

Planning Advisory Committee Meeting Agenda

Thursday, February 24, 2022 – 7:00 p.m.

MODL Council Chambers – 10 Allee Champlain Drive, Cookville

And via Audio & Video Teleconferencing

1. **Call to Order**
2. **Election of Chair and Vice Chair**
 - 2.1. Nomination and Election of Chair
 - 2.2. Nomination and Election of Vice Chair
 - 2.3. Mi'kma'ki Territorial Acknowledgement
3. **Review of Procedure for Public to Address the Committee - Chair (below)**
4. **Approval of Agenda** (any other items to be added)
5. **Approval of Minutes of Wednesday, July 7, 2021, and Thursday, October 28, 2021**
6. **Business Arising from Minutes**
 - 6.1. Hebbville Rezoning Application Update..... verbal
7. **Planning Advisory Committee Matters**
 - 7.1. By-law 020E Osprey Village Plan Review..... 1-25
 - 7.2. Policy 066A Engagement Program Policy..... 26-47
8. **Heritage Advisory Committee Matters**
9. **Added Items**
10. **In Camera**
11. **Next Meeting Date: Thursday, March 24, 2022**
12. **Adjournment**

Procedure for Addressing the Committee

An opportunity will be provided to all citizens to address the Committee on each item under Committee Matters shown on this Agenda or added to the Agenda by the Committee. Individuals who wish to address the Committee are asked to note the following:

- On each Committee Matter on the Committee's Agenda, the Chair will seek public comment upon the completion of staff's presentation.
- Each person shall state their name.
- All statements and questions shall be directed to the Chairperson.
- Presentations shall be limited to 10 minutes. Persons wishing to address the Committee a second time will be given opportunity to do so once all others in attendance have had the opportunity to address the Committee. Persons addressing the Committee for a second time shall limit their presentations to 5 minutes.

- Since at this time we are not having in person public attendance, any citizen wishing to address the Committee may use the chat function on Facebook Live which is monitored by staff.

Anyone wishing to address the Committee on a matter not included on this Agenda can have the matter added to the next meeting's Agenda by contacting Jeff Merrill, Director of Planning and Development Services, at 902-521-0925 or by email at planning@modl.ca



Municipality of the District of Lunenburg

Request for Decision

REPORT TO: Planning Advisory Committee
SUBMITTED BY: Byung Jun Kang, Planner
DATE: February 24, 2022
RE: By-law 020E (Osprey Village Plan Review)

RECOMMENDATION

That Planning Advisory Committee recommend Municipal Council to approve the amendments to the Osprey Village planning document by adopting By-law 020E, as stated in Appendix A of this staff report dated February 24, 2022.

EXECUTIVE SUMMARY

Osprey Village will be home to about 1,200 additional residents in the next 5 years. This raised a concern about the growing need for affordable, attainable, and rental housing in the form of high-density residential area. To implement the objectives, staff is proposing 78 amendments to Osprey Village Secondary Planning Strategy and Land Use By-law.

The amendments include innovative measures such as lifting the requirements on maximum heights, minimum parking spaces, and maximum residential density. They would simplify, modernize, and touch up the existing land use regulations so that multi-unit dwelling developments are encouraged in order to maximize the use of existing infrastructure.

ORIGIN

Resolution 2022-003 (January 11, 2022): "that Municipal Council direct staff to hold a public information session and further, direct the Planning Advisory Committee to review proposed amendments to the Osprey Village Secondary Planning Strategy and Land Use By-law."

LEGISLATIVE AUTHORITY

Municipal Government Act, subsection 205(1): "A council shall adopt, by by-law, planning documents."

INTRODUCTION

Recently, planning staff has received an influx of development interest to construct new multi-unit dwellings in Osprey Village Planning Area. Staff already approved 160 units in the planning area, and projects that Osprey Village will be home to about 1,200 additional residents in the next 5 years. This raised a concern of the growing need for affordable, attainable, and rental housing in the form of high-density residential area.

While there is an overall municipal plan review happening at the same time, the Municipality determined this plan review as a prioritized item as the population grew 2.7% in the last 5 years and the housing crisis in the Municipality is intensifying. This plan review also stays consistent with the MODL2040 project.

DISCUSSION

The purpose of this review is to encourage multi-unit dwellings in order to have more affordable housing units quickly. The Municipality would like to achieve the purpose by encouraging higher density, reducing unnecessary requirements to reduce construction costs, and reducing red tape for those development that is appropriate for this area so that development occurs quickly. To implement the objectives, staff is proposing 79 amendments to Osprey Village Secondary Planning Strategy and Land Use By-law, grouped into the following 4 parts. All the amendments are stated in Appendix A.

Part 1 Simplification of zoning regulations

1. consolidating the Village Centre and Mixed Use Zones with the General Commercial Zone;
2. permitting, in the General Commercial Zone, a variety of commercial uses, high-density residential use, and institutional uses, but regulating a drinking establishment use to lessen the impact to educational institutional uses and prohibiting vehicle-centric or adult entertainment commercial uses;
3. protecting the existing and newly-identified wetlands by dissolving the Environmental Sensitive Zone and transferring wetland protection regulations as a general provision;
4. aligning zone boundaries to the current and potential property boundaries; and
5. consolidating the two zones in Lunenburg Municipal Industrial Zone Planning Area with other zones in Osprey Village.

Part 2 Modernization of zoning regulations

1. permitting multiple buildings on a single lot;
2. removing all height restrictions except for the Medium Density Residential Zone;
3. removing all minimum parking space requirements;
4. permitting accessory structures consistent with the existing regulations in Lunenburg Municipal Industrial Zone Planning Area;

5. increasing the maximum residential density of the existing residential zone in Lunenburg Municipal Industrial Zone Planning Area up from 10.5 metres to 4 storeys;
6. increasing the residential density of the existing residential zone in Osprey Village Planning Area by imposing a minimum residential density of 25 units a hectare;
7. permitting a variety of institutional and its supporting uses within the Institutional Zone;
8. simplifying the list of permitted uses in the Light Industrial Zone; and
9. permitting residential uses, as an urban reserve, in the Light Industrial Zone.

Part 3 Other revisions to zoning regulations

1. ensuring that the existing land use regulations in Lunenburg Municipal Industrial Zone Planning Area to remain the same, unless stated otherwise in other parts;
2. reducing the extended authority for a development officer to grant a variance;
3. ensuring consistency with the MODL2040 project; and
4. correcting grammatical errors and spelling mistakes.

The existing Osprey Village Secondary Planning Strategy and Land Use By-law may be inspected here: https://www.modl.ca/index.php?option=com_docman&view=document&alias=6686-oakland-sps-lub&category_slug=oakland-planning-area&Itemid=102. The existing Lunenburg Municipal Industrial Zone Secondary Planning Strategy and Land Use By-law may be inspected here: https://www.modl.ca/index.php?option=com_docman&view=document&alias=6682-lunenburg-municipal-industrial-sps-lub&category_slug=lunenburg-municipal-industrial-planning-area&Itemid=102. The location of existing zones are available here: <https://www.modl.ca/zoningmap.html>.

PUBLIC ENGAGEMENT

A public information session was held on February 3, 2022, at 6:30 p.m. on Facebook Live. On the night, 423 views were counted and 32 comments were received – the record high response. The planning staff discussed the object of this plan review, potential policy statements to implement the object, and the feedback from major stakeholders and previous public meetings.

The public was highly engaged as evident by the high volume of requests for follow-up and a copy of presentation during and after the session. In general, residents were either in favour of or not opposed to staff suggestions – such as the urgent need for housing especially for seniors and long-term rentals, and lowering speed limit in anticipation of high pedestrian traffic.

STAKEHOLDER ENGAGEMENT

On January 24, 2022, staff inquired professional opinions on this plan review by contacting the following stakeholders:

1. NS Environment & Climate Change (Lunenburg & Queens District);
2. NS Public Works (Lunenburg & Queens District);
3. Royal Canadian Mounted Police (Lunenburg County District);
4. Northfield District Fire Department;
5. Emergency Health Services (Bridgewater District);
6. MODL Planning & Development Services (Building Services Unit);
7. MODL Administration Services (Protective Services Unit);
8. Town of Bridgewater (Office of the CAO).

IMPLICATIONS

High density development comes with responsibility. Adequate services must be provided to sustain the community in a long-term future. After stakeholder consultation, staff addressed several implications of this plan review, such as environment, infrastructure, and protection.

Environmental implications

A major environmental concern in Osprey Village is sulphide bearing materials, also known as acid rock drainage, as development in this area has encountered this before. Due to the local geology, construction activities may disturb sulfide minerals in rocks. Once sulfide is exposed and reacts with water and oxygen, a chemical reaction yields toxic, acidic, and metallic liquid. The liquid is devastating to the environment, especially to aquatic habitats, which must be carefully considered due to the proximity to LaHave River. Staff has been advised to inform all prospect developers regarding the **Sulphide Bearing Material Disposal Regulations**, so that future development does not disturb the local environment.

There are other general recommendations received from the Department of Environment & Climate Change, such as preparing an erosion and sedimentation plan, identifying all wetlands and watercourses early in a planning stage, and confirming approvals for sewer line extension.

Transportation, traffic implications

Municipal staff requested Nova Scotia Public Works to consider reducing the maximum speed on Highway 10 and Pine Grove Road from 70 km/h, and installing traffic lights and crosswalks at Highway 10-Allée Champlain Drive. The provincial staff responded with an openness to the ideas, but requested the Municipality to carry out a traffic impact study to determine the potential impacts along Trunk 10. Public Works staff would be involved during a study scoping session so a clear direction is provided as to what will be required for a consultant to conduct the traffic impact study.

To enhance pedestrian safety, the Municipality will seek to install 22 streetlights in Osprey Village by issuing a tender to Nova Scotia Power.

Transportation, parking implications

A concern around parking spaces may be anticipated as residential demands increase. While recognizing negative opinions regarding on-street parking in this area, a consideration must be balanced with a rising development cost and its trickledown impact on future tenants.

The existing parking regulations are deemed excessive as the minimum parking space limit was based on the peak demand in early 2000s. With the shift in age demographics, proximity to services, alternative methods of transportation, and virtual technology, the regulations no longer reflect the field experience. This is evident by developers constantly requesting the Municipality to lower the parking requirements in the recent years.

It should be noted that this review does not change the land use by-law to ban parking spaces, but to let the market decide the demand for parking to foster affordable housing.

Infrastructure, water implications

Most of the properties in Osprey Village are serviced by the water main operated by Bridgewater Public Service Commission (PSC). However, some lots northwest of the powerline easement and north of Highway 10, as shown in Figure 1, are not in service. Municipality has applied to Bridgewater PSC for water service in July 2020, and continue to work on moving the application forward.

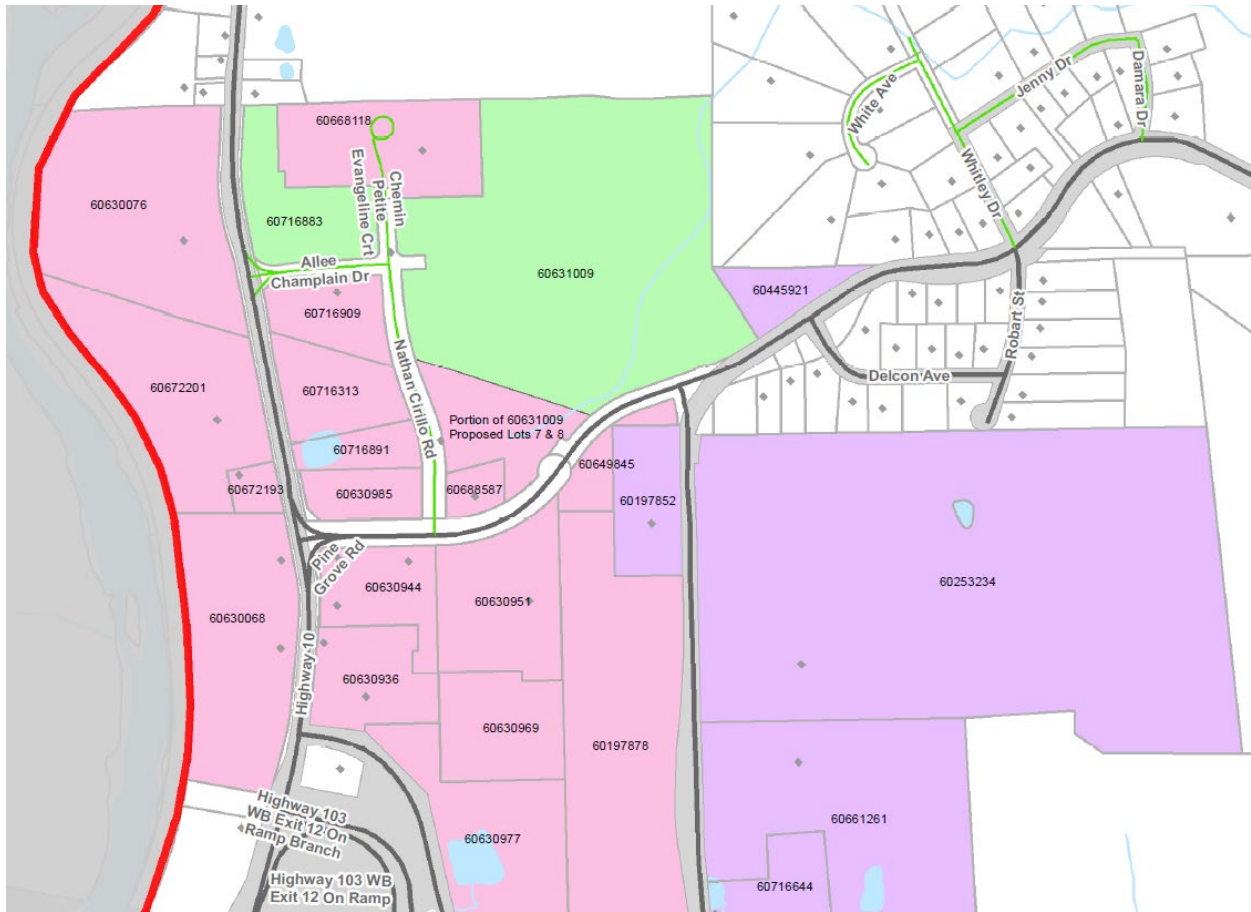


Figure 1. Osprey Village Central Water Service Map. Red denotes serviced area, green denotes requested-for-service area, and purple denotes potential-for-service area.

Infrastructure, sewer implications

Osprey Village is serviced by Cookville central wastewater system managed by the Municipality. While the current wastewater demand is at 25% of the design capacity, the demand is expected to be at 89% after the construction of 2 Stonemont buildings. This occurred because residential buildings emit more wastewater than non-residential buildings. To mitigate, staff proposed a capital project in 2024-25 to upgrade the existing Cookville wastewater plant.

Policing implications

Royal Canadian Mounted Police (RCMP) commented that, while there is no doubt on the projected growth increasing the number of calls for police service, the RCMP will evaluate the impacts on policing based on future statistical data analysis and determine if the current funding structure needs to change.

Fire protection implications

Northfield District Fire Department provides fire protection services to Osprey Village. The chief of the fire department stated that the population growth will not affect the service level. In preparation, the department already began training using standpipes in multiunit dwellings so the fire crews will be well prepared by the time buildings are constructed in Osprey Village. The municipal building inspectors added that, under the National Building Code, all buildings over 3 storeys must have a sprinkler system and standpipes, as well as fire alarm systems for early detection of fire. The municipal protection services coordinator supported the professional opinions of the fire chief by citing a mutual-aid agreement in place with neighbouring fire departments, such as Bridgewater and Oakhill. It is also worth noting that, while the overall fire service personnel in the Municipality is getting fewer, Northfield currently has a strong department.

The only concern mentioned by both the fire chief and the protective services coordinator was the fire hydrants and their water pressure. In the near future, it was suggested to have an alternative source of static water for fire suppression in case of water main failure.

Healthcare implications

The closest primary healthcare facility from Osprey Village is South Shore Regional Hospital, which is 2.75 km away. The Emergency Health Services (EHS) building for Bridgewater District is located 2.10 km from Osprey Village. The EHS commented that there will not be any significant impact on its system other than a potential slight increase in the call volume and ensuring the EHS has easy access to the buildings. The EHS is also closely monitoring the development situation and plans to adjust its approach once new residents move into the area.

Recreational implications

Osprey Village will have access to regional trail networks, which are already connected to major recreational facilities such as Lunenburg County Lifestyle Centre – 2.33 km or 23-minute walk away by trail. In the near future, considering the large scale of new residents, a neighbourhood park in the area is recommended.

Employment implications

The access to employment in Osprey Village is adequate considering the following points:

- the proximity to Osprey Village Shopping Area, employing about 630 employees;
- the projection of additional 200 positions in Osprey Village Shopping Area;
- the proximity to the Town of Bridgewater's major employment centres like Michelin;
- the access to high-speed internet enabling working-from-home; and
- a significant portion of new residents likely being retired from workforce.

STRATEGIC PLAN

Economic Development – Osprey Village Development. This by-law amendment will permit higher density residential and commercial development, contributing to the economic development of Osprey Village.

WORK PLAN

Table 1 shows a tentative work schedule for the proposed amendment process.

Table 1

Work schedule for Osprey Village Plan Review

Legislative authority	Provision	Scheduled date
MGA s. 205(1)	Council initiates a by-law amendment	January 11, 2022
MGA s. 205(4)	Staff holds a public information session	February 3, 2022
Policies 066 & 090	Planning Advisory Committee recommends	February 24, 2022
MGA s. 205(2)	Council passes a first reading	March 8, 2022
MGA s. 206	Clerk publishes a notice of public hearing	March 16, 2022
MGA s. 205(2)	Council holds a public hearing	April 5, 2022
MGA s. 205(8)	Council passes a second reading	April 5, 2022
MGA s. 208(10)	Clerk publishes a notice of approval	May 18, 2022

ALTERNATIVES

Instead of passing the recommended motion, the Planning Advisory Committee may recommend the Municipal Council to

1. decline this plan review and keep the existing plan;
2. defer this plan review and request staff for more considerations; or
3. approve the proposed review with conditions.

Appendix A: proposed By-law 020E

Department: Planning & Development Services

Report prepared by: Byung Jun Kang, Planner

Date: 2022-02-16

Report approved by: Jeff Merrill, Director

Date: 2022-02-16

Reviewed by CAO: Tom McEwan, Chief Administrative Officer

Date: 2022-03-03

Municipality of the District of Lunenburg

By-law

Title: Amendments to the Osprey Village Secondary Planning Strategy and Land Use By-law (2022)	
By-Law number 020E	Legislative authority: Municipal Government Act, Section 205
Effective date: May 18, 2022	Amended date: N/A

Be it enacted by the Council of the Municipality of the District of Lunenburg, under the authority of Section 205 of the **Municipal Government Act**, as follows:

Title

- 1 This By-law is titled the Amendments to the Osprey Village Secondary Planning Strategy and Land Use By-law (2022) and may be cited as the Osprey Village Plan Review (2022).

Part 1 Amendments to the Secondary Planning Strategy (By-law 020)

- 2 Part 1 of By-law 020 is amended by adding immediately after Section 1.2 the following Section:

Policy 1.0.4

Council must integrate this Secondary Planning Strategy with the municipal-wide municipal planning strategy, written under the Municipal Government Act amended in 2019, and repeal this planning document on the adoption of the municipal planning strategy.

- 3 Section 2.1 of By-law 020 is amended by adding immediately after subsection 2.1.2 the following subsection:

3. To foster affordable, attainable, and rental housing by encouraging higher density residential buildings in the Planning Area.

- 4 Section 2.2 of By-law 020 is amended by striking out “To” and substituting “The”.

- 5 Subsection 2.2.2 of By-law 020 is amended by

- (a) adding “medium and high density” immediately before “residential”; and
- (b) striking out “lands” and substituting “land”.

- 6 Subsections 3.1.2 to 3.1.5 of By-law 020, including their preambles regarding the Village Centre (VC) Zone, are repealed.

- 7 Section 3.1 of By-law 020 is amended by repealing the preamble of subsection 3.1.6 and substituting the following preamble:

General Commercial (GC) Zone

The concept of a downtown is an integral component of the overall development scheme of the Planning Area. Municipal Council wants to create a community with a sense of place and civic pride, where high density urban living and pedestrian activity are encouraged.

A General Commercial (GC) Zone will be established within the Enterprise Designation. This Zone will provide for a wide variety of high-density residential, commercial, institutional, and recreational opportunities. Development standards will ensure that buildings are designed and placed in a manner that they reflect the local culture and heritage found in Lunenburg County.

- 8 Subsection 3.1.6 of By-law 020 is amended by adding “, institutional uses,” immediately after “commercial uses”.

- 9 Section 3.1 of By-law 020 is further amended by repealing the preamble of subsection 3.1.7 and substituting the following preamble:

Architectural Controls in the General Commercial (GC) Zone

Council will establish architectural controls to ensure that the buildings are designed and constructed in a manner that is reflective of the heritage and culture of Lunenburg County.

The architectural controls will require that architectural details found in historic buildings of Lunenburg County be incorporated into the design of public facades. Such details will include roof shape, entry ways, wall to window ratios, exterior building materials and details and trim.

- 10 Subsections 3.1.10 to 3.1.15 of By-law 020, including their preambles regarding the Mixed Use (MU) Zone, are repealed.

- 11 Section 3.2 of By-law 020 is amended by repealing subsection 3.2.1, including its preamble, and substituting the following subsection:

A portion of the Planning Area has been identified as suitable for Light Industrial land uses. This land is located immediately behind Wal-Mart, as well as around Osprey Ridge Golf Club. This area has the potential to connect with the future high density development with infrastructure services. Municipal Council will place an Industrial Designation on these lands which will accommodate a variety of light industrial land uses along with the supportive residential and commercial uses.

Policy 3.2.1

It shall be the policy of Council to provide for primarily industrial land uses by establishing an Industrial Designation within the Planning Area, as shown on Map 1, Future Land Use Map.

- 12** Section 3.2 of By-law 020 is amended by repealing subsections 3.2.2 and 3.2.2A, including their preamble, and substituting the following subsection:

In 2006, Council felt that heavy industrial land uses were not appropriate for the Planning Area as the Planning Area is not large in area, and heavy industrial uses can negatively impact on the development being sought in the Planning Area, as well as the surrounding community comprised of residential and rural land uses. Consequently, within the Industrial Designation, Council will establish a Light Industrial Zone. The land uses permitted within this Zone will be limited to light industrial uses and its supporting uses that are compatible with light industrial uses, such as residential, commercial, and institutional uses. Because of the high residential demand in this Planning Area, the light industrial uses should be compatible to residential and commercial uses, instead of the opposite.

Policy 3.2.2

Council establishes within the Industrial Designation the Light Industrial (LI) Zone as shown on the Zoning Map, Schedule A of the Land Use By-law.

Policy 3.2.2A

All developments that are permitted within the General Commercial (GC) Zone must also be permitted in the Light Industrial (LI) Zone.

- 13** Subsection 3.2.4 of By-law 020 is amended by striking out “It shall be the policy of Council that” and substitute “Subject to Policy 3.2.5, ”.

- 14** Section 3.2 of By-law 020 is amended by adding immediately after subsection 3.2.4 the following subsection:

Policy 3.2.5

The Site Plan Approval is not required for the Light Industrial (LI) Zone that was originally the Lunenburg Municipal Industrial (LMI) Zone located in Lunenburg Municipal Industrial Zone Planning Area before 2022.

- 15** Subsections 3.3.4 and 3.3.5 of By-law 020, including their preamble, are repealed and substituted the following preamble and subsections:

Institutional (I) Zone

Council has identified the need for public facilities within the Municipality that may be used for government, civic, cultural, recreational, educational, medical,

and other communal uses. Such use would further complement the range of uses permitted in the Planning Area and act as a catalyst for further development of lands.

Policy 3.3.4

Council establishes, within the Community Use Designation, an Institutional (IN) Zone, as shown on Map 1, Zoning Map of the Land Use By-law, to permit cultural, educational, medical, recreational, and public institutional uses along with supporting residential institutional, and commercial uses.

16 Section 3.4 of By-law 020 is repealed and substituted with the following Section:

3.4 RESIDENTIAL DESIGNATION

Council's goal within the Planning Area is to manage growth in a manner that promotes a sense of community, civic pride and is cognizant of the unique culture and heritage of the Municipality. A key component of creating a sense of community is residents. Residents are the heart of a community; without residents, there is no community.

Council does recognize that there are communities that surround the Planning Area which are residential in nature, and which will support the uses within the Planning Area. However, Council wishes to ensure that there are residential land uses within the Planning Area that diversify the land base, and ensure a vibrant community. People residing in the Planning Area will further ensure that the community remains alive after business hours.

To be consistent with the Statements of Provincial Interest Regulations, to encourage the most efficient use of existing infrastructure, and to accommodate the high demand of high density residential use, the Municipality establishes a residential designation to create a vibrant community where residents will have access to affordable, attainable, and rental housing.

Policy 3.4.1

Council establishes a Residential Designation, as shown on the Future Land Use Map.

Within the Residential Designation, there will be two zones. A High Density Residential Zone, which used to be the Two Unit Residential Zone before 2022, accommodates multi-unit dwellings and other high density residential uses. To best use the existing central water and sewer infrastructure, a minimum residential density that effectively prevents single-detached dwellings will be established to implement the Statements of Provincial Interest Regulations regarding Infrastructure and Housing.

Policy 3.4.2

Council establishes a High Density Residential (R-3) Zone within the Residential Designation, as shown on the Zoning Map, Schedule A of the Land Use By-law, to permit medium to high residential uses with supporting neighbourhood commercial uses.

Council recognizes that with technological advancements there are increased opportunities for home based business. Council further recognizes the importance of home based businesses to the economic well being of a community and the Municipality. However, these uses can grow to a size and scale in which the commercial uses may negatively impact other residential uses, in essence these home based businesses have become commercial uses and should be regulated as such. It is for these reasons that Council will permit home based business, in dwelling units and accessory buildings, which are of a scale and type that will not negatively impact surrounding residential land uses.

Policy 3.4.3

In all the zones within the Residential Designation, the Council permits small scale home based businesses. Council shall define in the Land Use By-law the range and scale of the home occupations permitted and shall limit these to activities that are compatible with residential uses.

Policy 3.4.4

In all the zones within the Residential Designation, Council permits parks and children’s playgrounds.

A Medium-Density Residential Zone, which used to be the Mixed Residential (MR) Zone in Lunenburg Municipal Industrial Zone Planning Area before 2022, accommodates a variety of residential uses. Because of the reduced availability of central water and sewer infrastructure, the density will be mostly consistent with the previous policy in place in Lunenburg Municipal Industrial Zone Planning Area.

Policy 3.4.5

Council establishes a Medium Density Residential (R-2) Zone within the Residential Designation, as shown on the Zoning Map, Schedule A of the Land Use By-law, to permit low to medium residential uses.

- 17** Section 3.5 of By-law 020 is repealed.
- 18** Subsection 3.6.1 of By-law 020 is amended by striking out “Development Constraints” and substituting “Significant Watercourses”

19 Section 3.9 of By-law 020 is repealed and substituted the following Section:

3.9 PARKING

Parking areas are required to accommodate motor vehicles that are associated with various land uses. Although Municipal Council may consider on-street parking in the Institutional Zone, Council does not wish to rely on on-street parking to accommodate the motorist's need for adequate parking. As such, Council will establish off-street parking specifications in the Land Use By-law.

Policy 3.9.1

repealed.

Policy 3.9.2

It shall be the policy of Council to establish within the Land Use By-law requirements for the size and location of parking lots and parking lot accesses within the Planning Area to minimize traffic hazards and guard public safety.

20 Subsection 4.0.9 of By-law 020 is repealed.

21 Map 1 of By-law 020, the generalized future land use map, is amended as attached in Schedule B of this By-law.

Part 2 Amendments to the Land Use By-law (By-law 021)

22 Part 1 of By-law 021 is repealed and substituted the following Sections:

1.1 Title

This By-law is titled the Osprey Village Land Use By-law.

1.2 Purpose

The purpose of this By-law is to carry out the intent of the Osprey Village Secondary Planning Strategy, under the Municipal Government Act, by regulating the land use and structures within the Osprey Village Planning Area defined in Schedule A.

23 Clause 2.4 b) of By-law 021 is repealed and substituted the following clause:

b) subject to Section 4.6, storing or inhabiting a recreational vehicle;

24 Section 3.1 of By-law 021 is amended by striking out “Village Centre...GC, Mixed Use...MU, Two Unit Residential...TR, Environmentally Sensitive...ES” and substituting “Medium Density Residential...R-2, High Density Residential...R-3”.

25 Subsection 4.6.1 of By-law 021 is amended by striking out “No” and substituting “Subject to subsections 4.6.2 and 4.6.3, no”.

26 Section 4.6 of By-law 021 is amended by adding immediately after subsection 4.6.1 the following subsection:

4.6.2 Recreational vehicles may be stored on a lot within the Medium Density Residential Zone, with no requirements for a development permit if

- a) such use occurs only on a property with an established main use;
and
- b) such use does not occur within the required minimum front yard;

4.6.3 Recreational vehicles may be used for human habitation within the Medium Residential Zone, with no requirements for a development permit if

- a) such use occurs only on a property with an established main use;
- b) such use does not occur within the required minimum front yard;
and
- c) such use does not extend for longer than 60 days within a calendar year.

- 27** Subsection 4.8.3 of By-law 021 is amended by adding “but subject to subsection 4.8.4,” immediately after “Subsection 4.8.2 and the yard requirements in all zones,”.
- 28** Subsection 4.8.3 of By-law 021 is further amended by striking out “the following erosion control methods are implemented:” and substituting “all developments are subject to the provincial guidelines for erosion control, such as the Erosion and Sedimentation Control Handbook for Construction Sites.”.
- 29** Subsection 4.8.3 of By-law 021 is further amended by repealing clauses a) to c).
- 30** Section 4.8 of By-law 021 is amended by adding immediately after subsection 4.8.3 the following subsection:

4.8.4 Wetland

A development officer must not issue a development permit for any development within any wetland, unless the Province confirms that

- (a) appropriate approvals permitting the alteration or infill of a wetland have been received from Nova Scotia Environment and Climate Change or its designate;
 - (b) the development is consistent with the Provincial acts, regulations, departmental policies, and any approval process; or
 - (c) the identified wetland does not exist.
- 31** Section 4.11 of By-law 021 is amended by striking out “located in the: (i) Light Industrial (LI) Zone, (ii) Village Centre (VC) Zone, (iii) General Commercial (GC) Zone, and (iv) Mixed Use (MU) Zone” and substituting a period.
- 32** Section 4.12 of By-law 021 is amended by repealing subsection 4.12.1 and substituting the following subsection:
- 4.12.1** Subject to Section 4.23, an accessory structure is permitted in any zone and may be used only as an accessory use to the main building or use.
- 33** Section 4.12 of By-law 021 is further amended by adding immediately after subsection 4.12.1 the following subsection:
- 4.12.2** Where there is no other main building on the lot, a private storage building such as a private garage shall be permitted in the Medium Density Residential Zone if the zone requirements of this By-law are satisfied as if the private storage building were regarded as the main building on the lot.
- 34** Section 4.14 of By-law 021 is repealed.
- 35** Section 4.21 of By-law 021 is repealed.

- 36** Subsection 4.22.3 of By-law 021 is repealed.
- 37** Subsection 4.22.4 of By-law 021 is amended by striking out “Where off-street parking is required and” and substituting “If”.
- 38** Clause 4.22.4 a) of By-law 021 is amended by striking out “in all zones excepting the Light Industrial (LI) Zone, the parking lot area shall be surfaced with a permanent hard surface, such as but not limited to asphalt, cobblestone or concrete. In the Light Industrial (LI) Zone ”.
- 39** Clause 4.22.4. d) of By-law 021 is amended by striking out “and the Mixed Use (MU) Zone” and adding “and” immediately after “the Light Industrial (LI) Zone,”.
- 40** Subsection 4.22.5 of By-law 021 is repealed.
- 41** Subsection 5.2.1 of By-law 021 is amended by repealing clauses c), f) to i), l), and t).
- 42** Subsection 5.2.1 of By-law 021 is further amended by
- (a) adding a semicolon at the end of clause u); and
 - (b) striking out “and” in clause v).
- 43** Subsection 5.2.1 of By-law 021 is amended by repealing clause m) and substituting the following clause:
- m) commercial recreational use;
- 44** Clause 5.2.1 x) of By-law 021 is amended by striking out “-Section 6.3.1, but excluding any residential uses and without limiting the generality of the term residential use it shall exclude Clause 6.2.1(ff)” and substituting “, including a use permitted in the Institutional (IN) Zone”.
- 45** Clause 5.2.2.1 of By-law 021 is amended by adding “Square” immediately after “Minimum Lot Area (Central Sewer): 929”.
- 46** Clause 5.2.2.2 of By-law 021 is amended by striking out “Maximum Height of Structures: 14 Metres (46 feet)”.
- 47** Subsection 5.3.1 of By-law 021 is amended by adding “on and including the west of 265 Harold Whynot Road” immediately after “(LI) Zone”.
- 48** Section 6.1 of By-law 021 is amended by
- (a) striking out “and Mixed Use” in subsection 6.1.1; and
 - (b) striking out “the Village Centre (VC) Zone, Mixed Use (MU) Zone, and” in subsection 6.1.4.
- 49** Section 6.2 of By-law 021 is repealed.

- 50** Section 6.3 of By-law 021 is amended by repealing subsection 6.3.1. and substituting the following subsection:

6.3.1 Permitted Developments

A lot within the General Commercial (GC) Zone may be used for one or more of the following uses:

- a) a retail use;
- b) an office use;
- c) a food establishment use;
- d) subject to being 500 metres away from a structure with an institutional use listed under subsection 7.2.5., a drinking establishment use;
- e) a short term rental use;
- f) a bakery, crafting, creative, and printing establishment use;
- g) other commercial uses except adult entertainment, wholesale, warehousing, and vehicle sale uses;
- h) a residential use, with the minimum density of 25 units a hectare;
- i) uses permitted in the Institutional Zone.

- 51** Clause 6.3.2.2 of By-law 021 is amended by striking out “Maximum Height of Structures: 20 metres (66 feet).

- 52** Section 6.4 of By-law 021 is repealed.

- 53** Subsection 7.2.1 of By-law 021 is amended by striking out “fro” in clause c) and substituting “from”.

- 54** Subsection 7.2.5 of By-law 021 is repealed and substituted the following subsection:

7.2.5 Permitted Developments

The permitted uses in the Institutional Zone are

- (a) a government and emergency service use;
- (b) a community recreational, assembly, and cultural use;
- (c) a park and public open space use;
- (d) an educational institutional use;
- (e) a medical institutional use;

- (f) a religious institutional use;
- (g) a day care use;
- (h) a retirement home, group home, and special care use;
- (i) a multi-tenant residential and shelter use;
- (j) a horticultural use; and
- (k) a retail use that is
 - (i) limited to a farmers' market, or
 - (ii) accessory to a permitted use.

- 55** Clause 7.2.6.2 of By-law 021 is amended by striking out "Maximum Height of Structures: 14 metres (46 feet).
- 56** Section 8.1 of By-law 021 is amended by striking out "Two-unit Residential (TR) Zone" and substituting "Medium Density Residential (R-2) Zone and High Density Residential (R-3) Zone".
- 57** Subsection 8.1.1 of By-law 021 is amended by striking out "Two Unit Residential (TR) Zone" and substituting "Medium Density Residential (R-2) Zone and High Density Residential (R-3) Zone".
- 58** Clause 8.2.1(a) of By-law 021 is amended by striking out "a Residential Zone that is used for residential purposes" and substituting "the Medium Density Residential (R-2) Zone and High Density Residential (R-3) Zone being used as a residential use".
- 59** Subsection 8.2.2 of By-law 021 is amended by striking out "bed and breakfast / tourist home" as it appears twice and substituting "short term rental".
- 60** Subsection 8.2.2 of By-law 021 is further amended by striking out "Two Unit Residential (TR) Zone" and substituting "Medium Density Residential (R-2) Zone".
- 61** Subsection 8.2.3 of By-law 021 is amended by striking out "Two Unit Residential (TR) Zone" and substituting "Medium Density Residential (R-2) Zone and High Density Residential (R-3) Zone" as it appears twice.
- 62** Subsection 8.2.4 of By-law 021 is amended by striking out "Two Unit Residential (TR) Zone" and substituting "Medium Density Residential (R-2) Zone and High Density Residential (R-3) Zone".

- 63** Section 8.2 of By-law 021 is amended by adding immediately after subsection 8.2.4. the following subsection:

8.2.5. Neighbourhood Commercial Use

In the High Density Residential Zone, the maximum floor area of

- (a) a retail use per lot is 1,000 square metres; and
- (b) a food establishment use per lot is 300 square metres.

- 64** Part 8 of By-law 021 is amended by repealing Section 8.3 and substituting the following subsections:

8.3 Permitted Developments

8.3.1 Medium Density Residential (R-2) Zone

The permitted uses in the Medium Density Residential Zone are

- (a) a residential use;
- (b) subject to subsection 8.2.1, a home occupational use;
- (c) subject to subsection 8.2.2, a short term rental use; and
- (d) a park and public open space use.

8.3.2 High Density Residential (R-3) Zone

The permitted uses in the High Density Residential Zone are

- (a) a residential use, with the minimum density of 25 units a hectare;
- (b) subject to subsection 8.2.1, a home occupational use;
- (c) subject to subsection 8.2.5, a retail use;
- (d) subject to subsection 8.2.5, a food establishment use; and
- (e) a park and public open space use.

- 65** Section 8.4 of By-law 021 is amended by striking out “Two Unit Residential (TR) Zone” and substituting “Medium Density Residential (R-2) Zone and High Density Residential (R-3) Zone”.

- 66** Subsection 8.4.1 of By-law 021 is amended by striking out “Detached Single Unit Dwellings” and substituting “Other Residential Buildings”.

- 67** Subsection 8.4.2 of By-law 021 is amended by striking out “Detached Single Unit Dwellings” and substituting “All Buildings”.

- 68** Subsection 8.4.2 of By-law 021 is further amended by striking out the columns titled “Attached Dwellings” and “Two-unit Dwellings”.
- 69** Subsection 8.4.2 of By-law 021 is further amended by striking out “Maximum Height of Structures: 14 metres (46 feet)” and substituting “Maximum Height of Structures in the R-2 Zone: 4 storeys”.
- 70** Part 9 of By-law 021 is repealed.
- 71** Subsection 10.1.4 of By-law 021 is amended by
- (a) repealing subclause b) i); and
 - (b) striking out “in all other zones” in subclause b) ii).
- 72** Subsection 10.2.1 of By-law 021 is amended by
- (a) striking out “and Mixed use (MU) Zone” in clause a) and adding “and” immediately after “Light Industrial (LI) Zone, ”; and
 - (b) repealing clause b).
- 73** Subsection 10.2.2 of By-law 021 is amended by adding “subject to subsection 10.2.3.” immediately before “be erected below” in clause d).
- 74** Subsection 10.2.3 of By-law 021 is amended by
- (a) striking out “Section 10.2.2(d) notwithstanding” in clause a) and substituting “Subject to clause b)”; and
 - (b) striking out “Sections 10.2.2(d) and 10.2.3(a) notwithstanding, the” in clause b) and substituting “The”.
- 75** Part 11 of By-law 021 is amended by adding immediately after the definition of warehouse the following clause:
- WATERCOURSE means a lake, river, stream, ocean, wetland, or other natural body of water.
- 76** Schedule A of By-law 021, the zoning map, is amended as attached in Schedule A of this By-law.
- 77** Schedule C of By-law 021, the significant watercourses map, is amended by adding the wetlands in the northernmost part of the planning area as shown in Schedule C of this By-law.
- 78** By-law 005, Lunenburg Municipal Industrial Zone Secondary Planning Strategy, is repealed.
- 79** By-law 006, Lunenburg Municipal Industrial Zone Land Use By-law, is repealed.

Annotation for official by-law book

Date of first reading	March 8, 2022
Date of advertisement of notice of intent to consider	March 16, 2022
Date of second reading	April 5, 2022
Date of advertisement of passage of by-law*	May 18, 2022
I certify that this “Amendments to the Osprey Village Secondary Planning Strategy and Land Use By-law (2022)” was adopted by Municipal Council and published as indicated above.	
_____	_____
Municipal Clerk	Date

*Effective date of the enactment unless otherwise specified in the text of this By-law

MUNICIPALITY OF THE
DISTRICT OF LUNENBURG
OSPREY VILLAGE
LAND USE BY-LAW
SCHEDULE 'A' - Zoning Map

Proposed Amendments
Jan 2022

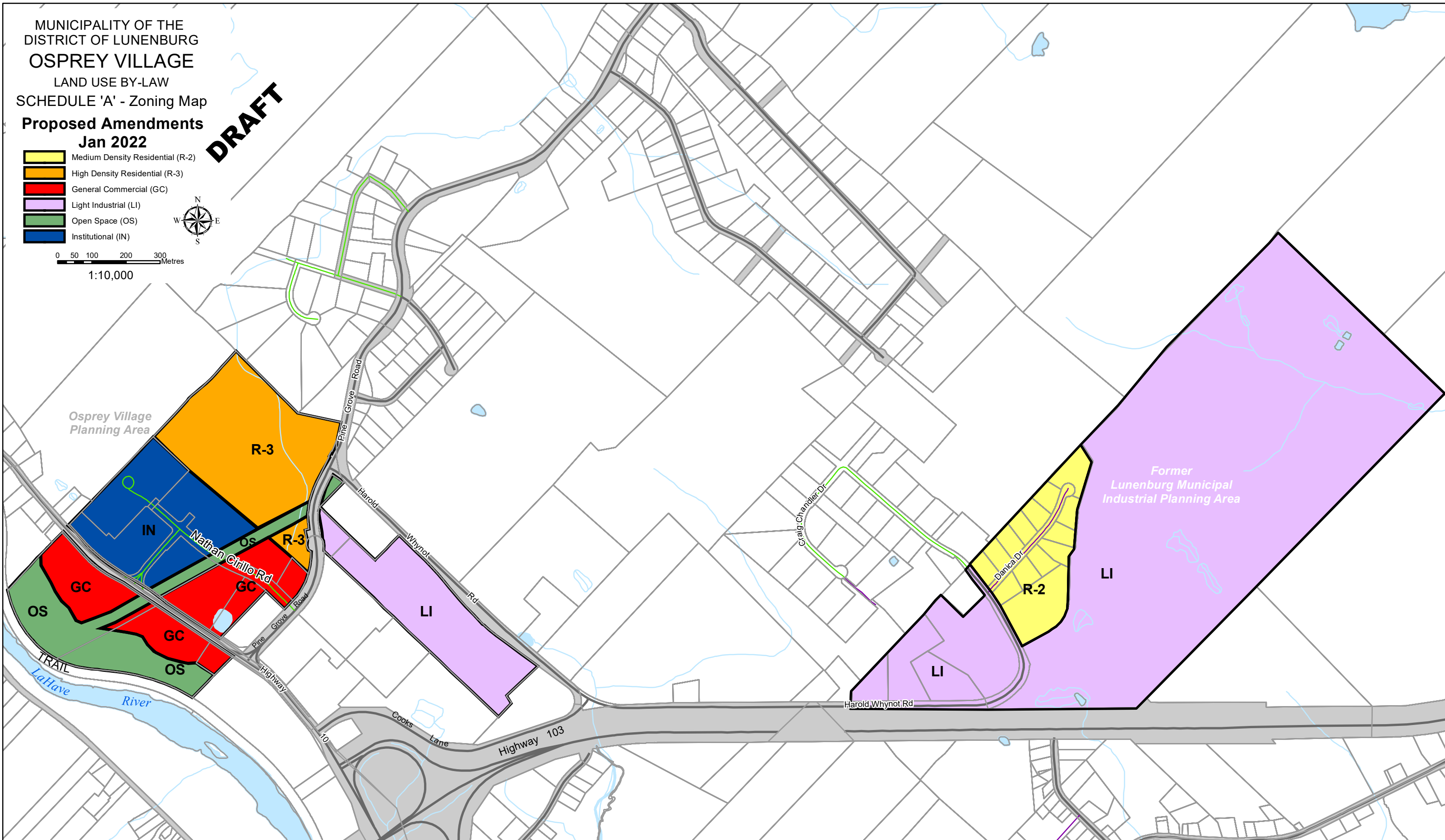
DRAFT

- Medium Density Residential (R-2)
- High Density Residential (R-3)
- General Commercial (GC)
- Light Industrial (LI)
- Open Space (OS)
- Institutional (IN)



0 50 100 200 300 Metres

1:10,000

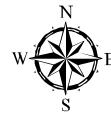


MUNICIPALITY OF THE
DISTRICT OF LUNENBURG
OSPREY VILLAGE

By-law 020 - Map 1
Generalized Future Land Use
(2022)

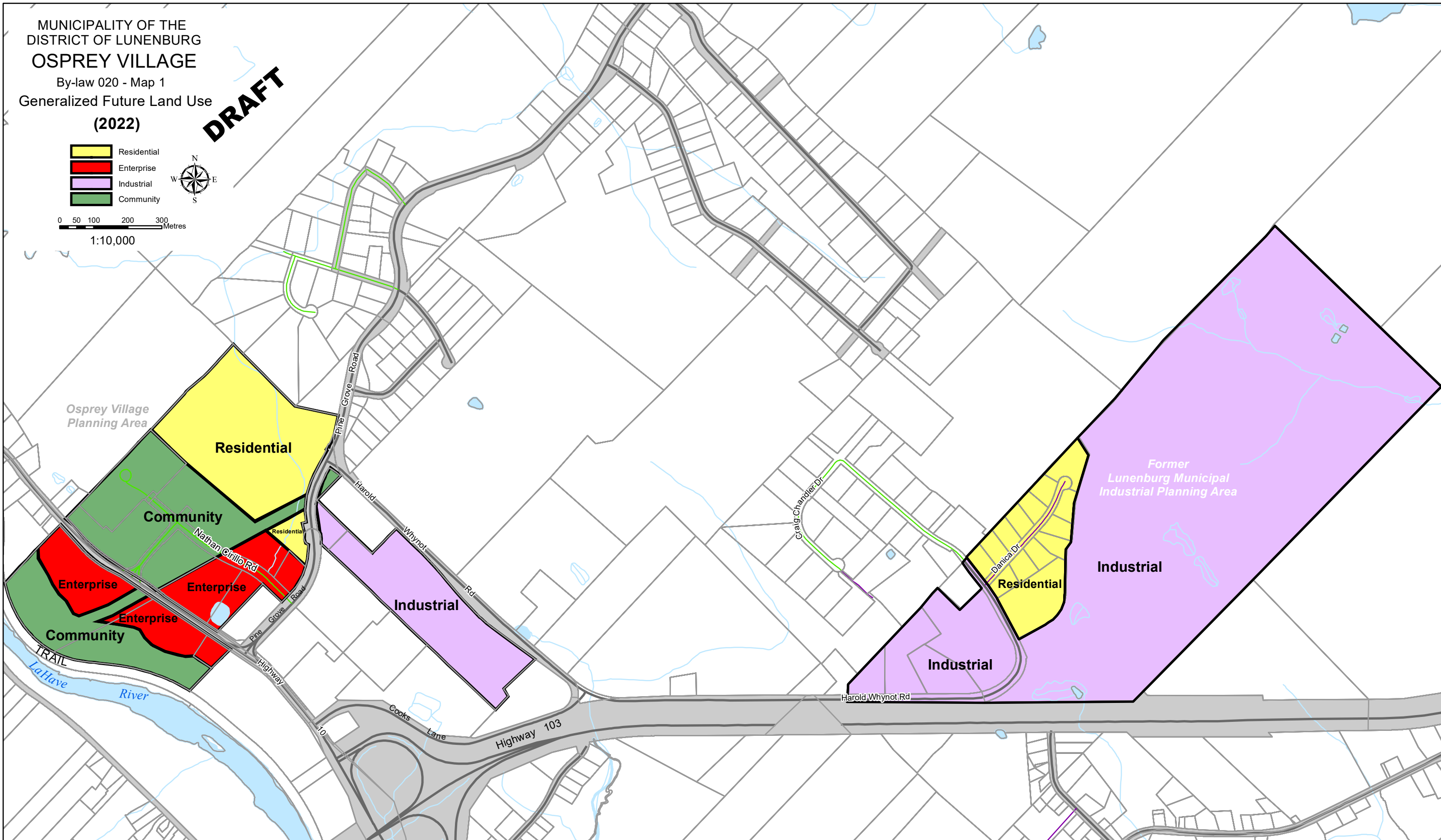
DRAFT

- Residential
- Enterprise
- Industrial
- Community



0 50 100 200 300 Metres

1:10,000



MUNICIPALITY OF THE
DISTRICT OF LUNENBURG

OSPREY VILLAGE





LAND USE BY-LAW

SCHEDULE 'C' - Significant Watercourses

Proposed Amendments

Dec 2021

DRAFT

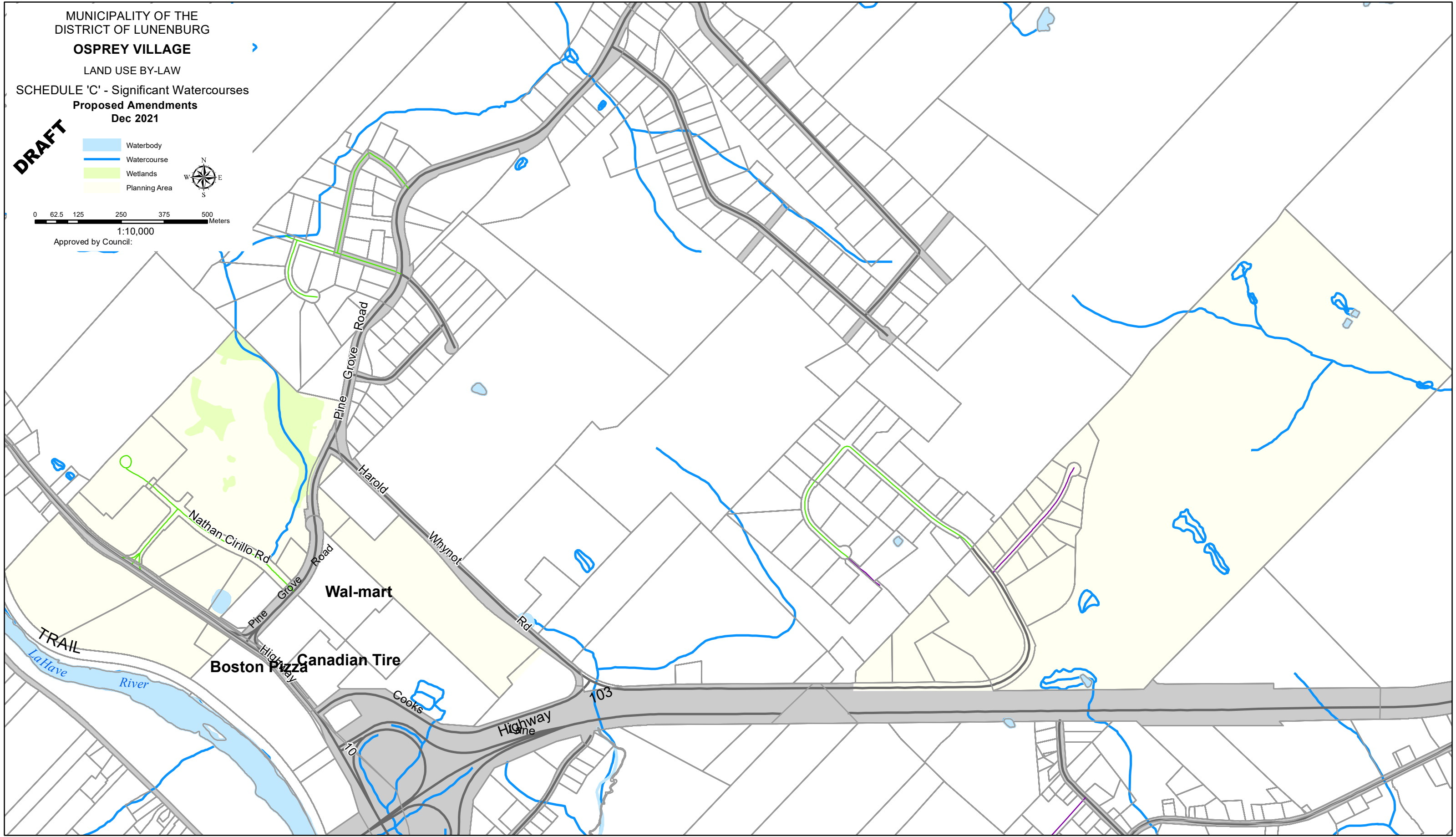
-  Waterbody
-  Watercourse
-  Wetlands
-  Planning Area



0 62.5 125 250 375 500 Meters

1:10,000

Approved by Council:





Municipality of the District of Lunenburg

Request for Decision

REPORT TO: Planning Advisory Committee
SUBMITTED BY: Byung Jun Kang, Planner
DATE: February 24, 2022
RE: Policy 066A: Engagement Program Policy

RECOMMENDATION

That the Planning Advisory Committee recommend Municipal Council to adopt Policy 066A, the Engagement Program Policy, as stated in Appendix B of the staff report on February 24, 2022.

BACKGROUND

The **Municipal Government Act** was amended in 2018 to add Section 204A, the Engagement Program, with abutting municipalities when the Council is adopting or amending a municipal planning strategy. In response, all five municipalities in Lunenburg County appointed a staff representative to draft an intermunicipal policy to engage with each other. In the meetings held on November 29, 2021, and January 13, 2022, the representatives agreed on the following:

1. neighbouring municipalities will be notified about a proposed planning documents when the general public is notified before the first public meeting, instead of 2 weeks before a public hearing;
2. for a district municipality, only those communities near a municipal border need to notify the abutting municipality, whereas for a town municipality, only those properties within 500 metres from a town boundary need to notify;
3. if a proposal is about a 10-year plan review or one of the statements of provincial interest, all five municipalities in Lunenburg County need to be notified;
4. public notices are sent to both the clerk and the planning director;
5. planning documents include a municipal planning strategy, secondary planning strategy, land use by-law, subdivision by-law, and development agreement;
6. if a comment is received, it will be considered before conducting first reading of Council.

DISCUSSION

Based on the intermunicipal discussion and consideration of other housekeeping amendments, staff proposed to amend the existing Public Engagement Policy as summarized in Table 1. Some of the major policy changes include the following:

Clause 2(b) mandates a proposed application to adopt or amend a development agreement to be notified to abutting municipalities. This was part of the intermunicipal agreement.

Subsection 4(2) exempts the public to pay a fee to obtain a paper copy of planning documents as this was decided during a 3-year Fees Policy review on February 8, 2022.

Subsection 5(1) mandates an online engagement for a proposed planning application.

Section 6 is being repealed as there are duplicate provisions in the **Municipal Government Act**.

Subsection 8(2) mandates all proposed amendments to the Municipal Planning Strategy and the Subdivision By-law to be engaged through a public information session. Other planning applications like a land use by-law amendment are at a discretion of Council to be engaged.

Section 9 clarifies a process to issue a public notice of public information session. This reduces a notification period from 14 days to 5 days, because the 14-day notice was realistically a 28-day notice due to the local newspaper and Council meeting schedule. This section also mandates engaging with abutting municipalities and other government stakeholders.

Sections 9 and 10 removes a mandatory posting of newspaper advertisements for a public information sessions and a Planning Advisory Committee meetings. Public hearings still must be advertised on a local newspaper, and staff may still choose to advertise on newspaper at any stage of planning process. Direct mails are also served to residents near a proposed site.

Section 10 clarifies a process to issue a public notice of the Planning Advisory Committee to be consistent with the **Municipal Government Act**.

Section 11 is being repealed as the relevant policy is moved to subsection 9(5).

Section 13 lists the communities that are subject to the engagement with abutting municipalities depending on their location.

Section 14 mandates the engagement with all five municipalities in Lunenburg County if a planning application is regarding one of the statements of provincial interest or a plan review.

Section 15 mandates all comments from the abutting municipalities and stakeholders to be considered by the time of a Planning Advisory Committee meeting, while comments from the nearby residents may be considered up to a public hearing.

Table 1

Consequential amendments to the Public Engagement Policy

Existing (Policy 066)	Proposed (Policy 066A)
<p>Preamble 4</p> <p>AND WHEREAS the Municipal Government Act further mandates the Municipality to engage with abutting municipalities when the Council is adopting or amending the Municipal Planning Strategy;</p>	<p>Preamble 4</p> <p>AND WHEREAS the Municipal Government Act and the Engagement Programs Content Regulations further mandates the Municipality to engage with abutting municipalities when the Council is adopting or amending the Municipal Planning Strategy;</p>
<p>1. Short title</p> <p>This Policy may be cited as the Public Engagement Policy.</p>	<p>1. Title</p> <p>This Policy is titled the Public Engagement Policy.</p>
<p>2. Definitions</p> <p>In this Policy,</p> <p>(a) <i>identical</i></p> <p>(b) “planning document” means the Municipal Planning Strategy, Land Use By-laws, Subdivision By-law, and their amendments, including rezoning.</p>	<p>2. Definitions</p> <p>In this Policy,</p> <p>(a) <i>identical</i></p> <p>(b) “planning document” means the Municipal Planning Strategy, Land Use By-laws, Subdivision By-law, development agreements and their amendments, including rezoning.</p>
<p>4. Access to information</p> <p>(1) <i>identical</i></p> <p>(2) If feasible, public may obtain a paper copy of the information in subsection (1) at a fee set in Policy MDL-58.</p>	<p>4. Access to information</p> <p>(1) <i>identical</i></p> <p>(2) <i>repealed.</i></p>

<p>5. Online engagement</p> <p>(1) In addition to the public notice requirements under this Policy or the Act, the Municipality may post information in subsection 4(1) and a public notice related to a proposed planning document on the official website, online engagement website, or social media platform operated by the Municipality.</p>	<p>5. Online engagement</p> <p>(1) In addition to the public notice requirements under this Policy or the Act, the Municipality must post information in subsection 4(1) and a public notice related to a proposed planning document on the official website, online engagement website, or social media platform operated by the Municipality.</p>
<p>6. Ad-hoc planning committees</p> <p>Council may establish, by policy, the following ad-hoc committees to discuss about a planning matter that applies to a specified topic or area of the Municipality:</p> <p>(a) a special or advisory committee of Council under Section 24 of the Act;</p> <p>(b) a citizen advisory committee under Section 26 of the Act;</p> <p>(c) a community committee under Section 27 of the Act;</p> <p>(d) an ad-hoc subcommittee of the Planning Advisory Committee under Policy MDL-90.</p>	<p>6. Ad-hoc planning committees</p> <p><i>Repealed.</i></p>
<p>8. Public information session</p> <p>(1) <i>identical</i></p> <p>(2) When the Council directs staff to prepare a plan review by replacing an existing planning document, the Municipality must hold a public information session to discuss with the public about a plan adoption or review.</p> <p>(3) <i>identical</i></p>	<p>8. Public information session</p> <p>(1) <i>identical</i></p> <p>(2) The Municipality must hold a public information session to discuss with the public about a proposed planning document if the planning document is the Municipal Planning Strategy or the Subdivision By-law.</p> <p>(3) <i>identical</i></p>

9. Public notice of plan reviews

(1) When the Council initiates a plan review process by resolution, public notice of the Council resolution must be posted on a newspaper circulating in the area, at least once a week for two successive weeks, in which the first notice must be posted at least 14 days before the first public information session.

(2) Before the Municipality holds a public information session under subsection 8(2), the Municipality must provide a summary of proposed planning document available to the public.

9. Public notice of public information session

(1) The notice of a public information session must be posted in a conspicuous place in the Municipality, which must

(a) state the date, time, and place set for the public information session and a subsequent meeting of the Planning Advisory Committee;

(b) identify the area affected by the proposed planning documents; and

(c) give a synopsis of the proposed planning document.

(2) The notice and its supplementary document in subsection (1) must be posted at least 5 days before the first public information session is held.

(3) Upon the publication of a notice in subsection (1), the Municipality must solicit comments from an abutting municipality by sending a copy of the notice to the clerk and the director in charge of planning of the abutting municipality.

(4) Upon the publication of a notice in subsection (1), the Municipality must solicit comments from stakeholders, such as police, fire, emergency health service, provincial departments of environment and public works, and water utility.

(5) Upon the publication of a notice in subsection (1), the Municipality must solicit comments from neighbours by sending a copy of the notice to the affected landowners within 30 metres from the boundary of a proposed site.

<p>10. Public notice of the Planning Advisory Committee</p> <p>If the Planning Advisory Committee holds a public meeting to consider a proposed planning document, notice of the meeting must be posted on a newspaper circulating in the Municipality at least 5 days before the meeting by stating the following:</p> <ul style="list-style-type: none"> (a) the date, time, and location of Planning Advisory Committee meeting; (b) a brief summary or the purpose of proposed planning document; (c) a method of obtaining information about the proposed planning document. 	<p>10. Public notice of the Planning Advisory Committee</p> <p>(1) The notice of a Planning Advisory Committee meeting must be posted in a conspicuous place in the Municipality, which must</p> <ul style="list-style-type: none"> (a) state the place where, and the hours during which, the proposed documents may be inspected by the public; (b) state the date, time, and place set for the meeting; (c) identify the area affected by the proposed planning documents; and (d) give a synopsis of the proposed planning document. <p>(2) The notice and its supplementary document in subsection (1) must be posted at least 5 days before the Planning Advisory Committee meeting.</p>
<p>11. Notification of rezoning by re-designation to affected landowners</p> <p>On or after the date that the Council reads a proposed planning document for a first time, and before the date that the Municipal Clerk gives notice of the public hearing, the Municipality must notify about the Council’s intention to rezone of a proposed site by changing a land use designation to the landowners of all properties within 30 metres of the proposed site.</p>	<p>11. Notification of rezoning by re-designation to affected landowners</p> <p><i>repealed.</i></p>
<p>12. Public input at a Council or its committee meeting</p> <p>Municipality must reserve time on a meeting held by the Council, a committee of Council, or a municipal staff for a presentation, commentary, or question the public on a planning matter.</p>	<p>12. Public input at a Council or its committee meeting</p> <p>Municipality must reserve time on a meeting held by the Council, a committee of Council, or a municipal staff for a presentation, commentary, or question from the public on a planning matter.</p>

(New provisions)

13. Limiting engagement program to areas impacted

Subject to Section 14, an abutting municipality means, for the General Service Areas of

- (a) Cookville, Pine Grove, Oakhill, Dayspring, Conquerall Bank, Hebbville, Wileville, Auburndale, and Lower Branch, the Municipality of the Town of Bridgewater;
- (b) Lilydale, Deans Corner, First Peninsula, Garden Lots, Masons Beach, First South, and Centre, the Municipality of the Town of Lunenburg;
- (c) Blockhouse, Clearland, Oakland, Maders Cove, and Fauxburg, the Municipality of the Town of Mahone Bay;
- (d) East Ironbound Island, Little Tancook Island, Big Tancook Island, Indian Point, Martins River, Clearland, Walden, Newburne, Maplewood, Parkdale, and Franey Corner, the Municipality of the District of Chester;
- (e) Pleasant River Lake, Colpton, New Elm, Molega Lake, Chelsea, Upper Chelsea, Waterloo, Lapland, Middlewood, East Port Medway, Voglers Cove, and Cherry Hill, the Municipality of the Region of Queens;
- (f) Pleasant River Lake and Cherryfield, the Municipality of the County of Annapolis;
- (g) Cherryfield, North River, Stanburne, Parkdale, and Franey Corner, the Municipality of the County of Kings; and
- (h) those not included in clauses (a) to (g), not applicable.

	<p>14. Engagement with non-adjacent municipalities</p> <p>An abutting municipality means all the other municipalities in Lunenburg County if a proposed planning document relates to</p> <ul style="list-style-type: none"> (a) a topic associated with the statements of provincial interest; or (b) a plan review required under Section 3 of the Minimum Planning Requirements Regulations. <p>15. Consideration of comments</p> <p>(1) Subject to subsection (2), the Municipality must consider all comments received under subsections 9(3) and 9(4) at a Planning Advisory Committee meeting.</p> <p>(2) If a comment is received after the Planning Advisory Committee meeting in subsection (1), then the Municipality may consider the comment at a first reading of Council.</p> <p>(3) the Municipality must consider all comments received under subsection 9(5) at a public hearing or a public meeting before the public hearing.</p>
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IMPLICATIONS

The Towns agreed to include all town properties (Lunenburg, Mahone Bay) or those properties within 500 metres from the town boundary (Bridgewater) as the notification areas to MODL. The District of Chester agreed to include the following communities to the notification areas: Blandford, Martins River, Martins Point, Gold River, Beech Hill, Forties, and Franey Corner.

Intermunicipal correspondences were also sent to the Counties of Kings, Annapolis, and Queens Regional Municipality. Annapolis replied that our policy is satisfactory for its need.

Bridgewater, Mahone Bay, and Chester will amend their Municipal Planning Strategy to implement the intermunicipal agreement on the Engagement Program similar to the one proposed in this report. Town of Lunenburg will amend its Public Participation Program policy.

Any of the abutting municipalities' council may decide to modify the intermunicipal agreement. While staff from all municipalities agreed to propose the agreed policy as the final recommendation, under subsection 204A(2) of the **Municipal Government Act**, the content of an engagement program is at the discretion of the individual council.

WORK PLAN

All Council members may be notified on March 8, 2022, before the Municipal Council decides to amend the policy on March 22, 2022.

Concurrently, clause 214(1)(d) of the **Municipal Government Act** mandates the Municipal Planning Strategy to be amended to implement this policy. This will be done as part of the MODL2040 project, and presented to Municipal Council at the end of 2022.

ALTERNATIVES

The Committee or Council may direct staff to revisit the proposed amendment.

The Committee or Council may approve the proposed policy with conditions or revision.

The Committee may recommend against the amendment or the Council may defeat a motion to amend the policy. However, this amendment is mandated to be in place by Section 204A of the **Municipal Government Act**.

APPENDICES

Appendix A: Proposed Consolidated Policy 066 (2022), the Public Engagement Policy

Appendix B: Proposed Policy 066A, the Engagement Program Policy

Map 1: MODL Engagement Notification Areas

Department: Planning & Development Services

Report prepared by: Byung Jun Kang, Planner

Date: 2022-02-07

Report approved by: Jeff Merrill, Director

Date: 2022-02-10

Reviewed by CAO: Tom McEwan, Chief Administrative Officer

Date: 2022-03-03

Municipality of the District of Lunenburg

Council Policy

Title: Engagement Program Policy	
Policy No. 066 (consolidated to include Policy 066A)	Legislative authority: Municipal Government Act , Sections 203-207 and 214 Minimum Planning Requirements Regulations , Sections 3-4 Engagement Programs Content Regulations
Effective date: July 14, 2020	Amended date: March 22, 2022

Preamble

WHEREAS the public engagement is a critical part of the Municipality’s planning process;

AND WHEREAS the Municipality is responsible for seeking the public opinions about the proposed planning documents, such as the Municipal Planning Strategy, Land Use By-law, Subdivision By-law, and their amendments;

AND WHEREAS the **Municipal Government Act** mandates the Municipality to identify opportunities and to establish ways and means of seeking the public opinions, as well as to complete the public participation program before placing the first notice for a public hearing;

AND WHEREAS the **Municipal Government Act** further mandates the Municipality to engage with abutting municipalities when the Council is adopting or amending the Municipal Planning Strategy;

AND WHEREAS the **Municipal Government Act and the Engagement Programs Content Regulations** further mandates the Municipality to engage with abutting municipalities when the Council is adopting or amending the Municipal Planning Strategy; <amended 2022-03-22>

AND WHEREAS the **Minimum Planning Requirements Regulations** mandate the Municipal Planning Strategy to provide for public consultation and notice during its plan review;

AND WHEREAS the **Minimum Planning Requirements Regulations** allow the Municipal Planning Strategy to provide a general direction on engaging with provincial and federal departments, First Nations communities, and non-abutting municipalities:

Short title

1 This Policy may be cited as the **Public Engagement Policy**.

Title

1 This Policy is titled the **Public Engagement Policy**. <amended 2022-03-22>

Definitions

2 In this Policy,

(a) “Act” means the **Municipal Government Act**; and

(b) “planning document” means the Municipal Planning Strategy, Land Use By-laws, Subdivision By-law, and their amendments, including rezoning.

Definitions

2 In this Policy,

(a) “Act” means the **Municipal Government Act**; and

(b) “planning document” means the Municipal Planning Strategy, Land Use By-laws, Subdivision By-law, **development agreements** and their amendments, including rezoning. <amended 2022-03-22>

Inclusive engagement and exceptions

3 Municipality must facilitate the involvement of public to encourage public participation on a planning matter in a variety of formats as much as feasible, except when the public participation is

(a) excessively or intentionally delaying the process of approving a planning document after reasonable engagement; or

(b) placing a financial burden on the Municipality.

Access to information

- 4 (1) Except for the information on planning matters stated under subsection 203(1) of the Act, all available information related to a proposed planning document must be accessible by the public.
- (2) If feasible, public may obtain a paper copy of the information in subsection (1) at a fee set in Policy MDL-58.

Access to information

- 4 (1) Except for the information on planning matters stated under subsection 203(1) of the Act, all available information related to a proposed planning document must be accessible by the public.
- (2) <repealed 2022-03-22>

Online engagement

- 5 (1) In addition to the public notice requirements under this Policy or the Act, the Municipality may post information in subsection 4(1) and a public notice related to a proposed planning document on the official website, online engagement website, or social media platform operated by the Municipality.
- (2) The online websites and platforms in subsection (1) are considered as conspicuous places under the Act.

Online engagement

- 5 (1) In addition to the public notice requirements under this Policy or the Act, the Municipality **must** post information in subsection 4(1) and a public notice related to a proposed planning document on the official website, online engagement website, or social media platform operated by the Municipality. <amended 2022-03-22>
- (2) The online websites and platforms in subsection (1) are considered as conspicuous places under the Act.

Ad-hoc planning committees

- 6 Council may establish, by policy, the following ad-hoc committees to discuss about a planning matter that applies to a specified topic or area of the Municipality:
- (a) a special or advisory committee of Council under Section 24 of the Act;
 - (b) a citizen advisory committee under Section 26 of the Act;
 - (c) a community committee under Section 27 of the Act;
 - (d) an ad-hoc subcommittee of the Planning Advisory Committee under Policy MDL-90.

Ad-hoc planning committees

6 <repealed 2022-03-22>

Public opinion poll

- 7 Council may direct staff to seek public opinion on a planning matter before a proposed planning document is submitted to the Planning Advisory Committee, such as by conducting an opinion poll.

Public information session

- 8 (1) Council may hold, or direct staff or a committee of Council to hold, a public information session to discuss with the public about a planning matter.
- (2) When the Council directs staff to prepare a plan review by replacing an existing planning document, the Municipality must hold a public information session to discuss with the public about a plan adoption or review.
- (3) If a public information session is held under subsections (1) or (2), the Municipality must hold at least 1 session before the proposed planning document is submitted to the Planning Advisory Committee.

Public information session

- 8 (1) Council may hold, or direct staff or a committee of Council to hold, a public information session to discuss with the public about a planning matter.
- (2) The Municipality must hold a public information session to discuss with the public about a proposed planning document if the planning document is the Municipal Planning Strategy or the Subdivision By-law. <replaced 2022-03-22>
- (3) If a public information session is held under subsections (1) or (2), the Municipality must hold at least 1 session before the proposed planning document is submitted to the Planning Advisory Committee.

Public notice of plan reviews

- 9 (1)** When the Council initiates a plan review process by resolution, public notice of the Council resolution must be posted on a newspaper circulating in the area, at least once a week for two successive weeks, in which the first notice must be posted at least 14 days before the first public information session.
- (2)** Before the Municipality holds a public information session under subsection 8(2), the Municipality must provide a summary of proposed planning document available to the public.

Public notice of public information session

- 9 (1)** The notice of a public information session must be posted in a conspicuous place in the Municipality, which must
- (a)** state the date, time, and place set for the public information session and a subsequent meeting of the Planning Advisory Committee;
 - (b)** identify the area affected by the proposed planning documents; and
 - (c)** give a synopsis of the proposed planning document.
- (2)** The notice and its supplementary document in subsection (1) must be posted at least 5 days before the first public information session is held.
- (3)** Upon the publication of a notice in subsection (1), the Municipality must solicit comments from an abutting municipality by sending a copy of the notice to the clerk and the director in charge of planning of the abutting municipality.
- (4)** Upon the publication of a notice in subsection (1), the Municipality must solicit comments from stakeholders, such as police, fire, emergency health service, provincial departments of environment and public works, and water utility.
- (5)** Upon the publication of a notice in subsection (1), the Municipality must solicit comments from neighbours by sending a copy of the notice to the affected landowners within 30 metres from the boundary of a proposed site.

[replaced 2022-03-22]

Public notice of the Planning Advisory Committee

- 10** If the Planning Advisory Committee holds a public meeting to consider a proposed planning document, notice of the meeting must be posted on a newspaper circulating in the Municipality at least 5 days before the meeting by stating the following:
- (a) the date, time, and location of Planning Advisory Committee meeting;
 - (b) a brief summary or the purpose of proposed planning document;
 - (c) a method of obtaining information about the proposed planning document.

Public notice of the Planning Advisory Committee

- 10 (1)** The notice of a Planning Advisory Committee meeting must be posted in a conspicuous place in the Municipality, which must
- (a) state the place where, and the hours during which, the proposed documents may be inspected by the public;
 - (b) state the date, time, and place set for the meeting;
 - (c) identify the area affected by the proposed planning documents; and
 - (d) give a synopsis of the proposed planning document.
- (2)** The notice and its supplementary document in subsection (1) must be posted at least 5 days before the Planning Advisory Committee meeting.

[replaced 2022-03-22]

Notification of rezoning by re-designation to affected landowners

- 11** On or after the date that the Council reads a proposed planning document for a first time, and before the date that the Municipal Clerk gives notice of the public hearing, the Municipality must notify about the Council's intention to rezone of a proposed site by changing a land use designation to the landowners of all properties within 30 metres of the proposed site.

Notification of rezoning by re-designation to affected landowners

- 11** <replaced 2022-03-22>

Public input at a Council or its committee meeting

- 12 Municipality must reserve time on a meeting held by the Council, a committee of Council, or a municipal staff for a presentation, commentary, or question the public on a planning matter.

Public input at a Council or its committee meeting

- 12 Municipality must reserve time on a meeting held by the Council, a committee of Council, or a municipal staff for a presentation, commentary, or question from the public on a planning matter. <amended 2022-03-22>

Limiting engagement program to areas impacted

- 13 Subject to Section 14, an abutting municipality means, for the General Service Areas of
- (a) Cookville, Pine Grove, Oakhill, Dayspring, Conquerall Bank, Hebbville, Wileville, Auburndale, and Lower Branch, the Municipality of the Town of Bridgewater;
 - (b) Lilydale, Deans Corner, First Peninsula, Garden Lots, Masons Beach, First South, and Centre, the Municipality of the Town of Lunenburg;
 - (c) Blockhouse, Clearland, Oakland, Maders Cove, and Fauxburg, the Municipality of the Town of Mahone Bay;
 - (d) East Ironbound Island, Little Tancook Island, Big Tancook Island, Indian Point, Martins River, Clearland, Walden, Newburne, Maplewood, Parkdale, and Franey Corner, the Municipality of the District of Chester;
 - (e) Pleasant River Lake, Colpton, New Elm, Molega Lake, Chelsea, Upper Chelsea, Waterloo, Lapland, Middlewood, East Port Medway, Voglers Cove, and Cherry Hill, the Municipality of the Region of Queens;
 - (f) Pleasant River Lake and Cherryfield, the Municipality of the County of Annapolis;
 - (g) Cherryfield, North River, Stanburne, Parkdale, and Franey Corner, the Municipality of the County of Kings; and
 - (h) those not included in clauses (a) to (g), not applicable.
- [added 2022-03-22]

Engagement with non-adjacent municipalities

- 14 An abutting municipality means all the other municipalities in Lunenburg County if a proposed planning document relates to
- (a) a topic associated with the statements of provincial interest; or
 - (b) a plan review required under Section 3 of the **Minimum Planning Requirements Regulations**.
- [added 2022-03-22]

Consideration of comments

- 15** (1) Subject to subsection (2), the Municipality must consider all comments received under subsections 9(3) and 9(4) at a Planning Advisory Committee meeting.
- (2) If a comment is received after the Planning Advisory Committee meeting in subsection (1), then the Municipality may consider the comment at a first reading of Council.
- (3) the Municipality must consider all comments received under subsection 9(5) at a public hearing or a public meeting before the public hearing.
- [added 2022-03-22]

Annotation for official by-law book

Date of notice to Council members	June 23, 2020
Date of passage of original Policy	July 14, 2020
Date of notice to Council members of intent to consider amendments	March 8, 2022
Date of passage of amendments	March 22, 2022
I certify that Policy 066 was adopted by Municipal Council as indicated above.	
<hr/> Municipal Clerk	<hr/> Date

Municipality of the District of Lunenburg

Council Policy

Title: Engagement Program Policy	
Policy No. 066A	Legislative authority: Municipal Government Act, Section 204A Engagement Programs Content Regulations
Effective date: March 22, 2022	Amended date: N/A

Preamble

Whereas it is the intention of the Municipality of the District of Lunenburg, by this Policy, to engage with abutting municipalities when the Municipality is adopting or amending the Municipal Planning Strategy before a public hearing process begins;

And whereas all five municipal units in Lunenburg County came together to draft this Policy to enhance communications among the municipalities;

Be it enacted by the Council of the Municipality of the District of Lunenburg, under the authority of Section 204A of the **Municipal Government Act**, as follows:

Preamble amended

- 1 Preamble of Policy 066 is amended by striking out “further mandates” and substituting “and the **Engagement Programs Content Regulations** further mandate” immediately before “the Municipality to engage with abutting municipalities”.

Title confirmed

- 2 Section 1 of Policy 066 is amended by striking out “may be cited as” and substituting “is titled”.

Definition amended

- 3 Clause 2(a) of Policy 066 is amended by adding “development agreements” immediately after “Subdivision By-law,”.

Printing fee exempted

- 4 Subsection 4(2) of Policy 066 is repealed.

Online engagement mandated

- 5 Subsection 5(1) of Policy 066 is amended by striking out “may” and substituting “must”.

Duplicate provisions removed

- 6 Section 6 of Policy 066 is repealed.

Plan review clarified

7 Subsection 8(2) of Policy 066 is repealed and substituted with the following subsection:

- (2)** The Municipality must hold a public information session to discuss with the public about a proposed planning document if the planning document is the Municipal Planning Strategy or the Subdivision By-law.

Public notice clarified

8 Section 9 of Policy 066 is repealed and substituted with the following Section:

Public notice of public information session

- 9 (1)** The notice of a public information session must be posted in a conspicuous place in the Municipality, which must
 - (a)** state the date, time, and place set for the public information session and a subsequent meeting of the Planning Advisory Committee;
 - (b)** identify the area affected by the proposed planning documents; and
 - (c)** give a synopsis of the proposed planning document.
- (2)** The notice and its supplementary document in subsection (1) must be posted at least 5 days before the first public information session is held.

Engagement program and stakeholder consultation mandated

9 Section 9 of Policy 066 is further amended by adding immediately after subsection 9(2) the following subsections:

- (3)** Upon the publication of a notice in subsection (1), the Municipality must solicit comments from an abutting municipality by sending a copy of the notice to the clerk and the director in charge of planning of the abutting municipality.
- (4)** Upon the publication of a notice in subsection (1), the Municipality must solicit comments from stakeholders, such as police, fire, emergency health service, provincial departments of environment and public works, and water utility.
- (5)** Upon the publication of a notice in subsection (1), the Municipality must solicit comments from neighbours by sending a copy of the notice to the affected landowners within 30 metres from the boundary of a proposed site.

Public notice further clarified

10 Section 10 of Policy 066 is repealed and substituted with the following Section:

Public notice of the Planning Advisory Committee

- 10 (1)** The notice of a Planning Advisory Committee meeting must be posted in a conspicuous place in the Municipality, which must
- (a) state the place where, and the hours during which, the proposed documents may be inspected by the public;
 - (b) state the date, time, and place set for the meeting;
 - (c) identify the area affected by the proposed planning documents; and
 - (d) give a synopsis of the proposed planning document.
- (2)** The notice and its supplementary document in subsection (1) must be posted at least 5 days before the Planning Advisory Committee meeting.

Notification distance clarified

11 Section 11 of Policy 066 is repealed.

Grammatical error corrected

12 Section 12 of Policy 066 is amended by adding “from” immediate after “question”.

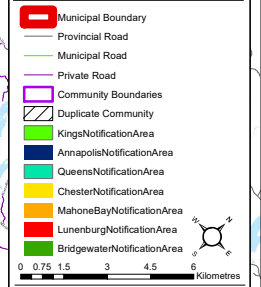
Engagement program implemented

13 Policy 066 is amended by adding immediately after Section 12 the following Sections:

Limiting engagement program to areas impacted

- 13** Subject to Section 14, an abutting municipality means, for the General Service Areas of
- (a) Cookville, Pine Grove, Oakhill, Dayspring, Conquerall Bank, Hebbville, Wileville, Auburndale, and Lower Branch, the Municipality of the Town of Bridgewater;
 - (b) Lilydale, Deans Corner, First Peninsula, Garden Lots, Masons Beach, First South, and Centre, the Municipality of the Town of Lunenburg;
 - (c) Blockhouse, Clearland, Oakland, Maders Cove, and Fauxburg, the Municipality of the Town of Mahone Bay;
 - (d) East Ironbound Island, Little Tancook Island, Big Tancook Island, Indian Point, Martins River, Clearland, Walden, Newburne, Maplewood, Parkdale, and Franey Corner, the Municipality of the District of Chester;

**Engagement
Notification Areas
(Part of MODL Policy 066)**



**MUNICIPALITY OF THE
DISTRICT OF LUNENBURG**

Sources: Digital Base Map Data from the Nova Scotia Geomatics Centre, Amherst, NS

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

Date: January 2022

File: g:\M\Plan\Engagement

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

