



Municipality of the District of Lunenburg

Proposed Amendment to Bylaw 024 – Blockhouse Land Use

Bylaw to add the Boulangerie La Vendéenne bakery property to Schedule “B” – List of Uses Permitted to Expand by Site Plan

Public Hearing

Council Chamber – Municipality of the District of Lunenburg (MODL)

Tuesday, April 11th, 2023, at 8:30 a.m.

Public Hearing Agenda

1. Call to Order at 8:30 a.m.

2. Opening Remarks by Mayor Bolivar-Getson
 - (a) Introductions
 - (b) Review of Agenda and Rules of Conduct

3. Report and Presentation from Planning Staff

4. Written and Verbal Presentations from the Public
 - (a) Review of Written Submissions (if any)
 - (b) Verbal Presentations from the Public (if any)

5. Review of Approval Process

Municipal Council may make a decision at the Council meeting after the close of the Public Hearing. If Council deems it advisable to adopt the amendment to Bylaw 024 – Blockhouse Land Use Bylaw, Council will conduct Second Reading.

Once Council has approved the documents, an approval notice is inserted into the local paper advising of the adoption of the amendment. After a 14-day appeal period has lapsed, and no appeals have been served, the amendment becomes effective.

6. Closing of the Public Hearing

Rules of Conduct

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

[a] State your name and address;

[b] Direct all statements to the Chairperson;

[c] Try to limit presentations to 10 minutes;

[d] Speakers may address Council twice, but before addressing Municipal Council for a second time, speakers will be requested to wait until others have had the opportunity to speak.



Municipality of the District of Lunenburg Staff Report

Report to: Council
Submitted by: Elizabeth Carr, Planner I
Date: March 14th, 2023
Re: Amendment Application: Blockhouse Land Use Bylaw
Boulangerie La Vendéenne bakery – PID 60220076

Recommendations

On February 23rd, 2023, the Planning Advisory Committee met in Council Chambers at the District of Lunenburg municipal office. The Planning Advisory Committee approved of the following recommendation from the Blockhouse Area Advisory Committee:

That Council approve the proposed amendments to the Blockhouse Land Use Bylaw to add the PID 60220076, Boulangerie La Vendéenne bakery, to the Schedule “B” list of uses permitted to expand by Site Plan Approval, subject to satisfactory on-site service connections. Further, upon the amendment becoming effective, that Council discharge the existing Development Agreement with Boulangerie La Vendéenne Incorporee on PID 60220076.

If Council wishes to conduct First Reading, the following motions are in order:

- 1. That Council accept the recommendation of the Planning Advisory Committee and conduct first reading of the proposed amendment to the Blockhouse Land Use Bylaw to add the Boulangerie La Vendéenne property to Schedule “B” list of uses permitted to expand by Site Plan Approval. Further, that Council set a date for a Public Hearing on Tuesday April 11th, 2023 at 8:30AM.**
- 2. That Council discharge the existing Development Agreement with Boulangerie La Vendéenne Incorporee on PID 60220076 upon the amendment becoming effective.**

Background

An application was received by the Municipality of the District of Lunenburg's Planning & Development Services department from Boulangerie La Vendéenne bakery in Blockhouse requesting an amendment to the Blockhouse Land Use Bylaw to add the Boulangerie La Vendéenne property to Schedule "B" allowing for the expansion of 'food related' uses in the future by Site Plan Approval. This amendment request was submitted alongside plans to add a proposed 12-foot by 16-foot ice cream shack to the property. If the Land Use Bylaw amendment is approved, the applicant must also have the plans for the ice cream shack approved through the Site Plan Approval process. For a sketch of the proposed ice cream shack, see Appendix A.

Site Profile

The subject property is located at 500 Highway 325 in Blockhouse (PID: 60220076) and is zoned RU for Blockhouse Rural. Boulangerie La Vendéenne has been functioning as a bakery on the property since 2017 and is owned by Mr. David Unterweger. A Development Agreement outlining the terms of use was adopted in 2017 at the same time the bakery's operations commenced and was last been amended in 2020.

Existing Development Agreement

The original Development Agreement from 2017 limited the Boulangerie La Vendéenne property to be used as a bakery with related retail operations; a maximum of 570 square metres (6135 square feet) for all uses including accessory structures; and a total indoor floor area of 55 square metres (592 square feet) for bakery-related retail operations. Boulangerie La Vendéenne's current facility is 458 square metres (4935 square feet) including its 41.8 square metres (450 square feet) of storefront.

Boulangerie La Vendéenne applied for a Development Agreement amendment in 2020 to allow for the expansion of both the bakery and the retail space to accommodate a café space. The total proposed expansions included an 87.8 square metre expansion for loading and manufacturing (15 feet x 63 feet = 945 square feet) and a 209 square metre expansion for retailing (45 feet x 50 feet = 2,250 square feet). The Development Agreement was amended in 2020, but as of the writing of this report, no construction related to the proposed expansion has occurred.

Other Existing Uses

Along with baked goods, the Boulangerie La Vendéenne property also serves as a manufacturer of Helen B's products including pickles and jams. Products manufactured by other local businesses are on display for retailing purposes within the existing structure, which includes

honey, maple syrup, chocolate, reusable bags, and books. In the past, the applicant also expressed the desire to serve lunch meals, such as soup, sandwiches, and salads.

North American Industry Classification System (NAICS)

NAICS is a classification of business types used by Statistics Canada. It is commonly used in defining the permitted commercial, industrial, and resource uses for different properties. Descriptions associated with the NAICS are for reference purposes to assist in the Development Officer's interpretation of Existing Uses in administration of the Bylaw. The NAICS codes relevant to the current existing uses of the Boulangerie La Vendéenne property include:

- 3118 Bakeries and tortilla manufacturing
- 31142 Fruit and vegetable canning, pickling and drying
- 445299 All other specialty food stores
- 722512 – Limited-service eating places

Analysis

To accommodate existing and proposed future uses of the Boulangerie La Vendéenne property, the following amendments are required:

1. Addition of the Boulangerie La Vendéenne property to Schedule "B" of the Blockhouse Land Use Bylaw which would allow future 'food-related' expansions or additions via Site Plan Approval.

Addition to Schedule "B"

Adding the Boulangerie La Vendéenne property to Schedule "B" of the Blockhouse Land Use Bylaw would limit the use of the property to the current existing uses as a bakery manufacturing, food-related retail, specialty food, and limited service eating establishment. Any future additions or expansions will need to be approved by Site Plan. A Site Plan is a site-specific design that is submitted to the municipality by the property owner. Unlike a Development Agreement that must be approved by Council, Site Plans can be approved by a Development Officer, which can shorten the approval process for the property owner. Site plan criteria must be followed and are outlined in the Land Use Bylaw, which for Blockhouse is under section 5.2.4. A list of Site Plan criteria from the Blockhouse Land Use Bylaw can be found in Appendix B¹.

¹ Municipality of the District of Lunenburg. (2020). Blockhouse Secondary Planning Strategy & Land Use Bylaw. Retrieved from https://www.modl.ca/index.php?option=com_docman&view=download&alias=6679-blockhouse-sps-Land Use Bylaw&category_slug=blockhouse-sps-Land Use Bylaw&Itemid=102

The list of existing uses in Schedule “B” of the Blockhouse Land Use Bylaw does not include, or permit for, the development of any prohibited use or restricted developments identified within the Blockhouse Land Use Bylaw.

Information to be Added to Schedule “B”

Parcel ID	Civic Address	Owner Name	Current Existing Use
60220076	500 Highway 325, Blockhouse	David Unterweger	3118 Bakeries and tortilla manufacturing 31142 Fruit and vegetable canning, pickling and drying 445299 All other specialty food stores 722512 – Limited-service eating places

Defining Minimum Parking Spaces

The original Development Agreement from 2017 required a minimum of nine undefined parking spaces for bakery staff and customers. The Development Agreement amendment from 2020 that permitted the bakery’s expansion increased the required minimum number of parking spaces from nine to 20. These numbers were determined using both the required parking space minimums outlined in section 7.2.3 of the Blockhouse Land Use Bylaw and the projected level of traffic for a bakery of Boulangerie La Vendéenne’s size¹.

If both the Land Use Bylaw amendment and subsequent Site Plan are approved, the applicant will be required to add one to two more undefined parking spaces to the existing property to accommodate customers of the ice cream shack. Because the proposed expansion from 2020 has yet to occur, this would mean a minimum of eleven parking spaces would be required to be available to both staff and customers. If the applicant were to move forward with the proposed expansion from 2020, they would be required to submit a Site Plan Approval application and the number of required parking spaces would be reevaluated by the Development Officer.

Discussion

Planning staff brought the amendment application to Council on January 10th, 2023. Council referred the application to the Blockhouse Area Advisory Committee and directed staff to hold a public information session for the proposed amendment.

Summary of Public Information Session Feedback

Per MODL Policy 066 – Public Engagement Policy s. 8 and 9 respectively, a public information session was scheduled, and notice of the amendment application and public information session were sent a week in advance to the applicant, Area Advisory Committee members, adjacent property owners within 305 metres of the subject property (See Appendix C) and abutting municipalities². Public postings were also made on MODL’s website, Facebook page, and engage website to inform the public of the information session and encourage interested residents to attend.

The public information session was held on January 26th, 2023, at 6PM at the Blockhouse Fire Hall. In attendance was planning staff, the applicant, members of the Blockhouse Area Advisory Committee, and members of the public. Planning staff presented a short PowerPoint on both the proposed changes to the Boulangerie La Vendéenne property and the amendment process, and the applicant added some details about his plans for the proposed ice cream shack.

There were a few questions and concerns voiced by those who attended the public information session. The first concern was about parking. There has been a history of the Fire Department asking patrons of Boulangerie La Vendéenne to not park in the Fire Department’s parking lot as cars can obstruct the path of emergency vehicles exiting the property. The applicant voiced his intent to clearly indicate where customers can park on the bakery property to hopefully deter anyone from parking at the Fire Department. If the previously approved Development Agreement amendment to permit the expansion of the bakery’s facilities is to move forward, parking requirements would need to be discussed with the property owner.

Another concern raised during the information session pertained to required setbacks between food-related structures and septic systems. Planning staff researched the issue and found that the main regulations on this topic discouraged building on top of septic leaching beds as the weight can crush intake/outtake pipes, which can cause the septic system to fail³. As far as food safety regulations are concerned, food establishments must have a maintenance and cleaning

² Municipality of the District of Lunenburg. (2022). *MODL Policy 066 – Public Engagement Policy*.

³ Government of Canada. (2020, March 18). *Septic tank and leaching bed safety*. Government of Canada. Retrieved from <https://www.sacisc.gc.ca/eng/1584477135878/1584477188866>

program in place and ensure that all waste streams, including garbage and sewage, are properly managed⁴. Staff also reached out to a member of staff with Environment and Climate Change who stated that there are no specific septic setbacks required for structures such as an ice cream shack.

A question raised during the information session was whether there is a required setback between the shack and the Fire Hall's property line. Planning staff spoke with municipal building inspection staff and it was identified that a five-foot setback from neighbouring property lines is recommended and is required if combustible siding is to be used in construction e.g., wood shingles or siding.

A final question from the applicant was about required setbacks from Highway 325, which runs adjacent to the subject property. The sketch provided by the applicant showed the location of the proposed shack to be approximately 25-30 feet from Highway 325. Planning staff contacted the Area Manager of Nova Scotia Public Works to ask for feedback on the amendment application and proposed plan for the ice cream shack. Public Works responded and stated that there was no concern from the department over the construction or location of the shack and that the access to the property was adequate to handle the influx of traffic that the shack may attract.

Summary of Blockhouse Area Advisory Committee Meeting

On February 8th, 2023, the Blockhouse Area Advisory Committee met at the Blockhouse Fire Hall. Notice was sent seven days in advance to members of the Blockhouse Area Advisory Committee and postings were made on MODL's website, Facebook page, and engage website to encourage members of the public to attend and ask questions. Staff prepared a short PowerPoint addressing questions from the previous public information session and outlining the proposed amendment and property changes as well as the conditions of Boulangerie La Vendéenne's existing Development Agreement and the necessary steps required to add the bakery property to Schedule "B" of the Blockhouse Land Use Bylaw.

The main concern repeated from the previous public information session was customers of the bakery parking at the Fire Hall and obstructing the path for the Fire Department's emergency vehicles. The Fire Hall and the applicant are actively working together to come to a solution for the parking issues, and it was noted that the owner of the bakery will redirect customers who

⁴ Province of Nova Scotia. (2023). Health Protection Act s. 105 Food Safety Regulations. Retrieved from <https://novascotia.ca/just/regulations/regs/hpafood.htm>

park at the Fire Hall. A discussion was had around potential options to expand the bakery's capacity for parking and two suggestions were brought forward.

The first suggestion was provided by the applicant to either purchase or rent property from the Fire Hall to extend the bakery's parking lot. Members of the Fire Hall who were present at the meeting stated that the request to purchase or lease Fire Hall property would have to first be discussed with the other Fire Hall members. Another suggestion was to move the ice cream shack further from the road to encourage customers to park in front of the shack rather than on Fire Hall property. The applicant expressed at the meeting that the shack could not easily be moved due to the location of the existing waterline connection. After reviewing the application, staff discovered that the need for a waterline connection was not included in the initial application. Staff has since advised the applicant that satisfactory on-site connections approval will be required before the amendment application and subsequent Site Plan for the ice cream shack can be approved.

After the parking discussion, the members of the Blockhouse Area Advisory Committee moved forward with recommending that the Planning Advisory Committee recommend that Council approve the amendment to the Blockhouse Land Use Bylaw, and, upon the amendment becoming effective, that Council discharge the existing Development Agreement with Boulangerie La Vendéenne Incorporee.

Summary of Planning Advisory Committee Meeting

On February 23rd, 2023, the Planning Advisory Committee met to review Boulangerie La Vendéenne bakery's Land Use Bylaw amendment application. Staff prepared a detailed presentation including an overview of the proposed amendment and addition of the ice cream shack; the public information session and Blockhouse Area Advisory Committee meetings; and the recommendations from the committees. It was noted that a change had been made to the initial recommendation to the Planning Advisory Committee to include the requirement for a satisfactory on-site service connections approval before the amendment application and subsequent Site Plan for the proposed ice cream shack can be approved.

There was minimal discussion about the amendment application and plan for the proposed shack, and the Planning Advisory Committee approved of the recommendation provided by the Blockhouse Area Advisory Committee.

Other Considerations

Requirements for Site Plan Approval

The proposed ice cream shack's need for on-site service connections was discovered during the Blockhouse Area Advisory Committee meeting. Therefore, the first consideration was that the municipality must receive satisfactory on-site service connections approval before the Site Plan

for the ice cream shack can be eligible for approval. On March 1st, staff received information from a qualified engineer that the Boulangerie La Vendéenne site had been reviewed and approved for the required on-site service connections in the form of grey water discharge. The table in Appendix D has been modified to reflect the receipt of the on-site service connections approval.

Can Site Plan Approval Satisfy Conditions of the Development Agreement

The existing Development Agreement for the Boulangerie La Vendéenne bakery includes conditions that must be adhered to by the property owner. For the Boulangerie La Vendéenne property to be added to Schedule “B” of the Blockhouse Land Use Bylaw, the conditions of the existing Development Agreement must be satisfied by the Site Plan Approval process. The table below outlines the conditions of the original Development Agreement and whether they would be satisfied by the Site Plan Approval process.

Condition	Evaluation	Result
Use	Permitted uses on the property will be limited under Schedule “B” to those similar in nature to the existing use of the property as a bakery manufacturing, food-related retail, specialty food, and limited service eating establishment.	Satisfied.
Site Plan Details – Schedule B	If the Land Use Bylaw amendment process is approved and the current Development Agreement is discharged then future developments will be limited to uses permitted under Schedule “B” of the Blockhouse Land Use Bylaw and subject to the Site Plan criteria in section 5.2.4 of the Blockhouse Land Use Bylaw.	Satisfied.

<p>Site Access & Parking</p>	<p>Site Plan criteria in section 5.2.4(a)(ii) and (iii) of the Blockhouse Land Use Bylaw include that, “off-street parking and loading areas shall be located on the lot in a manner that minimizes traffic hazards, congestion, nuisances or other impacts on the surrounding properties;” and, “the location, width and number of driveway accesses shall be constructed in such a manner as to avoid traffic hazards and congestion”.</p>	<p>Satisfied.</p>
<p>Site Alterations</p>	<p>Site Plan criteria in section 5.2.4(a)(iii) and (x)(i) of the Blockhouse Land Use Bylaw include that, “the location, width and number of driveway accesses shall be constructed in such a manner as to avoid traffic hazards and congestion;” and, “stormwater management plans for the development shall be provided; and”.</p>	<p>Satisfied.</p>
<p>Side Yard Adjacent to Existing Residential</p>	<p>Site Plan criteria in section 5.2.4(a)(i) include that, “the development shall be located on the lot so as to reduce impacts and nuisances on adjacent properties”.</p>	<p>Satisfied.</p>
<p>Site Maintenance</p>	<p>Site Plan criteria in section 5.2.4(a)(ix) of the Blockhouse</p>	<p>Satisfied.</p>

	<p>Land Use Bylaw includes that, “waste, compost and recycling receptacles and other outdoor storage shall be located in the rear or side yard of the property and screened from adjacent properties so as to reduce visual impacts”.</p> <p>Unsightly properties would be handled through relevant municipal policies.</p>	
Lighting	<p>Site Plan criteria in section 5.2.4(a)(i), (v), and (viii) of the Blockhouse Land Use Bylaw include that, “the development shall be located on the lot so as to reduce impacts and nuisances on adjacent properties”; “Type, location, and height of walls, fences, hedges, trees, shrubs, ground cover, or other landscaping elements necessary to protect and minimize the land use impact on adjoining lands”; and, “outdoor pedestrian walkways shall be adequately lit and lighting shall be directed away from the street to eliminate traffic hazards”.</p>	Satisfied.
Compliance with Other Bylaws or Regulations	<p>Site Plan Approval process would ensure that any proposed development aligns</p>	Satisfied.

	with the Land Use Bylaw for that area.	
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Are Municipal Policies Satisfied

A table of relevant municipal policies from the Blockhouse Secondary Planning Strategy, and their status of not applicable, satisfied, or pending can be found in Appendix D.

Next Steps

The Planning Advisory Committee has provided its recommendation to Council. If Council approves of the recommendation, it will conduct First Reading where the intent to approve the amendment application will be made known. After Council’s First Reading, a Public Hearing will be scheduled where members of the public will have the opportunity to voice their opinions on the amendment application. Council will then make its final decision.

Conclusion

The Planning Advisory Committee approved of the provided recommendation from the Blockhouse Area Advisory Committee, and, following a short discussion, passed a motion to move forward with taking the recommendation to Council. Furthermore, approval of the on-site service connections was received by the municipality. Council will consider all feedback from the Planning Advisory Committee, Blockhouse Area Advisory Committee, and the public before conducting First Reading.

Report Preparation	
Department	Planning & Development
Report Prepared by	Elizabeth Carr, Planner I
Report Approved by	Jeff Merrill, MCIP, LPP, Director of Planning & Development Services

References

Government of Canada. (2020, March 18). *Septic tank and leaching bed safety*. Government of Canada. Retrieved from

<https://www.sacisc.gc.ca/eng/1584477135878/1584477188866>

Municipality of the District of Lunenburg. (2020). *Blockhouse Secondary Planning Strategy & Land Use Bylaw*. Retrieved from

https://www.modl.ca/index.php?option=com_docman&view=download&alias=6679-blockhouse-sps-Land Use Bylaw&category_slug=blockhouse-sps-Land Use Bylaw&Itemid=102

Municipality of the District of Lunenburg. (2022). *MODL Policy 066 – Public Engagement Policy*.

Province of Nova Scotia. (2023). *Health Protection Act s. 105 Food Safety Regulations*. Retrieved from <https://novascotia.ca/just/regulations/regs/hpafood.htm>

Appendix A: Sketch of Proposed Ice Cream Shack



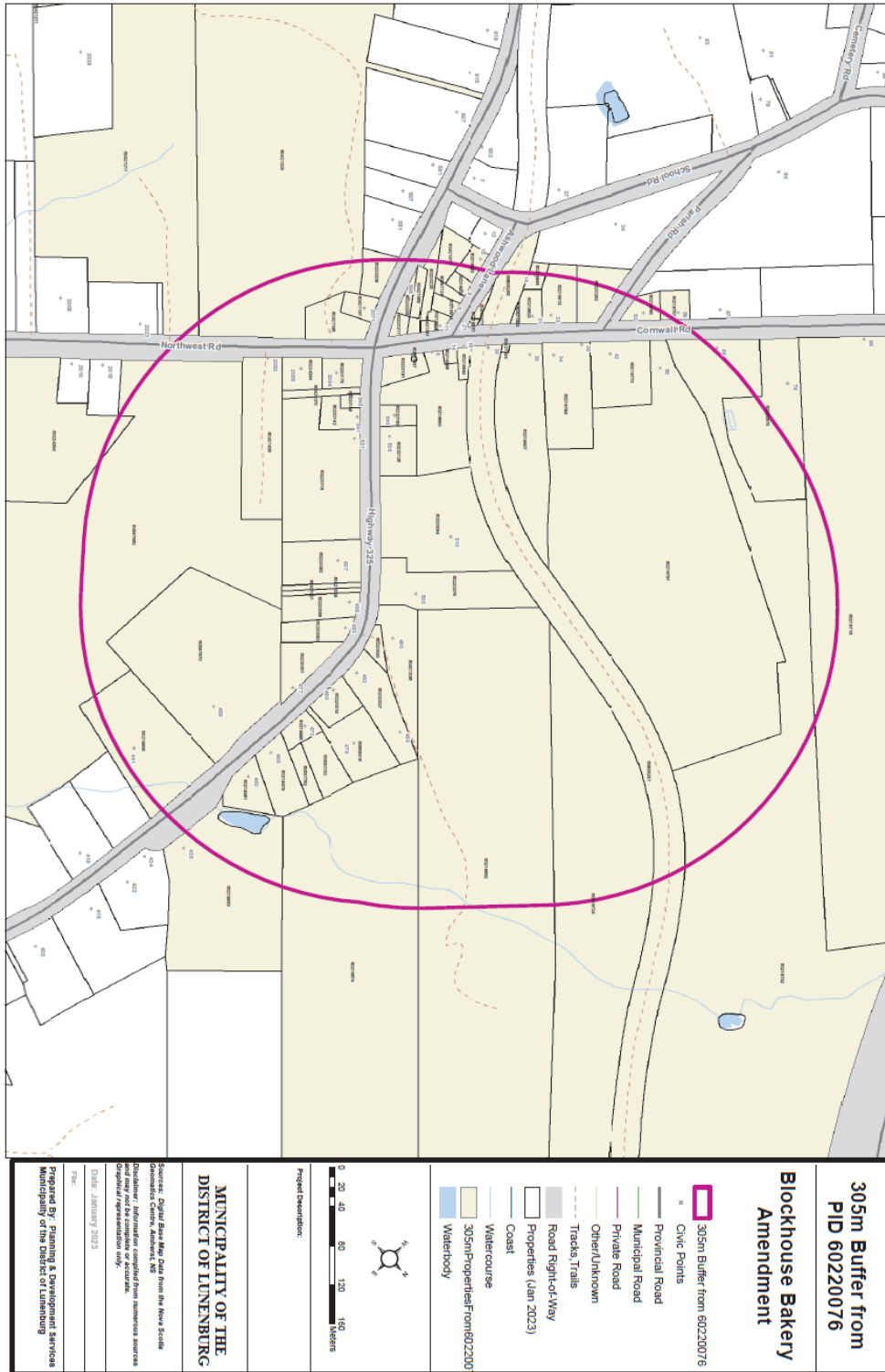
Appendix B: Site Plan Criteria from s. 5.2.4 of Blockhouse Land Use Bylaw

5.2.4 Site Plan Approval

a) Site Plan Approval Criteria

- i. the development shall be located on the lot so as to reduce impacts and nuisances on adjacent properties;
- ii. off-street parking and loading areas shall be located on the lot in a manner that minimizes traffic hazards, congestion, nuisances or other impacts on the surrounding properties;
- iii. the location, width and number of driveway accesses shall be constructed in such a manner as to avoid traffic hazards and congestion;
- iv. the lot shall have direct access onto a street;
- v. Type, location, and height of walls, fences, hedges, trees, shrubs, ground cover, or other landscaping elements necessary to protect and minimize the land use impact on adjoining lands;
- vi. Retention of existing vegetation;
- vii. any walkways or driveways to be used for pedestrian traffic shall be hard-surfaced with stable materials to minimize dust blowing onto neighbouring properties;
- viii. outdoor pedestrian walkways shall be adequately lit and lighting shall be directed away from the street to eliminate traffic hazards;
- ix. waste, compost and recycling receptacles and other outdoor storage shall be located in the rear or side yard of the property and screened from adjacent properties so as to reduce visual impacts;
- x. Location of easements;
 - i. stormwater management plans for the development shall be provided; and
 - ii. the criteria listed in the above clauses shall be maintained in a manner that is acceptable to the surrounding properties.

Appendix C: Map of Properties to Notify Within 305 Metres of Boulangerie La Vendéenne Bakery



Appendix D: Table of Relevant Municipal Polices for Consideration

Table 1 <i>Considerations for a Land Use By-law Amendment</i>			
Legislative Authority	Considerations	Evaluation	Result
8.1.3 a)	the development conforms to the intent of the Municipal Planning Strategy and of the Secondary Planning Strategy	As per Policy 3.4.2, commercial activities are encouraged in Blockhouse.	Satisfied.
8.1.3 b)	the development is not premature or inappropriate due to		
i.	financial ability of the Municipality to absorb costs related to the development	This is a private development.	Not applicable.
ii.	adequacy of Municipal services	There are no municipal services.	Not applicable.
iii.	the adequacy of physical site conditions for on-site services	The site has been reviewed by a qualified engineer and approved for on-site service connections in the form of grey water discharge.	Satisfied.
iv.	creation or worsening of a pollution problem including soil erosion and siltation	The current site is relatively flat and adequately distanced from significant watercourses	Satisfied.
v.	adequacy of storm drainage and effects of alteration to drainage pattern including potential for creation of a flooding problem	The proposed ice cream shack should not affect the drainage pattern. (See Policy 8.1.3 b) iv.)	Satisfied.
vi.	adequacy and proximity of school, recreation, emergency services, and other community facilities	A fire hall is 40 metres away from the existing building and a five-foot setback from the property line must be adhered to for the construction of the ice cream shack.	Satisfied.
vii.	adequacy of street networks and site access regarding congestion, traffic hazards and emergency access	Nova Scotia Public Works has provided feedback stating that there is no concern for the proposed ice cream shack to	Satisfied.

		significantly impede traffic or access for emergency vehicles. The existing building is on Highway 325, a collector road with higher capacity than residential streets.	
8.1.3 c)	The development site is suitable regarding grades, soils, geological conditions, location of watercourses, flooding, marshes, bogs, swamps, and susceptibility to natural or man-made hazards as determined by a qualified person	The current site is relatively flat and adequately distanced from significant watercourses	Satisfied.
8.1.3. d)	All other matters of planning concern have been addressed	Building code recommends five-foot setback from neighbouring property lines for structures intended to be built with combustible materials.	Satisfied.