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## **Municipal Council Meeting Agenda**

**Tuesday, October 25, 2022 – 9:00 a.m.**

**MODL Council Chambers – 10 Allée Champlain Drive, Cookville**

**Via Video/Audio Conferencing**

- 1. Call to Order**
- 1.1 Mi'kma'ki Territorial Acknowledgement
- 2. Announcements, Acknowledgements, Recognition**
- 3. Public Input (15 Minutes)**
- 4. Approval of Agenda (as circulated)**
- 5. Approval of Minutes – October 11, 2022**
- 6. Business Arising from Minutes**
- 7. Awarding of Tenders/RFPs - Nil**
- 8. Presentations/Scheduled Times**
- 8.1 Introduction of Mitchell Conrad, P.Eng., Area Manager,  
Public Works, Lunenburg/Queens .....9:15 a.m.
- 8.2 Noise & Land Use By-law, Jody Zinner .....(10:15 a.m.) 1-19
- 9. Consideration of Correspondence - Nil**
- 10. Recommendations from Committees & Boards**
- 10.1 Planning Advisory Committee..... 20**
- 10.1.1 Amendment of Secondary Planning Strategies & Land Use By-laws  
re Small Option Homes..... 21-29
- 11. Staff Reports**
- 11.1 Recreation Department**
- 11.1.1 Options for Visitor Information Centre (VIC) ..... 30-58
- 11.2 Engineering Department**
- 11.2.1 J Class Road Paving Priorities 2023/2024..... 59-60

**11.3 Administration Department**

11.3.1 Municipal Government Act Consultation Survey..... 61-97

**12. Mayor's/Deputy Mayor's/Councillors' Matters**

12.1 LCLC Update

12.2 Region 6 Update

12.3 Deputy Mayor's Update

12.4 Mayor's Update

**13. Added Items**

**14. In Camera**

14.1 Land Negotiations re Feltzen South under Section 22(2)(a) of the MGA

**15. Adjournment**

**Council**

Item: #8.2

Date: October 25, 2022

Authorization: T. MacEwan

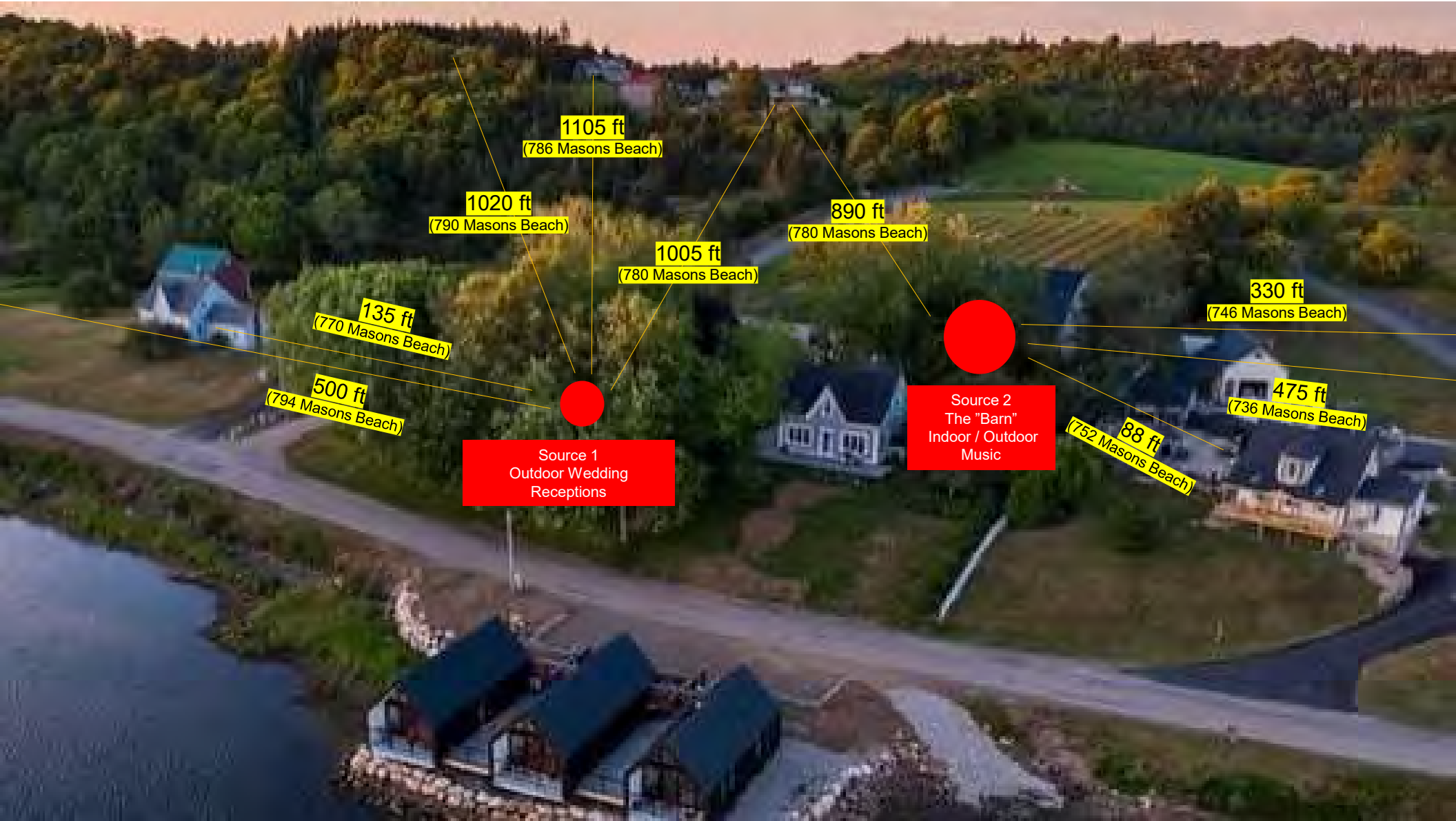
# **First South Noise Violation**

**Initial community impact statement of noise pollution and disturbance  
caused by “The Farm at South Cove”**

**Presentation for MODL Council**

**October 2022**





Acoustic Open-air



Saturday, July 2, 2022 at  
4:08 PM

Live Wedding Band Open-air



Wednesday, July 20, 2022  
at 9:11 PM

DJ Dance Music



Saturday, August 6, 2022  
at 9:32 PM

# Community Noise Impact Map

The following data was collected August 2022.

Residents in the First South community were asked to describe the noise levels experienced inside their residence and on their property based on 3 possible options: Loud, Moderate, Quiet.

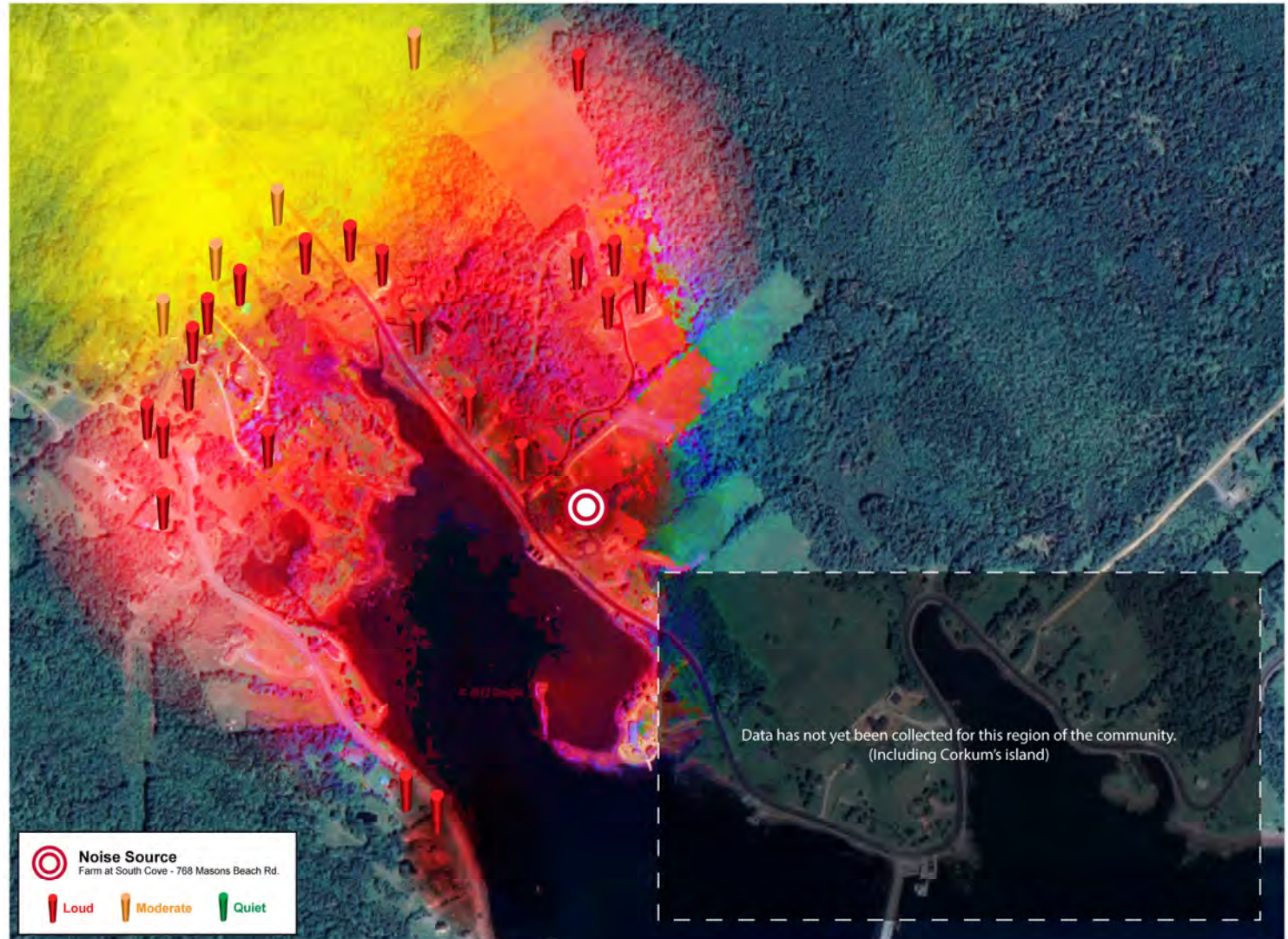
Loud level was described as hearing audible screaming, amplified conversation, rumbling bass frequency from music, identifiable lyrics to both live and prerecorded music.

Moderate level was described as hearing music, bass frequency and noticeable "party" sounds from within their residence. Occasional bursts of noise and screaming was common.

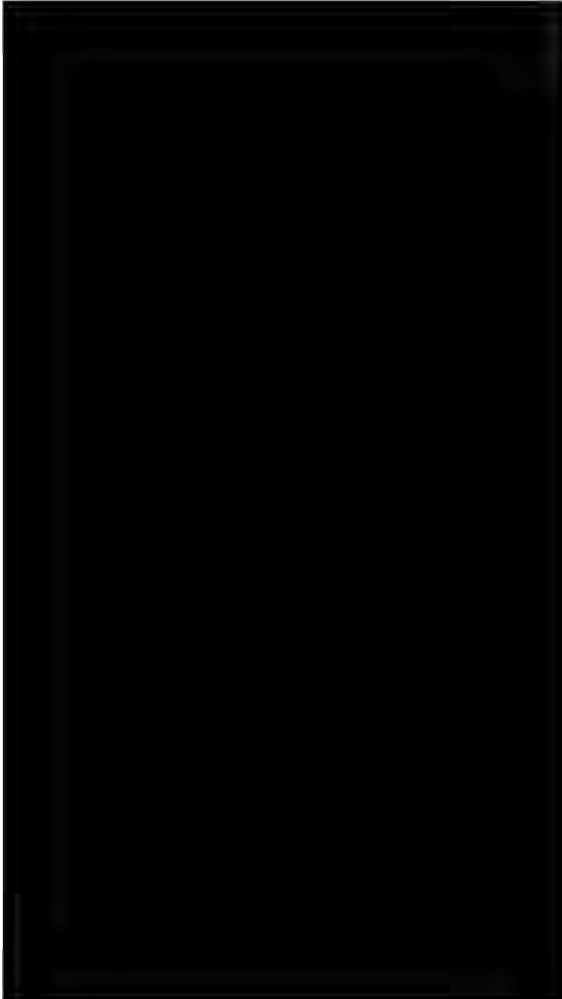
Quiet level was described as not hearing any significant sound from the venue.

**Loud** is represented with **Red** sections and pins  
**Moderate** is represented with **Yellow**  
**Quiet** is Represented with **Green**

*Note: None of the residents reported describing the level as Quiet. Less than 5 residents refused to comment, but acknowledged the sound is audible from their homes.*



Acoustic Night Performance



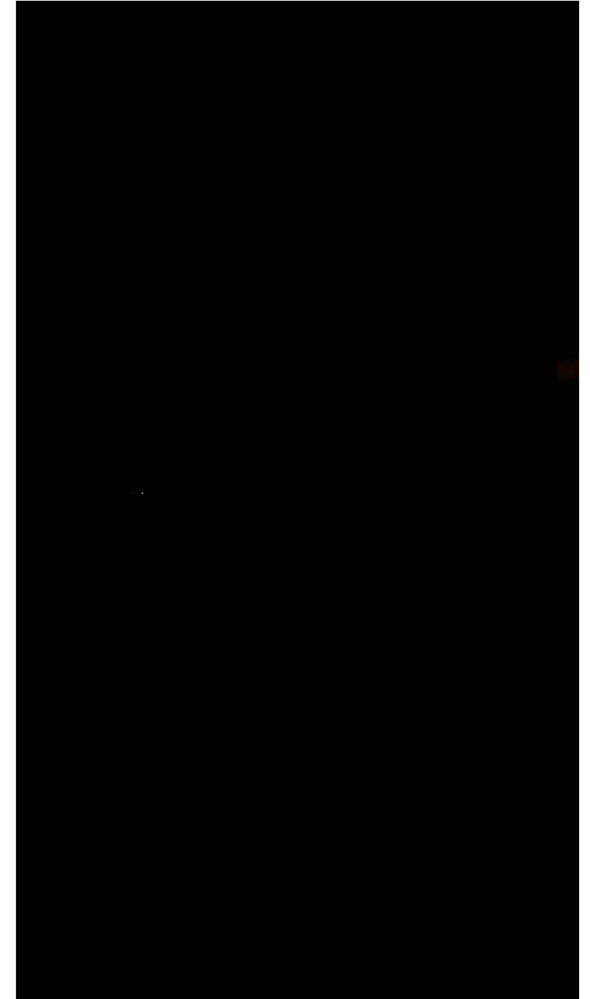
Saturday, August 6, 2022  
at 9:58 PM

DJ Dance Music



Saturday, July 23, 2022 at  
11:20 PM

DJ Music and Singing



Sunday, July 24, 2022 at  
1:00 AM

# Nova Scotia Liquor Licensing and Compliance



Jody Zinner <jodyzinner@gmail.com>

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## Farm House at South Cove

14 messages

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**Downey, Ron P** <Ron.Downey@novascotia.ca>  
To: "jodyzinner@gmail.com" <jodyzinner@gmail.com>

Mon, Aug 8, 2022 at 2:12 PM

Hi Jody,

My name is Ron Downey, Acting Senior Compliance Officer. Jenni is correct that the above noted location does not have a liquor license with the province. Having a liquor license is what gives us our authority to inspect and enforce the Liquor Licensing Regulations/Liquor Control Act. But we have no authority without a license. However, the information you've provided, if accurate, does contravene the Liquor Control Act. The Liquor Control Act is enforced by the local police within each town, city or community. I will have one of our Compliance Officers reach out to the local police to discuss the situation. If unsatisfied by the response from police, you may wish to reach out to your local MLA representative. Would you have any additional information or be willing to provide your contact number should an investigating officer need to reach you?

Thank you

Ron



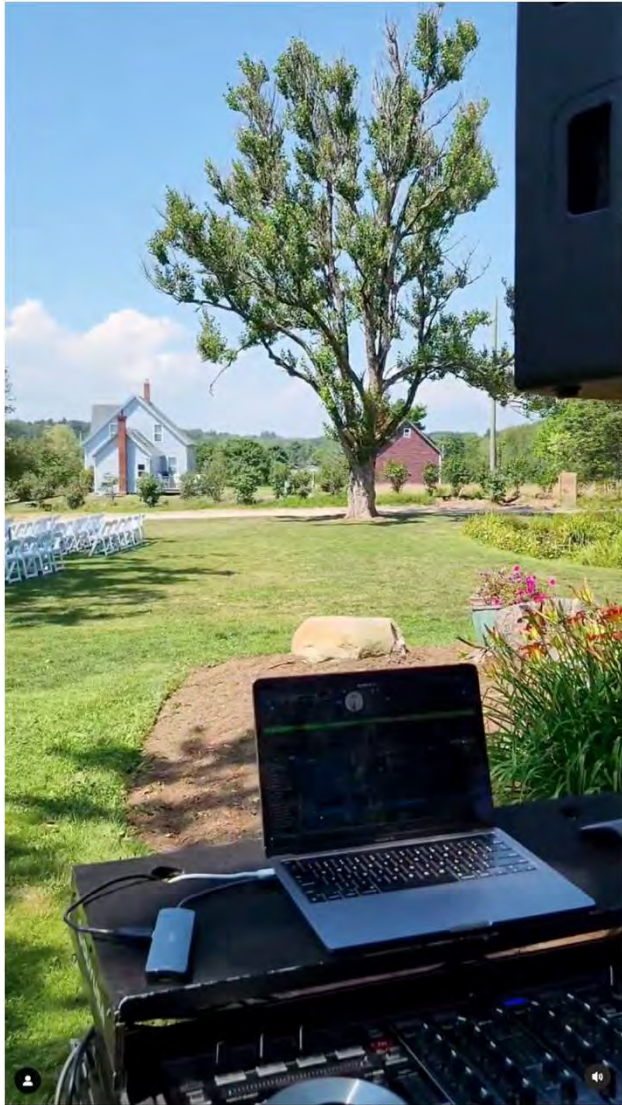










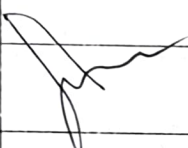

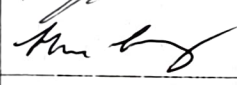
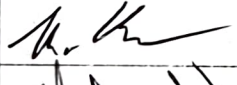
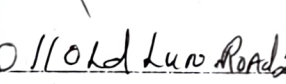
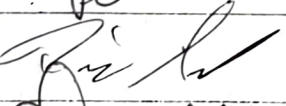
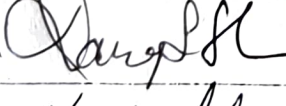




We, the undersigned, are residents of First South, and are petitioning MODL to create Land Use laws that would forbid the operation of a commercial events venue in our community. We do not believe that an old, uninsulated barn in a quiet community is the appropriate accommodations for a de facto nightclub. We have found that the events are not contained within the building and the sound isn't either. Screaming guests and loud music can be heard all over our community. We, the residents, have found the noise levels unacceptable and that they pose a barrier to our peaceful enjoyment of our property. Noise can begin early afternoon and has gone until past 2am in the evening. Furthermore, we would also like to see a noise bylaw created that would prohibit excessive noise past the hours of 11pm on weekdays and 1am on weekends and would limit the distance sound could be heard off a property by 150ft. Please restore our community to the quiet sanctuary it once was. We appreciate your urgent attention to this matter.

Date	Name	Signature	Address	Phone number	# of yrs residing in First South 1yr
July 29	Addison Gladwin	Addison Gladwin	1361 Highway 332 First South	902-248-4055	
July 29	Natalie Acker	Natalie Acker	1361 Highway 332 First South	902-523-9113	19 Yr
08/04/22	Robert Risser	Robert Risser	834 Mason's Beach Rd	902- <del>634</del> <sup>521-</sup> 1887	20 yrs
08/04/22	Jamie Acker	Jamie Acker	1363 First South HWY 332	902-634-4452	50 yrs
08/04/22	Mateda Chapman	Mateda Chapman	1371 First South	902 634 7132	19 YRS
Aug 4/22	Bonnie Backman	B Backman	1383 First South	902-634-1985	33 yrs
Aug 4/22	Jan Backman	Jan Backman	1383 First South	902-634-1983	1 year
Aug 4/22	Wes Johnston	W Johnston	1382 First South	902-579-3294	1 year
Aug 4/22	Julia McMillan	J McMillan	1382 First South	902-818-0723	1 yr
Aug 4/22	ROBERT FANCY	R Fancy	1388 FIRST SOUTH	634-3579	22 YR
Aug 4/22	Sharon Boudreau	S Boudreau	" "	" "	22 1/2
Aug 4/22	Matt Mossman	M Mossman	1408 HWY 332 First South	902 524 4108	6 years
Aug 4	Jae Lordly	Jae Lordly	1506 FIRST SOUTH	902 527-6999	40 yrs
Aug 4	Grace Clarke	G Clarke	1506 First South	902 523 0933	25

We, the undersigned, are residents of First South, and are petitioning MODL to create Land Use laws that would forbid the operation of a commercial events venue in our community. We do not believe that an old, uninsulated barn in a quiet community is the appropriate accommodations for a de facto nightclub. We have found that the events are not contained within the building and the sound isn't either. Screaming guests and loud music can be heard all over our community. We, the residents, have found the noise levels unacceptable and that they pose a barrier to our peaceful enjoyment of our property. Noise can begin early afternoon and has gone until past 2am in the evening. Furthermore, we would also like to see a noise bylaw created that would prohibit excessive noise past the hours of 11pm on weekdays and 1am on weekends and would limit the distance sound could be heard off a property by 150ft. Please restore our community to the quiet sanctuary it once was. We appreciate your urgent attention to this matter.

Date	Name	Signature	Address	Phone number	# of yrs residing in First South
07/29/22	TOM JENSEN		174 MASON'S BEACH RD	902-514-7852	5
07/29/22	Taylor Daurie		81 Le MASONS beach rd	902-20-2709	30
07/29/22	Shawn LeCroy		4 Grimm Rd First South	902-521-0181	14
07/29/22	Caroline Marks	Caroline Marks	850 Masons Beach Rd	902-514-5665	4
07/29/22	Sherman Pauline Parke	Pauline Parke	859 Masons Beach RD	902-634-5286	82
07/29/22	Nick Acker		875 Mason's Beach RD	902-523-1130	7
07/29/22	Charlene McDonald	C. McDonald	10 oldburg rd First South	902-521-1397	26
07/29/22	Judy Heridge		11 Old Lun Road	902-640-2218	10
07/29/22	TIFFANY POPE	T. Pope	2 Old Lunenburg 2 Road	226-926-2902	0
07/29/22	RICKS, LAS		1359 Hwy 332	902-212-2060	5
07/29/22	DARCY SIAW		1359 Hwy 332	902 298 1814	5
July 29/22	Kevin Allen	Kevin Allen	1361 Hwy 332	521-6024	58
07/29/22	A Acker	Heather Acker	#1361 Highway #332	521-7488	35





**Council**

Item: #10.1

Date: October 25, 2022

Authorization: T. MacEwan

September 22, 2022

To Her Worship, Mayor Bolivar-Getson, and Councillors  
of the Municipality of the District of Lunenburg

Dear Mayor and Councillors:

The Planning Advisory Committee, in session on September 22, 2022, made the following recommendation to Municipal Council:

**“that Municipal Council amend the Secondary Planning Strategies and Land Use By-laws for Blockhouse, Hebbville, Hemford Forest, Oakland, Osprey Village, Princess Inlet & Area and Riverport & District to include and define Small Option Homes as a residential use and that staff get clarification that the province meant residential use versus residential zone prior to Council conduction first reading”.**

Respectfully submitted,

The Chair and Members  
of the Planning Advisory Committee

/jh

Attachments



## **Municipality of the District of Lunenburg Report**

**REPORT TO:** Planning Advisory Committee  
**SUBMITTED BY:** Ella R. Gindi, Planner I  
**DATE:** September 15, 2022  
**RE:** Proposed Amendments – Small Option Homes

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### **RECOMMENDATION**

**Amend Secondary Planning Strategies and Land Use By-laws for Blockhouse, Hebbville, Hemford Forest, Oakland, Osprey Village, Princess Inlet & Area and Riverport & District to include and define Small Option Homes as a residential use.**

### **DISCUSSION**

The Province of Nova Scotia considers Small Option Homes to be consistent with a residential rather than institutional nature.

The province sent a letter (attached) to all Nova Scotian municipalities with a notice stating that the Statement of Provincial Interest (SPI) regarding Housing requires municipal planning documents to permit Small Option Homes licensed under the *Homes for Special Care Act* within all residential zones.

#### **Small Option Homes**

- Small Option Homes are a type of group residential placement licensed under the *Homes for Special Care Act* that are permitted to house three or four residents with developmental, mental health, or physical disabilities.

- Residents live independently in these Small Option Homes or Group Homes and receive support services from trained staff.

MODL’s planned areas do not all permit Small Option Homes as-of-right within residential zones.

- Riverport, Oakland, and Blockhouse classify a Small Option Home as an institutional use, which is permitted as-of-right under a certain size or by development agreement in its rural zone.
- Hemford Forest classifies a Small Option Home as a special care home – separate from other institutional uses, which is permitted as-of-right in its residential zone.
- Princes Inlet classifies a Small Option Home as an institutional use, which is permitted as-of-right under a certain size or by development agreement in its two rural zones. However, it is not permitted in its residential zone.
- Osprey Village classifies a Small Option Home as an institutional use, which is permitted as-of-right only in its institutional zone.

Staff reviewed MODL’s Secondary Planning Strategies (SPS)/Land Use By-laws (LUB’s) and recommends that Small Option Homes be permitted in all residential zones where the building and lot meet the requirements of that zone.

- While the municipality may permit Small Option Homes through a site plan approval or a development agreement process, the municipality cannot require additional studies, design criteria, or restrictions that do not align with residential use.

**CONCLUSION**

The province has provided a directive that small option homes are to be treated the same as a residential use. The proposed amendments to the existing Secondary Planning Strategies and Land Use By-laws to include Small Option Homes as a residential use will align the documents with the Statements of Provincial Interest.

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Department: Planning & Development Services

Report prepared by: Ella Romia Gindi, Planner I

Date: 2022-08-03

Report approved by:

Date:

Reviewed by CAO:

Date:

**APPENDIX/ appendices**

Land Use By-law	Note from “Province” and the Planner	References
Hemford Forest	<p>“Permitted in all residential zones”.</p> <p><b>Amendments technically not required. However, need to amend the SPS and LUB’s to include Small Option Homes to stay consistent with the term mandated by the province.</b></p>	<p>By-law 044, Section 23                      By-law 045, clause 4(x)                      By-law 045, clause 44(1)(b)</p>
Riverport	<p>“May be subject to different requirements from residential homes due to definition”.</p> <p><b>Recommended to include Small Option Home IN SPS/ LUB’s and to add to the definition section as residential use to avoid it from being subjected to different requirements.</b></p>	<p>By-law 014, section 4.1.3 b)                      By-law 015, subsection 5.2.1                      By-law 015, subclauses 5.2.3 a) vii) and 5.2.3 b) i)                      By-law 015, Section 9.37</p>
Princes Inlet	<p>“Not permitted in any residential zones”. However, it is permitted in the rural zones in smaller scale under institutional use and its permitted as-of-right under a certain size or by development agreement.</p> <p><b>Recommended to include Small Option Home IN SPS/ LUB’s and to add to the definition section as residential use to avoid it from being subjected to different requirements</b></p>	<p>By-law 032, subsections 3.1.7 and 3.1.11                      By-law 033, clause 5.3.1 i)                      By-law 033, subsection 5.3.3                      By-law 033, clause 5.3.4 a)                      By-law 033, clause 5.4.1 g)                      By-law 033, subclause 5.4.3 a) v)                      By-law 033, clause 5.4.3 b)                      By-law 033, clause 5.4.4 a)                      By-law 033, clause 9.2.4 f)</p>
Oakland	<p>“There is no residential zone in Oakland, it is permitted in the rural zones in smaller scale under institutional use.</p> <p><b>Recommended to include Small Option Home IN SPS/ LUB’s and to add to the definition section as residential use to</b></p>	<p>By-law 037, subsections 2.1.7 and 2.1.9                      By-law 038, clauses 5.3.1. c) and 5.3.3 b)                      By-law 038, clause 5.4.1 d)                      By-law 038, subsection 5.4.2</p>

	<p><b>to meet the residential requirement in the rural zone.</b></p>	<p>By-law 038, subsection 5.6.3  By-law 038, clause 8.2.3 f)  By-law 038, Section 10.50</p>
Blockhouse	<p>“It is permitted in the rural zone in smaller scale”.</p> <p><b>Recommended to include Small Option Home IN SPS/ LUB’s and to add to the definition section as residential use to to meet the residential requirement in the residential and rural zone.</b></p>	<p>By-law 023, subsection 3.3.4  By-law 023, clause 4.1.3 b) and subsections 4.1.4 and 4.1.12  By-law 024, subsection 5.2.1  By-law 024, subclause 5.2.3. a) ix) and b) i)  Bylaw 024, clause 7.2.3 f)</p>
Osprey Village	<p>“Permitted in institutional zone. Not permitted in residential zones.</p> <p><b>Recommended to include Small Option Home IN SPS and LUB’s (R-2 and R-3 zones) and to clarify the definition of a Small Option Homes as residential use rather than institutional. to meet the residential requirement in the residential zone.</b></p>	<p>By-law 020, clause 7.2.5 (h)</p>
Hebbsville	<p>“May be subject to different requirements from residential homes due to definition”. It is permitted only by development agreement in the residential zones. It is permitted in the commercial, industrial, rural, and institutional zones in smaller scale.</p> <p><b>Recommended to permit a Small Option Home in the (TR and HDR zones) and to clarify the definition of a Small Option Homes as residential use rather than</b></p>	<p>By-law 027, subsections 3.1.10, 3.2.8, 3.5.2 and 3.5.3  By-law 028, subsection 5.5.2  By-law 028, clauses 6.3.4 b), 7.3.3 b), 8.3.1 k), and 9.3.4 b)  By-law 028, clause 11.2.4 f)</p>

	<b>institutional. to meet the residential requirement in the residential zone.</b>	
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**Department of Municipal Affairs and Housing**

Floor 8 North, Maritime Centre  
1505 Barrington Street  
PO Box 216  
Halifax, NS B3J 2M4

Telephone: 902.424.7918  
Fax: 902.424.0821  
E-mail: Gordon.Smith@novascotia.ca

June 6, 2022

TO: CAOs & Clerks

**RE: Statement of Provincial Interest Regarding Housing & Small Option Homes**

Recently, the Department of Municipal Affairs and Housing was approached by the Department of Community Services regarding small option homes. Small option homes are a type of home, licensed under the *Homes for Special Care Act*. They house three or four residents with developmental, mental health or physical disabilities. Residents live independently in the community and receive support services from staff.

Nova Scotia is currently phasing out the use of large, institutional-style facilities like Regional Rehabilitation Centres (RRC) and Adult Residential Centres (ARC) as housing for persons with disabilities. As a result, there is a need to expand the stock of small option homes available across the Province.

Small option homes function in the same manner as any single-unit dwelling. Regulation that restricts access to classes of persons where the building use, land use, structure and lot geometry are the same as any other dwelling within a zone are not appropriate and, in the case of small option homes, would be considered inconsistent with the Statement of Provincial Interest regarding Housing.

The attached Information Bulletin outlines the Department of Municipal Affairs and Housing's perspective on this matter.

For further information regarding small option homes, please contact Vicki Black, Director, Disability Support Program, Department of Community Services ([Vicki.Black@novascotia.ca](mailto:Vicki.Black@novascotia.ca) / 902-424-6296).

For any questions concerning the Statement of Provincial Interest regarding Housing, please contact Alan Howell, Senior Planner, Department of Municipal Affairs and Housing ([Alan.Howell@novascotia.ca](mailto:Alan.Howell@novascotia.ca) / 902-483-3746).

Yours truly,

Gordon Smith  
Provincial Director of Planning

/kz



**Department of Municipal Affairs and Housing**

**INFORMATION BULLETIN**

**STATEMENT OF PROVINCIAL INTEREST REGARDING HOUSING  
AND APPLICATION TO SMALL OPTION HOMES**

**Summary:**

The Statement of Provincial Interest regarding Housing requires that planning documents treat Small Option Homes licensed under the *Homes for Special Care Act* consistently with their residential nature.

**Legislation:**

*Municipal Government Act* (MGA) – Sections 198, 208, 212

*Halifax Regional Municipality Charter* (HRMC) – Sections 214, 223, 227

*Statements of Provincial Interest*, N.S. Reg 101/2001 – Statement of Provincial Interest regarding Housing

**Discussion:**

The Statement of Provincial Interest (SPI) regarding Housing states: "There are different types of group homes. Some are essentially single detached homes, and planning documents must treat these homes consistently with their residential nature. Other group homes providing specialized services may require more specific locational criteria."

This means that when a group home retains the physical characteristics of a conventional residential dwelling and functions as a home-like environment, it must be treated as such. The definition or use of a term such as "family dwelling" cannot be used to exclude group homes from residential neighbourhoods.

Small option homes are a type of community residential placement licensed under the *Homes for Special Care Act*. They house three or four residents with developmental, mental health or physical disabilities. Residents live independently in community homes and receive support services from staff.

For the purposes of planning documents, the term "group home" is inclusive of small option homes as outlined in this Bulletin.

On this basis, small option homes are to be permitted in all residential zones where the building and lot meet the requirements of that zone. While municipalities may opt to provide for these group homes through a development agreement or site plan approval process, they cannot require any studies, design criteria or restrictions that would not also be applicable to a similar residential use. For clarity: if a single detached home that is owner occupied and one that functions as a small option home are not treated with the same development permit requirements, then this is an inconsistent application of policy and is inconsistent with the SPI regarding Housing.

Planning documents adopted after the adoption of a Statement of Provincial Interest must be consistent with the Statement. Ministerial approval of new planning documents may be refused on the basis that the planning documents are not reasonably consistent with a Statement of Provincial Interest. Additionally, the Minister may request that a council amend existing planning documents to be, or adopt new planning document that are, reasonably consistent with a Statement of Provincial Interest.

**Resources: Implementing Statements of Provincial Interest: guide for municipalities**

<https://beta.novascotia.ca/documents/implementing-statements-provincial-interest-guide-municipalities>

**Date Produced:** June 2, 2022

**Note:** The reader is cautioned that preparation of this and subsequent Information Bulletins containing practical suggestions or direct guidance must necessarily involve interpretation of legislation as it applies in general situations. Specific situations may require careful legal analysis and, therefore, reference should be made to the *Municipal Government Act*, the *Halifax Regional Municipality Charter*, other relevant legislation, and to legal advisors.



Department of Municipal Affairs and Housing

Floor 8 North, Maritime Centre  
1505 Barrington Street  
PO Box 216  
Halifax, NS B3J 2M4

Telephone: 902.943.0408  
Fax: 902.424.0821  
E-mail: Christina.Lovitt@novascotia.ca

October 19, 2022 - *REVISED*

Ms. Ella Gindhi  
Municipality of the District of Lunenburg  
VIA EMAIL: Ella.Gindhi@modl.ca

Dear Ms. Gindi:

**RE: Statement of Provincial Interest regarding Housing and Small Option Homes  
Bulletin of June 2022**

Thank you for reaching out to the Department of Municipal Affairs and Housing seeking clarification regarding the letter and Information Bulletin released on June 3, 2022, clarifying the Statement of Provincial Interest regarding Housing and the application to small options homes.

Small option homes are a type of home, licensed under the *Homes for Special Care Act*. They house three to four residents with developmental, mental health or physical disabilities. Residents live independently in community and receive services from staff. In land use matters, small option homes function in the same manner as other residential dwellings. Regulation that restricts access to classes of persons where the building use, land use, structure, and lot geometry are the same as any other dwelling within a zone are not appropriate and, in the case of small option homes, would be considered inconsistent with the Statement of Provincial Interest regarding Housing. Small option homes typically exist in single-unit dwellings, but can also exist within other types of dwellings such as duplexes or other conventional housing forms (triplexes, multi-unit residential, etc.). Based on this, where a type of dwelling is permitted, a small option home of that same type of dwelling is to also be permitted. This applies to all zones that permit residential uses and is not limited to zones named 'Residential.'

We commend the Municipality of the District of Lunenburg for reviewing its planning documents to remove possible exclusionary language or other barriers for small options homes that may currently exist within your Municipal Planning Strategy and/or Land Use Bylaw.

Kind regards,

A handwritten signature in blue ink, appearing to read "C. Lovitt".

Christina Lovitt, MCIP, LPP, PMP  
Provincial Director of Planning

/kz

**Council**  
Item: #11.1.1  
Date: October 25, 2022  
Authorization: T. MacEwan



## **Municipality of the District of Lunenburg**

### **Request for Decision**

**Report To: Municipal Council**

**Submitted By: Ruth Wawin, Tourism & Event Development Officer**

**Date: October 25, 2022**

**Re: Visitor Information Centre Lease**

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#### **Recommendation**

Staff recommends that the Municipality of the District of Lunenburg provide written notice that there is no intent to renew the lease for the location of the Visitor Information Centre which is set to expire April 30, 2023. It is recommended that council provide direction to staff to explore a new model of providing visitor services including an improved digital presence, tourism brand refresh, mobile kiosks, and the exploration of having staff present at another Visitor Information Centre.

#### **Executive Summary**

The lease for the Visitor Information Centre located at 125 Cornwall Road, Blockhouse, is set to expire April 30, 2023. Direction from council is required to notify the landlord of the Municipality's intent regarding the lease and to provide direction on the future of visitor services.

No formal notice for the lease expiration is required. However, it is good practice to notify the landlord in advance of the lease expiry date.

#### **Background**

The Municipality of the District of Lunenburg and the Town of Bridgewater jointly entered into a lease agreement with 3230928 Nova Scotia Limited in 2013 to rent the space available at 125 Cornwall Road, Blockhouse, for the purpose operating a Visitor Information Centre (VIC). The

commencement day of the lease was May 1, 2013 and was set for a term of 10 years. The Town of Bridgewater has indicated to the Municipality of the District of Lunenburg that they will cease their participation in the operation of the VIC once the lease expires on April 30, 2023.

With the lease of the building expiring April 30, 2023, and the indication from our cost-sharing partner that they will no longer be participating in the VIC operations, it is imperative to review the options available to the Municipality of the District of Lunenburg as they relate to visitor services.

Visitor numbers at the VIC peaked in 2017 at 11,707 and tallied 11,006 and 8,894 in 2018 and 2019, respectively. The pandemic brought a significant decline in visitor numbers in 2020 with 1,043 visitors counselled and in 2021 there was an increase to 2,263 visitors. As of September 30<sup>th</sup>, 2022, the VIC has welcomed 5,182 visitors and is slated to close for the season on Oct 21<sup>st</sup>.

The projected operational expenses for the 2022 VIC season total \$86,074.36. The expenses that are not offset by grants equal \$61,950, resulting in the financial contribution from MODL and Bridgewater projected to be \$30,975 each.

Cost per visitor is a metric used to determine the average cost per visitor during a season. The cost per visitor was calculated by combining the financial contribution from MODL and the Town of Bridgewater. For the 2022 season the VIC's cost per visitor is \$11.95. This was calculated using the VIC visitor numbers as of September 30<sup>th</sup>. It is expected that the cost per visitor will be slightly lower after factoring in the remaining visitors in October.

With the 2022 visitor season being the last full season before the building's lease expires, it was determined that it would be valuable to track what locations and activities visitors inquire about. The Town of Lunenburg has always been an area that visitors ask about frequently, and it was important to ascertain how many visitors were interested in information about the Town. In June 42.83% of visitors that came into the VIC inquired about the Town of Lunenburg, in July 42.07%, and in August 43.35%. From the information gathered it is evident that the number of visitors that are interested in the Town of Lunenburg is significantly higher than the inquiries regarding any other location. See below for the top four locations that were most commonly asked about in June, July, and August.

June	July	August
<ul style="list-style-type: none"><li>• 42.83% - Town of Lunenburg</li><li>• 9.68% - Mahone Bay</li><li>• 8.92% - MODL</li><li>• 8.37% - Peggy's Cove</li></ul>	<ul style="list-style-type: none"><li>• 42.07% - Town of Lunenburg</li><li>• 8.64% -MODL</li><li>• 7.52% - Peggy's Cove</li><li>• 6.80% - Mahone Bay</li></ul>	<ul style="list-style-type: none"><li>• 43.35% - Town of Lunenburg</li><li>• 6.08% - Peggy's Cove</li><li>• 5.87% - MODL</li><li>• 5.46% - Mahone Bay</li></ul>

Tourism Nova Scotia (TNS) has shifted resources to focus on a strong online presence for the province and on assisting individual tourism operators to do the same. Nova Scotia has reduced the number of provincial VICs. In 2019, the provincial literature distribution center closed permanently. Recently, TNS launched Digi Port, an online portal to assist tourism operators with improving their online presence. The Doers and Dreamers Guide, the provincial travel guide that was once printed and distributed across the province is now exclusively available online. Visitors use the internet as the primary source for gathering travel information which is why resources are being focused online.

The internet and smartphones have significantly changed the way people travel. Travellers use the internet to pre-plan trips, book accommodations, and use GPSs to navigate their journey. Despite the prevalence of the internet being used before and during a traveller's journey, it does not negate the importance of a face-to-face interaction. Face-to-face interaction provides the opportunity to create a memorable visitor experience, answer questions, or persuade a traveller to discover new activities or businesses. Other VICs that have transitioned away from the traditional brick-and-mortar locations still emphasize the importance of initiating face-to-face interaction during the traveller's visit.

In 2017, the South Shore Regional Enterprise Network (SSREN) completed an assessment on the Chester VIC to provide the Municipality of Chester evidence-based recommendations on how to proceed in delivering visitor information. The assessment evaluated national and international trends as they relate to how travellers plan and gather information during their trips.

Some of the key findings of this report are:

- The location of the VIC had geographic challenges, as the building was located in a low traffic area.
- There was a failure to adapt to technological changes, website presence was lackluster, businesses were not represented, and social media presence was limited.
- Chester village business community perceived no impact from the VIC.
- Face-to-face interactions are still very important.
- Visitor information should be provided where people gather.
- VIC funding was dependent on government which is not a sustainable funding model.
- National and international trends are showing VICs changing to models that combine digital and face-to-face visitor services.

Chester accepted the recommendations of the report and closed their brick-and-mortar VIC. They moved to the recommended decentralized framework by offering mobile kiosks that primarily focus on areas where people gather such as Ross Farm and Chester Race Week. In addition, specific businesses throughout Chester were designated as Tourism Ambassadors.

These ambassador locations have brochure displays at their store front and are designated on a map as a location where you can find travel information.

In May of 2022, the Town of Bridgewater's Economic Development Officer put forth a request for a council decision which included the recommendation to terminate the VIC lease and develop an alternative approach to how Bridgewater would offer visitor services in the future. The request for a decision included reference to the 2017, SSREN report commissioned by the Municipality of Chester and declining visitor numbers at the Blockhouse VIC as reasons to revamp how Bridgewater promotes itself to potential visitors. The options to offer visitor information presented in Bridgewater's report are:

- Leverage social media.
- Focus on their Explore Bridgewater website and position it as a source for visitor information.
- Locate a mobile kiosk to coincide with the placemaking activities on King Street.
- Promote LaHave River Valley Revival, a series of events created to bring residents and visitors to downtown Bridgewater during 2022-2023.

### **Discussion**

The approaching expiration of the VIC lease and the Town of Bridgewater indicating that they will no longer cost share operations, presents the opportunity to reevaluate how the Municipality of the District of Lunenburg promotes itself to potential travellers and offers visitor information services. Considering the international, national, and local trends of a hybrid model of digital and face-to-face interaction, the Municipality could examine offering visitor information services with a hybrid approach.

Travellers are using websites and social media to plan trips, therefore, viewing MODL's tourism website as the primary source of travel information for the area is vital. Currently, the Municipality has two tourism related websites, lunenburgregion.ca and exploremodl.com. Lunenburgregion.ca is the original tourism website which offers business listings, an event calendar, day trip information, links to social media channels, and a link to exploremodl.com.

The exploremodl.com platform is an interactive map that shows where specific businesses or categories of business are located throughout the Municipality. The website enables a visitor to research what interests them and see where that location is on the map. Although the two sites were initially created for different purposes, they have subsequently created some unnecessary duplication. Each site has duplicate business listings, which is increasingly time-consuming to maintain.

In 2021, MODL commissioned Sky Sail Brand Marketing & Design to complete a website and social media audit. It was recommended that Lunenburgregion.ca be rebuilt and included a series of specific improvements, one of which was to embed the exploremodl map into the

website rather than linking it. Given the important role that websites play in accessing travel information, efforts could be made to update MODL's online presence to prioritize the user's experience and reduce the duplication between sites.

Lunenburg Region is designated as the Municipality's tourism brand. Branding is crucial, as a well-defined brand provides a clear message to consumers and can help guide marketing and advertising efforts. The logo is comprised of "Lunenburg Region" followed by an image of a birdhouse perched on a branch. In the Sky Sail website and social audit, it was recommended that the tourism brand should be more easily recognizable and should use either the MODL brand or a new brand. Such branding would be present on the website, brochures, and future mobile kiosks. Updated branding could assist in creating a renewed excitement surrounding tourism in the Municipality.

Similarly, as with the challenges noted for the Chester VIC regarding location, the VIC situated in Blockhouse also has geographical challenges when it comes to serving the entire municipality. The VIC is located off highway 103 at exit 11 and although some years it has experienced a high volume of visitors due to this location, many of these visitors are using the VIC as a stopping point on their way through to the Town of Lunenburg. The Municipality of the District of Lunenburg covers a large geographic territory which results in some challenges in providing visitor information and services that are relevant to the Municipality.

Bringing visitor information to where people gather using staffed mobile kiosks is an option MODL can explore further. MODL is comprised of numerous communities that each offer unique visitor experiences and draw in large numbers of visitors. The Municipality can investigate having mobile kiosks at high traffic locations including festivals and events or in communities that are seeing high volumes of traffic throughout the summer. In addition, the Municipality can have a presence at relevant trade shows either independently or in collaboration with other tourism partners such as the South Shore Tourism Co-op.

**If the VIC lease is not renewed it will be important to consider that there will be a need for a physical location for seasonal staff to work as well as a storage area for promotional materials.**

### **Budget Implications**

It is not anticipated that the recommended hybrid model would cost more than what is currently budgeted.

If the brick-and-mortar VIC is the chosen option for visitor services, the Municipality would assume the cost of Bridgewater's financial contribution which would be an additional \$31,000.

### **Alternatives**

- 1) Let the lease expire and take no further option to offer visitor services.

- 2) Renew lease for 5 years (as set as an option in the lease) and pursue an alternative funding partner
- 3) Continue to operate with no funding partner.
- 4) Partially fund another Visitor Information Centre.
- 5) Inquire about the option to extend the lease an additional 6 months to operate until the end of the 2023 visitor season and re-evaluate next steps during that time.
- 6) Explore a new model of providing visitor services including an improved online presence, updated branding, and mobile kiosks prioritizing locations where people gather.

### Conclusion

With the prevalence of smart phones and the use of the internet to gather travel information it is vital to have an online presence that highlights the tourism industry within the Municipality of the District of Lunenburg. A hybrid model of approaching visitor services that consists of face-to-face interaction through mobile kiosks in addition to an improved online presence is recommended by staff as the approach to take for the offering of visitor services. As well, partially funding another VIC may also warrant consideration.

It is the recommendation of staff to notify the landlord that there is no intent to renew the lease for 125 Cornwall Road, Blockhouse after the April 30, 2023, expiration date.

Report Preparation		
Department	Recreation	
Report Prepared by	Ruth Wawin	October 17, 2022
Report Approved by	Trudy Payne	October 18, 2022
Date Reviewed by C.A.O.		



# Visitor Services Options

October 25, 2022

# Agenda

- Introduction
- Background
- Options
- Online Presence
- Recommendation





# Introduction



- The Municipality of the District of Lunenburg and the Town of Bridgewater jointly entered into a lease agreement with 3230928 Nova Scotia Limited in 2013
- Lease set to expire April 30th, 2023
- Town of Bridgewater has indicated they will no longer cost share operations
- Review options to offer visitor services for the Municipality of the District of Lunenburg



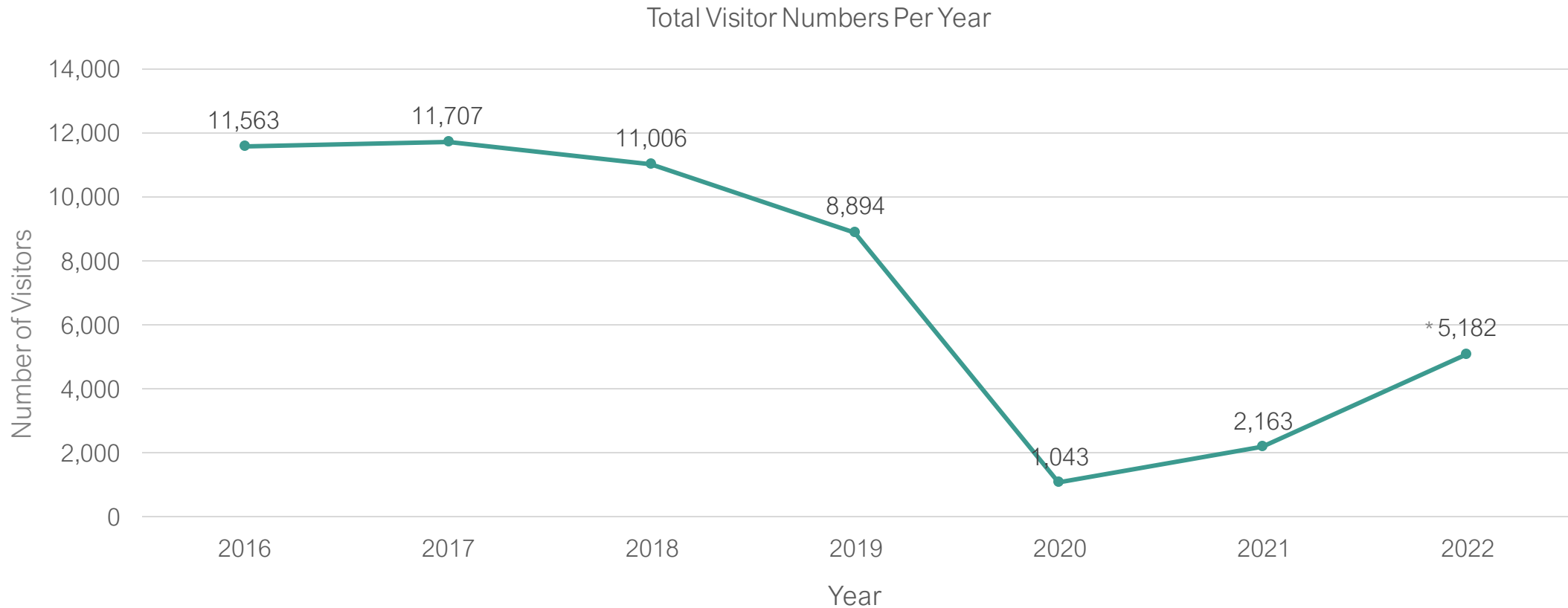
# Background



# Services Offered

- Travel counselling via in-person, phone, or email
- Washrooms
- WIFI access
- Reservations
- Staff work on additional projects (updating websites, community garden, social media, etc.)
- Coordination and distribution of brochures
  - District of Lunenburg brochures: Trail map, Lunenburg Region map, Agri-tour map
  - PRACS map, Maritime Painted Saltbox, Bern Art, Town of Bridgewater brochures

# Total Visitor Numbers



\*2022 Visitor numbers as of Sept 30th

# Projected Expenses & Revenues for 2022

Revenues	
Town of Bridgewater	30,975
District of Lunenburg	30,975
Canada Summer Jobs	3,740.80
TIANIS	* 6,500
MJSB Rent	13,882.80
<b>Total</b>	<b>86,074.36</b>

Expenses	
Rent	40,179.36
Staffing	33,000
Internet/Phone	795
Electricity	2,500
**Other costs	4,600
Snow Removal	4,000
Landscaping	1,000
<b>Total</b>	<b>86,074.36</b>

\* TIANIS funding is not consistent year over year

\*\*Other costs include insurance, supplies, renovations, mileage, septic pumping etc.

# Cost per visitor

Cost per visitor calculations	
Total Revenues (without municipal contributions)	24,123.60
Total Expenses	86,074.36
Net	(61,950.76)
Number of Visitors	5,182
Cost per visitor	11.95



# Location Tracking

This year the VIC staff diligently tracked the locations and attractions that visitors inquired about and compiled the results.

The results below indicate the percentage of visitors that inquired about that location for each month

## JUNE

- 42.83% - Town of Lunenburg
- 9.68% - Mahone Bay
- 8.92% - MODL
- 8.37% - Peggy's Cove

## JULY

- 42.07% - Town of Lunenburg
- 8.64% -MODL
- 7.52% - Peggy's Cove
- 6.80% - Mahone Bay

## AUGUST

- 43.35% - Town of Lunenburg
- 6.08% - Peggy's Cove
- 5.87% - MODL
- 5.46% - Mahone Bay

MODL- is represented by a collection of inquiries about specific communities, businesses, or attractions within the Municipality

# Location

- VIC in Blockhouse has geographical challenges
- VIC is located off highway 103 at exit 11
- At times experienced large number of visitors but as seen from the location tracking data many of the visitors are using the VIC as a stopping point on their way to Lunenburg
- MODL covers a large territory which presents challenges when providing visitor information services relevant to the municipality
- The geographical challenges faced when offering visitor services can be mitigated by implementing mobile kiosks focusing on locations where people gather

# Brick & Mortar VICs

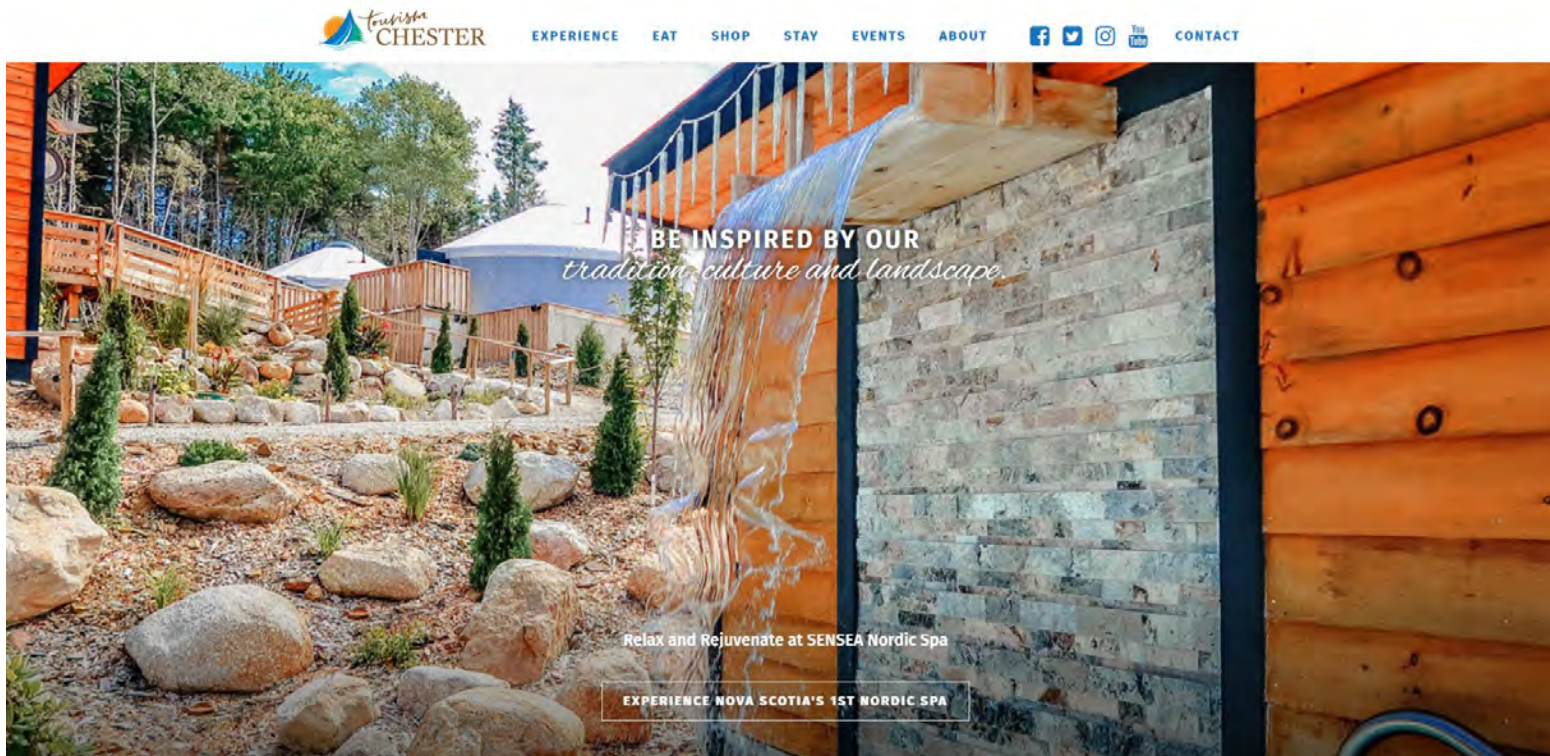
- Brick & mortar VICs were constructed at a time when there was no internet and travellers sought them out as a means of locating travel information
- The Province of Nova Scotia has reduced the number of Provincial VICs
- Tourism Nova Scotia focuses on digital marketing efforts and offering services to assist tourism operators with their online presence through DigiPort
- Province of NS closed tourism literature distribution centre in 2019
- Doers & Dreamers Guide online only
- Internet & smart phones have changed the way people seek out travel information
- Travellers use the internet at all stages of the visitor journey from choosing a location, planning their trip, booking accommodations, while they are visiting, and sharing afterwards

# Municipality of Chester

- In 2017, the Municipality of Chester commissioned the South Shore Regional Enterprise Network to complete an assessment on their VIC
- Key issues were:
  - Location
  - Failure to adapt to changes in technology
  - Service model – not being located where people gather
  - Perceived lack of impact on businesses
  - Funding model
  - National & International trends favouring hybrid model of digital & face-to-face visitor services

# Municipality of Chester

- Chester acted on report recommendations & closed VIC
- Implemented mobile kiosks, Tourism Ambassador locations, and improved their website and social media



Tourismchester.ca home page



Tourism Chester- Mobile Kiosk

# Town of Bridgewater

- In May of 2022, the Town of Bridgewater's Economic Development Officer put forth a request for decision to council which included the recommendation to let the VIC lease expire
- The report offered alternatives to offering visitor information including:
  - Leveraging social media
  - Focus on Explore Bridgewater platform and position it as a source for visitor information
  - Mobile kiosks to coincide with placemaking activities on King Street
  - Promote LaHave River Valley revival series

# Options



# Options

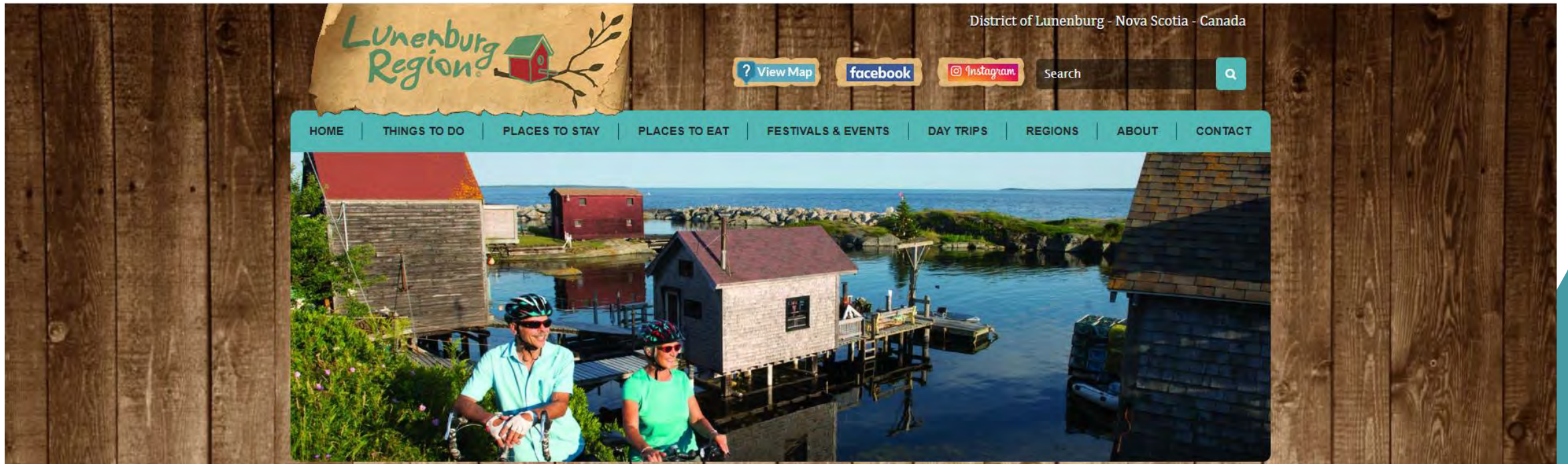
- Let lease expire and take no further option to offer visitor services
- Renew lease for 5 years ( as set as an option in the lease) and pursue an alternative funding partner
- Continue to operate with no funding partner.
- Partially fund another VIC
- Inquire about the option to extend lease an additional 6 months to operate until the end of 2023 season
- Explore a new model of providing visitor services including an updated website, leveraging social media, tourism brand refresh, and mobile kiosks that focus on where people gather

# Online Presence



# Websites

- Travellers use the internet to gather travel information during the, planning, booking, and visiting portions of their trip
- Currently municipality has two tourism related websites:
  - Lunenburgregion.ca
  - Exploremodl.com



# Websites

**Municipality of the District of Lunenburg**

Home Categories My Location Labels

**Municipality of Lunenburg**

Thank you for visiting the District of Lunenburg's online map. We are excited to showcase our beautiful corner of Nova Scotia and hope that you will have the opportunity to explore our area in person.

- Places to Stay (20)**  
See what a difference a stay makes. Stay with us and feel like home.
- Places to Eat (27)**  
We speak the good food language. Everything from street food to fine eating. Good tastes good.
- Galleries & Artisans (33)**  
Folk art, fine art, stained glass or pottery; there's treasure waiting for you.
- Museums (4)**  
Step into the past today with
- Parks (20)**  
We hold your key to fun and excitement all year round.
- Outdoor Activities (14)**  
Whether you want to walk, hike, cycle or simply breathe deep, we have a spot for you.
- Wineries, Breweries, and Beverages (3)**  
As much character as the people who make them. For those, from those, who know the best.
- Farmers Markets (9)**  
Growing a community by inspiring

Exploremodl.com

# Websites

- In 2021, MODL commissioned Sky Sail Brand Marketing & Design to complete a website and social media audit
- It was recommended that Lunenburgregion.ca be rebuilt. Some recommended improvements were to:
  - Embed the exploremodl map into the Lunenburg Region website instead of linking it
  - Content should be more tourism focused
  - Update the site menu bar to reduce options
  - Clearer and updated graphics
  - Rebuild website for users needs

# Branding

- Branding is crucial
- Well defined brand sends a clear message
- Can help guide marketing & advertising efforts



- Sky Sail recommended:
- Brand should be more recognizable by outsiders
- Recommended the MODL brand or a new brand for recognizability

# Recommendation

- Explore a new model of providing visitor services including an updated website, leveraging social media, tourism brand refresh, and mobile kiosks that focus on where people gather
- It is also valuable to explore partially funding another VIC if MODL can have input on training staff
- Considerations should be given for office space for seasonal staff as well as storage for promotional materials



# Questions?



**Council**  
Item: #11.2.1  
Date: October 25, 2022  
Authorization: T. MacEwan



## **Municipality of the District of Lunenburg**

### **Request for Decision**

**Report to:** Council

**Submitted by:** Stephen W. Pace, MBA, P.Eng. Director of Engineering & Public Works

**Date:** October 25, 2022

**Re:** J Class Road Paving Priorities 2023/2024

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#### **Recommendation**

That Council authorize staff to submit to the Nova Scotia Department of Public Works the following roads as J Class Road paving priorities, in this order:

1. The Point Road
2. Darby's Head Road
3. St. Augustines Road
4. Riverside Heights
5. Freeman Crescent
6. Riverview Drive
7. Church Road

#### **Executive summary**

As part of the Municipal Service Exchange Agreement the Province will cost share 50% of the expense to upgrade (pave) "J Class" roads within the Municipality. NS Department of Public Works is asking the Municipality to submit its paving priorities for the 2023/2024 fiscal year. As per the agreement those roads that did not get paved this year will be carried forward to the next year. Not all the J Class roads submitted for paving in the 2022/2023 period were addressed; therefore, certain roads were carried forward.

The Road Improvement Policy, MDL-75, Section 4, was used to select the following roads that meet the criteria for road improvement: The Point Road, Darby’s Head Road, Riverside Heights, Freeman Crescent, Riverview Drive, and Church Road.

**Discussion**

Nova Scotia Department of Public Works has given MODL a deadline to make submissions for J Class Road paving priorities. The criteria outlined in MDL-75, Section 4 provided guidance in evaluating and prioritizing J Class roads to be upgraded.

**Budget implications**

The MODL five-year financial strategy includes \$350,000, including net HST, for the year 2023/2024 capital budget for both J Class Road improvements and municipally- owned road improvements.

**Conclusion**

Council authorize staff to submit to the Nova Scotia Department of Public Works the following roads as J Class paving priorities, in this order:

1. The Point Road
2. Darby’s Head Road
3. St. Augustines Road
4. Riverside Heights
5. Freeman Crescent
6. Riverview Drive
7. Church Road

Report Preparation		
Department	Engineering	
Report Prepared by	Tyler Richardson, EIT	October 18, 2022
Report Approved by	Stephen Pace, MBA, P. Eng.	October 19, 2022
Date Reviewed by C.A.O.		

**Council**

Item: #11.3.1

Date: October 25, 2022

Authorization: T. MacEwan

# Provincial Consultation on MGA revisions

Fall 2022



# Background

- **Department of Municipal Affairs and Housing (DMAH) is seeking input from municipalities on proposed revisions to the Municipal Government Act (MGA)**
- **Many of the revisions appear to be generated from municipalities requests to modernize process, procedures, and make development processes more efficient.**
- **Comments were due by October 31, staff have confirmed that our submission will still be accepted.**
- **Staff recommend the philosophy of the MGA establishing core process and notification requirements and granting municipalities the autonomy to establish processes that meet their communities' needs.**



# Topics

## Electronic Notification (Qs 2 – 6)

- **Similar to the ability to establish Council procedures, Municipalities should be empowered to establish their own notification procedures, including designating the municipal website as the authoritative location for public notices.**
  - The municipality is best positioned to determine what topics and types of decisions require simple posting, versus extended notification (including print and radio), or additional engagement measures (e.g. pop-ups, community meetings)
  - By policy council should be permitted to determine the posting requirements for:
    - Special council meetings (already permitted)
    - Sale or lease of municipal property
    - Re-purposing funds in a special purpose tax account
    - Sale of distrained goods
    - Tax Sale advertisement
    - Adoption of bylaws
    - Adoption of planning documents
    - Notice for sale of surplus land
    - Notice for Street closure hearings



## Notice Period (Qs 7 & 8)

- **A notice period of 14 days remains sufficient and reasonable for the following:**
  - Public Notice for Sale or lease of municipal property
  - Special purpose tax accounts
  - Adoption of bylaws
  - Planning hearings



## Delivery of Tax Bills and Notices of Sale (Qs 9 & 10)

- **Municipalities should be enabled to develop policy establishing methods for delivery of tax bills and notices.**
- **Municipal officials are in the best position to determine if electronic, mail hybrid or opt-in systems are most effective and efficient based on their citizens needs and preferences.**



# Digital Submission of Planning Documents (Qs 11 & 12)

- **Yes, DMAH should absolutely accept the electronic submission of documents**



Municipality of the District of Lunenburg  
Administration Department

## Terms of Development Agreements (DAs) (Qs 13 &14)

- **MODL is not seeking any expansion of the possible terms of development agreements**
- **We would not oppose any expansion, however, our philosophy for land use planning minimizes the use of DAs**



## Offsite Improvement/Cash in Lieu in a Development agreement (Qs 15 - 17)

- **MODL supports the adoption of Halifax Charter provisions into the MGA.**
- **The scenarios within MODL involving this type of improvement are rare but have occurred.**
- **MODL is strongly in favour of the ability to lien charges against a property.**



## Non-Substantive Changes to DAs (Qs 18 & 19)

- **MODL Strongly supports the approach of identifying substantive and non-substantive elements of a DA**
- **This change respects the integrity of public input in a DA**
- **Could significantly improve efficiency of adjusting a DA.**



## Concurrent Approval of DAs with Land-Use Bylaw Revisions (Qs 20 & 21)

- **MODL strongly supports this revision, which removes redundant meetings and hearings without limiting the public's opportunity to comment on proposed amendments and DAs.**



Municipality of the District of Lunenburg  
Administration Department

## Transfer of Land/Cash in Lieu for Density (Qs 22 – 24)

- **The amendments would allow for additional land or cash in lieu after subdivision for multi-unit development.**
- **MODL is currently involved in a voluntary contribution from a multi-unit**
- **MODL supports increasing municipal authority and autonomy. Municipalities should have the discretion to make use of this authority in service centres,**
- **MODL does not support the uniform requirement of an additional transfer for all multi-unit developments**



# Architectural Controls in Site Plans (Qs 25 - 27)

- **MODL supports providing the authority for municipalities to include external appearance controls in the site plan process**
- **This approach still leaves the discretion to the municipality as to whether this is a valuable development control**
- **And it provides greater flexibility and ease of administration than using the Land use bylaw as the mechanism for control**



## Performance Bond for Site Plan Approval (Qs 28-29)

- **MODL is supportive of this enhanced ability to ensure compliance with the site plan**
- **Currently enforcement has not been a major issue**
  - With the significant increase in communities under land use planning, volume will likely increase



## Site Plan Appeals (Qs 30 – 32)

- **MODL has not experienced issues interpreting the site plan appeal provisions of the MGA**
- **MODL does not require revisions to improve the clarity of the sections, but would not oppose the separation of appeal clauses for site plans from those established for variances.**



## Instruments of Subdivision (Qs 33 & 34)

- **MODL strongly supports the removal of provisions which allow for subdivision without the involvement of a surveyor**
  - NOTE: MODL's current subdivision bylaw, instruments of subdivision are not permitted.



## Retroactivity of Deemed Easements (Qs 35 & 36)

- **MODL is supportive of adding clarifying language securing assumed easements for properties created before 1998**
- **This revision will help address issues around access to properties which were subdivided without adequate access to road frontage**



# Sell or Lease Property Below Market

- **MODL strongly supports the expansion of the ability to sell or lease land below market value, where there is benefit to the wider community.**
- **Specific reasons where this authority should be expanded include:**
  - To increase affordable housing
  - To a public entity to build infrastructure
  - For the creation of a facility to generate green renewable energy
  - The protection of environmentally sensitive lands
- **Additional provisions should remain in place for these types of transactions, including super majorities, and public hearings before deciding to sell.**
- **Further, some clarification of acceptable methods for establishing market value would be appreciated. E.g.:**
  - a market value assessment by a qualified real estate professional is satisfactory to establish the market value
  - market value appraisal
  - Assessment



## Any other areas of the MGA we want to comment on?

- **Amendments to the Halifax charter should be applied automatically to the MGA, unless there is a specific reason why it is not applicable to all municipalities.**
- **Other municipalities should have the same tools to enhance their communities**



## MGA Review: Consultation Survey

### Preamble to Survey:

The Department of Municipal Affairs and Housing is undertaking a review of the Municipal Government Act (MGA).

These proposed topics are based on feedback from various sources, including NSFM and AMA, during previous MGA Review (2016-18), as well as municipal and internal departmental requests.

We would like to gather your municipality's feedback on these questions relating to the various items through this survey. Your responses will be used by the Department to evaluate the efficacy of the proposed changes, implications, and details of implementation before any changes are advanced.

We ask that you respond to the survey on behalf of your municipality or organization.

If you do not finish the survey in its entirety before submitting, you will be able to go back in and resume your response later, if on the same device. The survey will be open until October 31<sup>st</sup>, 2022.

If you have questions about the survey, please email us at [DMAH-Consultation@novascotia.ca](mailto:DMAH-Consultation@novascotia.ca).

- 1. Which municipality or organization are you responding on behalf of?**  
(TEXT BOX – Allow to write in)

## Page 2: ELECTRONIC NOTICE

Currently in the MGA, municipalities are required to provide public notice for various items in a newspaper circulating in the municipality. To modernize public notice requirements, municipalities have requested the ability to post notices electronically.

The contemplated change is to authorize the posting of public notices to a publicly accessible website as an alternative method. This is intended to enable notice to be provided via alternative means other than a newspaper.

**2. Does your municipality/organization support a proposed change to allow for the posting of public notices on a publicly accessible website as an alternative to a newspaper?**

- Yes
- No
  - Why not? (TEXT BOX - Allow write in)

**Posting on a website may be a barrier to some residents without access to the internet or municipal units without a website.**

**3. Do you anticipate this being a concern for your municipality?**

- Yes
- No

**4. When providing public notice through a website, would you also like to see a requirement to physically post the notice in other prominent locations accessible to the public (i.e. public recreational centres, library, city hall, etc.)?**

- Yes
- No
  - Why not? (TEXT BOX - Allow write in)

**5. Please indicate, by checking all that apply, if you support the posting of public notice on a website for the following items:**

- Public Hearing for Sale or Lease of Municipal Property (Section 51)
  - Yes
  - No
- Special purpose tax accounts (Section 83)
  - Yes
  - No
- Sale of Distressed Goods (Section 124)
  - Yes
  - No

- Tax Sale Advertisement (Section 142)
  - Yes
  - No
- Adoption of By-laws (Section 168)
  - Yes
  - No
- Requirements for adoption of planning documents (Section 205)
  - Yes
  - No
- Public hearing for planning documents (Section 206)
  - Yes
  - No
- Notice of sale land no longer needed for parks, playground, or public purposes (Section 273)
  - Yes
  - No
- Notice of Public Hearing for Street Closures (Section 315)
  - Yes
  - No

**6. Are there any items not included in the list that you feel strongly should be included?**  
(TEXT BOX – Allow to write in)

**Page 3: NOTICE PERIOD**

**7. If public notice can be provided on a public website, do you feel the current notice period of 14 days should be changed for any of the following items?**

**Please select whether you feel the 14-day notice period should be less days, more days, or is sufficient as is.**

- Public Notice for Sale or lease of municipal property
  - Less than 14 days
  - Sufficient
  - More than 14 days
  
- Special purpose tax accounts
  - Less than 14 days
  - Sufficient
  - More than 14 days
  
- Adoption of By-laws
  - Less than 14 days
  - Sufficient
  - More than 14 days
  
- Public hearing for planning documents
  - Less than 14 days
  - Sufficient
  - More than 14 days
  
- Notice of sale land no longer needed for parks, playground, or public purposes
  - Less than 14 days
  - Sufficient
  - More than 14 days

**8. Do you have any additional feedback to share relating to public notice periods?**  
(TEXT BOX – Allow to write in)

**Page 4: ELECTRONIC DELIVERY AND RECEIPT OF TAX BILLS AND PRELIMINARY NOTICES OF SALE**

Currently, Section 117(2) and 138 of the MGA requires that municipal tax bills must be served either in person or mailed to the address shown on the assessment roll. If a municipality wishes to sell a piece of land for tax purposes, they are required to send a notice to the property owner by mail advising that the property is in arrears and that tax sale procedures will be commenced, unless the arrears are paid within 14 days.

The contemplated change is to amend the MGA to allow municipalities to deliver tax bills and preliminary notices of sale through alternative methods, including through electronic means, if the recipient has consented to that method of service (the recipient will still have the option for in-person or mail delivery).

**9. Does your municipality/organization support this proposed change to enable electronic delivery and receipt of tax bills and preliminary notices of sale?**

- Yes
- No
  - o If not, why? (TEXT BOX – Allow to write in)

**10. Do you have any concerns with electronic delivery and receipt for tax bills and preliminary notices of sale?**

(TEXT BOX – Allow to write in)

**Page 5: DIGITAL SUBMISSION OF PLANNING DOCUMENTS**

Currently in the MGA, Section 208, planning documents\* are subject to review by the Director of Planning with the Province of Nova Scotia. Municipalities, through the Clerk, are required to submit four certified copies of the documents to the Director. If not subject to review by the Minister, the documents are approved and two certified copies of the documents are returned to the Municipality. If subject to review by the Minister, the Minister must return two certified copies of the documents either approved, amended, or rejected.

\*Planning documents are defined by the Act as: a municipal planning strategy (MPS), a land use bylaw (LUB) adopted to carry out an MPS, a subdivision by-law, or amendments to the aforementioned documents.

The contemplated change is to modernize the planning document review process by enabling the process to be done digitally (e.g., submitted via email to the department).

**11. Does your municipality/organization support a proposed change to allow these documents to be submitted and returned digitally?**

- Yes
- No
  - o If no, why not?

**12. Do you have any concerns with digital submission of your planning documents?**  
(TEXT BOX – Allow to write in)

**Page 6: TERMS OF DEVELOPMENT AGREEMENTS**

Currently, the MGA lists what terms must and what may be contained in a development agreement.

We have heard from municipalities that there is a desire to expand this list, for example, the ability to specify where parkland can be.

**13. Are there additional terms (e.g., matters contained in a subdivision by-law) your municipality feels should be included in the list of content for a development agreement that are not currently captured?**

- Yes
  - If so, please indicate what additional terms you would like to see? (TEXT BOX- Allow write in)
- No

**14. Do you have any additional feedback to share on this topic?**  
(TEXT BOX- Allow write in)

**Page 7: OFF-SITE IMPROVEMENTS OR CASH IN LIEU NECESSARY TO SUPPORT A DEVELOPMENT**

Recently, a change was made to the HRM Charter to enable the ability to require off-site improvements or cash-in-lieu contributions through a development agreement where the improvements are necessary to support a development (e.g., requiring existing park upgrades, transportation facilities, undergrounding of power).

These are often limited to the site itself which are not always the best or most practical areas for these improvements.

**15. Would you be supportive of this proposed change?**

- Yes
- No
  - If not, why? (TEXT BOX - Allow write in)

**16. Would your municipality also support the ability to allow a lien to secure these off-site improvements?**

- Yes
- No
  - Why not? (TEXT BOX - Allow write in)

**17. Do you have any additional feedback to share on this topic?**

(TEXT BOX- Allow write in)

**Page 8: NON-SUBSTANTIVE AMENDMENTS TO A DEVELOPMENT AGREEMENT**

Currently in the MGA, amendments to development agreements are heard and approved by Council. Amendments can be non-substantive or substantive. A development agreement may identify the matters which are not substantive or matters that are substantive. Amendments to a development agreement that are considered non-substantive do not require a public hearing.

Changes were made to the HRM Charter to allow a Development Officer to approve non-substantive amendments to a development agreement to expediate the development approval process.

The contemplated changes would allow non-substantive amendments to development agreements to be approved or refused by the Development Officer, where the development agreement has already been approved by Council. This would not apply where amendments are a combination of both substantive and non-substantive.

**18. Does your municipality/organization support this proposed change to allow a Development Officer to approve or refuse non-substantive agreements to development agreements?**

- Yes
- No
  - o If not, why? (TEXT BOX - Allow write in)

**19. Do you have any feedback to share on this proposed change?**  
(TEXT BOX - Allow write in)

**Page 9: PROVISIONAL APPROVAL OF A DEVELOPMENT AGREEMENT/SUPPORTING AMENDMENTS**

Changes were made to the HRM Charter to allow Council to provisionally approve a development agreement or an amendment to a development agreement during the same public hearing as Council passes supporting amendments to a municipal planning strategy, a land-use by-law and/or municipal planning strategy and the supporting amendment to the land-use by-law to improve efficiency during the development approval process.

A similar change to the MGA is being contemplated. This would allow the development agreement to be considered fully approved when the amendment to the MPS or LUB takes effect. The appeal period would not be affected by the change.

**20. Does your municipality/organization support this proposed change for provisional approval?**

**Yes**

**No**

○ If no, why not? (TEXT BOX)

**21. Do you have any feedback to share on this proposed change?**

(TEXT BOX - Allow write in)

**Page 10 – TRANSFER OF LAND OR CASH IN LIEU BASED ON DENSITY**

Requirements for the transfer of land or equivalent value (e.g., cash-in-lieu) for parks, playgrounds, and similar public purposes are permitted under the legislation as part of a subdivision by-law. The land transferred does not exceed 5% of the area of the lots shown to be approved on the final plan of subdivision or 10% of the area of the lots shown to be approved on the final plan of subdivision if provided in the MPS.

We have heard that the legislation is limited to the subdivision process and does not consider the transfer of land or cash in lieu for multi-unit developments. This is understood to mean residential buildings containing multiple dwelling units (e.g., apartment buildings, condominiums).

**22. Is your municipality/organization seeing increasing pressure on recreational and open space assets from the addition of multi-unit residential developments?**

- Yes
  - If yes, please describe. (TEXT BOX - Allow write in)
- No

**23. Would your municipality be interested in having the ability to require a parkland dedication contribution (land or cash-in-lieu or a mix of both) as part of the approval process of multi-unit residential developments?**

- Yes
- No

**24. Do you have any additional feedback to share with us on this topic?**  
(TEXT BOX - Allow write in)

**Page 11- SITE PLAN APPROVALS – EXTERNAL APPEARANCE OF STRUCTURES**

Currently, under the MGA, site plan approvals may deal with several external elements of a development; however, it does not directly reference controls on external appearance of structures. This can currently be done for as-of-right development and for development agreements, both through the application of standards set out in the land use by-law.

Architectural controls are currently implemented by some municipalities through their LUB.

The contemplated change is to include external appearance of structures in the list of topics that a site plan may deal with.

**25. Does your municipality/organization support this proposed change to include external appearance of structures in the list of topics that a site plan may deal with?**

- Yes
- No
  - o If so, why? (TEXT BOX - Allow write in)

**26. Does your municipality/organization find the legislation a barrier to implementing external appearance controls on site plans?**

- Yes
  - o If so, please explain (TEXT BOX - Allow write in)
- No

**27. Do you have any additional feedback to share on this topic?**  
(TEXT BOX - Allow write in)

**Page 12: SITE PLAN APPROVALS – PERFORMANCE BONDING**

Currently under the MGA, a development agreement may contain terms related to security or performance bonding. We have heard that municipalities would like to allow for performance or security bonding as part of site plan approval.

Performance bonding, for example, may allow a developer to secure an occupancy permit even though landscaping cannot be completed until spring. This commitment is performance bonded.

**28. Does your municipality/organization support a proposed change to allow for performance bonding for site plan approvals?**

- Yes
- No
  - If no, why not? (TEXT BOX - Allow write in)

**29. Do you have any additional feedback to share on this topic?**

(TEXT BOX - Allow write in)

**Page 13: SITE PLAN APPROVALS – APPEALS**

A property owner or applicant may make an appeal to a site-plan approval or refusal. The process and notification procedures and the rights of appeal are the same as those as variance. Council may make any decision that the development officer could have made whether it be to uphold or overturn the decision of the development officer.

We have heard that some site plan appeals are delaying the development approval process as there is a lack of clarity in the legislation as to what can be appealed.

**30. Is your municipality/organization experiencing issues related to the site plan appeal process?**

- Yes
  - If yes, please describe these issues? (TEXT BOX - Allow write in)
- No

**31. Do you feel clarity is needed in what property owners can appeal related to site plans?**

- Yes
  - If yes, what specifications for the appeal process would be valuable to residents in helping them determine what is and is not grounds for appeal?  
(TEXT BOX - Allow write in)
- No

**32. Are there other issues or feedback related to site plans you would like to tell us about?**

(TEXT BOX - Allow write in)

## Page 14 - INSTRUMENTS OF SUBDIVISION

Currently, subdivision by instrument is authorized in the MGA and the *Provincial Subdivision Regulations*. Subdivision by instrument permits owners to request subdivision approval without the involvement of a surveyor.

The contemplated change is to repeal instruments of subdivision and no longer allow lots to be subdivided via this tool.

### **33. Does your municipality/organization support this proposed change related to instruments of subdivision?**

- Yes
- No
  - If so, why not? (TEXT BOX – Allow to write in)

### **34. Do you have any additional feedback to share with us on this topic?** (TEXT BOX – Allow to write in)

**Page 15 - RETROACTIVITY OF DEEMED EASEMENTS PRIOR to 1998**

Under Section 280 (2) of the MGA, the owners of lots shown on a plan of subdivision as abutting on a private right of way are deemed to have an easement over the private right of way for vehicular and pedestrian access to the lot and for the installation of electricity, telephone, and other services to the lot.

The contemplated change is to amend the MGA by clarifying that deemed easements on a plan of subdivision are retroactive prior to the enforcement of this section.

This amendment will benefit those who currently do not have easement access and clear up confusion for deeds that were established before the section was proclaimed (i.e., 1998).

**35. Does your municipality/organization support this proposed change relating to deemed easements**

- Yes
- No
  - If no, why not? (TEXT BOX – Allow to write in)

**36. Do you have any additional feedback to share with us on this topic?**  
(TEXT BOX – Allow to write in)

**Page 16 - SELLING OR LEASING PROPERTY BELOW MARKET VALUE**

Currently, under Section 51 of the MGA, municipalities may sell property at a price less than market value to a non-profit organization that the Council considers to be carrying out an activity that is beneficial to the municipality.

The proposed change is to expand this municipal power to permit municipalities to sell or lease below market value for additional purposes, such as the purpose of increasing affordable housing or the transfer of property between governments for public infrastructure. This may include schools, roads, transportation infrastructure (e.g., bus, train stations), and hospitals.

**37. Does your municipality/organization support the selling or leasing of property below market value for the following additional purposes? Check the categories you support.**

- To increase the availability of affordable housing in the municipality
- To a public entity for the purpose of public infrastructure (e.g., schools, roads, hospitals)
- None of the above
- Other, please specify. (TEXT BOX)

**38. Do you have any concerns or feedback on enabling the selling or leasing of property below market value to share with us?**

(TEXT BOX – Allow to write in)

**Page 17 – ADDITIONAL FEEDBACK**

**39. Does your municipality/organization have other issues we should be aware of as part of the MGA Review that you would like to see addressed?**

(TEXT BOX)

**End of Survey:**

Thank you for your participation.

We appreciate you taking the time to provide responses to our questions. Understanding your perspective is important as we look to modernize and improve the MGA.

Please note, the Department does not guarantee that these proposed changes will be advanced as changes to the MGA.

The Department will summarize and provide a report back on what we heard following the close of the survey to participants. If you have any further questions, please contact [DMAH-Consultations@novascotia.ca](mailto:DMAH-Consultations@novascotia.ca)