

**REGION OF QUEENS MUNICIPALITY
PLANNING ADVISORY COMMITTEE
JANUARY 4, 2021
6:30 P.M.**

AGENDA

- 1. CALL TO ORDER**
- 2. APPROVAL OF AGENDA**
- 3. MUNICIPAL PLANNING STRATEGY AND LAND USE BYLAW REVIEW –
“WHAT WE HEARD REPORT” ON FIRST DRAFT OF NEW PLANNING
DOCUMENTS**
- 4. OTHER**
- 5. NEXT MEETING**
- 6. ADJOURNMENT**



Queens
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WHAT WE HEARD REPORT FIRST PUBLIC DRAFT

2020.11.30

Queens

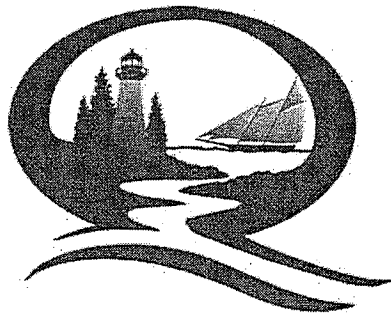
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WHAT WE HEARD REPORT FIRST PUBLIC DRAFT

prepared by

UPLAND

for



Region of Queens Municipality

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1 INTRODUCTION

1.1 Consultation Overview

The Region of Queens is in the process of updating its Municipal Planning Strategy (“Plan”) and Land Use Bylaw (“Bylaw”). These documents contain the planning policies and regulations that guide land uses and development in the Region. The Plan also includes a high-level vision of how the community intends to develop over the next 10+ years.

Consultation for this process was carried out in phases. The objectives of the first phase “Visioning the Future”, were to:

- Provide information about land use planning in Queens.
- Gather input from residents, businesses, and stakeholder about current experiences, vision for the future, and priority needs and opportunities.

The Region undertook consultation activities in the fall of 2018 to achieve these objectives. This included seven public meetings (one in each district), a series of stakeholder meetings, and two online surveys to gather initial feedback from residents, business owners, and visitors. An *Interim What We Heard Report*, dated 2019.07.02, provides details of what happened and the key findings from public consultation.

The second phase of consultation focused on the public drafts of the new Municipal Planning Strategy and Land Use Bylaw. Draft engagement was originally scheduled for early 2020 but was postponed due to the global COVID-19 pandemic. In the interim, the project team developed a series of informational videos that presented the highlights of the drafts.

Once in-person consultation was possible it included a round of seven public meetings as well as phone-in and written feedback. Through this consultation, participants highlighted a number of key topics that require further review as the final draft documents are developed. This *First Public Draft What We Heard Report* describes the second round of consultation, the key issues, and potential ways to address these policy topics in the final draft.

The projected remaining steps of the “Queens: Planning for the Future” project are:

- Planning Advisory Committee direction on changes to the draft documents
- Development of the final draft documents
- Planning Advisory Committee recommendation to Council
- First Reading at Council
- A Public Hearing at Council
- Second Reading at Council
- Provincial review of adopted documents
- New planning documents go into effect

1.2 Public Meetings

Through September and October 2020, the Region and the project team hosted public meetings in 7 locations throughout Queens:

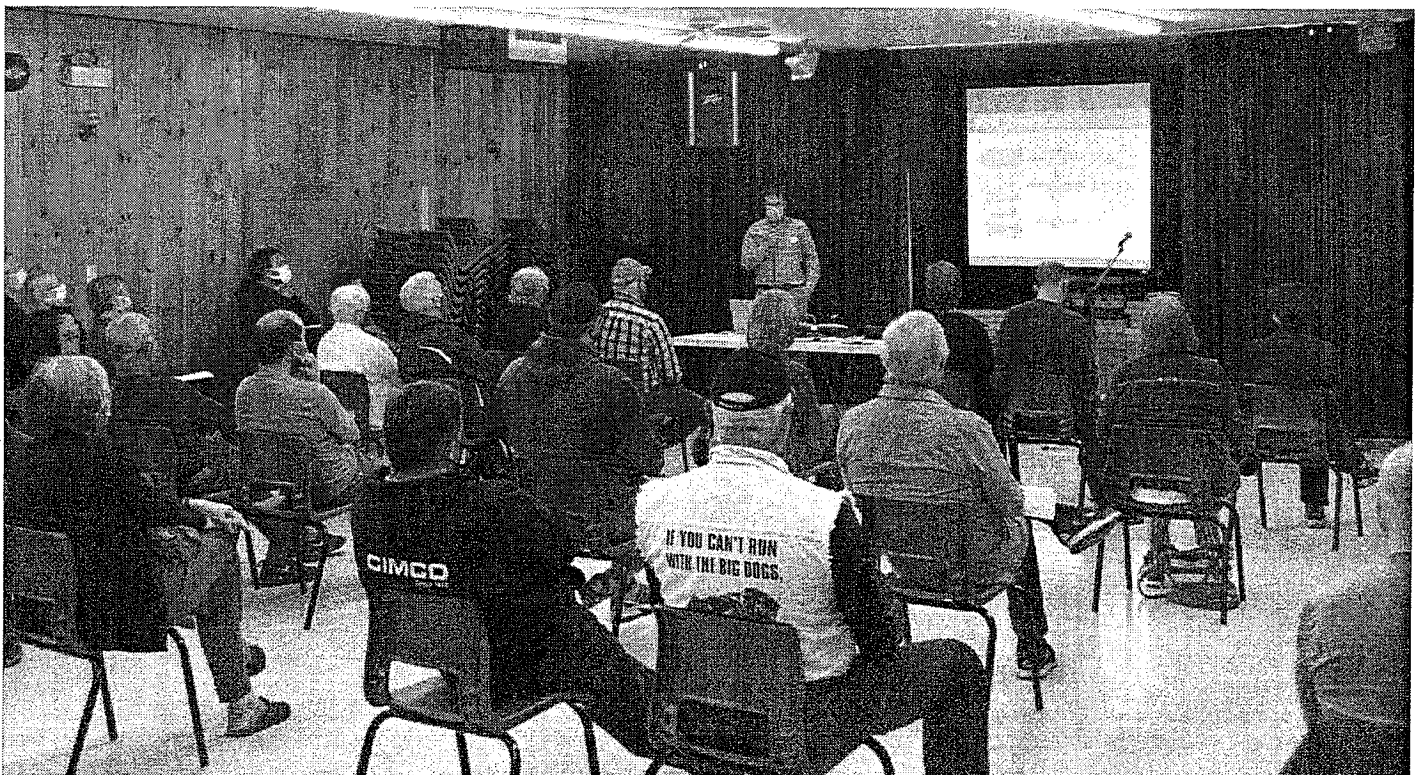
- Beach Meadows
- Caledonia
- Greenfield
- Online (Zoom)
- Port Mouton
- Mill Village
- Liverpool

Each of the meetings started with a presentation on municipal planning and the plan review process, followed by highlights of the draft documents. This was followed by a Q&A and feedback session. Approximately 140 people participated in the meetings.

1.3 Phone and Written Feedback

The project team released the draft planning documents in February of 2020. From that time until the end of October, 2020, residents, business owners, and other interested people were encouraged to submit feedback on the drafts by calling the project team, mailing written feedback, or by using email or a form on the project website to submit digital feedback.

The project team received feedback from 30 individuals and 2 landowners' associations.



2 RESULTS & DISCUSSION TOPICS

2.1 Introduction

Between the public meetings and written/phone submissions there was a large volume of feedback. Some of the feedback related to typographical errors in the documents or areas where the language of the documents lack clarity. These comments will simply be addressed by the project team while creating the final draft documents.

Some feedback also related to topics that are outside the scope of land use planning in Nova Scotia, or are beyond the powers granted to municipalities through the *Municipal Government Act*. While these items cannot be addressed as part of the current project, the feedback is nonetheless appreciated and the project team does not want these comments to get lost. These items are captured in Chapter 3 of this report.

However, the bulk of the feedback related to specific policy directions in the drafts, primarily related to 15 different topics. These topics are presented in no particular order. This chapter of this report outlines the feedback received on each of those topics, the manner in which the current drafts approach the topic, potential approaches for modifying the documents to address public feedback, and—where beneficial—additional research or discussion to help inform decision-making on these topics. This will be used by the Planning Advisory Committee to provide direction to the project team for the final draft documents.

The number of comments received by the project team are noted for each topic for informational purposes. However, this should not be interpreted to indicate level of support for a particular policy approach; the feedback process used did not represent statistically-valid polling. Additionally, the level of feedback received should not be used as a “vote” to determine a specific policy approach; even in the face of clear majority opinion, municipalities and planners often have a duty to represent minority interests in order to improve equality in our communities.

2.2 Carters Beach Parking

A number of written submissions related to Carters Beach and in particular the parking situation there during the summer months. Carters Beach has become a popular destination in recent years but is not designated as a provincial park; as a result, parking facilities at the site are limited and visitors often park along Carters Beach Road.

February, 2020 Draft Approach

The draft planning documents place the area surrounding Carters Beach in the Hamlet Residential Zone. This zone does not permit parking as a standalone land use. Any parking in this zone must be accessory to another use of the land and used for that purpose.

The only zones in the current draft that permit parking as a main land use are the Downtown Commercial (CD), General Commercial (CG), Liverpool Waterfront (CL), and Resort (Re) Zones.

Feedback

The project team received one request to permit public (commercial) parking as a land use in the vicinity of Carters Beach, with the suggestion that land owners in the area could establish parking lots to help alleviate some of the parking congestion along Carters Beach Road.

Conversely, the project team received eight submissions indicating their opposition to permitting public parking as a land use in the vicinity of Carters Beach. These submissions cited a lack of compatibility with residential uses in the area, concerns about further encouraging visitors to Carters Beach, and potential conflict with an ongoing Provincial committee process to determine an approach for responsible use of Carters Beach.

Potential Policy Options

1. Planning Advisory Committee could direct the project team to maintain the current draft provisions that do not permit parking lots as a main use except in the above noted zones.
2. Alternatively, Planning Advisory Committee could direct the project team to expand permissions for parking as a main use. This could include parking as a main use within the Hamlet Residential Zone to accommodate the specific Carters Beach request (this would affect all areas zoned Hamlet Residential), and potentially additional zones if the Committee desires to see this use permitted in other areas.

2.3 Notification Distances

Between written submissions and discussion at the public meetings seven comments were made in regards to notification for planning applications.

February, 2020 Draft Approach

The draft planning documents outline the following distances for mail-out notifications:

- Variance approval: 30 metres (98 feet) in Urban Serviced Areas and 60 metres (196 feet) in Hamlets and Rural Development Areas
- Site Plan Agreement approval: 30 metres (98 feet) in Urban Serviced Areas and 60 metres (196 feet) in Hamlets and Rural Development Areas
- Land Use Bylaw amendments: no notification*
- Development agreements: no notification*

As required by the *Municipal Government Act* notification of a Public Hearing for a development agreement or Land Use Bylaw amendment is placed in a local newspaper at least two weeks prior to the Hearing.

*The existing (2009) planning documents do require notification for these categories of planning applications. The project team inadvertently left these sections out of the new draft. At a minimum, the project team recommends inclusion of notification for Land Use Bylaw amendments and development agreements in the final draft of the new documents.

Feedback

Comments primarily related to the distances used for notifying neighbours of planning applications, notably that people feel the distances are too small. A wide variety of notification distances were suggested, ranging from 1,500 feet to 4,000 feet. Some comments suggested using different notification distances in urban and rural areas to account for the fact that lots are large in rural areas. Finally, one person noted that no matter what distance is chosen, notification letters only go to the property owner and will not reach renters.

Discussion + Further Information

Written notification mailed to property owners helps to bring clear attention to planning applications and provide an opportunity for feedback among people who might be affected by the proposal.

Crucially, notification also serves an important legal role: under the *Municipal Government Act* only property owners served notice may appeal a variance approval or a site plan agreement approval. For Land Use Bylaw amendments and development agreements no such restriction exists (appeal rights are based on the definition of “aggrieved persons” in these cases).

As noted by one participant, notification is based on the address on file for the property assessment and therefore goes to the property owner, who may live somewhere far from the application, rather than any renters who live in the area of the proposed planning application.

Finally, it is worth considering that mail-out notification requires significant resources on the part of the Municipality to print, stuff, and address the letters and to pay for postage. Since the notification area is a circle, the area covered goes up by the square of the notification distance (e.g. doubling the notification distance quadruples the area covered). This impact on municipal resources should be balanced against the any perceived benefits gained by larger notification distances.

Potential Policy Options

The *Municipal Government Act* requires a minimum notification distance of 30 metres when a variance is approved and when a site plan agreement is approved. Municipalities may use a larger distance. Municipalities may also implement notification distances of any size for Land Use Bylaw amendments and development agreements.

1. Planning Advisory Committee could direct the project team to maintain the existing approach for notifications.
2. Planning Advisory Committee could instead direct the project team to increase the notification distance for one, multiple, or all of the classes of planning approvals. These distances may differ for Urban Serviced Areas, Hamlets, and Rural Development Areas. Notification distances may also differ for each class of planning approval.

Planning Advisory Committee cannot direct the project team to reduce notification distances for site plan agreement approvals or variance approvals to lower than 30 metres.

2.4 Lake Zoning

The project team received comments from six individuals and two property owners' associations in relation to the zoning around lakes.

February, 2020 Draft Approach

The draft planning documents applies the Seasonal Residential Zone (R7) to almost all lands within 300 metres of accessible lakes or lakes that could reasonably be accessed for development purposes. As exceptions, some lake area lands are instead zoned for parks or conservation purposes, while in some other cases the 300 metres distance for the R7 Zone is adjusted to fit natural boundaries such as property lines or roads.

The draft R7 zone permits single and duplex dwellings, accessory dwellings, short-term rentals, RV parking sites, small options homes, marine recreation providers, small-scale wind turbines, community centres, parks and playgrounds, recreational uses, and trails and conservation uses.

Bed and breakfasts, grouped dwellings, campgrounds, and fixed-roof overnight accommodations can be considered in the R7 Zone by development agreement only.

Feedback

All of the comments received were in regards to the proposed modifications to the Seasonal Residential (R7) Zone to increase the types of permitted uses in the zone. The comments express displeasure with this change, preferring to maintain a very limited number of uses permitted in these areas. A number of the comments, including the two submissions from property owners' associations, requested the creation of a new zone that would be applied to areas currently (i.e. in the 2009 planning documents) zoned R7 and would maintain the 2009 R7 list of permitted uses.

Discussion + Further Information

In the existing (2009) planning documents the R7 Zone is only applied to limited, developed areas around the lakes. The 2009 R7 Zone is very strict in its permitted uses, with uses limited to single and duplex dwellings, mobile homes, parks and playgrounds, and small-scale wind turbines.

The remainder of the lands around lakes are primarily zoned Mixed Use Rural Residential (R5), which is one of the most permissive zones in all of the 2009 documents. It permits a wide range of residential, commercial, and resource uses, including intensive livestock operations.

Given the value that residents expressed for the natural environment during formative engagement events, the project team determined that the lakes should be given increased protection through the new planning documents. This was proposed as an application of the R7 Zone to essentially the entirety of the lake shores. However, this meant that many current R5 properties would lose significant development rights, and that certain uses that might be suitable and desirable in some lake contexts (campgrounds, lodges, etc.) would no longer be permitted by any means.

As a compromise, the project team expanded the list of uses permitted in the R7 Zone. Recognizing that certain uses would require additional oversight and public engagement, the project team determined they should only be considered by development agreement. This approach allows for a Public Hearing, allows Council to require studies, and allows Council to place specific conditions on the development.

A second lakeshore zone, as requested by a number of comments, is certainly a possible approach. However, Planning Advisory Committee should be aware that this adds additional complexity to the documents.

Potential Policy Options

1. Planning Advisory Committee could direct the project team to maintain the current draft approach.
2. Planning Advisory Committee could direct the project team to revert to the 2009 approach of an R5 Zone and R7 Zone around the lakes.
3. Planning Advisory Committee could direct the project team to revise the uses permitted within the draft R7 Zone and/or the criteria by which development agreements are considered in the draft R7 Zone.
4. Planning Advisory Committee could direct the project team to draft a second lake shore zone that mirrors the 2009 R7 Zone. The more restrictive of the two lakeshore zones would be applied to the areas currently (2009) within the R7 Zone and the less restrictive of the two lakeshore zones would be applied to the areas currently (2009) zoned R5.

2.5 Campgrounds

Comments related to campgrounds were somewhat tied into comments related to both the R7 Zone and recreational vehicles (RVs). However, for the purpose of this report the project team has attempted to separate out comments related directly to the campground use itself and the permission thereof. With this approach, there were seven comments the project team feels belong under this heading.

February, 2020 Draft Approach

The draft documents permit campgrounds in the General Commercial (CG) Zone, Hamlet Commercial (HC) Zone, Inland Rural (R5) Zone, Coastal Rural (R6) Zone, Resort (Re) Zone, and Rural Commercial (CR) Zone. Campgrounds may be considered by development agreement in the Seasonal Residential (R7) Zone.

The development agreement criteria (Policy 6-21) consider traffic impacts, but do not explicitly consider impacts on existing private roads or the assurance of permission to access those roads. The development agreement criteria do not consider impacts on property values.

Feedback

Four comments were related to clarity around the regulations for campgrounds, namely regarding on-site servicing, accessory uses (convenience stores, laundry, etc.), the definition of a “campground” versus people keeping some RVs on a property, and the threshold at which an expansion of an existing campground would be considered to be “new” versus a simple expansion. The remainder of the comments focused on concerns about campgrounds, the traffic they generate, how that affects private roads, and whether or not the Municipality would consider effects on property values as a criteria for evaluating campground proposals.

Discussion + Further Information

Some of the above comments are simple matters of clarifying the documents and will be cleaned up by the project team as part of the final draft. However, a few matters for Planning Advisory Committee discussion come out of these comments:

1. When is a campground a campground? This discussion should be tied into discussion of RV regulations.
2. What accessory uses are appropriate for a campground?
3. What should be considered when evaluating development agreement criteria, for both campgrounds and other uses?

On the last question, the project team suggests discussing how private roads should be addressed when reviewing potential commercial uses on a private road that is accessed/owned/maintained by other (primarily residential) users.

The project team strongly recommends that property values NOT be considered as part of any development agreement evaluation. This is for two reasons:

- While property appraisal services are very effective at evaluating property values once a development has happened (e.g. by conducting an appraisal pre- and post-development), the ability to predict future property values based on a hypothetical development is extremely limited and lacks the refinement to consider the nuances of a specific proposal. The project team is of the opinion that property value forecasts lack the precision needed to make strong, defensible planning decisions.
- Property values are tied to other planning considerations and by evaluating those other considerations we are, by proxy, addressing effects on property values. For example, changes to traffic patterns could affect property values, so by considering the traffic effects (along with other evaluation criteria) of a proposal the Municipality is also addressing potential effects on property values.

Potential Policy Options

1. Planning Advisory Committee could direct the project team to maintain the current draft provisions related to campgrounds and to development agreements.
2. Planning Advisory Committee could, in conjunction with direction around RVs, direct the project team to modify the definition of "campground".
3. Planning Advisory Committee could direct that development agreements be used in more or fewer zones for the approval of campgrounds.
4. Planning Advisory Committee could direct the project team to refine the criteria for considering development agreements for campgrounds and/or other uses.

2.6 Recreational Vehicles (RVs)

Nine written comments and a significant amount of the discussion at the Greenfield public meeting related to recreational vehicles (“RVs”).

February, 2020 Draft Approach

The draft Land Use Bylaw defines an RV as *“a vehicle intended as temporary accommodation for travel, vacation, or recreational use. Such vehicles may include, but are not limited to, a motor home, fold-down camping trailer, truck camper, holiday trailer, or fifth wheel travel trailer, but does not include any vehicle that meets the definition of a derelict vehicle under the Municipal Government Act.”*

Section 7.13 of the draft Land Use Bylaw regulates RVs. It requires RVs *“parked for the purpose of providing accommodations for a duration greater than two weeks in a year and/or recreational vehicles for which accessory structures are constructed”* to be located in a campground or on a recreational vehicle parking site. By implication, RVs that are parked for accommodations less than two weeks in a year and that do not have accessory structures would not be regulated by the draft Land Use Bylaw.

The land use “recreational vehicle parking site” is regulated in the Bylaw, rather than directly regulating RVs, to remove some of the regulatory challenges of RVs also being vehicles.

Section 7.13 further provides requirements for recreational vehicle parking sites, including setbacks, an approved wastewater disposal system, and that an accessory dwelling may not also be present on the lot. One RV is permitted on lots up to 10,000 square metres, and two RVs are permitted on lots larger than 20,000 square metres. The project team is aware that the current draft erroneously omits consideration of lots between those sizes.

The current draft proposes permitting recreational vehicle parking sites in Hamlets and Rural Development Areas.

Feedback

Fundamental to the discussion of RVs were comments on whether they should be regulated by the Municipality at all and, if so, whether they should be permitted to be used for accommodations in a semi-permanent or permanent matter.

Comments suggesting the Municipality should not regulate RVs expressed concern that such regulation was an intrusion, that enforcement would be difficult or impossible, or that regulation would push people out to other municipalities that do not have such regulations.

Comments in favour of permitting, but regulating, RVs noted that they are an affordable alternative to cottage ownership, that they can act as a “stepping stone” after purchasing land but before building a cottage, or that RVs offer a fundamentally valid choice for people who prefer that style of accommodations over cottage-style buildings.

Comments in favour of restricting or prohibiting RVs generally focused on perceived architectural compatibility with cottage and residential developments, concerns about sewage disposal, concerns that multiple RVs could effectively become a private campground, and specific experiences related to perceived nuisances from existing RVs.

Beyond the core questions of regulation and permission for RVs, other comments related to:

- Requests for clarity around the two-week time period beyond which a permit would be required
- Concerns that enforcement will be difficult, particularly in relation to monitoring whether or not an RV has been used for accommodations for more than two weeks
- Concerns that there is no limitation on the number of RVs for periods of less than two weeks
- Suggestions for different definitions of “RV”
- Suggestions related to minimum lot sizes
- Requests to accommodate existing RVs

Discussion + Further Information

The project team is of the opinion that an outright prohibition on the use of RVs as accommodations on private land is both unrealistic and unreasonable. RVs are a means by which many people without the ability to own a cottage are able to access nature, or are a personal choice for many people versus the character of a permanent structure.

However, regulating RVs in a Land Use Bylaw certainly has merit because—like other forms of cottage development—they are often a use of land with associated impacts such as traffic, land alteration, accessory structures, waste disposal, and more. Regulating RVs can be difficult because they have a dual existences as both a use of land and as a vehicle.

Furthermore, the ways in which people use RVs can vary widely, from cross-country trips to visit family for a short duration (highly mobile use) to an almost full replacement for a cottage, with year-round use and decks and other permanent structures (semi-permanent or permanent use).

The *Municipal Government Act* does provide some regulation for RVs independent of land use planning by classifying vehicles without a valid registration as “derelict” and including them within the definition of “dangerous and unsightly”. This gives municipalities the power to enforce through their Dangerous and Unsightly Bylaw on any RV that has become so permanent that it is not moved for the purposes of inspection and registration. However, this does not address the related land use impacts of RVs themselves.

The draft regulations attempt to grapple with the broad nature of RVs by establishing a two-week time period before regulations would apply. This period is both to recognize the fact that people travel with RVs and expecting such travelers to obtain a permit is likely unrealistic and overly-bureaucratic (as well as a potential administrative burden for the Municipality) and also that any impacts associated with such travel use would be very temporary in nature.

The project team does recognize that the wording around the time period requires some additional clarity, and that monitoring and enforcement of the two-week period will be challenging; realistically, this is expected to be a complaint-based enforcement matter with the two weeks acting as a statutory basis on which enforcement could be justified.

Beyond the question of time-periods, the important issues for discussion include what, if any, requirements should be placed on RVs and how many should be permitted on a lot. This discussion should occur in tandem with discussion around the definition of a campground.

In order to support the discussion around RVs the project team examined land use bylaws for other municipalities around Nova Scotia. It is worth noting that many rural areas of Nova Scotia are currently “unplanned”, and as such would have no restrictions on RVs (or any other land uses), though this will soon change as the Province implements minimum planning standards. RV regulations for the planned areas examined by the project team are summarized in the following table.

Annapolis - Cornwallis Park Plan Area	Permitted. One per lot, up to 90 days in a year, not connected to municipal services, not in the minimum front yard, only on lots with a main dwelling or where a permit has been issued for a main dwelling.
Argyle	Permitted. Up to 90 days in a year.
Barrington	Permitted with a development permit.
Cape Breton Regional Municipality	Permitted in many zones. Limited to 30 days in a year if there is another dwelling on the lot. Accessory buildings restricted to 300 ft ² .
District of Chester	Permitted without a development permit unless requirement for development permit specifically listed in zone standards. Two zones require permit for stays greater than 14 days. In these zones limit is one RV per lot, meeting setback requirements, not connected to wastewater, and not exceeding a stay of 60 days or 180 days (different between the two zones) in a year.
Clare	No Land Use Bylaw (therefore RVs permitted). Permanent habitation of an RV would be considered a mobile home and subject to the Mobile Home Bylaw.
Colchester	Habitation of RVs is prohibited. Bylaw is silent on temporary accommodations within RVs.
Cumberland	Permitted without a development permit up to four consecutive months in a year. One per lot, must meet setback requirements. Permitted permanently with a development permit in certain rural zones. One per lot, no accessory dwelling on the lot, must meet setbacks, on a stable surface.
Digby	Habitation of RVs is prohibited. Bylaw is silent on temporary accommodations within RVs.
East Hants	Habitation of RVs is prohibited. Bylaw is silent on temporary accommodations within RVs.
Guysborough	Habitation of RVs is prohibited. Bylaw is silent on temporary accommodations within RVs.
Inverness	Parking of any number of RVs appears to fall under definition of “campground”, which is only permitted in one zone by site plan approval.
Kings	Permitted in lakeshore and coastal zones. Must meet setbacks, must not be located on a lot with a dwelling.
District of Shelburne	Habitation of RVs is prohibited. Bylaw is silent on temporary accommodations within RVs.
West Hants	Permitted up to 60 days (unclear whether this is total, continuous, or in a year).
Town of Yarmouth	Permitted up to 30 days (unclear whether this is total, continuous, or in a year).

Potential Policy Options

1. Planning Advisory Committee could direct the project team to keep the current draft approach to RVs, with edits to add clarity and to address lot sizes between 10,000 and 20,000 square metres.
2. Planning Advisory Committee could direct the project team to remove requirements related to RVs and leave them unregulated in the Land Use Bylaw.
3. Planning Advisory Committee could direct the project team to regulate all RVs, regardless of time period.
4. Planning Advisory Committee could direct the project team to modify the time period, lot sizes, number of RVs, and/or any other requirement related to regulating RVs.
5. Planning Advisory Committee could direct the project team to refine the zones in which RVs are permitted.

2.7 Shipping Containers

Two comments related to shipping containers.

February, 2020 Draft Approach

The draft planning documents permit one 40' shipping container or two 20' shipping containers to be used as an accessory building in hamlet zones, rural zones, Recreational Open Space Zone, Highway Commercial Zone, and the General Commercial Zone. They are also permitted as temporary (<60 days) storage in all zones and with no restrictions in industrial zones (LUB Section 6.27).

Feedback

One comment suggested that shipping containers should not be permitted as an accessory building in Hamlets or the Seasonal Residential (R7) Zone, while the other noted a lack of a definition for "shipping container" and a lack of restrictions on their condition or appearance.

Potential Policy Options

1. Planning Advisory Committee could direct the project team to maintain the current draft provisions for shipping containers as accessory buildings.
2. Planning Advisory Committee could direct the project team to alter the provisions for shipping containers by increasing or decreasing the number and size permitted, refining the list of permitted zones, and/or implementing development standards.
3. Planning Advisory Committee could direct the project team to prohibit the use of shipping containers as an accessory building.

Regardless of the approach taken, the project team will add a definition of "shipping container" to the final draft Land Use Bylaw.

2.8 Hamlets

Discussion around Hamlets frequently came up tangentially in other topics of discussion. However, 13 comments related directly to Hamlets themselves.

February, 2020 Draft Approach

The draft planning documents identify the following seven Hamlets:

- Beach Meadows
- Greenfield
- Hunts Point / White Point
- Mill Village
- Port Medway
- Port Mouton
- Summerville

These are intended to be local service centres and areas where some diversity in housing options is available. New public roads are permitted in these areas.

Hamlets are divided into two main zones, the Hamlet Residential (HR) Zone and the Hamlet Core (HC) Zone. The Hamlet Residential Zone permits residential development at a higher density than surrounding rural areas, while the Hamlet Core Zone enables local service-type uses as well as tourism-related uses. The full list of permitted uses can be found on page 12-3 of the draft Land Use Bylaw and the boundaries of Hamlets and their zones can be found in the zoning maps of the draft Land Use Bylaw.

Feedback

The comments in relation to Hamlets fell into the following categories:

- General support for the Hamlet concept
- The suggestion that Beach Meadows should not be a Hamlet
- Suggestions to refine the boundary of the Hamlet Commercial Zone in Port Mouton to better align with existing development patterns
- Comments about the uses permitted in Hamlets, particularly concern about gas stations, campgrounds, and recycling depots

Discussion + Further Information

Under the existing (2009) planning documents the areas that are proposed to be added to Hamlets are primarily zoned Mixed Use Rural Residential (R5) for the inland areas, or Mixed Use Coastal Residential (R6) for the coastal areas. Despite the use of “residential” in the title of these zones, they are both very flexible in the uses they permit. This includes multi-unit dwellings of up to 15 units, a wide range of commercial uses, self-storage facilities, equestrian facilities, and (in the R5 Zone) commercial livestock operations. It is important to start the discussion of Hamlets with the understanding that the drafts as proposed are not expanding the uses permitted in these areas in order to create Hamlets, but are instead reducing the uses permitted in areas outside of Hamlets.

The project team developed the initial list of permitted uses based on land uses already existing within at least one of the Hamlet areas, supplemented with a few uses that could reasonably be expected to serve a local service role. While this approach does gloss over some of the differences among the individual Hamlets, it avoids over-complicating planning rules. Those uses that could be higher-impact and may not be suitable to all Hamlets are proposed to be permitted by site plan approval or development agreement, which allows a context-specific evaluation of any such proposal. However, a thorough discussion among Planning Advisory Committee of uses permitted within Hamlets is certainly warranted.

The boundaries of Hamlets and the zones within them were developed by the project team using existing land uses, existing infrastructure, natural barriers, and best-guess estimates of land suitable for new roads. These boundaries should be reviewed and discussed by Planning Advisory Committee, especially in regards to Beach Meadows and to the location of the Hamlet Core Zone within Port Mouton.

Potential Policy Options

1. Planning Advisory Committee could direct the project team to refine the uses permitted within Hamlets and/or the application process by which certain uses are considered (permitted, site plan approval, or development agreement).
2. Planning Advisory Committee could direct the project team to adjust Hamlet boundaries, and the boundaries of the zones within Hamlets.

2.9 Commercial Zoning in Liverpool + Brooklyn

Four comments related to commercial zoning in Liverpool and Brooklyn.

February, 2020 Draft Approach

The draft planning documents have four commercial zones that apply within Liverpool and Brooklyn:

- The Liverpool Waterfront (CL) Zone applies to the waterfront along Henry Hensey Drive
- The Downtown Commercial (CD) Zone applies to Liverpool's downtown from McLeod Street to Court Street and also on the Lane's Inn property
- The Mixed-use (CM) Zone applies to the fringes of Liverpool's downtown
- The General Commercial (CG) Zone applies along Highway 3 from Mersey Avenue to Elm Street in Brooklyn

A fifth zone, the Residential Commercial (RC) Zone, falls within the residential category of zones but permits convenience stores. It is applied to existing convenience stores in the area.

Feedback

The comments all addressed refining the approach to commercial uses in these areas. They were:

- The need for smaller area of General Commercial (CG) zoning and more Downtown Commercial (CD) zoning, both in Liverpool and in Brooklyn
- A need to enable future expansion of Liverpool's downtown
- A suggestion to allow for small commercial nodes throughout Liverpool and Brooklyn
- A specific request to permit Outdoor Commercial Recreation by site plan approval in the Liverpool Waterfront (CL) Zone

“Outdoor Commercial Recreation” is defined as:

“the use of land for commercial recreation or entertainment purposes together with necessary and accessory buildings and structures and, without limiting the generality of the foregoing, may include such establishments as golf courses, driving ranges, paintball fields, drive-in movie theatres, outdoor miniature golf courses, ropes courses, tennis clubs, and summer camps, but does not include campgrounds, RV parks, outdoor shooting ranges, tracks for the racing of animals or for the racing of any type of motor vehicle, or any use that is obnoxious. For greater clarity, and without limiting the generality of the foregoing, uses accessory to outdoor commercial recreation may include uses such as, but not limited to, eat-in and take-out restaurants; licensed liquor establishments; “pro shops” and other rental, maintenance, and retail sales of equipment related to the recreation activity; spas; child minding services; and staff accommodations.”

Discussion + Further Information

The project team agrees that there is merit in reevaluating the location of commercial zones within Liverpool and Brooklyn. When addressing downtown Liverpool, this could either be done with an expanded Mixed-use Zone, or by designating a larger area as Commercial in the Municipal Planning Strategy and then enabling future expansion through rezoning requests.

Similarly, commercial zoning (likely Mixed-use to account for existing residential uses) could be applied to areas within “downtown” Brooklyn and/or within other neighbourhoods in Liverpool. In both the instances of downtown Liverpool and other areas of Liverpool and Brooklyn the project team feels such new boundaries should be developed in thorough discussion with Planning Advisory Committee.

Potential Policy Options

1. Planning Advisory Committee could direct the project team to add Outdoor Commercial Recreation to the list of permitted uses in the Liverpool Waterfront (CL) Zone.
2. Planning Advisory Committee could direct the project team to re-designate areas at the edges of Liverpool's downtown to Commercial and either leave them zoned for residential purposes (requiring future rezoning to enable expansion) or also rezone them to a commercial zone.
3. Planning Advisory Committee could direct the project team to add additional areas of commercial zoning within Liverpool and/or Brooklyn.

2.10 Utilities

February, 2020 Draft Approach

The draft planning documents do not address utility undergrounding.

Feedback

One comment suggested requiring the undergrounding of power and communication lines in new development and when existing streets are dug up to replace sewer or water lines.

Discussion + Further Information

It is possible for the Municipality to require, through the Land Use Bylaw and Subdivision Bylaw, the undergrounding of utility infrastructure in any new development, at the developer's expense. Undergrounding in existing areas would need to be carried out by the Municipality.

However, undergrounding is an extremely expensive endeavor and this must be covered by developers or the Municipality rather than the utility companies. Nova Scotia Power estimates that underground service costs about 10 times as much as above-ground. Even though initial installation costs are paid for by developers, Nova Scotia Power still discourages undergrounding due to the difficulty conducting maintenance when it is needed.

The Region of Queens has traditionally seen slow growth in regards to new development, and a requirement to underground power would further dis-incentivise development. The project team is of the opinion that any efforts that place additional costs on development would be better focused on installing sidewalks, proving viable options for potable water, and providing more and better open space lands.

Halifax Regional Municipality is the one municipality in Nova Scotia the project team knows of with a program to upgrade to underground utilities. However, this program is solely focused on a few blocks in the heart of downtown.

Potential Policy Options

1. Planning Advisory Committee could direct the project team to maintain the current approach of not undergrounding utilities.
2. Planning Advisory Committee could direct the project team to require underground utilities.

2.11 Density Bonusing Two comments addressed density bonusing.

February, 2020 Draft Approach

The draft Municipal Planning Strategy notes that density bonusing could, pending legislative changes to grant municipalities this tool, be explored as a manner of encouraging investment in public art.

Feedback

Both of the comments expressed concern about density bonusing and the possibility that this would be a gift to developers, allowing them to “sidestep” the work that has gone into these planning documents.

Discussion + Further Information

At the time the current drafts were developed, the Province had not yet granted municipalities (other than HRM) the ability to conduct density bonusing. The drafts identified this as a future possible project the Municipality could undertake.

Since that time, the legislation has now been passed and it is actually an option. The theory behind density bonusing is that developers can be given a small relaxation on development regulations (e.g. by allowing extra height) and in exchange provide investment in a public benefit to offset the public burden of this relaxation. Public benefits often include things such as affordable housing, public art, restoration of heritage properties, or investments in public infrastructure.

Halifax Regional Municipality has had this system for some time in the downtown area. The system is set up with fixed dollar values for the public benefit in order to promote transparency and reduce administrative burdens from negotiation. I.e. every extra square metre of development rights gained incurs a fixed cost required for public benefit.

Establishing an effective density bonusing program requires careful thought in order to set up appropriate bonus rates, establish appropriate public benefit categories, and establish a mechanism by which the public benefit contribution will be enforced. This is a significant undertaking beyond the scope of this plan review. If such work is to be conducted at this time it would require additional negotiation between the project team and the Municipality.

Potential Policy Options

1. Planning Advisory Committee could direct the project team to remove all mentions of density bonusing from the draft documents.
2. Planning Advisory Committee could direct the project team to maintain the current language enabling density bonusing as a potential future project.
3. Planning Advisory Committee could request the Municipality engage with the project team to undertake the development of a density bonusing program.

2.12 Short-term Rentals

One comment related to short-term rentals.

February, 2020 Draft Approach

The draft planning documents include regulations for “short-term rentals” (AirBnB, VBRO, Home Away, etc.). This use is defined as, *“a fixed-roof overnight accommodation where guest sleeping facilities are contained within one building on a lot and where the facilities on the lot are only rented to one party at a time.”*

The current draft would permit them in all zones that permit single-detached dwellings, with a maximum of one per lot.

Feedback

The comment referenced the fact that AirBnbBs have become an issue in the community.

Discussion + Further Information

Short-term rentals are a convenient tool for providing alternative incomes for homeowners and also for providing accommodations options in areas that cannot support a hotel or other traditional accommodation provider. However, the growth of online rental platforms has caused concerns about effects on housing availability and affordability, as well as neighbourhood impacts from transient guests.

The current draft planning documents put a limit on so-called, “ghost hotels”, in which large buildings essentially serve as hotels advertised on these platforms, by defining a short-term rental as one building on a lot serving one party. Anything else would fall under separate definitions (e.g. “fixed-roof overnight accommodation”) and would be regulated appropriately.

This, however, does not restrict the conversion of individual dwellings for short-term rental purposes.

Some jurisdictions regulate short-term rentals to limit such rentals to only a portion of the year (avoiding the full loss of a housing unit) or only in primary dwellings. The latter allows for room rentals or rental while the homeowner is on vacation (often seen as the original “spirit” of short-term rentals), while disallowing the operation of short-term rentals as a primary business. However, such regulatory approaches are difficult to achieve through the Land Use Bylaw and typically depend on a standalone short-term rental bylaw and licensing scheme. The draft Municipal Planning Strategy includes such a program as a potential future project within Chapter 7.

The project team is of the opinion that the current draft of the Land Use Bylaw includes the level of regulations for short-term rentals that is reasonably feasible within planning regulations. The other alternative is an outright ban, though this is typically difficult to enforce and also misses out on the benefits that some level of short-term rental activity can provide.

Potential Policy Options

1. Planning Advisory Committee could direct the project team to prohibit short-term rentals within the Land Use Bylaw.
2. Planning Advisory Committee could direct the project team to maintain the current proposed approach to short-term rentals within the Land Use Bylaw.

2.13 Household Livestock

Discussion at the Mill Village public meeting and two written comments addressed household livestock.

February, 2020 Draft Approach

The draft planning documents apply the following requirements to household livestock uses:

- the minimum lot size is 4,000 square metres for every 1 animal unit or part thereof
- all animal housing and manure storage facilities must meet the applicable zone's requirements for main buildings
- all animal housing and manure storage facilities must be set back a minimum of 50 metres from any off-site dwelling, off-site well, or any watercourse

A household livestock operation is defined as, *"a livestock operation equal to or less than 10 animal units and at a density equal to or less than 1 animal unit per 4,000 square metres of lot area"*.

The draft Land Use Bylaw uses "animal units" to categorize animals based on their waste production and space required for healthy living. This ranges from 25 chickens or rabbits equaling 1 animal unit, down to a 1-to-1 ratio for animals like horses and cattle.

The drafts permit household livestock uses in the Inland Rural (R5) Zone, Coastal Rural (R6) Zone, Rural Commercial (CR) Zone, and the hamlet zones. The keeping of up to five fowl or rabbits is permitted as a separate use in all zones with no requirement for a development permit.

Feedback

The discussion at the Mill Village meeting and one of the follow-up comments focused on potential issues with household livestock roaming at large. The follow-up comment suggested that appropriate enclosures should be a condition for household livestock uses.

An additional phone-in comment expressed displeasure with the number of horses permitted as a household livestock use and the minimum lot area for household livestock uses, viewing both as too low.

Discussion + Further Information

The keeping of livestock for personal or subsistence commercial purposes is a common activity in rural and semi-rural Nova Scotia (and occasionally within urban areas too). The drafts recognize this fact and facilitate the continuation of this important practice. However, there are also land use issues that come along with the keeping of animals, especially in denser areas such as hamlets. As such, the Land Use Bylaw includes basic requirements to reduce the impact of animal waste and to provide enough space for appropriate animal welfare.

The current drafts do not include requirements for animal enclosure. This could certainly be included within the final draft, but will require some discussion at Planning Advisory Committee around how prescriptive the Bylaw should be, and how to deal with different enclosure types for different species of animals.

On the matter of lot size and animal units, the project team conducted follow-up research to confirm whether these numbers are appropriate in relation to horses. This research indicates that a paddock of at least 1-2 acres (4,000 - 8,000 square metres) is required to provide suitable living conditions for a horse. There is of course some site-specific variation within that range depending on the quality of the land. The bottom end of this range aligns with the minimum lot size in the draft Land Use Bylaw.

However, the project team does recognize that many rural land holdings may actually be multiple lots used together as one property for practical purposes. As a result, the project team suggests allowing multiple adjacent lots to be considered together for the purpose of calculating the permitted number of animals.

Potential Policy Options

1. Planning Advisory Committee could direct the project team to maintain the current approach to household livestock operations.
2. Planning Advisory Committee could direct the project team to add enclosure requirements to the drafts.
3. Planning Advisory Committee could direct the project team to allow household livestock operations to span multiple lots.
4. Planning Advisory Committee could direct the project team to modify lot size and/or animal unit requirements.

2.14 Accessory Dwellings

Two comments related to accessory dwellings.

February, 2020 Draft Approach

The current draft planning documents allow accessory dwellings within a main dwelling or located in a separate building in the rear yard. There are limits on floor area and height, and the accessory dwelling must meet zone requirements such as setbacks.

The current drafts do not include a restriction on short-term rentals in accessory dwellings.

Feedback

The first comment showed general support for accessory dwellings, but noted that the requirement for them to be located in rear yards could be a problem in areas where development tends to be oriented away from the street. For example, around the lakes the Bylaw-defined rear yard (i.e. the yard farthest from the street) tends to function as a front yard, with people locating their homes and cottages as close as possible to the lake.

The second comment wondered whether short-term rentals would be permitted in accessory dwellings.

Discussion + Further Information

The comment regarding challenges with rear yards is valid, particularly around lakes and on the coast. Allowing accessory dwellings in the side and/or front yard could alleviate this challenge. However, doing so would reduce the ability of accessory dwellings to provide “invisible” density within established communities. Planning Advisory Committee should discuss whether this causes any concern for neighbourhood impacts and, if so, whether or not this concern is outweighed by the benefit of enabling accessory dwellings on a wider range of lots.

Planning Advisory Committee should also discuss whether accessory dwellings are appropriate for short-term rentals. On one hand, it could provide property owners a strong financial incentive to build accessory dwellings, which may later end up as part of the permanent housing stock. On the other hand, it may create permanent short-term rentals and again reduce the promise of “invisible” residential density offered by accessory dwellings.

Potential Policy Options

1. Planning Advisory Committee could direct the project team to maintain the current approach to accessory dwellings and short-term rentals within them.
2. Planning Advisory Committee could direct the project team to modify the locational requirements for accessory dwellings in all zones or only specific zones.
3. Planning Advisory Committee could direct the project team to prohibit short-term rentals within accessory dwellings.

2.15 Sea Level Rise

Four comments related to sea level and the regulations around minimum vertical elevations along the coast.

February, 2020 Draft Approach

The current draft planning documents implement a minimum vertical elevation for development along the coast of 2.8 metres relative to the Canadian Geodetic Vertical Datum of 2013. There are exceptions for uses that need to be near the water, low value development (intended to be things like decks and boardwalks), non-habitable areas of buildings within urban areas (e.g. parking garages), and for movement of existing buildings as long as it improves the situation.

Feedback

The four comments related to sea level rise are as follows:

- A note that the documents are not clear about what constitutes “low value development” that would be permitted within the minimum vertical elevation. The project team will add clarity in the final draft.
- A question wondering where 0 metres is located within the Canadian Geodetic Vertical Datum of 2013 (i.e. from what reference point is the minimum vertical elevation being measured?). This is addressed in the discussion below.
- A concern that the sea level rise projections being used are out of date and do not adequately account for the increasing risks of sea level rise.
- A concern that raising buildings does not solve the issue of other infrastructure (e.g. existing low-lying roads that may flood and cut off access) and that doing so could cause issues with buildings located at awkward elevations compared to surrounding properties and roads.

Discussion + Further Information

By the year 2100, average sea levels in Nova Scotia are expected to rise about 1 metre as a result of climate change and because the landmass of Nova Scotia is slowly sinking due to geological rebound from when the glaciers melted. When added to high tide and extreme storm surge, this gives us an idea of the “danger zone” to be avoided for any development that is expected to have a useful lifespan on the order of 80 years. Major infrastructure projects with lifespans measuring in the hundreds of years would of course want to consider sea level rise past 2100, but these projects are beyond the scope of municipal land use regulations.

In order to measure a vertical elevation, you need to choose a location considered to be “0”, or your “datum”. This can be based on tides, arbitrary reference monuments, or even digital models of the Earth’s surface (a “geoid”). In 2013 Natural Resources Canada (NRCan) released a new datum that is now the standard across Canada, the Canadian Geodetic Vertical Datum of 2013 (CGVD2013). It is a geoid model, so it can be hard to translate it into physical reference features that are tangible to everyday people. The benefit of a geoid is that the reference point does not shift over time, which can happen with tidal measurements.

This is of course challenging from a resident’s point-of-view when they are trying to figure out exactly where to put their house. At the end of the day, elevations will need to be confirmed by a surveyor. The project team will discuss with the Municipality about having a map or other reference point that is known to be roughly close to the “danger zone” and in which surveyor confirmation would be a requirement of permitting.

Beyond choosing a datum point, the actual vertical elevation must be considered. The draft documents use an elevation that accounts for approximately 1 metre of sea level rise by 2100. This is based on the work of Richard and Daigle (2011), which is the generally accepted research for sea level rise in Nova Scotia and PEI. That work is itself based on the A2 and A1B emissions scenarios of the International Panel on Climate Change’s (IPCC) *Fourth Assessment Report*, published in 2007. These chosen scenarios are conservative (worst-case), and therefore build in the most amount of risk-avoidance.

However, in the thirteen years since the 2007 *Fourth Assessment Report* there is certainly evidence that the pace of climate change is accelerating. This is cause for taking some time to reconsider the projections used in the draft documents. The project team reviewed the IPCC’s *Fifth Assessment Report*, as well as preliminary content related to the *Sixth Assessment Report*. While these documents do present an increasingly urgent situation, the project team has been unable to find any sources that have translated the implications of these current reports into sea level rise scenarios for Nova Scotia. As a result, the project team is of the opinion that the 2011 projections of Richards and Daigle are currently the best basis on which to make a defensible planning regulation. As new projections are developed, or as the Province releases its *Coastal Protect Act Regulations*, the Municipality can certainly revisit the issue and update the minimum vertical elevation if needed.

Finally, the comment about piecemeal adaptation is valid. However, it is the reality of the situation. Short of completely demolishing and rebuilding a community, any changes will happen gradually over time and there will be incongruence along the way. The Municipality has control over future development and that is where it can do its part. The Province is actively building sea-level rise adaptation into its infrastructure projects, so there will be opportunities to raise roads in the future as they undergo major recapitalization.

Potential Policy Options

1. Planning Advisory Committee could direct the project team to maintain the current approach to minimum coastal elevations and sea level rise (with clarifications for “low value development”).
2. Planning Advisory Committee could direct the project team to remove requirements for minimum vertical elevation.
3. Planning Advisory Committee could request the Municipality undertake a project to develop updated sea level rise projections.

2.16 Potable Water

Two comments related to potable water.

February, 2020 Draft Approach

The current draft planning documents propose a requirement for a potable water study, which identifies a plan for providing suitable potable water, for any subdivision of three or more lots.

The draft planning documents limit the expansion of central water services to the Urban Serviced Area and areas with environmental contamination that prevents on-site water.

Feedback

The first comment suggested that the required potable water study should include a test well. The second comment noted that limiting the provision of central water only to certain areas does not address drought conditions experienced in many of the dug wells in Queens.

Discussion + Further Information

Providing a viable source of potable water to purchasers of new lots is a reasonable goal. However, this does not necessarily have to occur in the form of a drilled well.

Some coastal homes in Nova Scotia utilize on-site desalination systems, while it is also possible to provide potable water using on-site deliveries held in cistern, or through rainwater capture. The upfront, speculative cost of drilling a well could also be a significant barrier to subdivision activity in Queens, where low prices and slow uptake make subdivision development an investment with a long period for payback. Finally, in some areas of Nova Scotia there is enough existing well data to provide hydrogeologists with a necessary basis on which to confidently project expected yield for new wells. For these three reasons the drafts do not require a well to be drilled in support of the study, but leave it situationally flexible based on the professional judgment of the individual preparing the study.

The limits on central water expansion are intended to maintain the sustainability of this crucial municipal service. The addition of the potable water study requirement is intended to help avoid dry wells in future rural development.

Potential Policy Options

1. Planning Advisory Committee could direct the project team to maintain the current approach to potable water studies.
2. Planning Advisory Committee could direct the project team to add a requirement for a test wells.
3. Planning Advisory Committee could direct the project team to remove the requirement for a potable water study.

3 ADDITIONAL COMMENTS

3.1 Introduction

Some feedback items do not required additional action or discussion on the part of Planning Advisory Committee. Additionally, some feedback the project team received related to topics that are outside the scope of land use planning in Nova Scotia, or are beyond the powers granted to municipalities through the *Municipal Government Act*. While these items cannot be addressed as part of the current project, the feedback is nonetheless appreciated and the project team does not want these comments to get lost. These items are captured in this chapter, often with explanation from the project team.

3.2 Dark Skies

The project team received comments requesting that full cutoff light fixtures be made a requirement for all development.

However, the installation of light fixtures does not require a development permit and the Municipality would have no land use planning mechanism by which to monitor or enforce this. This requirement can be implemented whenever a development agreement is required because development agreements have the ability to address much finer specifics regarding development of a site. This is currently implemented through Policy 6-21(c)(xi) and Policy 6-15(o).

Control of lighting fixtures would be better addressed through a separate, "Dark Skies Bylaw" with its own monitoring and enforcement program, or though voluntary actions driven by an education campaign. These approaches are captured in the list of potential municipal projects under Chapter 7 of the draft Municipal Planning Strategy.

3.3 Wharf Illumination A number of comments at the Beach Meadows meeting and in follow-up submissions referenced glare from new lights installed at the West Berlin Wharf, and indicated a need to control such matters through planning.

The draft Land Use Bylaw does contain a provision regarding light trespass onto neighbouring properties (Section 6.15). However, it should be noted that federal and provincial agencies are not bound by municipal bylaws; while they often take them as guidance and follow them when possible, they are also free to ignore municipal bylaws.

3.4 Bird-safe Windows

The project team received one comment requesting requirements for bird-safe windows.

However, the details of window design are not evaluated as part of a development permit application and the Municipality would have no land use planning mechanism by which to monitor or enforce this.

The promotion of bird-safe windows could be considered by creating a municipal education program. This approach will be captured in the list of potential municipal projects under Chapter 7 of the final draft Municipal Planning Strategy.

3.5 Species at Risk

The project team received one comment that the public needs greater awareness of species-at-risk and that species-at-risk areas should be appropriately identified.

The draft Municipal Planning Strategy does discuss species-at-risk under Subsection 4.3.8, Environmental Review, and includes impacts on species-at-risk habitat as a criteria for the evaluation of development agreements and rezonings (Policy 6-21(c)(x)).

The Province provides mapping of significant habitats, including habitats that may support species-at-risk, under the "Wildlife" layer at <https://nsgi.novascotia.ca/plv/>

However, specific information about the location of individual species-at-risk is not included in this mapping in order to prevent poaching or other impacts that can come from drawing attention to the known locations of a species.

3.6 Enforcement

A number of comments tangentially or directly referenced the need for enforcement of bylaw requirements.

3.7 Transit

The project team received one comment regarding the fact that the draft planning documents make no mention of public transit.

Currently the Region does not have any public transit system, nor is the project team aware of any currently plans to establish one. This is also a matter that goes beyond the scope of land use planning. However, exploration of a potential transit system is something that could be added to the list of potential projects outlined in Chapter 7 of the draft Municipal Planning Strategy.

3.8 Other Bylaws

The project team received two comments suggesting the need to update the Municipality's Noise Bylaw, and one suggestion to establish a "good neighbour" bylaw to address communications between neighbours regarding development plans as well as standards of property upkeep.

These bylaws would go beyond the scope of land use planning and are not able to be addressed through the current project. For example, while a land use bylaw can consider the design noise of mechanical equipment (such as a wind turbine) it cannot address the noise that may or may not be created by occupants of a property. However, the project team has passed these suggestions on to the CAO's office.

3.9 Watercourse Setback

The project team received five comments in relation to the watercourse setback. These comments generally expressed support for the setback, but were concerned about the fact that many properties appear to be cleared anyways and that even the 25% permitted within the Bylaw is too much. One comment suggested that pump houses should be an exception to the setback; the project team will add this to the final draft.

While the project team understands the frustration with clearing around watercourses, this is a limitation of land use planning in Nova Scotia. The *Municipal Government Act* allows municipalities to regulate tree cutting, but only in relation to development. In other words, the Bylaw can regulate for matters that require a development permit (as it does now), but there is nothing a municipality can do to stop a landowner from clearing land before a development occurs or after it is completed.

3.10 Bicycle Parking

One comment noted that the draft allows the reduction in the number of required automobile spaces if bicycle parking is provided (at a rate of 1 reduced automobile space per 4 provided bicycle spaces), but since the maximum reduction is 10% this would only apply to parking lots of larger than 10 automobile spaces. The project team agrees that this is an oversight and will update the final draft to allow a reduction on lots smaller than 10 automobile spaces.

3.11 Parks Planning

Two comments related to the need to take a proactive approach to expanding and improving the parks network in Queens, including upgrades to the Rail Trail, new trails and boat launches around the lakes, and new parks and water access points in Brooklyn.

The draft Municipal Planning Strategy helps work towards these goals by increasing the number of situations in which parkland dedications (of land or cash to improve existing lands) would be required. However, plans for where these lands should be located, how improvement money should be spent, or areas where the Municipality should proactively buy land are all beyond the scope of a Municipal Planning Strategy. Chapter 7 of the draft Municipal Planning Strategy lists a "Parks and Open Space Plan" as a potential project the Municipality could consider in the future.

3.12 Sustainable Planning

One comment related to sustainable planning and the need to consider ways in which the Municipality can prepare for a sustainable future, such as setting goals to protect forests and waterways.

The challenge in this regard is that municipal planning in Nova Scotia is tied to land use, and particularly the control of a certain range of private developments. Municipalities have no control over things like forestry (though they can regulate related activities like sawmills) or fisheries. The draft planning documents are written in a manner that attempts to address sustainability in the land use matters over which municipalities do have control.

Of course, municipalities can also contribute to sustainability through their practices (perhaps by investing in renewable energy projects or when building new infrastructure) and also through the public statements they make and the relationships they have with other levels of government.

While it is possible to speak to all of these things within a Municipal Planning Strategy, the project team's experience is that this is not a very effective approach. A Municipal Planning Strategy is, primarily, a land use plan used by planners and Council to regulate development. Other content within the Plan tends to get ignored or forgotten, with no ties to concrete action. At worst, it over-complicates the Plan and dilutes the land use content that does provide direct action on the sustainability issues a Plan can control.



Region of Queens Municipality