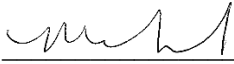





Region of Queens Municipality 9.3 Staff Report For the Regular Meeting of November 25, 2025

Date: November 14, 2025
File No: 10350-50-2511-18
To: Mayor and Council
From: Willa Thorpe, CAO
Subject: Dwellings in Commercial Buildings – Site Plan Amendments

Prepared by:  M. MacLeod Director of Land Use	Supervisor: W. Thorpe W. Thorpe CAO	CAO Concurrence:  W. Thorpe CAO
---	--	---

RECOMMENDATIONS

- 1) **THAT** Council of Region of Queens Municipality recommends that section 17.2.1(vi) of the draft Bylaw Respecting Amendments to the Region of Queens Municipality Land Use Bylaw be removed and section 17.2.1 be renumbered accordingly.
- 2) **THAT** Council of Region of Queens Municipality give second reading to a Bylaw Respecting Amendments to the Region of Queens Municipality Land Use Bylaw to change the site plan approval provisions for dwellings in commercial buildings to allow for greater ground floor area to be utilized for residential uses.

PURPOSE

To seek direction from Council respecting an application for amendments to the Municipality's Land Use Bylaw, which would allow for a greater amount of the ground floor area of a commercial building to be utilized for residential purposes.

BACKGROUND

At the October 14, 2025 Regular meeting of Council, a staff report respecting proposed amendments to the Land Use Bylaw was presented and discussed. The proposed amendments would allow for a greater amount of the ground floor area of a commercial building to be utilized for residential purposes. Following discussion, the following resolution was passed by council:

***That** Council of the Region of Queens Municipality give notice of its intention to amend the Land Use Bylaw to change the site plan approval provisions for dwellings in commercial buildings to allow for greater ground floor area to be utilized for residential uses, as identified in Appendix C of Staff Report;*

***And That** a Public Hearing be held on November 12, 2025 in the Council Chambers of the Municipal Building, 249 White Point Road in Liverpool, NS, at 9:00 a.m.*

A public hearing was scheduled and advertised for November 12, 2025 to allow opportunity for the public to provide input to Council on the proposed amendments. The staff report from the October 14, 2025 Council meeting was included with the public hearing Agenda.

The public hearing was held on November 12, 2025, at which time a question was raised respecting the authority for the Municipality to include a section in the proposed amendments dealing with the occupation of commercial space by the owners / managers of the building. Specifically, section 17.2.1 (vi) of the draft Bylaw Respecting Amendments to the Region of Queens Municipality Land Use Bylaw, sets out that “Ground floor commercial(s) uses fronting on the street shall not be occupied as office space by the owner(s) of the building or building manager”.

Council discussed this matter during its regular meeting following the public hearing and passed the following motion:

THAT the Council of the Region of Queens direct staff to review Section 17.2.1 (vi) of the proposed bylaw and provide a recommendation on the Municipality’s legal authority to impose such a provision, or an alternative approach to the intention of subsection (vi).

Staff sought input from the Municipality's solicitor respecting inclusion of subsection (vi) in the draft amendments. It was the opinion of the solicitor that, as proposed, there was no authority under the Municipal Government Act to include this kind of provision in the Land Use Bylaw. A land use law's intent is to regulate the use of land, not people or users.

Where the Municipal Government Act does not authorize a section such as the proposed 17.2.1 (vi), two options were suggested:

1. Incorporate a modest amendment to reword subclause (vi) to read:

(vi) Ground floor commercial use(s) fronting on the street shall not be occupied as office space for property management;

or

2. Remove section 17.2.1 (vi) from the draft Bylaw and renumbering the amendments accordingly.

Either of these options would not require a new public hearing process.

ALTERNATIVES/OPTIONS

- 1) Council recommends that section 17.2.1(vi) of the draft Bylaw Respecting Amendments to the Region of Queens Municipality Land Use Bylaw be removed and removed and section 17.2.1 be renumbered accordingly.
- 2) Council gives second reading to a Bylaw Respecting Amendments to the Region of Queens Municipality Land Use Bylaw to change the site plan approval provisions for dwellings in commercial buildings to allow for greater ground floor area to be utilized for residential uses.
- 3) Council incorporates a modest amendment to reword subclause (vi) to read:
Ground floor commercial use(s) fronting on the street shall not be occupied as office space for property management
- 4) Council denies the application to amend the Land Use Bylaw to change the site plan approval criteria for dwellings in commercial buildings to allow for greater ground floor area to be utilized for residential uses.

ANALYSIS

Option 1 would remove section 17.2.1 (vi) entirely.

Option 2 would permit second reading to be given to the draft Bylaw Respecting Amendments to the Region of Queens Municipality Land Use Bylaw.

Option 3 would create a regulation based on land use as opposed to people or users. However, this would have the effect of removing “property management” as a use to be considered, whether it is connected to the property ownership or not. Second reading could be given draft Bylaw Respecting Amendments to the Region of Queens Municipality Land Use Bylaw.

Option 4 does not give second reading to draft Bylaw Respecting Amendments to the Region of Queens Municipality, denying the application and maintaining status quo.

COMMUNICATIONS

Applicant will be advised of Council's decision.

BYLAWS/PLANS/POLICIES

Region of Queens Municipal Planning Strategy and Land Use Bylaw.

SUMMARY

Per Section 205 of the Municipal Government Act, all bylaws respecting planning documents must be read twice prior to adoption. Staff recommend that section 17.2.1(vi) of the draft Bylaw Respecting Amendments to the Region of Queens Municipality Land Use Bylaw be removed. Staff also recommend that Council give second reading to a bylaw respecting amendments to the Land Use Bylaw to change the site plan approval provisions for dwellings in commercial buildings to allow for greater ground floor area to be utilized for residential uses.

ATTACHMENTS/REFERENCE MATERIALS

- Region of Queens Municipality – Proposed Amendments to the Land Use Bylaw
- [Region of Queens Municipality Land Use Bylaw](#)

- [Region of Queens Municipality Regular Meeting of October 14, 2025 – Dwelling in Commercial Buildings – Site Plan Amendments](#)
- [Region of Queens Municipal Planning Strategy and Land Use Bylaw](#)
- [Municipal Government Act - Planning and Development \(PART VIII\)](#)

A BYLAW RESPECTING AN AMENDMENT
TO THE REGION OF QUEENS MUNICIPALITY
LAND USE BYLAW

BE IT ENACTED by the Council of Region of Queens Municipality, under authority of the Municipal Government Act, S.N.S. 1998, Chapter 18, as follows:

Region of Queens Municipality Land Use Bylaw, adopted at a meeting of the Council of Region of Queens Municipality held on the 24th day of May, 2022, and approved by the Nova Scotia Department of Municipal Affairs and Housing on the 6th day of July, 2022, is hereby amended by:

⇒ **Rewrite Section 17.2 (page 17-4) to read:**

17.2 Dwellings in Commercial Buildings

17.2.1 Dwellings in commercial buildings may be permitted by site plan approval, subject to the site plan criteria in subsection 17.2.2 and all other applicable requirements of this Land Use Bylaw being met, provided:

(i) Dwellings located on the ground floor of commercial buildings shall be located to the rear of permitted commercial use(s).

(ii) Ground floor commercial use(s) shall extend across the full width of the building facade from which the building gains its principle access, excluding entrance(s) for residential uses. In the case of through lots that have frontage on Main Street, a building's principle access shall be deemed to be off Main Street.

(iii) On corner lots, ground floor commercial use(s) shall wrap around the corner from the front lot line along the flankage lot line to a minimum distance of 5 metres or 50 percent of the building depth, whichever is less.

(iv) Ground floor commercial use(s) shall maintain a minimum horizontal depth of 3.66 meters (12 feet) from the front facade

which the building gains its principle access and is measured perpendicularly from the outside wall of that facade.

(v) Ground floor commercial use(s) shall maintain a minimum floor area of 27.88 square metres (300 square feet) per unit.

(vi) In buildings constructed after May 24, 2022, ground-floor residential uses shall have a floor-to-floor height of no less than 4 metres.

17.2.2 The following site plan criteria apply to dwellings in commercial buildings permitted through the site plan approval process. No development permit shall be issued for development that is inconsistent with these criteria, in addition to all other requirements of this Land Use Bylaw:

(a) Access

(i) Entrance(s) to residential uses shall be separate from the entrances for other uses.

(ii) Residential entrances shall not exceed a width of 2 metres on the front façade.

This is to certify that the foregoing is a true copy of a bylaw passed at a duly constituted meeting of the Council of the Region of Queens Municipality held on the day of , 2025.

Given under the hands of the Mayor and Municipal Clerk and the seal of the Region of Queens Municipality this day of , 2025.

Mayor

Municipal Clerk

First Reading: October 14, 2025

Municipal Website: October 16, 2025

Newspaper:

Public Hearing:

Second Reading:

Date of Publication:

Submitted / Approved:

NS Department of Municipal Affairs