

**Region of Queens Municipality Planning Advisory Committee
Monday December 5, 2022, 7:00 p.m.**

Agenda

- 1.0 Call to Order**
- 2.0 Welcome and Introductions**
- 3.0 Approval of Agenda**
- 4.0 Approval of Minutes – September 6, 2022**
- 5.0 Planning Advisory Committee**
 - 5.1 - Policy**
 - 5.2 - Code of Conduct**
 - 5.3 - Roles and Responsibilities**
- 6.0 Development Agreement Request – 6755 Highway 3, Hunts Point – Multiple Unit Dwelling**
- 7.0 Committee Membership**
- 8.0 Other**
- 9.0 Adjournment**

**Planning Advisory Committee
September 6, 2022 - 7:00 p.m.**

Minutes

Present: Councillor Maddie Charlton, Chair
Councillor Vicki Amirault
Councillor Jack Fancy
Jonathan Bower
Robert Ross
Mary White
Mike MacLeod, Planner
Wendy Connors, Development Officer

Regrets: Linda Rafuse
Don Kimball

1. Call to Order -

The meeting was called to order at 7:00 p.m.

2. Approval of Agenda -

It was **MOVED** by **Robert Ross** and **SECONDED** by **Vicki Amirault** that the Agenda be approved as circulated.

Motion Carried Unanimously.

**3. Development Agreement Request – 16 Edward Street, Milton –
Automobile Repair Shop**

Mike MacLeod gave an overview of the request to enter into a Development Agreement that would allow for an automobile repair shop on property identified as PID# 70071782, 70261383 and 70071816 and located at 16 Edward Street in Milton. Robert Ross commented that anytime a different land use is introduced into a residential neighbourhood, you need to look at it carefully because residential quality of life is very important for people that

live in that community. He noted the historical use of the property and that the existing treed buffer provides a barrier but the Development Agreement needs stronger language to require the retaining of trees to help with noise that accompanies this type of business. The operating hours of 7a.m. to 7p.m., seven (7) days a week should be revised to allow one day of the week of peace and quiet, possibly Sunday. Mary White asked if we are allowed to control what days of the week a business can be open. Mike commented that we could incorporate that under hours of operation. Maddie Charlton commented that the owner wished to offer evening and weekend hours and felt that Robert's suggestion was a fair compromise. Jack Fancy echoed the concern for hours of operation.

It was Moved by **Robert Ross** and Seconded by **Jonathan Bowers**

THAT the Council of the Region of Queens Municipality give notice of its intention to enter into a development agreement with Samantha Corner and Robie Leigh Murphy to allow for an automobile repair shop on properties identified as PID# 70071782, 70261383 and 70071816 and located at 16 Edward Street in Milton;

AND THAT a Public Hearing be held on October 11, 2022 in the Council Chambers of the Municipal Building, 249 White Point Road in Liverpool, NS, at 9:00 a.m.

Motion Carried Unanimously.

4. Rezoning Request – Highway 8 in Milton – Recreation and Open Space (P) to Multiple Unit Residential (RM)

Mike MacLeod gave an overview of the application to rezone properties identified as PID# 70077698, 70077722 and 70077680 from Fishing and Marine (M3) to Mixed Use Coastal Residential (R6). This area, commonly known as the Garika property, is currently owned by the Municipality. Council entered into a purchase and sale agreement to sell these properties and the purchaser proposes to a multiple unit residential housing project.

Mary White asked if the change in zoning affects the value of the land. Mike said the property was appraised for the best use of the land and the zoning is not a factor. Mary visits the property frequently and would hate to see it lost as an open space use. Jonathan Bowers feels that this is an underutilized piece of land and feels that this is a positive step for housing needs. Robert Ross feels the proposal is well thought out but should be located elsewhere,

due to the current use of the property. He feels that this is a special piece of property and parkland should be kept as parkland or moved to another property, of similar size, so that it is not lost to a different land use. Robert mentioned the status of Mersey River as a significant watercourse, the coastal elevation requirements under the new Land Use Bylaw and if there was any possibility to incorporate some public space/use into the proposal.

Mary White agrees that housing is necessary but feels that it should not be at the expense of losing existing parkland. Robert Ross enquired if there was a possibility of the Municipality retaining a strip of land along the river and if that could be incorporated into the proposal. The purchaser of the property, Eric Fry, was introduced to the Committee and had an opportunity to answer some questions. He also indicated that access to the boat launch and dry hydrant will remain. There was some discussion around maintaining an area for greenspace and whether this was achievable through an easement or restrictive covenants.

Maddie Charlton indicated that she was in support of the housing project but wanted to ensure that public still had access to the boat launch and that there is sufficient room for fire trucks to access the dry hydrant. Mike indicated that Council has previously agreed to create an easement agreement for these areas.

Jack Fancy mentioned that there will be a public meeting held on September 14th, 2022 at 6:30 p.m. at the Milton Hall to discuss this proposal. Eric Fry thanked the Committee for the opportunity to listen and participate in the conversation.

It was Moved by **Vicki Amirault** and Seconded by **Jonathan Bowers**

THAT the Council of the Region of Queens Municipality give notice of its intention to amend the Municipal Planning Strategy and Land Use Bylaw to change the future land use designation of PID#'s 70077698, 70077722 and 70077680 to Serviced Residential (RES) and the zoning of PID#'s 70077698, 70077722 and 70077680 to Multiple Unit Residential (RM);

AND THAT a Public Hearing be scheduled for October 11, 2022 in the Council Chambers of the Municipal Building, 249 White Point Road in Liverpool, NS, at 9:00 a.m.

Motion Carried 4 in favour and 2 against.

5. Municipal Planning Strategy And Land Use Bylaw Project

Mike MacLeod updated the Planning Advisory Committee that the project is completed and the documents are in effect.

6. Committee Membership

Mike MacLeod advised that the Planning Advisory Committee membership is up for renewal in October and advertisements will be going out shortly. If anyone is interested in continuing to serve, please let him know.

7. Other

8. Adjournment

There being no further business, the meeting was adjourned at 9:09 p.m.

Date

POLICY NUMBER – 60
Policy Subject / Title – Planning Advisory Committee

GENERAL STATEMENT OF POLICY:

60.01 It shall be the policy of the Council of the Region of Queens Municipality that a Planning Advisory Committee (PAC) be established to advise Council regarding the preparation and amendment of planning documents and planning matters in general, as set out in Section 200 of the *Municipal Government Act*.

POLICY INFORMATION:

Membership:

60.02 There shall be three (3) members of Council appointed to the Planning Advisory Committee.

60.03 The public appointed members shall consist of one (1) representative from each of the electoral districts in the Region of Queens Municipality.

60.04 One half of the members of the Planning Advisory Committee shall be appointed for an initial one (1) year term, with the remaining members being appointed for a two (2) year term. All subsequent appointments shall be for a two (2) year term.

Meetings:

60.05 All meetings of the Planning Advisory Committee shall be:

- (a) Posted in the Municipal Administration Building; and
- (b) When a PAC meeting has been called prior to a Council meeting, the date, the time and any specific topics under discussion shall be announced during the regular meeting of Council, for the information of the public.

60.06 Meeting shall be held on a monthly basis or as PAC deems necessary to carry out its assigned duties.

60.07 PAC shall meet at the direction of Council, the call of the Chair, or the request of any six (6) PAC members.

60.08 The Chair shall be appointed by the Nominating Committee of Council.

60.09 A staff member of the Region of Queens Municipality shall take and transcribe minutes of the meetings. Minutes shall include not only decisions made, but where possible, shall also include background discussion and rationale for each recommendation.

Function:

60.10 PAC shall:

- a) Submit formal recommendations to Council on any proposed amendment to the Municipal Planning Strategy and Land Use Bylaw for the Region of Queens Municipality.
- b) Review and make recommendations on all proposed development agreements; and
- c) Review and make recommendations on planning matters in general.

Approved by Council: February 18, 2013

Policy Subject / Title - **CODE OF CONDUCT FOR MEMBERS OF COUNCIL AND PUBLIC COMMITTEE MEMBERS**

GENERAL PURPOSE OF POLICY

74.01 Members of Council and Public Committee Members are expected to be reasonably well informed about all aspects of municipal governance and are to carry out their duties in a fair, transparent, impartial and professional manner. The purpose of this policy is to ensure that Members of Council and Public Committee Members understand their responsibilities, and to further ensure that their conduct in carrying out those responsibilities is beyond reproach.

POLICY APPLICATION

74.02 This policy extends to sitting Members of Council, including the Mayor, as well as non-elected community representatives that are appointed to standing and ad hoc committees of Region of Queens Municipality.

74.03 This Policy requires each member of Council and Public Committee Member to take responsibility for their respective actions.

POLICY DETAILS

74.04 Members of Council and Public Committee Members shall at all times put the public's interest ahead of their own interests.

74.05 Members of Council and Public Committee Members must conduct themselves in such a manner so as to ensure that they are at all times in compliance with the *Municipal Conflict of Interest Act*.

74.06 Members of Council and Public Committee Members shall not disclose to anyone information or discussion that takes place in-camera.

74.07 Members of Council are from time to time appointed to various committees and as such are expected to attend on a regular basis. When unable to attend, Members of Council shall extend regrets to the appropriate Chairperson prior to the meeting.

74.08 Members of Council and Public Committee Members shall, whenever carrying out their duties and responsibilities, conduct themselves in a courteous, respectful and forthright manner observing a high standard of professionalism.

74.09 Members of Council and Public Committee Members shall not grant any special consideration or advantage to any person, group or organization unless pursuant to the dictates and directives of existing statutory or judicial authority.

Policy Subject / Title - CODE OF CONDUCT FOR MEMBERS OF COUNCIL AND PUBLIC COMMITTEE MEMBERS

- 74.10 Members of Council and Public Committee Members acknowledge that the expenditure of public funds is a privilege granted to them and each member undertakes to the best of their ability to ensure that these funds are expended in the best interests of the people of Queens County.
- 74.11 Use of municipal vehicles, equipment or property shall not be requested by Members of Council or Public Committee Members for personal use unless such use is made available to all members of the public.
- 74.12 Members of Council and Public Committee Members shall use appropriate parliamentary language in debate and shall respect the right of dissent; including refraining from making, publicly or privately, disparaging or inappropriate remarks about other members or their opinions. At no time shall comments or procedures be used deliberately to embarrass a Member of Council, a Public Committee Member or a staff person.
- 74.13 Members of Council and Public Committee Members, whether on Council or Committee, shall respect the decision of the majority, and those Members in such circumstances shall respect the rights of the minority.
- 74.14 Members of Council and Public Committee Members shall refrain from the following activities:
- (a) the use of "insider" information for personal gain;
 - (b) the use of confidential information for any improper purpose;
 - (c) knowingly breaking the law or requesting others to do so;
 - (d) disclosing personal information, including financial data, about any resident or taxpayer in Queens that is not generally available to the public;
 - (e) disclosing the identity of any person(s) filing a complaint with Region of Queens Municipality unless authorized by the complainant(s);
 - (f) disclosing the contents of any property appraisal contracted by the Region, other than the appraised value of the property or properties being valued;
 - (g) publicly discussing any preliminary reports, memorandums, letters or recommendations that have not been dealt with by Council or the appropriate committee;
 - (h) publicly discussing any information that has been provided confidentially or is required by law to be held in confidence;
 - (i) providing false or misleading information in order to influence a policy or direction of Council, or withholding pertinent information in this regard;

Policy Subject / Title - CODE OF CONDUCT FOR MEMBERS OF COUNCIL AND PUBLIC COMMITTEE MEMBERS

- (j) proposing or giving direction to staff, except through the Chief Administrative Officer;
- (k) treating staff with incivility.

REPORTING PROCEDURE

- 74.15 If a Member of Council or Public Committee Member feels that any part of this Code of Conduct has been breached, he/she shall report such breach in writing to the Chief Administrative Officer stating the details of the alleged breach.
- 74.16 If the complaint filed does not relate to the conduct of the Mayor, then the Mayor and the Chief Administrative Officer shall review the complaint and conduct such investigation as deemed necessary, which investigation may include seeking legal advice. The identity of the complainant shall remain confidential unless the complainant waives this requirement.
- 74.17 In the case of a complaint against the Mayor, the Chief Administrative Officer shall then call upon the Deputy Mayor to assist in the handling of the matter.
- 74.18 If it is determined upon the completion of the required investigation that a breach of this Code of Conduct Policy has not taken place, the complainant shall be so advised with an explanation in writing and the file will be deemed confidential and closed.
- 74.19 If it is determined upon the completion of the required investigation that a breach of the Code of Conduct Policy has taken place, the investigative findings shall be presented to Council at an in-camera session. If Council concurs that a breach of this policy has occurred, Council shall then consider the following options in an open Council meeting:
 - (a) request the offending party to remove himself/herself from further involvement in the specific activity under review;
 - (b) take disciplinary action in the form of a public statement outlining the breach and Council's position;
 - (c) take disciplinary action in the form of removing the offending party from the relevant committee;
 - (d) take such other action as Council deems appropriate bearing in mind the severity of the breach.
- 74.20 No action shall be taken against any complainant provided the complaint has been made in good faith.

**Policy Subject / Title - CODE OF CONDUCT FOR MEMBERS OF COUNCIL
AND PUBLIC COMMITTEE MEMBERS**

74.21 Records relating to all complaints accepted by Council as valid complaints shall be open to public inspection having due regard to Freedom of Information and Protection of Privacy laws.

RECEIPT OF POLICY

74.22 All Members of Council and Public Committee Members, upon being sworn into office or receiving letters acknowledging their appointment, shall receive a copy of this policy and by virtue of being sworn or appointed to a committee, acknowledge that they have read, understand and agree to abide by its contents, including compliance with the Municipality's expense and hospitality policies.



Planning Advisory Committee (PAC) ROLES AND RESPONSIBILITIES

Region of Queens Municipality has adopted a policy respecting the formation of a Planning Advisory Committee (PAC) - Operational Policy Number 60 - pursuant to Section 200 of the *Municipal Government Act*. Policy 60 establishes that PAC shall:

1. Submit formal recommendations to Council on any proposed amendment to the Municipal Planning Strategy (MPS) and Land Use Bylaws (LUB) for the Region of Queens Municipality;
2. Review and make recommendations on all proposed development agreements; and
3. Review and make recommendations on planning matters in general.

Planning Advisory Committee's principle focus is to act in an advisory capacity to Council on planning related matters. More specifically, the following is an outline of the roles and responsibilities of the PAC members and Municipal Staff, as well as some of the issues that are outside the scope of the PAC.

Roles and Responsibilities of PAC

1. From time to time it will be necessary to amend the *Land Use Bylaw* either by amending the text or amending the Zoning Map. In addition to all other criteria set out in various polices of this MPS, Planning Advisory Committee should have regard to a number of other matters when evaluating a proposed amendment. Considerations include:
 - that the proposal conforms with the intentions of this MPS and to the requirements of all other Municipal Bylaws and regulations.
 - that the proposal is not inappropriate, or could create potential problems in relation to:
 - the financial capability of the Region to absorb any costs relating to the development;
 - adequacy of sewer, water, and fire protection services to support the proposed development;
 - adequacy and proximity of recreational and other community facilities;

- the adequacy of road networks in, adjacent to, or leading to the proposed development in terms of ability to handle traffic that the proposed development will generate;
 - the potential for the contamination of watercourses or the creation of erosion, sedimentation and /or flooding; and
 - the potential for damage to or destruction of designated historical buildings and sites.
- that adequate requirements are contained in the *Land Use Bylaw* to reduce conflict between the proposed development and any adjacent or nearby land uses by reason of:
 - type of use;
 - height generation, access to and egress from the site and parking provisions;
 - traffic generation, access to and egress from the site and parking provisions;
 - outdoor storage;
 - signs;
 - provision is made for buffering, landscaping, screening and access control to reduce potential incompatibility with adjacent land uses and traffic;
 - development is located so as to not obstruct any natural drainage channels or watercourses;
 - the adequacy of the building separations to provide sufficient space to permit access for fire fighting equipment and to prevent the spread of fire; and
 - site suitability in terms of percentage of slope, soil and geological conditions and other environmental and physical constraints; and
 - potential for buffer areas, landscaping and screening to reduce potential incompatibility with adjacent land uses and transportation networks.
2. When evaluating development agreement applications, Planning Advisory Committee must be cognizant of the overall goals and policies of this *MPS*. In particular, it should have regard to the criteria listed in Policy 12.6.1, which include:
- the proximity of the proposed development to recreational and other community facilities;

- the impact of the proposed development on:
 - existing residential and institutional uses in the area with particular regard to the use and size of the structures that are proposed, buffering and landscaping, hours of operation for the proposed use (where applicable), noise and other similar features of the use and structure in order to minimize any potential land use conflicts with adjacent uses;
 - adequacy of municipal services with particular regard to demands on the sewer system, water system, fire protection, refuse collection, police protection, existing schools and churches;
 - pedestrian and vehicular traffic circulation with particular regard to the traffic that the development will generate, the adequacy of the proposed accesses to and from the site, traffic flows in and around the site in terms of its ability to handle any new traffic, and the adequacy of the proposed parking areas; and
 - structures on abutting lots in terms of proposed exterior siding and in terms of architectural characteristics taking into consideration such things as height, roof line and lot coverage to minimize any potential land use conflicts between the proposed development and structures on abutting properties.
- submission of a site plan showing the location of the uses and the structure or structures on the lot, building layout, parking areas, accesses to and from the site, signage provisions, buffering or landscaping provisions and lighting provisions;
- adequacy of the proposed lot to ensure that adequate screening and landscaping can be undertaken to minimize the potential for any land use conflicts with adjacent uses.

PAC shall also review draft development agreements for potential inclusion of some or all of the following terms, where applicable:

- the specific use or uses of the land;
- the size of the structures if new ones are proposed or the size of any proposed expansions to existing structure or structures;
- provisions for adequate buffering to screen the development from adjacent conflicting land uses;
- any matter that may be addressed in a *Land Use Bylaw* (i.e. parking requirements and yard requirements);
- time limits for the initiation of construction;
- noise levels;
- the hours of operation and the maintenance requirements of the proposed use or uses; and

- all other matters enabled in Section 227 of the *Municipal Government Act*.
3. PAC shall also be responsible to review and make recommendation on any planning related matter, as referred to Committee by Council.

Roles and Responsibilities of Municipal Staff

The role of Municipal Staff in regard to Planning Advisory Committee is to provide background information, direction and support respecting planning amendment and development agreement applications, and to facilitate meeting discussion to enable the Committee to make appropriate recommendations to Council in a timely and efficient manner.

More particularly, Staff:

- Review applications to ensure information is complete.
- Ensure necessary application fee is submitted.
- Prepare Staff report, draft bylaws and development agreements for Planning Advisory Committee consideration.
- Review application, discussion paper, and draft documents with PAC.
- Review application and PAC recommendation with Council.

(Assuming recommended application)

- Prepare Notice of Public Hearing.
- Advertise Public Hearing notice. (At least two weeks prior to public hearing)
- Review application at Public Hearing.
- Forward copies of the amendment or development agreement to province.
- Advertise notice of passing.

Outside the Scope of both the Planning Advisory Committee and Staff

When evaluating requests for planning amendments or development agreements, Planning Advisory Committee must be cognizant of the scope of municipal authority; and hence scope of PAC; as enabled under provincial legislation, being the Municipal Government Act.

While the Act gives Municipalities fairly broad authority to govern within their respective jurisdictions, there are also many areas where a municipality does not have legal authority to regulate.

Below are some examples of things that are beyond the scope of Planning Advisory Committee to take into consideration during an application evaluation process and therefore should not be asked or discussed:

- Does the applicant have the financial resources to complete the requested changes?
- Is the applicant aware of their legal responsibilities for their requested use or potential use of the property?
- Is the proposed use a financially viable or sustainable plan?
- If a business, does the person have the required employees or business knowledge to own or operate the current or future business?
- What are the applicants' long-term plans for the property?
- Who are all of the proponents involved with the submitted application or who are all of the owners or investors in the business?
- Matters of provincial and / or federal interest -
 - Non land-based operations (i.e. aquaculture) and
 - Resource extraction (i.e. forestry and mining)

Region of Queens Municipality Staff Report

To: Planning Advisory Committee

From: Mike MacLeod, Director of Planning and Development

Date: December 5, 2022

Re: Multiple Unit Dwelling by Development Agreement – 6755 Highway 3, Hunts Point

Background

Region of Queens Municipality has received an application to enter into a development agreement that would allow for the conversion of an existing 7 unit fixed roof overnight accommodation to a multiple unit residential dwelling on property identified as PID# 70055058 and located at 6755 Highway 3 in Hunts Point. A copy of the application is attached as Appendix A.



Details

The property is zoned as Hamlet Core (HC) under the Land Use Bylaw and has a future land use designation of Residential (RES) under the Municipal Planning Strategy.



Zoning Map

A multi-unit dwelling containing more than 4 units is a use that is not permitted as of right in the Hamlet Core (HC) Zone. This being said; however, Council has incorporated provision within the Land Use Bylaw whereby it can consider such uses through a development agreement process.

Residential Uses in Hamlet Zones

	HR	HC	SPECIAL REQ's
Accessory Dwelling	P	P	S7.1
Bed and Breakfast -			
5 or fewer sleeping units	P	P	
More than 5 sleeping units	DA	P	
Boarding House -			
5 or fewer sleeping units	P	P	
More than 5 sleeping units	-	DA	
Converted Dwelling -			
5 or fewer dwelling units	P	P	S7.5
Duplex Dwelling	P	P	
Grouped Dwellings -			
4 or fewer dwelling units	S	S	
5 to 8 dwelling units	-	DA	
Home-based Business -			
Level 1	P	P	S7.9
Level 2	-	S	
Mobile Home	P	P	S12.11(c) & (d)
Multi-unit Dwelling -			
4 dwelling units	S	S	
5 to 8 dwelling units	-	DA	
Nursing Home	-	P	

When evaluating development agreements, Council must be cognizant of the overall goals and policies of this MPS. In particular, it should have regard to the criteria listed in Policy 6-21.

- Policy 6-21:** Council shall not amend the Land Use Bylaw or approve a development agreement unless Council is satisfied the proposal:
- (a) is consistent with the intent of this Municipal Planning Strategy;
 - (b) does not conflict with any Municipal or Provincial programs, bylaws, or regulations in effect in the municipality;
 - (c) is not premature or inappropriate due to:
 - (i) the ability of the Municipality to absorb public costs related to the proposal;
 - (ii) impacts on existing drinking water supplies, both private and public;

- (iii) the adequacy of central water and sewage services or, where such services are not available, the suitability of the site to accommodate on-site water and sewage services;
- (iv) the creation of excessive traffic hazards or congestion on road, cycling, and pedestrian networks within, adjacent to, or leading to the proposal;
- (v) the adequacy of fire protection services and equipment;
- (vi) the adequacy and proximity of schools and other community facilities;
- (vii) the creation of a new, or worsening of a known, pollution problem in the area, including, but not limited to, soil erosion and siltation of watercourses;
- (viii) site-specific climate change risks;
- (ix) the potential to create flooding or serious drainage issues, including within the proposal site and in nearby areas;
- (ix) *impacts on known habitat for species at risk;*
- (x) *light pollution and impacts on dark sky views, especially in the vicinity of the Kejimikujik Dark-Sky Preserve;*
- (xi) *the suitability of the site in terms of grades, soil and geological conditions, the location of watercourses and wetlands, and proximity to utility rights-of-way; and*
- (xiii) *negative impacts on the viability of existing businesses in the surrounding community, including, but not limited to, the risk of land use conflicts that could place limits on existing operational procedures.*

The Municipal Planning Strategy also establishes a list of conditions that may be incorporated in a development agreement.

Policy 6-15: *Council may specify conditions in the development agreement to bring the proposal into alignment with the enabling policy and the general criteria set out in Policy 6-21. Such conditions may include, but are not limited to, controls regarding:*

- (a) *servicing;*
- (b) *the type, location, and orientation of structures;*
- (c) *the architectural design of structures, including, but not limited to, bulk, scale, height, roof shape, building and cladding materials, and the shape and size and placement of doors and windows;*
- (d) *the provision of open space and amenities;*
- (e) *the type, size, and location of signage;*
- (f) *the type and orientation of exterior lighting;*
- (g) *management of solid waste, compost, and recycling;*

- (h) *pedestrian, bicycle, and vehicular circulation;*
- (i) *connections to existing or planned pedestrian, bicycle, and vehicular networks;*
- (j) *the location and number of bicycle and vehicular parking and loading spaces;*
- (k) *access for emergency vehicles;*
- (l) *the location and type of landscaping, including fences and other forms of screening;*
- (m) *stormwater management;*
- (n) *grading and erosion control;*
- (o) *the emission of noise, odour, light, liquids, gases, and dust;*
- (p) *the type of materials stored and/or sold on site;*
- (q) *hours of operation;*
- (r) *the phasing of development;*
- (s) *financial bonding for the construction and maintenance of components of the development, including, but not limited to, roads and landscaping;*
- (t) *mitigation measures for construction impacts;*
- (u) *time limits for the initiation and/or completion of development; and*
- (v) *all other matters enabled in Section 227 of the Municipal Government Act.*

The process for entering into a development agreement is set out in Section 230 of the Municipal Government Act and requires a public hearing process prior to Council making a decision.

Adoption or amendment of development agreement

- 230 (1) A council shall adopt or amend a development agreement by policy.
- (2) A council shall hold a public hearing before approving a development agreement or an amendment to a development agreement.
- (3) Only those members of the council present at the public hearing may vote on the development agreement or the amendment.
- (4) Upon approving a development agreement or an amendment to a development agreement, the clerk shall place a notice in a newspaper circulating in the municipality stating that the development agreement is approved and setting out the right of appeal.
- (5) The clerk shall file a certified copy of a development agreement or amendment with the Minister when notice of the development agreement or an amendment to it is published.
- (6) Within seven days after a decision refusing to approve a development agreement or an amendment to a development agreement, the clerk shall notify the applicant in writing, giving reasons for the refusal and setting out the right of appeal.

(7) Amendments to those items in a development agreement that the parties have identified as not substantive, if the substantive items were identified in the agreement, or that were not identified as being substantive, do not require a public hearing. 1998, c. 18, s. 230; 2003, c. 9, s. 60.

Considerations

- PID# 70055058 has a lot area of approximately 10,450 square feet, with approximately 135 feet of frontage on Highway 3.
- The area is mix of low density residential and commercial businesses.
- There is an existing 7 unit fixed roof overnight accommodation operation located on the property.
- There are 9 parking stalls located on the subject property
- Intent is to change the use to multiple unit dwelling.
- Property is located on the Atlantic Ocean. The existing structure was constructed in compliance with regulations a time of construction.
- No intent to change the structural development, just the use of the property.
- Highway 3 is a provincially owned and maintained public road.
- Existing access to the property to be utilized.
- No municipal services in vicinity of subject property. Existing on-site septic and dug well.

Potential Options

1. Maintain status quo (deny development agreement request); or
2. Enter into a development agreement with 3332373 Nova Scotia Limited to allow for a multiple unit dwelling on property identified as PID#70055058 and located at 6755 Highway 3 in Hunts Point.

Tentative Timeframe

<u>Date</u>	<u>Procedure</u>
December 5, 2022	Planning Advisory Committee
December 13, 2022	Council
December 21, 2022	First Public Notice
December 28, 2022	Second Public Notice
January 10, 2023	Public Hearing
January 10, 2023	Council
January 18, 2023	Notice of Passing
February 2, 2023	Appeal Period Ends

In looking at the use that is being proposed for the property, the property itself and the surrounding area, it is the opinion of Staff that the change of use from short-term rental units to multiple residential units will have negligible impact. Sufficient terms and condition can be incorporated into a development agreement to meet the needs of the applicant and also to mitigate potential issues.

A draft copy of the development agreement has been prepared for discussion purposes and is attached hereto as Appendix B.

Applicable Legislation

Municipal Government Act.

Recommendation

That Council of Region of Queens Municipality give notice of its intention to enter into a development agreement with 3332373 Nova Scotia Limited to allow for a multiple unit dwelling on property identified as PID#70055058 and located at 6755 Highway 3 in Hunts Point.

And That a Public Hearing be held on January 10, 2023 in the Council Chambers of the Municipal Building, 249 White Point Road in Liverpool, NS, at 9:00 a.m.

Appendix A



REGION OF QUEENS MUNICIPALITY LAND USE BYLAW AMENDMENT & DEVELOPMENT AGREEMENT APPLICATION

For Internal Use Only

Acceptance Date: Nov. 15/22
Processing Date: _____



1. Application Type:

- Land Use Bylaw Amendment
 Development Agreement

2. Property Information:

Civic address of subject property - 6755 Hwy 3 Hunt's Point
Property Identification Number (PID) - 70055058
Present use of subject property - rentals - Fixed roof Overnight Accomms.
Proposed use of subject property - condos - Multiple-unit dwelling
Existing Lot Size - See Survey
Existing Lot Frontage - See Survey

3. Property Owner Information:

Name - 3332373 N.S. Ltd.

Applicant is:

- Owner
 Agent of Owner

Civic Address - 6765 Hwy. 3, Hunt's Point

Mailing Address (If different from Civic Address) - _____

Telephone Number - 902-_____

Email Address - _____ .com

4. Zoning Information:

Existing Zoning - Commercial - Hamlet Core (HC)

Proposed Zoning - _____

5. Property Servicing Information:

Water Services –

- Municipal System - Existing Proposed
Drilled Well - Existing Proposed
Dug Well - Existing Proposed
Other - _____

Sewer Services –

- Municipal System - Existing Proposed
On-site System - Existing Proposed
Other - _____

Access –

- Public Road - Existing Proposed
Private Road - Existing Proposed
Other - _____

6. Declaration:

Registered Owner of Property (Please print)

I / We Sonnie Banfield do solemnly declare that I / We are the current registered owner(s) of the property described in this application. I / We have examined the contents of this application and certify that the information submitted is accurate.

Registered Owner 3332373 N.S. Ltd.
Signature Sonnie Banfield
Date Nov. 04/22

Registered Owner (if more than one) _____
Signature _____
Date _____

Authorization of Registered Owner (Please print)

I / We _____ authorize _____
To act as agent and sign this application on my / our behalf for property located at
(Civic Address) _____ and identified as PID# _____.

Notes:

1. The requirements of a Land Use Bylaw amendment or development agreement application are established by the Planning Department of the Region of Queens Municipality. An application approval process will not commence until a completed application and advertising deposit are received.
2. Please make cheques payable to the Region of Queens Municipality. Following completion of the amendment process, the unused balance will be returned to the applicant. However, should the deposit be insufficient to cover the cost of advertising, the applicant will be responsible for the difference.
3. It is recommended that an applicant have a pre-consultation meeting with staff of the Planning Department prior to submitting this application.

November 15, 2022

Mike MacLeod
Director of Planning and Development
Region of Queens Municipality
P.O. Box 1264
249 White Point Road
Liverpool, NS BOT 1K0

Via email: mgmacleod@regionofqueens.com

Dear Mr. MacLeod:

Re: Development Agreement for Hunts Point Ocean Villas
6755 Highway 3, Hunts Point

I appreciate the opportunity to submit a cover letter to accompany my application for a development agreement to allow for multi-unit residential for 6755 Highway 3, Hunts Point Ocean Villas.

Construction began in April 2021, with the goal of developing a signature property designed for the growing short-term rental market. Given the property's location, in the heart of the White Point-Summerville vacation corridor, I felt such a project could contribute to building the region's year-round tourism industry, benefitting restaurants, shops, and other small businesses in the area.

Given the ongoing concerns around the pandemic and the resulting unstable tourism market, like other operators in the area, I have been grappling with how to remain open and profitable throughout the year; and ultimately sustainable over the long term. The development agreement for the property to allow condominiums does not abandon that original objective of adding a distinctive short-term rental option worthy of its location. Under this ownership model, a mixture of full- or part-time residents could engage in Airbnb-type rentals at their discretion—with minimal impact on local traffic, when compared to a tourism-specific commercial operation.

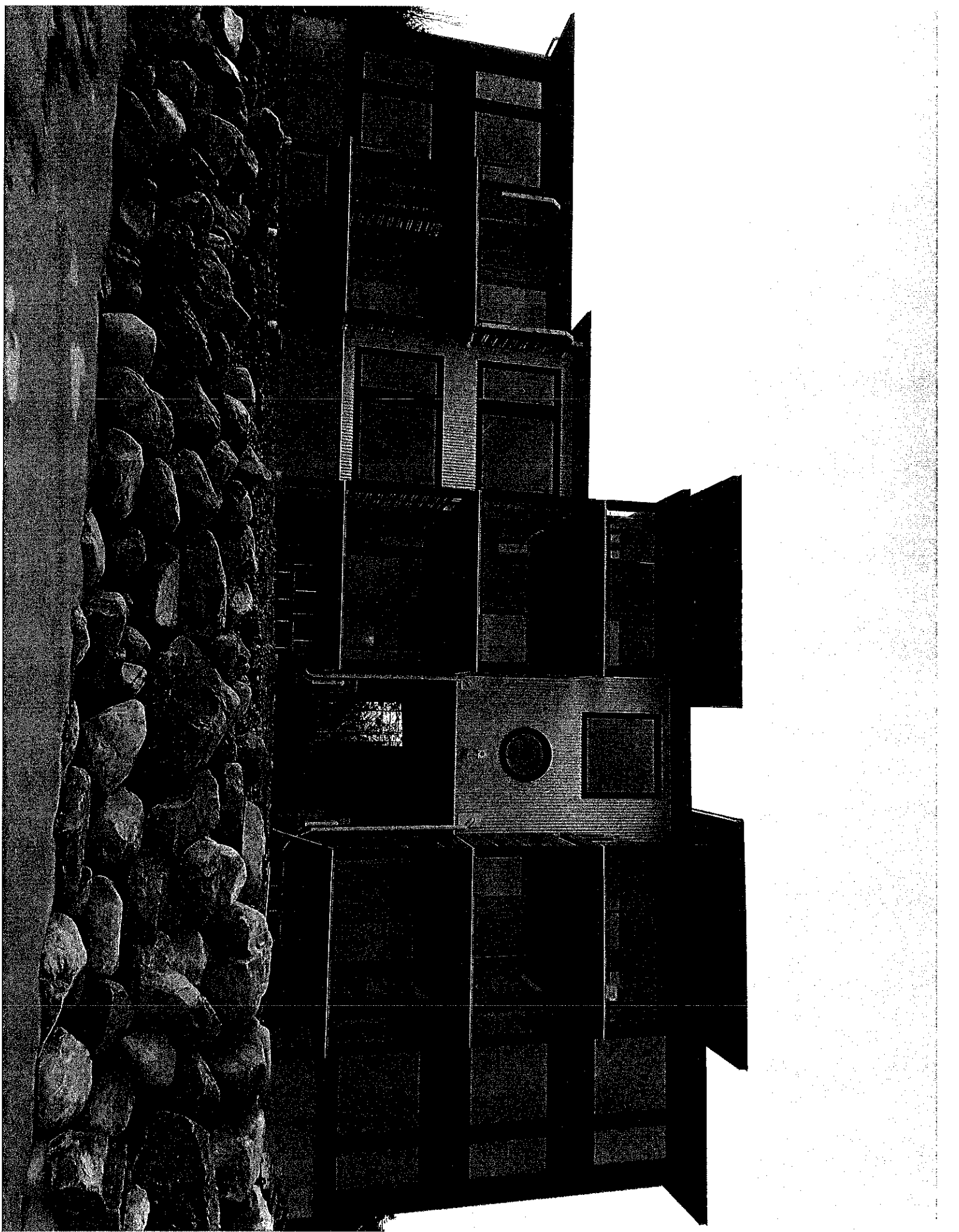
The new owners and their guests become new customers for restaurants, shops, contractors, and other service providers, contributing to the local economy at a scale not achievable through a strictly rental-based operation. Creating condominiums for ownership is also a highly efficient method of attracting retirees, single working individuals and couples to live in the area. The municipality also benefits from new property tax revenues and consumers for area businesses. Condo buyers become new homeowners in the community, taking pride in their property, meeting neighbours, and making new friends.

Following the successful sales of the Hunts Point Ocean Villas units, the applicant will be well-positioned to pursue the next venture: reinvesting those funds in the creation of affordable/low-income rental housing for the Liverpool area. Increasing the inventory of available housing is a key component to support business and population attraction initiatives already underway by the Region of Queens' staff and council.

Thank you for your consideration. I look forward to any questions on this letter or the accompanying application.

Yours truly,

3332372 Nova Scotia Ltd.
Applicant



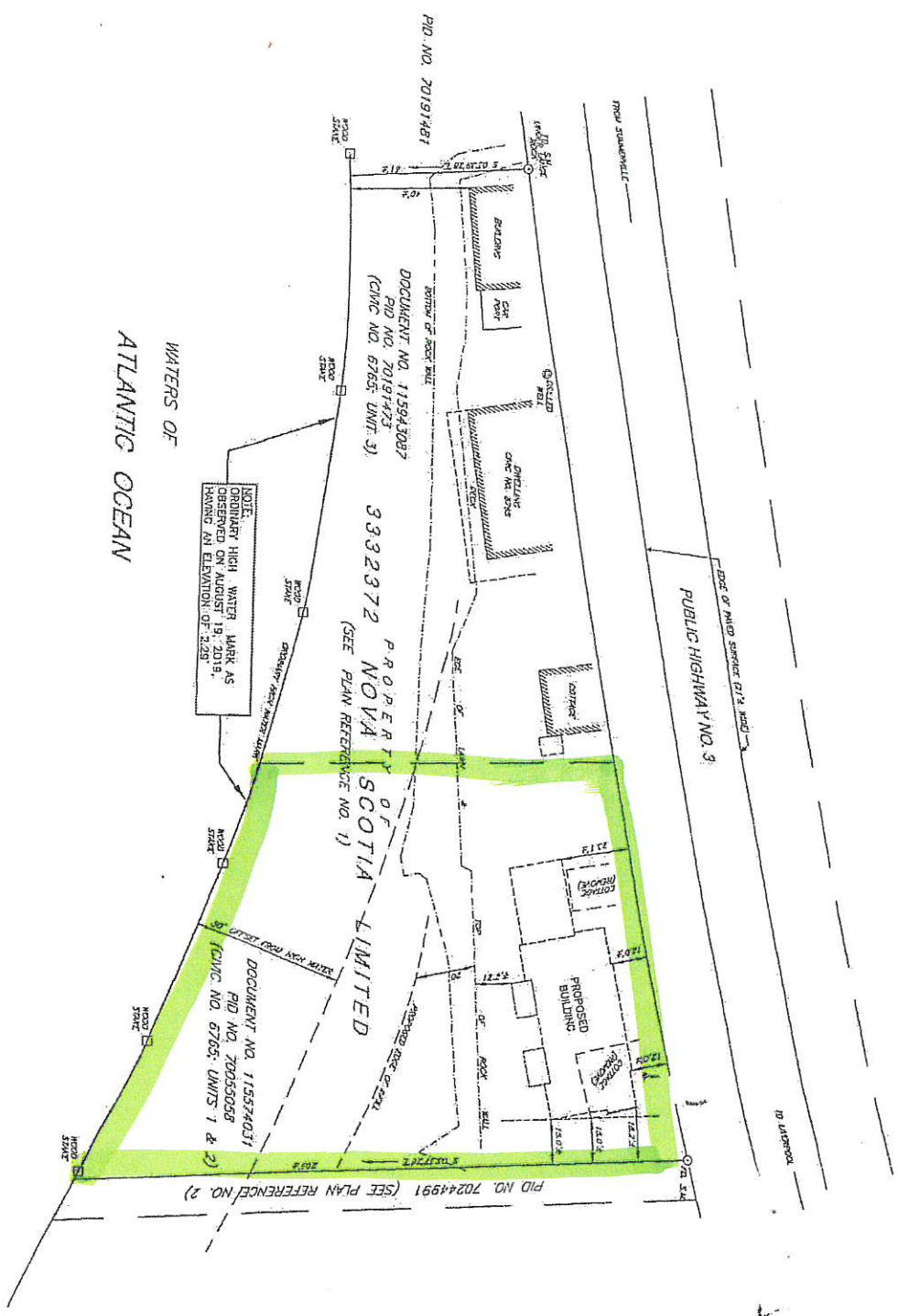


The building is a two-story structure. The upper portion is finished with light-colored corrugated metal siding and features two large, dark circular openings on the second floor. The lower portion is a dark, possibly black or dark brown, color with several rectangular windows. The roofline is complex, with multiple levels and overhangs. To the left of the building, there is a grassy area and a paved road with a yellow double line. In the foreground, a utility pole with wires is visible.

The road is paved with asphalt and has a prominent yellow double line running parallel to the building. The road surface shows some cracking and wear. To the right of the road is a grassy area.

The background shows a clear sky and some distant trees or structures. A utility pole with wires is visible in the foreground, extending from the bottom left towards the building.

70055058 ≈ 10,450 FT²



NOVA SCOTIA GRID NORTH

LEGEND

- ANSHP
- SM
- LB/AF
-
- X-X-X
- RD.
- (C)
- C.P.
- R.P.
-
-
- E.C.
- P.O.L.
- N.L.
- D.H.W.M.
- (B.S.L.D.)
- N.L.E. S.I.F.
- DISTANCES 5

BEARINGS AND OF THE NOVA SCOTIA STATION NO. 221089, THE HORIZON OF THE NORTH AMERICAN DATUM OF 15

PLAN REFERENCES:
 1) PLAN OF SURVEY NO. B-454 BY OF FANNING, HARRIS & COMPANY, P.O. BOX 100, QUEEN'S COUNTY REGISTRY OF DEEDS UNDER NO. 33
 2) PLAN OF SURVEY NO. B-1172 BY PHILIP J. COLEMAN AND JOHN WARD, JUNIATA COUNTY, PENNSYLVANIA, PLAN AT THE REGISTRY OF DEEDS UNDER

SHOWING PROPOSED BUILDING, VARIOUS FEATURES UPON PRC LIMITED, CIVIC NO. 0785 HIGH COUNTY, NOVA SCOTIA



FIELD SURVEY CONDUCTED ON THE AUGUST 19, 2015
 DATE OF PLAN: MAY 14, 2020
 BERRIG, NOVA SC
 BRIDGEWAY

5. **THAT** the Developer shall maintain a minimum of nine (9) off-street parking space for the dwelling units;
6. **THAT** the parking area shall be maintained with a stable surface, that is treated to prevent the raising of dust or loose particles;
7. **THAT** any lighting for proposed parking area shall be directed away from abutting properties;
8. **THAT** notwithstanding any other provisions of this Development Agreement, the Developer shall not undertake or carry out any development on the Lands which does not comply with:
 - (a) this Development Agreement;
 - (b) any statutes and regulations of the Province of Nova Scotia to the extent that the same are properly the subject of a development agreement; and
 - (c) appropriate Municipal Bylaws, including without restricting the generality of the foregoing, the Bylaw Respecting the Building Code Act.
9. **THAT** in the event of a dispute, the decision of the Development Officer of the Region as to whether the development is in conformance with the terms of this Agreement shall be conclusive;
10. **THAT** notwithstanding the provisions of the Region of Queens Municipality Municipal Planning Strategy and Land Use Bylaw, the Developer shall be permitted to seek substantial or non-substantial amendments to this Development Agreement, subject to the procedure as set forth in Section 230 of the Municipal Government Act of Nova Scotia;
11. **THAT** amendments which shall be considered substantial are any affecting the following:
 - (a) A change in the uses permitted;
12. **THAT** any amendment whether substantial or otherwise must be approved by both parties in writing;
13. **THAT** the Developer agrees to pay for all legal costs, advertising and expenses incurred by the Region that have originated from its application for this Development Agreement;
14. **THAT** this Agreement shall be binding upon the parties hereto, their heirs, successors and assigns and shall run with the land which is subject to this Agreement;

15. **THAT** this Agreement is not assignable without the written consent of the Region;
16. **THAT** enforcement and rights and remedies on default of this Agreement shall be as follows:
 - (a) The Developer agree that the Development Officer appointed by the Region to enforce this Agreement shall be granted access onto the lands during all reasonable hours without obtaining consent of the Developer. The Developer further agree that, upon receiving written notification from the Development Officer to inspect the interior of any building located on the lands, the Developer agree to allow for such inspection during any reasonable hour within two (2) days of receiving such notice.
 - (b) If the Developer fail to observe or perform any condition of this Agreement, after the Region has given the Developer thirty (30) days written notice of the failure or default, then in each such case:
 - (1) the Region shall be entitled to apply to any court of competent jurisdiction for injunctive relief including an order prohibiting the Developer from continuing such default, and the Developer hereby submit to the jurisdiction of such Court and waive any such defense based upon the allegation that damages would be an adequate remedy;
 - (2) The Region may enter upon the lands and perform any of the covenants contained in this Agreement, whereupon all reasonable expenses whether arising out of the entry on the lands or from the performance of the covenants may be recovered from the Developer; if unpaid within 30 days of billing by the Region; by direct suit and such amount shall, until paid, form a lien upon the lands and be shown on any tax certificate issued under the Municipal Government Act;
 - (3) The Region may by resolution discharge this Agreement, upon providing the Developer sixty days (60) written notice, whereupon this agreement shall have no further force or effect and henceforth the development of the lands shall conform with the provisions of the Region of Queens Municipality Land Use Bylaw;
 - (4) In addition to the above-mentioned remedies, the Region reserves the right to pursue any other remediation under the Municipal Government Act or common law to ensure compliance with this Agreement.

17. **THAT** the entering into of this Agreement was approved by the Council of the Region of Queens Municipality at a duly held meeting of Council convened on the _____ day of _____, 2023.

- (a) This Agreement shall not be entered into, or signed by the parties, until the time for Appeal under Section 228 of the Municipal Government Act of Nova Scotia has elapsed, any appeals which have been lodged have been disposed of and the required resolution of Council has been affirmed by the Nova Scotia Utility and Review Board;
- (b) This Agreement does not come into effect until it is filed, by the Region of Queens Municipality, in the Registry of Deeds as set out in Section 228 of the Municipal Government Act of Nova Scotia.

DRAFT

IN WITNESS WHEREOF the parties have hereto set their hands and affixed their Corporate seals the day and year first above written.

SIGNED, SEALED AND DELIVERED

in the presence of

_____)	3332373 NOVA SCOTIA LIMITED
)	
)	Per: _____
Witness)	Sonnie Banfield
)	
)	
)	REGION OF QUEENS MUNICIPALITY
)	
)	
)	Per: _____
)	Mayor
)	
_____)	
Witness)	Per: _____
)	Municipal Clerk

**PROVINCE OF NOVA SCOTIA
COUNTY OF QUEENS**

ON this ____ day of _____, 2023, before me, the subscriber personally came and appeared _____ a subscribing witness to the foregoing Indenture, who having been by me duly sworn, made oath and said that Sonnie Banfield signed, sealed and delivered the same in his/her presence.

A Commissioner of the Supreme Court of Nova Scotia

**PROVINCE OF NOVA SCOTIA
COUNTY OF QUEENS**

ON this ____ day of _____, 2023, before me, the subscriber personally came and appeared _____ a subscribing witness to the foregoing Indenture, who having been by me duly sworn, made oath and said that the Region of Queens Municipality, per its authorized officers, Darlene Norman and Eric Levy, signed, sealed and delivered the same in his/her presence.

A Commissioner of the Supreme Court of Nova Scotia

SCHEDULE "A"

BEECH HILL ROAD

HIGHWAY 3

6755

70055058

Hunts Point Beach