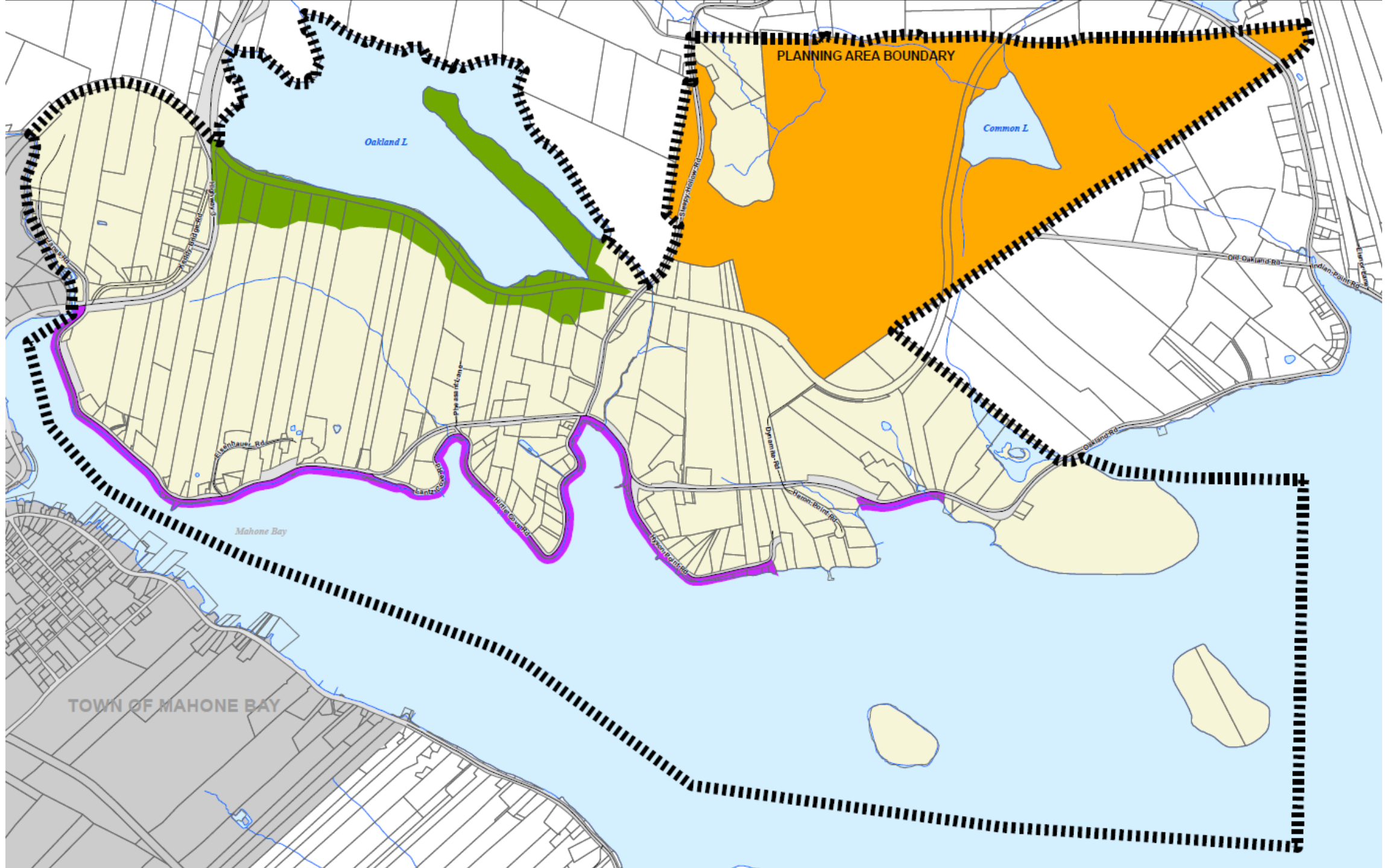
- Removed zoning designation for provincial wetlands
- Introduction of Commons Zone
- Coastal (vertical) setback regulation introduced
- Permitted commercial / industrial uses are now listed in By-law
- Introduction of List of Prohibited Uses
- Reduced allowance for fixed roof accommodation developments
- Elimination of Lot Development Limitation regulation (referencing 1992 lots).

Zoning Designations

- **Five Zones** identified in the Land Use By-law:
 - Rural.
 - Ocean Shoreline.
 - Protected Water Area.
 - Commons. **NEW**
 - Institutional. (*floating zone - not found on draft Zoning Map - not New)





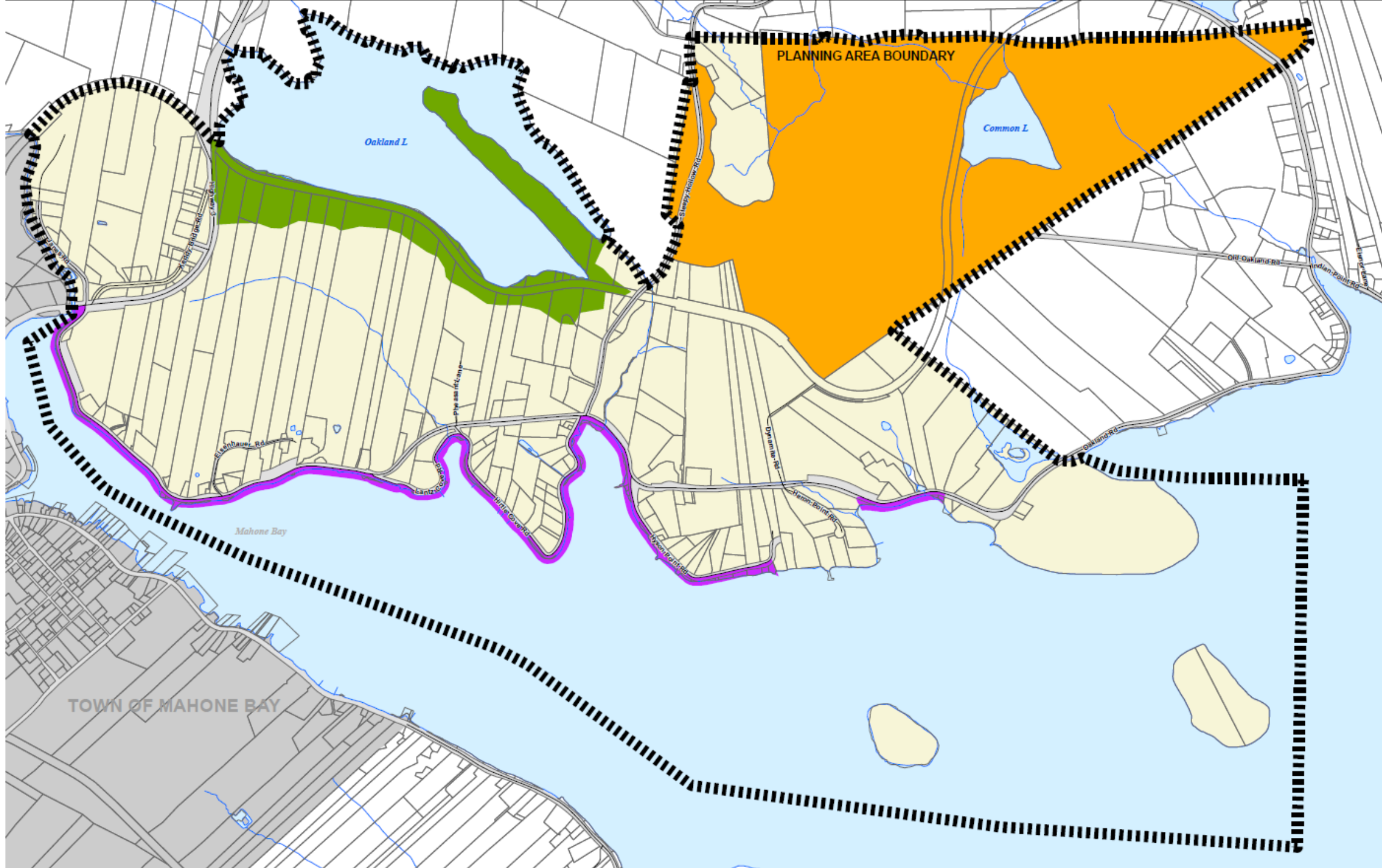


Purpose of Ocean Shoreline Zone

- Restrict development from altering or from interfering with public views of ocean.
- Permit customary and traditional waterfront uses, subject to requirements.

Proposed Focus – OS Zone

- Consistency with intent as found in 2003 Plan.
- Maintain a restrictive framework in By-law.
 - Allowance for commercial/industrial waterfront –related developments only by Development Agreement. **CHANGE**
 - Clarity on non-conforming residential uses.
 - Identify exemption from water setbacks for identified uses.



PLANNING AREA BOUNDARY

Oakland L.

Common L.

Mahone Bay

TOWN OF MAHONE BAY

Noted Changes re: Environmental Provisions

- Setback from Watercourses (s. 4.15)
 - Constraint of **20 metres** horizontal setback

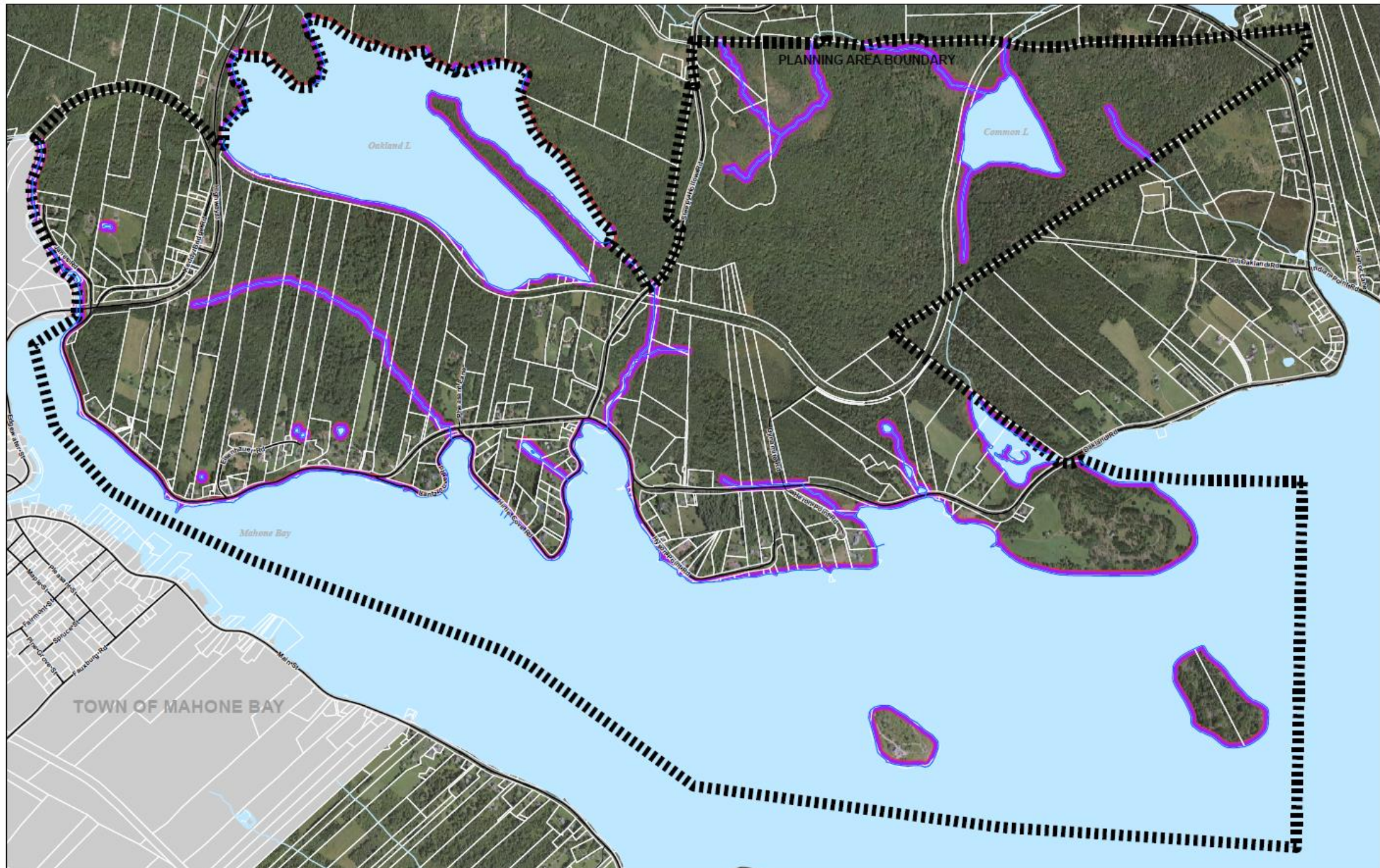
PLANNING AREA BOUNDARY

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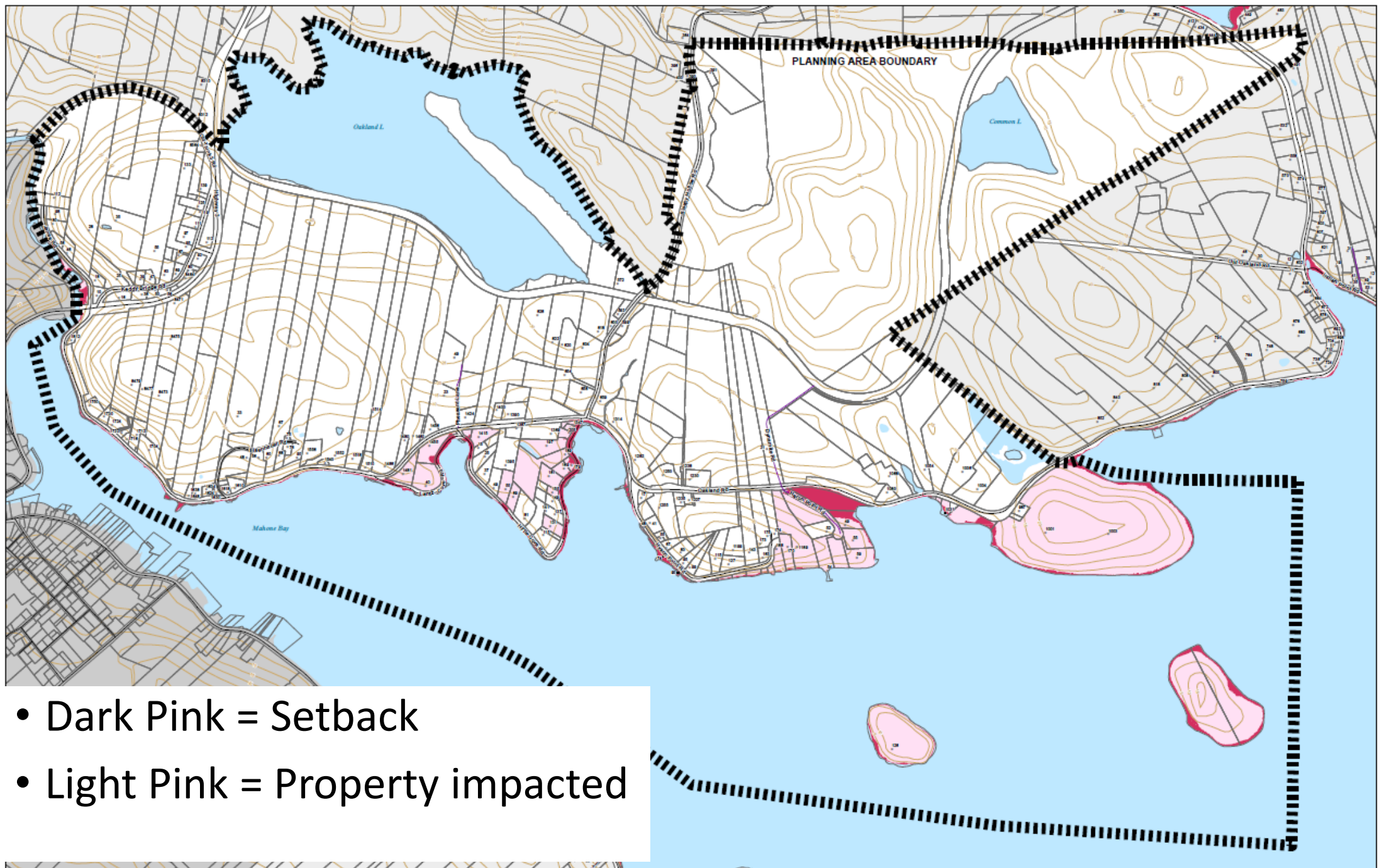
Mahone Bay

TOWN OF MAHONE BAY



Noted Changes re: Environmental Provisions

- Setback from Watercourses (s. 4.15)
 - Constraint of **20 metres** horizontal setback
- Coastal Setback (s. 4.16)
 - **NEW** constraint
 - vertical setback along coastal property.



- Dark Pink = Setback
- Light Pink = Property impacted

Noted Changes re: Environmental Provisions

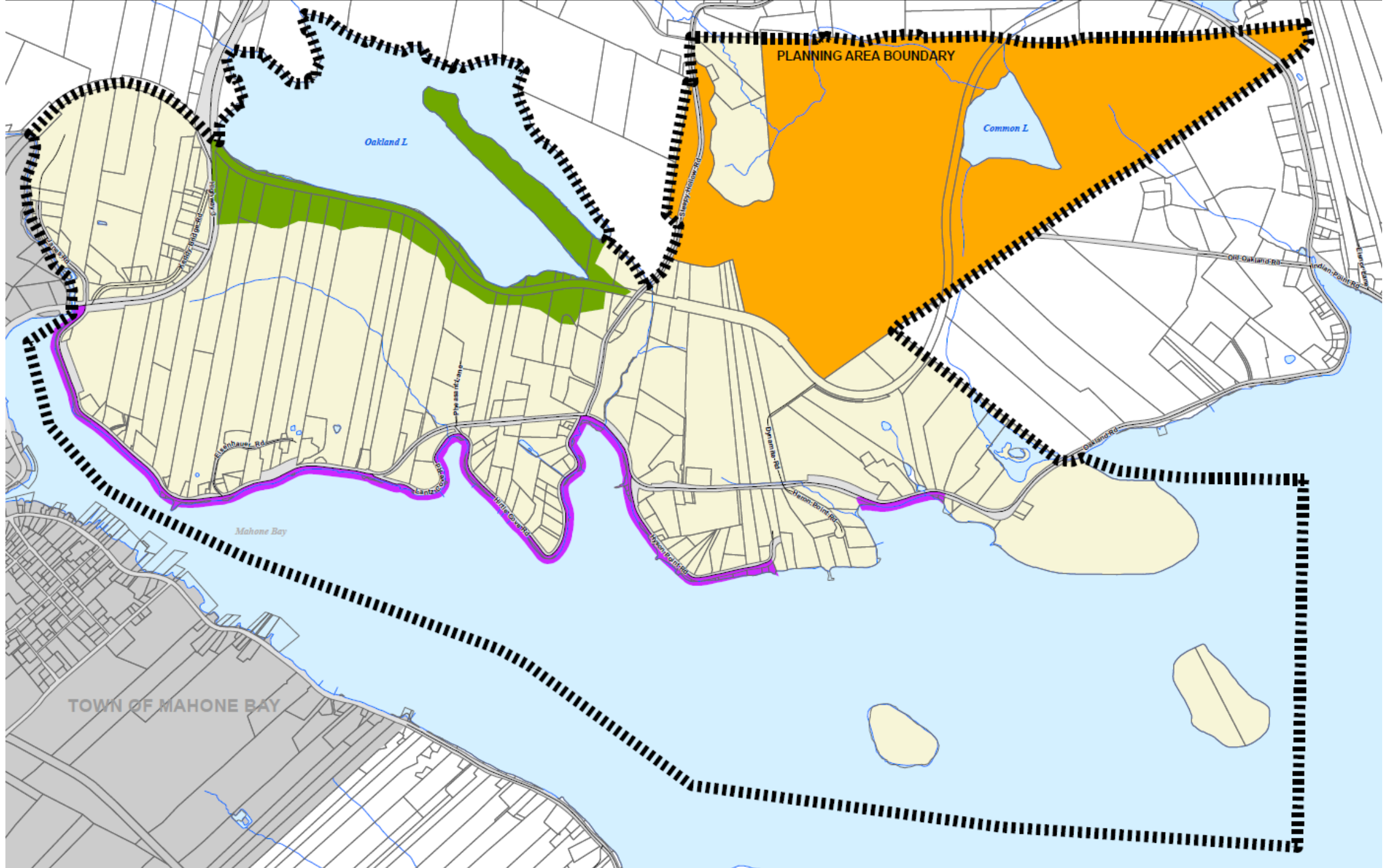
- Setback from Watercourses (s. 4.15)
 - Constraint of **20 metres** horizontal setback
- Coastal Setback (s. 4.16)
 - **NEW** constraint
 - vertical setback along coastal property.
- Provincial Wetlands (s. 4.17)
 - **NEW**
 - Identification of a Provincial approvals process before the processing of a municipal development permit.

Identified Items – Administrative elements

- Notice of Amendments / DAs (s. 2.16)
 - Proposed change to **305 metres**, from 30 metres.

Rural Zone

- o Permits commercial development.
- o Lists out the type of commercial uses that are permitted as-of-right.
- o Allows a process for consideration by Council, if a commercial use is not listed.



NEW “Listed Uses” Framework

Uses
permitted “as-of-
right”

**Zone Standards

Uses
permitted “as-of-
right”

AND

subject to special requirements
beyond Zone Standards

e.g. Wind Turbines
Fixed Roof Acc.

Uses
considered by
Development Agmt.

To include:

Restricted Developments.
Developments over size threshold

NEW
Prohibited Uses

Proposed Listed Uses –s. 5.4.1

- a) Craft Workshops, including Fine Arts & Crafts Studios;
- b) Educational facilities;
- c) Food production facilities; not including fish processing plants or slaughterhouses;
- d) Institutional uses;
- e) Offices;
- f) Manufacturing uses;
- g) Medical clinics & related health services, to include veterinary services;

Proposed Listed Uses –s. 5.4.1

- h) Personal services shops, not including pet care services, or the breeding or boarding of animals (animal kennels) other than farm animals;
- i) Residential daycare centres;
- j) Repair shops, not including autobody repair shops;
- k) Restaurants, not including drive-thru restaurants, beverage rooms, cabarets, clubs, lounges or taverns;
- l) Retail Sales shops;
- m) Warehouses, not including salvage operations or the bulk storage of petroleum

Other identified Rural Zone –related changes

- Fixed Roof Accommodation uses (Shift from 25 units to 3 units).
 - Size threshold is consistent with other forms of commercial development.
- Deletion of Lot Development Limitation as lots existed in 1992.
- Introduction of a Prohibited Uses category.
- Revised regulation respecting Keeping of Livestock & identified areas for Manure Storage
 - a) Nutrient Management Plan; or
 - b) Environmental Farm Plan; or
 - c) Setback

Next Steps

Review Process at Council

- After a Public Hearing is held, Council can then:

- Conduct **Second Reading** (Adoption)

Or

- Refuse documents

- If refuse the documents can refer back to AAC / Planning Advisory Committee.

Following Council approval

- Approved documents are reviewed by the Province.
- The new Strategy / Land Use By-law becomes effective following a provincial response back to the Municipality.

Motion

That Council conducts Second Reading of draft version 3.1 of the Oakland Secondary Planning Strategy and Land Use By-law, as presented at the Public Hearing, and hereby adopts the documents;

and further,

that Council repeals the September 9, 2003 Oakland Secondary Planning Strategy and Land Use Bylaw, such repeal to be effective upon publication of a Public Notice advising of Council's adoption of draft version 3.1 of the Oakland Secondary Planning Strategy and Land Use By-law.