

**Region of Queens Municipality Planning Advisory Committee
Wednesday February 15, 2023 7:00 p.m.**

Agenda

1.0 Call to Order

2.0 Approval of Agenda

3.0 Approval of Minutes – December 5, 2022

**4.0 Rezoning Request – Beach Meadows Beach Road, Beach
Meadows**

5.0 Committee Review of Planning Documents

6.0 Other

7.0 Adjournment

**Planning Advisory Committee
December 5, 2022 - 7:00 p.m.**

Minutes

Present: Councillor Maddie Charlton, Chair
Councillor David Brown
Councillor Carl Hawkes
Gary Clark
Zenia Horton
Linda Rafuse
Mary White
Pamela Brennan
Mike MacLeod, Planner
Wendy Connors, Development Officer

Regrets: Jonathan Bower

1. Call to Order -

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

2. Welcome and Introductions –

Maddie Charlton asked the members of the Committee to introduce themselves to each other.

3. Approval of Agenda -

It was MOVED by **David Brown** and SECONDED by **Gary Clark** that the Agenda be approved as circulated.

Motion Carried Unanimously.

4. Approval of Minutes – September 6, 2022

It was MOVED by **Carl Hawkes** and SECONDED by **Mary White** that the Minutes of September 6, 2022 be approved as circulated.

Motion Carried Unanimously

5. Planning Advisory Committee

5.1 – Policy

Mike MacLeod gave an outline of the background and expectations of the Planning Advisory Committee, as the majority of the members are new to the Committee. Maddie Charlton has been appointed as Chair and David Brown has been appointed as Vice Chair of the Committee.

5.2 – Code of Conduct

The Code of Conduct for Members of Council and Public Committee Members – Policy number 74, was discussed. Any questions on this policy should be directed to Mike for clarification.

5.3 – Roles and Responsibilities

Mike went over the Roles and Responsibilities of the Planning Advisory Committee and what is taken into consideration when dealing planning matters.

6. Development Agreement Request – 6755 Highway 3 in Hunts Point – Multiple Unit Dwelling

Mike MacLeod introduced the owner of the property, Sonnie Banfield and gave an overview of the 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 multiple unit dwelling containing more than four units is required to go through the development agreement process.

Gary Clark asked if this was similar to ‘grandfathering’ and Mike explained that the development agreement is a tool used in planning to permit certain uses, with conditions, in addition to regulations set out in the Land Use Bylaw.

David Brown inquired about the impact this change will have on Airbnb’s (short-term rentals). Mike MacLeod clarified that the intent was to register this building as a condominium and each unit would be owned independently. However, each owner will still have the opportunity to use their unit as a short-term rental, as they are permitted within the definition of fixed roof overnight accommodation. All uses in the Hamlet Core Zone are still be permitted on the property. Mary White asked if the building was not already in existence, would this be permitted or would the property owner have to rezone the property? Wendy Connors stated that the owner would go through the same process that he is going through today, the development agreement process. However, a building with four units or less is permitted by site plan approval and would not need to go through the Committee.

It was **MOVED** by **David Brown** and **SECONDED** by **Carl Hawkes**

THAT Council of the 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.

Motion Carried 7 in favour and 1 against.

7. Committee Membership

Mike MacLeod advised that the Planning Advisory Committee still has an opening for a member from District 7.

8. Other

9. Adjournment

There being no further business, the meeting was adjourned at 8:37 p.m.

Date

Region of Queens Municipality Staff Report

To: Planning Advisory Committee

From: Mike MacLeod, Director of Planning and Development

Date: February 15, 2023

Re: Rezoning – Beach Meadows Beach Road, Beach Meadows

Background

The owners of property located off Beach Meadows Beach Road in the Community of Beach Meadows, and identified as PID# 70260948, have made application to rezone the property from Hamlet Residential (HR) to Hamlet Core (HC). A copy of the application is attached as Appendix A.

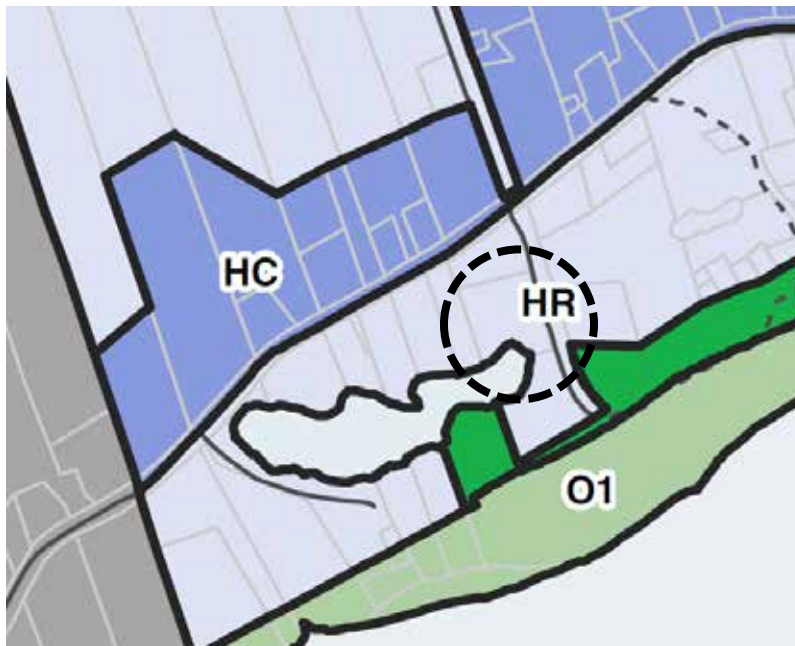
The applicant's wish to construct a triplex dwelling on the property to be used as either a short term or long term rental.



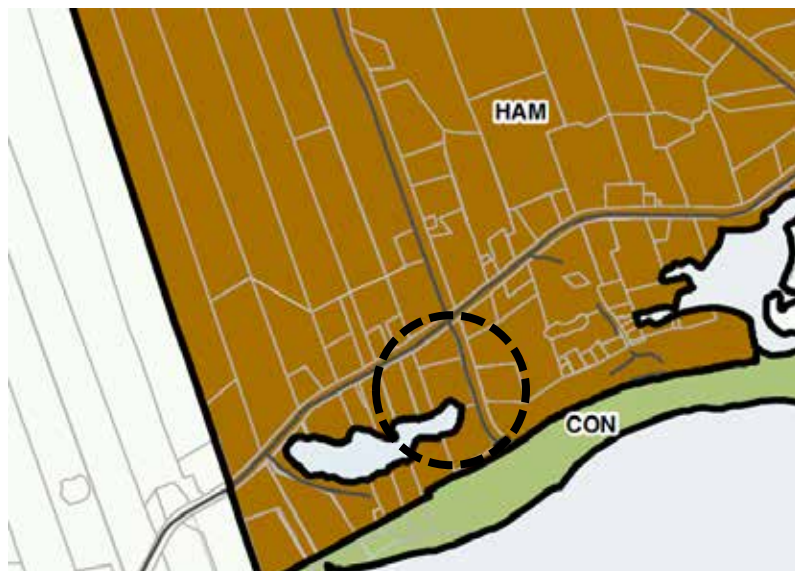
Map of Subject Property

Details

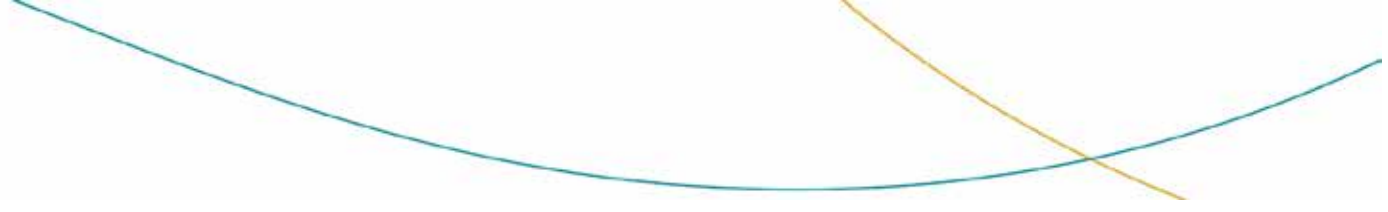
The property is zoned as **Hamlet Residential (HR)** under the Land Use Bylaw and has a future land use designation of **Hamlet (HAM)** under the Municipal Planning Strategy.



Zoning Map



Future Land Use Map



A triplex dwelling is a use permitted in the HR Zone, if utilized as a long term rental. Short term rentals are also a permitted use in this zone; however, only one such unit is permitted on a lot, as per section 7.14 of the Land Use Bylaw.

7.14 Short-term Rentals

7.14.1 Only one short-term rental shall be permitted on a lot.

7.14.2 Short-term rentals shall be permitted within an accessory dwelling.

The use being proposed for the property is that all three units have the potential to be used as short term rentals and as such, would not be permitted under current regulations.

The Region's Municipal Planning Strategy sets out:

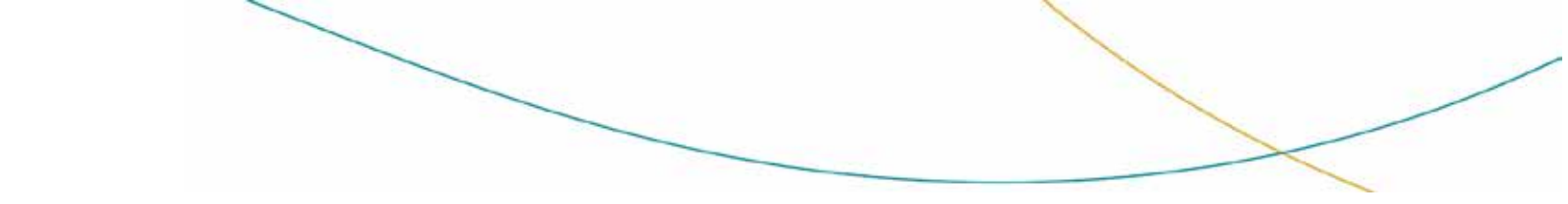
4.7.9 Accommodations

Accommodations for the travelling public are important for supporting the local economy, whether through tourism or visitors on business travel. Queens features larger hotels within the Liverpool area and a diverse mix of rental cottages, B&Bs, inns, motels, and resorts throughout the rest of the municipality. Council will continue to support such uses in appropriate locations.

One of the recent shifts in the accommodations industry is the rise of short-term rentals (homes or rooms within a home rented out for fewer than 30 days at a time). While private cottage rentals and the like have always been a part of the Queens accommodations landscape, the popularity of online listing platforms has led to a steep increase in the number of short-term rentals.

These accommodations allow homeowners to gain an additional source of income and also help create accommodations options in smaller communities that might not have the volume of business to support traditional accommodations options. However, there is a risk that the income potential of short-term rentals takes housing out of the long-term rental market, and the mixing of accommodations with residential neighbourhoods can cause concerns about community character. Council intends to permit short-term rentals to a limited degree.

Policy 4-62: Council shall, through the Land Use Bylaw, permit accommodations in zones that permit commercial uses as a primary intent of the zone.



Policy 4-63: Council may, through the Land Use Bylaw, permit short-term rentals with controls to limit their scope and impact on housing supply and neighbourhood character.

One option available for consideration to meet the needs of the applicants is amending the Land Use Bylaw to change the zoning of the property from Hamlet Residential (HR) to Hamlet Core (HC). The Municipal Planning Strategy sets out that:

5.4.4 Rezoning

There may be times that Council sees a need to adjust the boundaries of zones within the Hamlet Designation. In such situations, Council may entertain amending the zoning map of the Land Use Bylaw.

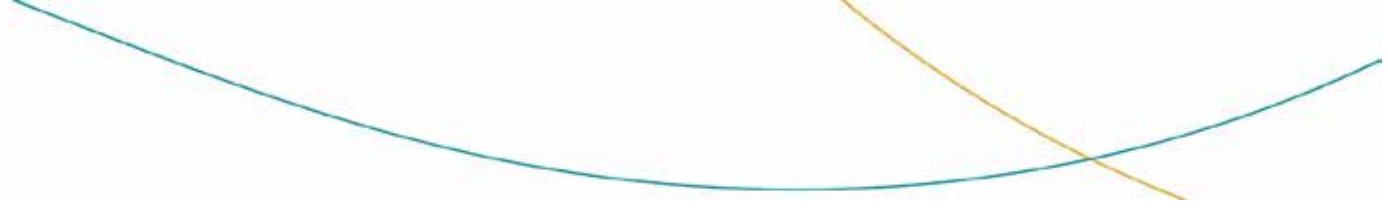
Policy 5-48: Council shall consider proposals to rezone lands in the Hamlet Designation to any other zone permitted in that designation, as identified by Policy 5-39. Council shall not approve such a rezoning unless Council is satisfied:

- (a) the proposed change is not prohibited by any other policy in this Plan;
- (b) the purpose of the proposed zone, as described in the respective policy creating that zone, is consistent with the location and characteristics of the lands and with the proposed use of the lands;
- and
- (c) the proposal meets the general criteria for amending the Land Use Bylaw, set out in Policy 6-21.

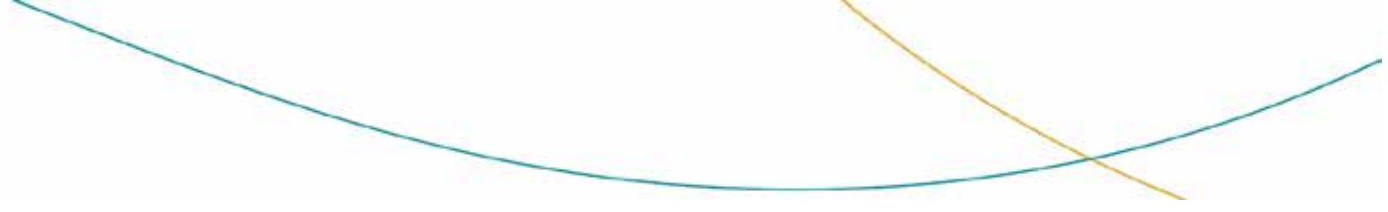
In looking at proposed amendments to the Land Use Bylaw, Council has established, through policy, a number of evaluation criteria and are as follows:

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;
 - (x) impacts on known habitat for species at risk;
 - (xi) light pollution and impacts on dark sky views, especially in the vicinity of the Kejimikujik Dark-Sky Preserve;
 - (xii) 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.

In amending the zoning map to change the zone of this property from Hamlet Residential ((HR) to Hamlet Core (HC), the potential uses for this property would extend to any permitted in the HC Zone. This amendment could potentially open up the property to other uses that are less compatible with the surrounding low density residential uses. This being said, the MPS also contains policy where



Council can consider specific uses through a development agreement process instead of amending the zoning.

6.4.4 Development Agreements Instead of Map Amendments

Occasionally a land owner will seek to rezone their land to permit a specific proposal that is a smaller scale or less intensive use than the full range of intensity and uses the proposed zone would allow. For example, a land owner may request a zone for a small multiunit residential development, even though the proposed zone would permit a larger multi-unit development. However, once the zoning is approved there are no controls to limit development on the site to anything other than the maximum permitted by the zone. This can create a situation where the community is not concerned about the specific proposal, but is concerned about the potential for maximum development on the site. In such a situation, the land owner may voluntarily opt to use a development agreement to limit development rights to the scale and intensity of the specific proposal.

Policy 6-18: Council may enter into a development agreement for a specific proposal in lieu of amending the map of the Land Use Bylaw to accommodate that proposal. Council shall not approve the development agreement unless Council is satisfied that:

- (a) a zone exists that could accommodate the proposal and the placement of that zone on the proposed site would meet the requirements for amending the map of the Land Use Bylaw set out in Policy 6-10; and

- (b) the proposal is consistent with the general criteria set out in Policy 6-21.

Considerations

- Total lot area for the parcel is 1.64 acres.
- Proposed 3 unit fixed roof overnight accommodation (Short term rental).
- Mix of residential, parkland and open space uses in immediate area.
- Current zoning is Hamlet Residential (HR).
- Proposal is for a new build and would not impact the existing housing supply.

- There are no Municipal sewer or water services in this area. Development would utilize private on-site systems.
- Property abuts Beach Meadows Beach Road, which is an owned and maintained provincial public road. Access to the proposed development has been approved by NS Public Works.
- While the property does not abut the coast, it is located within the vertical elevation buffer area and subject to minimum elevation standards. Development site is 800+ feet from shoreline and exceeds the 2.8 m elevation minimum.
- Setbacks from identified wetland and watercourse (Whartons Pond) exceed minimum development setbacks as identified in the Land Use Bylaw.

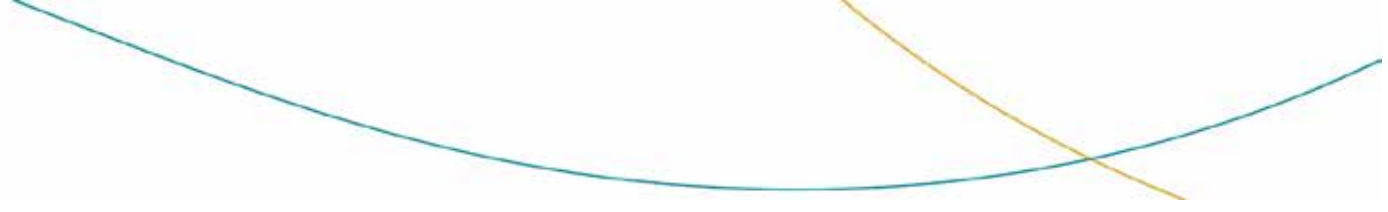
Potential Options

1. Maintain status quo (deny request);
2. Amend the Land Use Bylaw to rezone property identified as PID# 70260948 from Hamlet Residential (HR) to Hamlet Core (HC); or
3. Enter into a development agreement with Albert and Paula Doucet to allow for a three (3) unit fixed-roof overnight accommodation on property identified as PID#70260948.

Tentative timeframe

Should recommendation be made to proceed with application, tentative timeframe for process is as follows:

Planning Advisory Committee -	February 15, 2023
Council -	February 28, 2023
First Public Notice -	March 8, 2023
Second Public Notice -	March 15, 2023
Public Hearing -	March 28, 2023
Council -	March 28, 2023
Notice of Passing -	April 5, 2023
Appeal Period Ends	April 20, 2023



Staff have reviewed the application and are of the opinion that the proposal is consistent with policy in the Municipal Planning Strategy would be best addressed through a development agreement process to reduce potential impacts on surrounding area.

Applicable Legislation

Municipal Government Act and Region of Queens Municipality Municipal Planning Strategy and Land Use Bylaw.

Budget Impacts

No budget impacts are applicant responsible for costs associated with the planning amendment process.

Recommendation

THAT Council of Region of Queens Municipality give notice of its intention to enter into a development agreement with Albert and Paula Doucet to allow for a three (3) unit fixed-roof overnight accommodation on property identified as PID#70260948;

AND THAT a public hearing be scheduled for Tuesday March 28, 2023 in the Council Chambers of the Municipal Building, 249 White Point Road in Liverpool, NS, at 6:00 pm.

Appendix "A"



For Internal Use Only
Acceptance Date: _____
Processing Date: _____

Region of Queens Municipality

Planning Amendment and Development Agreement Application



1. Application Type:

- Land Use Bylaw Amendment
- Development Agreement

2. Property Information:

Civic address of subject property – LOT 2 Brooklyn Shore Rd. Beach Meadows_

Property Identification Number (PID) – 70260948

Present use of subject property – N/A

Proposed Use of subject property – Short & Long term Rentals

Existing Lot Size - 1.64 Acres

Existing Lot Frontage - N/A

3. Property Owner Information:

Name – Al & Paula Doucet

Applicant is :

- Owner
- Agent of Owner

Civic Address - 3 BOT 1K0

Mailing Address (if different from Civic Address) -

Telephone Number - 902 -

Email Address -

4. Zoning Information:

Existing Zoning - HR

Proposed Zoning - HC

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)

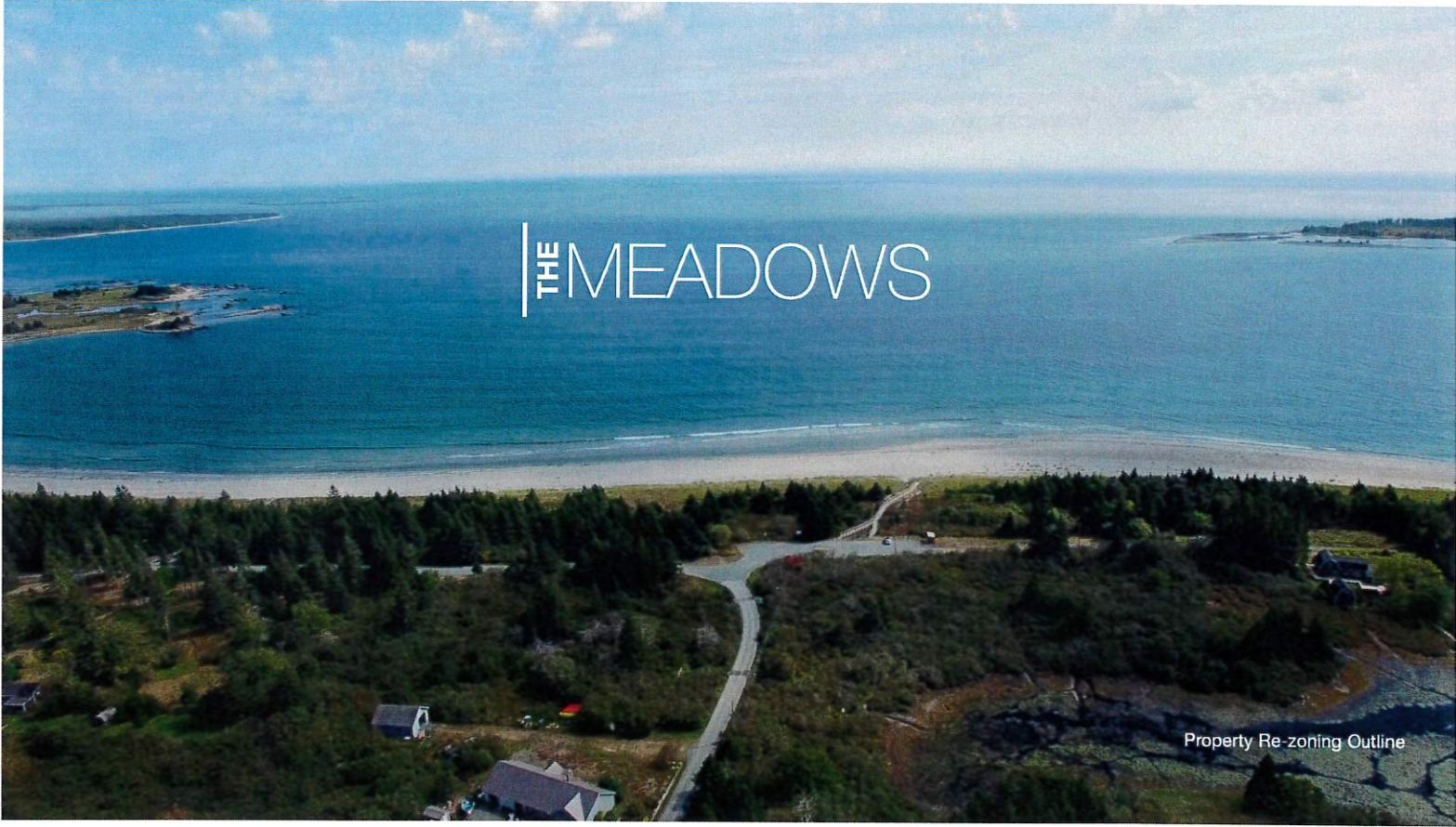
I / We Al & Paule Doucet do solemnly declare that I / We are the current registered owner(s) of the property described in this application. I / We have examined the contents of this application and certify that the information submitted is accurate.

Registered Owner Albert Doucet
Signature *Albert Doucet*
Date JAN 26 / 23

Registered Owner (if more than one) Paule Doucet
Signature *Paule Doucet*
Date Jan 26 / 23

Authorization of Registered Owner (Please print)

Albert & Paule Doucet



THE MEADOWS

Property Re-zoning Outline

To whom it may concern:

On Lot 2 Brooklyn Shore Rd in Beach Meadows PID # 70260948 we are looking to change the zoning from Hamlet Residential (HR) to Hamlet Core (HC).

This piece of property has been in the Doucet family for 3 generation. We love and respect the area and it's residents. We are looking to build a very tasteful triplex building in the centre of the property that works with it's natural surroundings. Keeping as many trees as possible on both neighbour's sides to allow privacy for all parties.

The zoning change requested will allow us the option to use any of the units for either long term or short-term rentals.

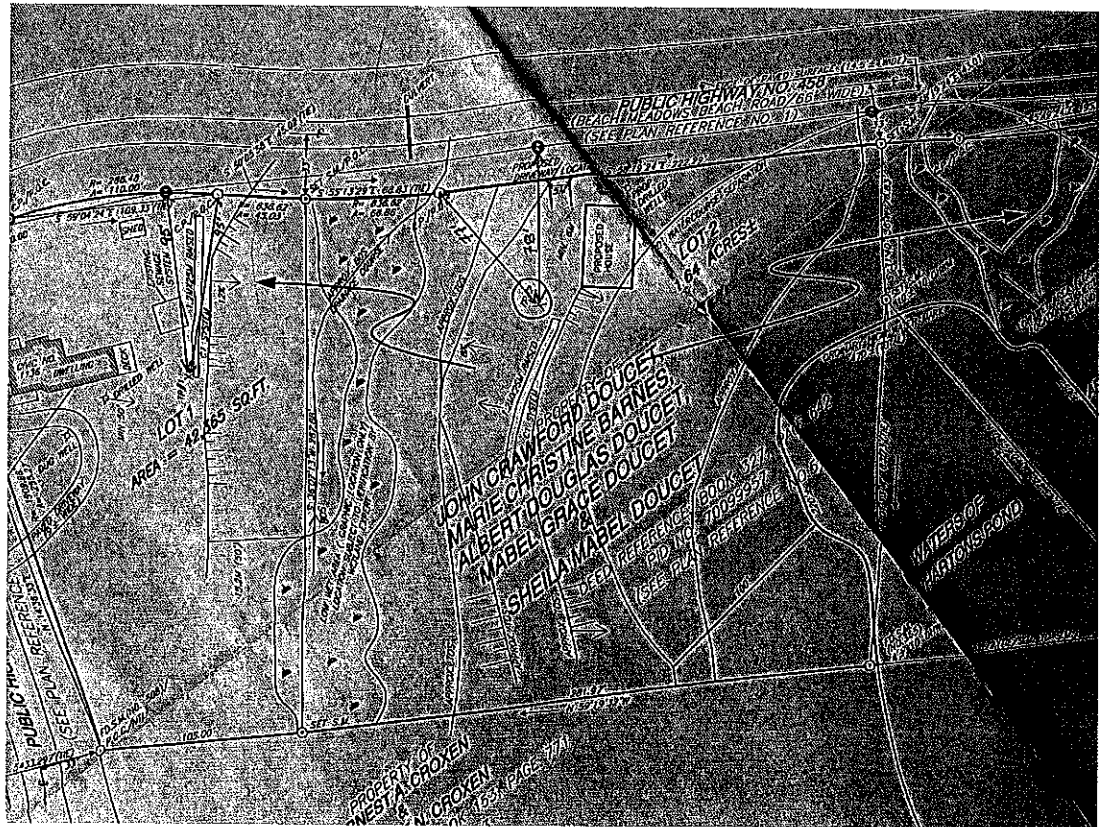
We aren't looking to set this up to rent to just anyone. We want to be able to share the area with families, friends and individuals looking for a place to relax and make memories.

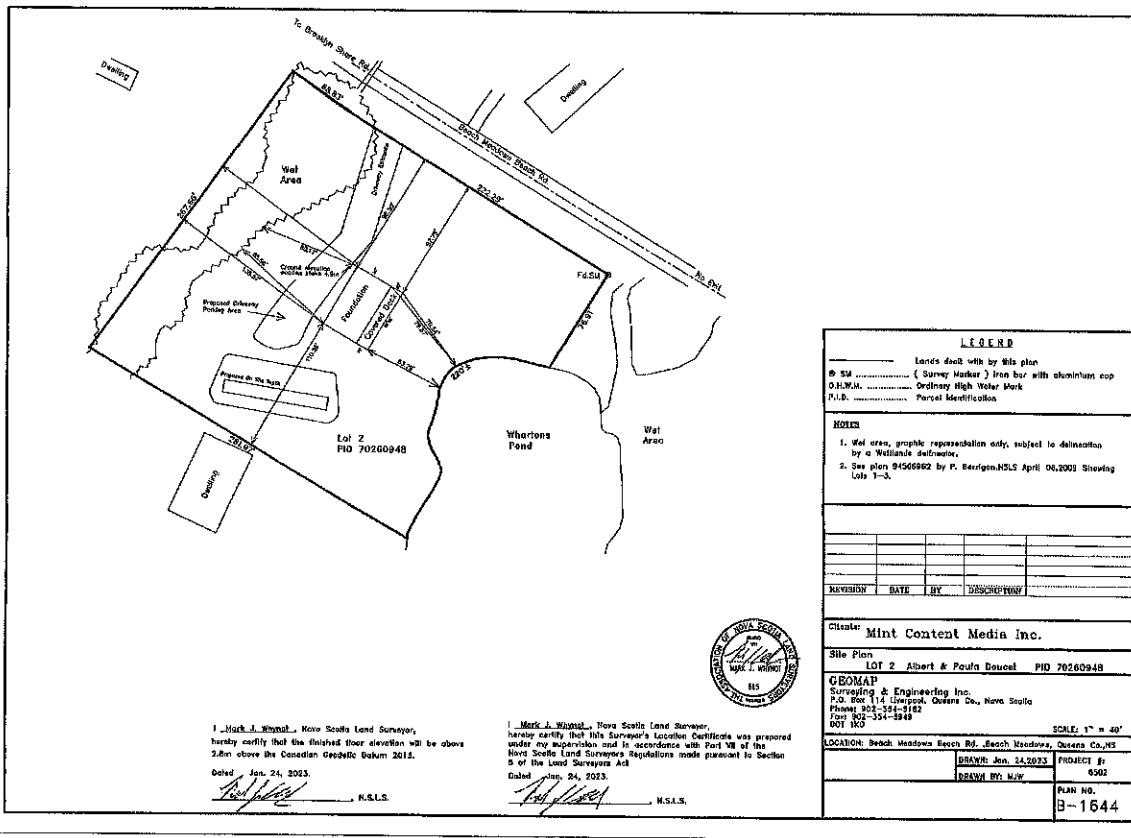
All personnel involved in the construction of the property will be local. Throughout the build and into the future we will be looking to support the local economy as much as possible through this business venture.

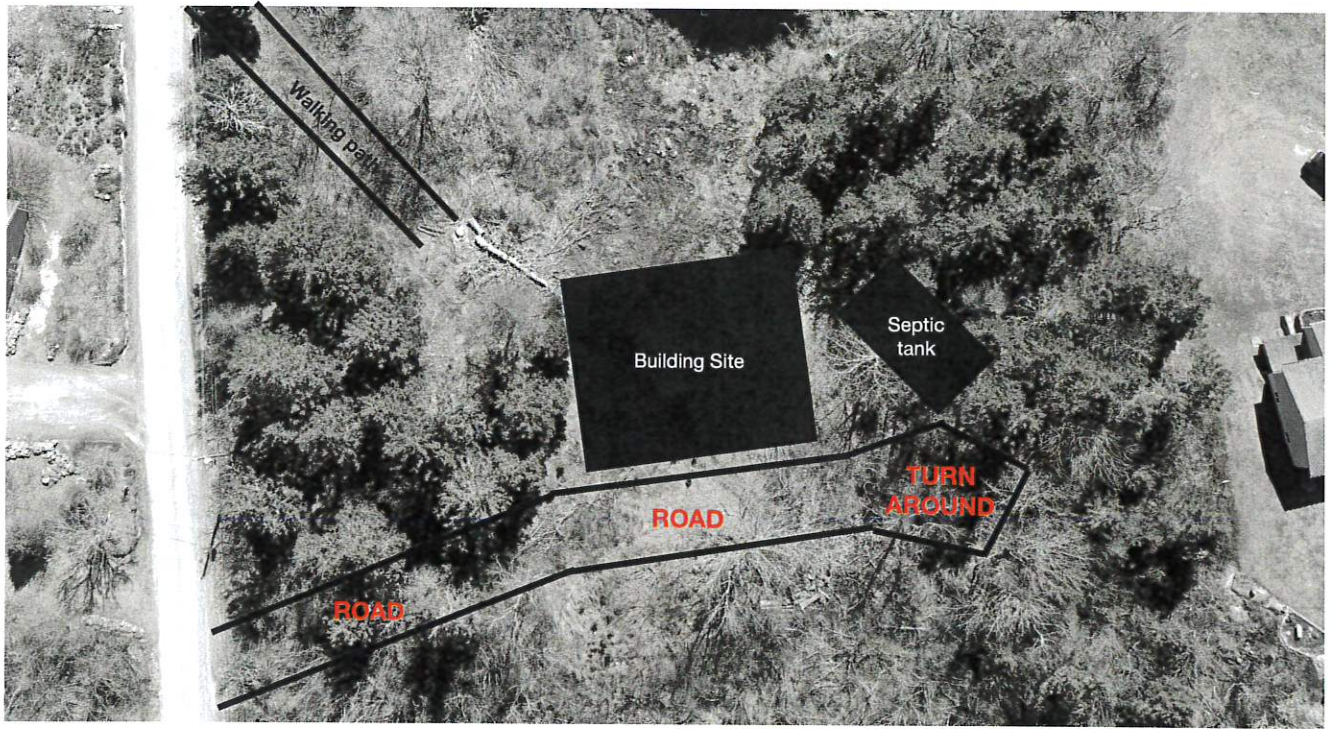
We hope you will allow us to re-zone this property to Hamlet Core so we can have the flexibility for its rental uses into the future.

Thank you for your time and help with this matter.

Building to concentrate
on LOT 2, 1.64Acres







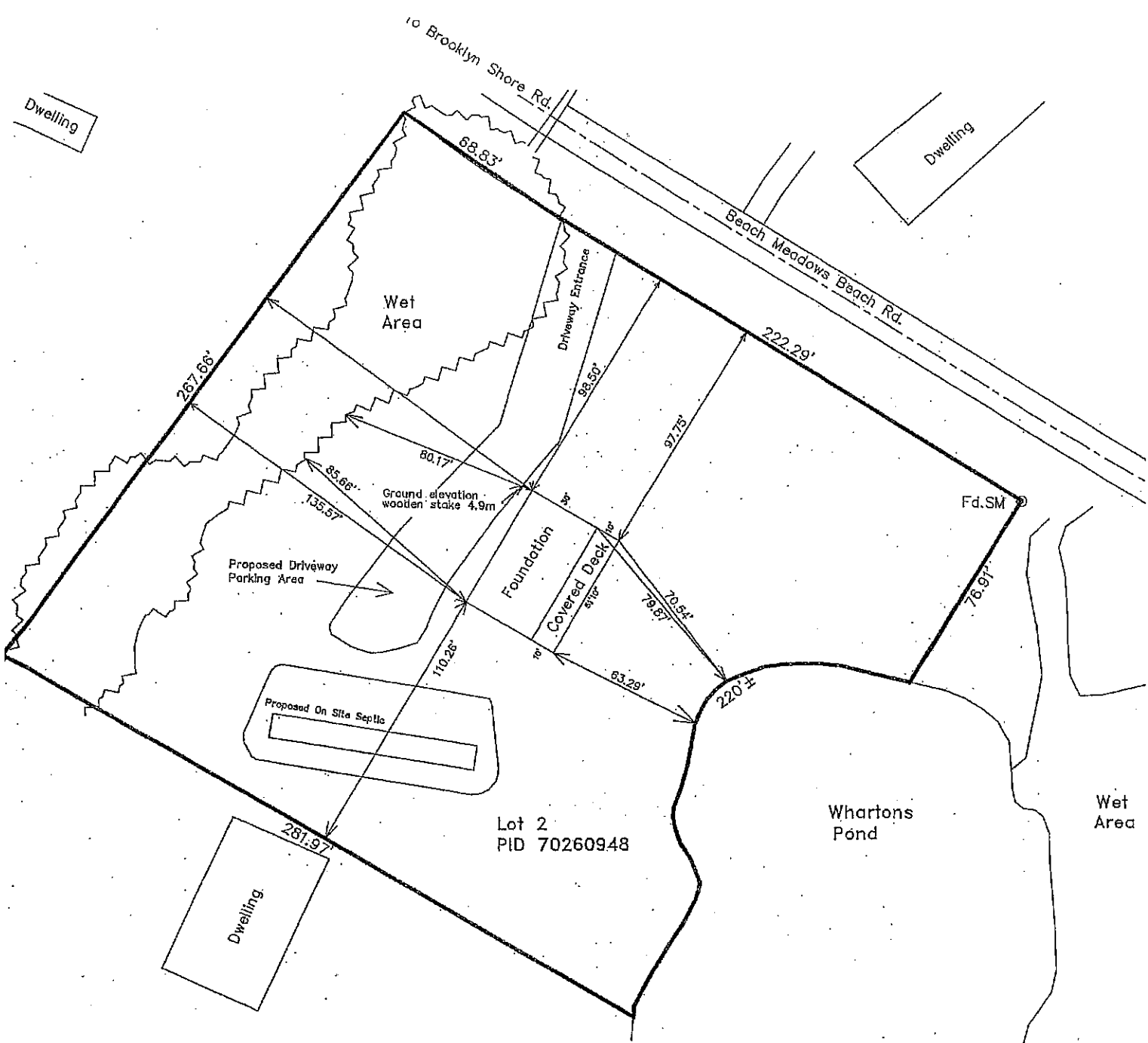


Property shot

**We are looking to build a place where people can
build memories for years to come.**



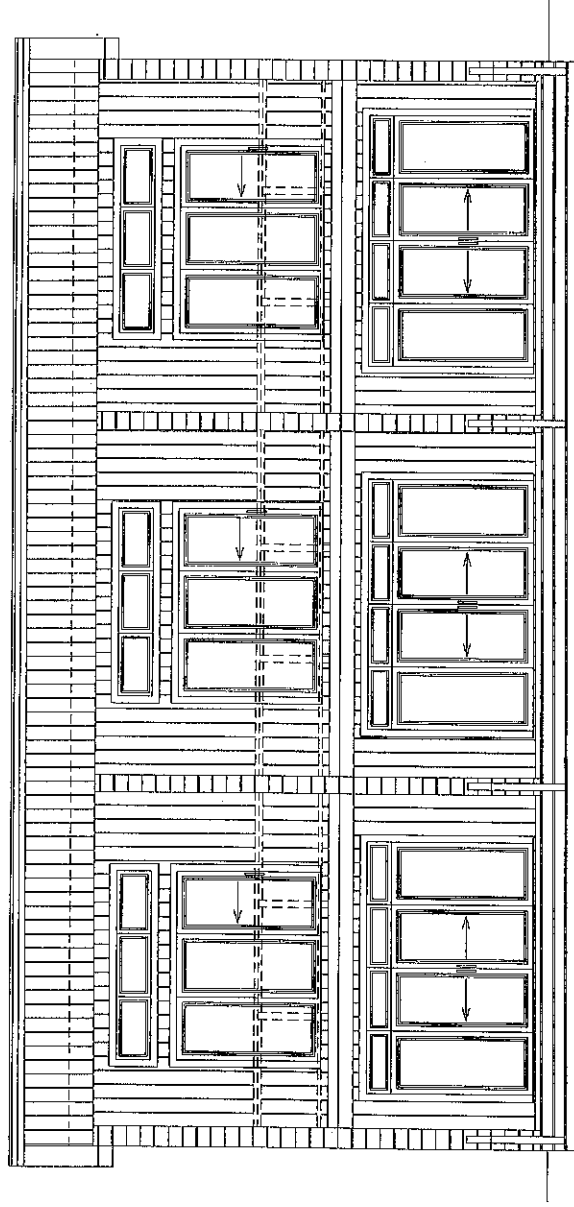
Property shot



I Mark J. Whynot, Nova Scotia Land Surveyor,
 hereby certify that the finished floor elevation will be above

I Mark J. Whynot, Nova Scotia Land Surveyor,
 hereby certify that this Surveyor's Lot is under my supervision and in accordance

THE MEADOWS LIVERPOOL, NS



DRAWING SCHEDULE

- A1 FOUNDATION PLAN
- A2 FOUNDATION DETAILS
- A3 GROUND FLOOR PLAN
- A3A INTERIOR DIMENSIONS
- A4 SECOND FLOOR PLAN
- A4A INTERIOR DIMENSIONS
- A5 FRONT ELEVATION
- A6 RIGHT ELEVATION
- A7 REAR ELEVATION
- A8 LEFT ELEVATION
- A9 SECTION - THROUGH EACH UNIT
- A10 SEPARATION WALL SECTION / DETAIL
- A11 BLOCKING
- A12 TYPICAL NOTES

END UNITS = 951.00 SF (88.35 SM) TOTAL LIVING SPACE
 MIDDLE UNITS = 938.50 (87.19 SM) SF TOTAL LIVING SPACE
 SEPARATION WALL = 100 SF (9.29 SM)
 TOTAL BUILDING FOOTPRINT = 1555.00 SF (144.46 SM)
 COVERED DECK FOOTPRINT = 518.33 (48.15 SM)
 TOTAL FOOTPRINT = 2073.33 SF (192.62 SM)

GENERAL NOTES:

1. This Plan Is Intended For Use By A Licensed Contractor Who Is Familiar With Construction Methods.
2. All Work To Be Completed As Per The Latest Edition Of The National Building Code (NBC) Of Canada.
3. All Federal, Provincial and Local By-Laws Shall Be Considered And Take Precedence Over Anything Implied In This Drawing (If Applicable).
4. In The Case Of Higher Snow Loads Beyond Part 9 Of The NBC, Owner May Be Responsible To Supply An Engineers Report (Please Verify With Local Authorities).
5. Great Care Was Taken In The Drawing Of This Plan But Human Error Does Occur. Builder To Review Drawings And Report Any Errors To Samhail Drafting & Design Before Construction Begins.

ISSUED FOR REGISTRATION	05/28/2022
ISSUED FOR PERMIT	02/01/2022
ITEM REVISION	MONTH/DAY/YEAR



info@samhail.ca
www.samhail.ca
(902) 229-5373

PROJECT NAME:

THE MEADOWS
LIVERPOOL
NOVA SCOTIA

DRAWING NAME:

FRONT ELEVATION

DRAWN BY:

TJW

SCALE:

3/16" = 1'-0"

DATE:

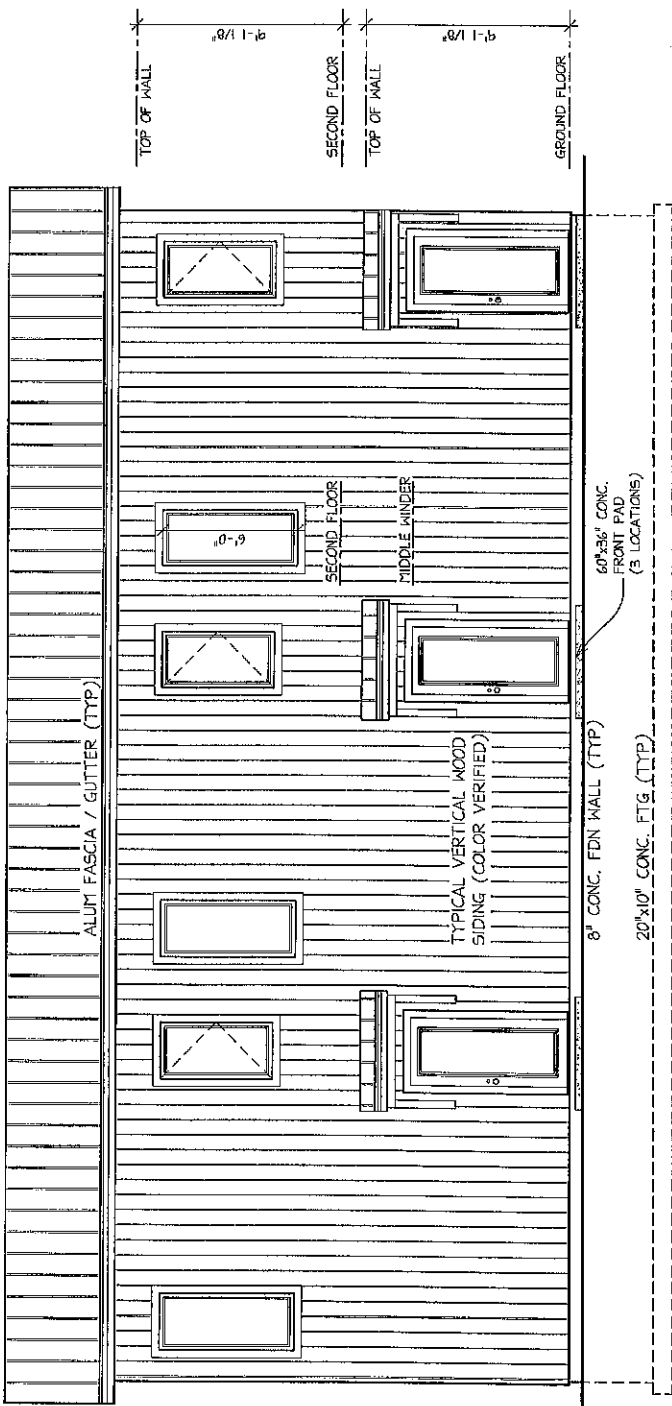
MAY 26 / 2022

PROJECT NO.

DRAWING NO.

MEADOWS

A5



NOTE:
ALL EXTERIOR STEP MATERIAL TO BE TREATED

NOTE:
ALL SIDING STYLES AND COLOURS TO BE CONFIRMED BY CLIENT

NOTE:
WINDOW / DOOR SIZES AND STYLES TO BE CONFIRMED WITH SUPPLIER

EXACT METER LOCATION TO BE VERIFIED ON SITE BETWEEN CLIENT & ELECTRICIAN

NOTE:
GRADES SHOWN ARE APPROXIMATE. FINAL FINISH GRADES TO BE DETERMINED AT TIME OF CONSTRUCTION

GENERAL NOTES

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2. All Work To Be Completed As Per The Latest Edition Of The National Building Code (NBC) Of Canada.
3. All Federal, Provincial and Local By-Laws Shall Be Considered And Take Precedence Over Anything Implied In This Drawing (If Applicable).
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5. Great Care Was Taken In The Drawing Of This Plan But Human Error Does Occur. Builder To Review Drawings And Report Any Errors To Smithall Drafting & Design Before Construction Begins.

DESIGNED BY	05/26/2022
ISSUED FOR	02/01/2022
DATE	MONTE/DSM/2022

info@smithall.ca
www.smithall.ca
(902) 224-5373

SMITHALL
RESIDENTIAL DESIGN

PROJECT NAME:
**THE MEADOWS
LIVERPOOL
NOVA SCOTIA**

DRAWING NAME:
RIGHT ELEVATION

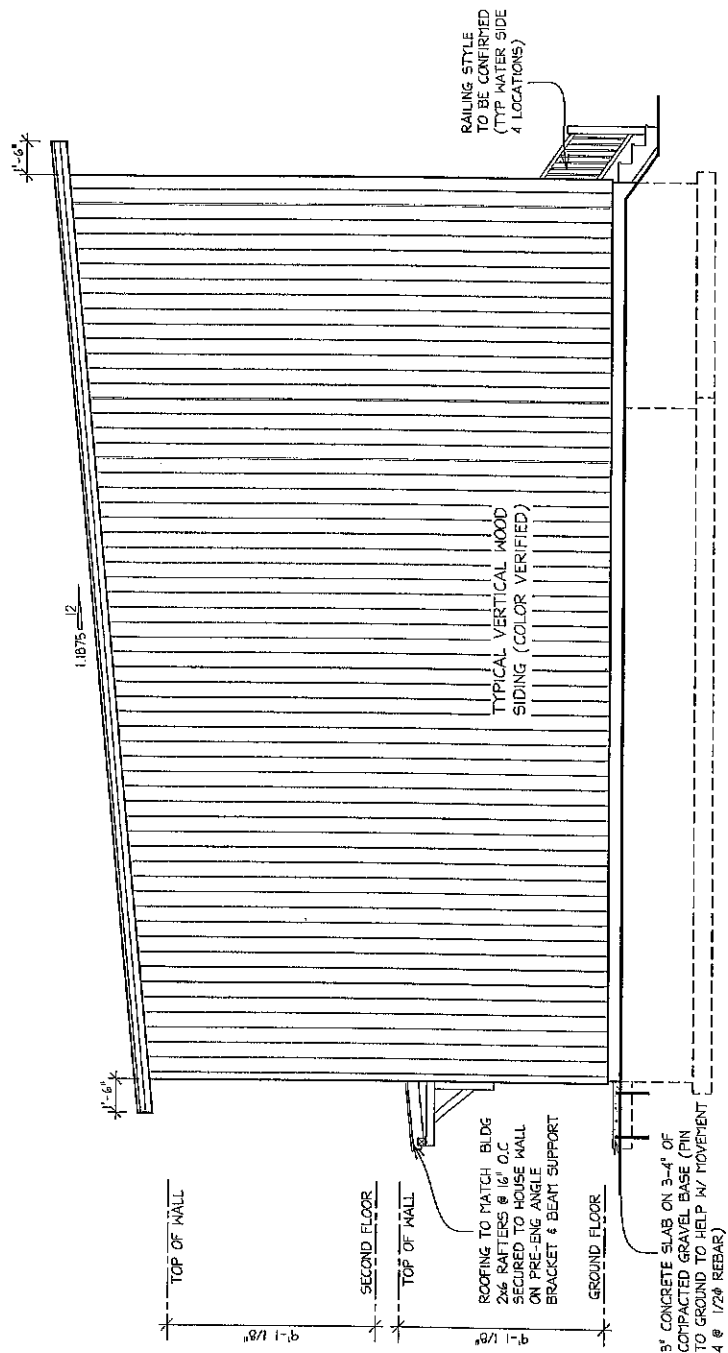
DRAWN BY:
TJW

SCALE:
3/16" = 1'-0"

DATE:
MAY 26 / 2022

PROJECT NO.
MEADOWS

DRAWING NO.
A6



- NOTE:** GRADES SHOWN ARE APPROXIMATE. FINAL FINISH GRADES TO BE DETERMINED AT TIME OF CONSTRUCTION
- EXACT METER LOCATION TO BE VERIFIED ON SITE BETWEEN CLIENT & ELECTRICIAN**
- NOTE:** WINDOW / DOOR SIZES AND STYLES TO BE CONFIRMED WITH SUPPLIER
- NOTE:** ALL SIDING STYLES AND COLOURS TO BE CONFIRMED W/ CLIENT
- NOTE:** ALL EXTERIOR STEP MATERIAL TO BE TREATED