

**Region of Queens Municipality**

**Planning Advisory Committee**

**May 15, 2025 1:00 p.m.**

## **Agenda**

- 1. Call to Order**
- 2. Approval of Agenda**
- 3. Amend Municipal Planning Strategy and Land Use Bylaw -  
Multiple Unit Dwellings in Downtown Commercial (CD) Zone**
- 4. Other**
- 5. Adjournment**

## **Region of Queens Municipality Staff Report**

**To:** Planning Advisory Committee

**From:** Mike MacLeod, Director of Land Use

**Date:** May 15, 2025

**Re:** Residential Dwelling Units as a Main Use in the Downtown Commercial (CD) Zone

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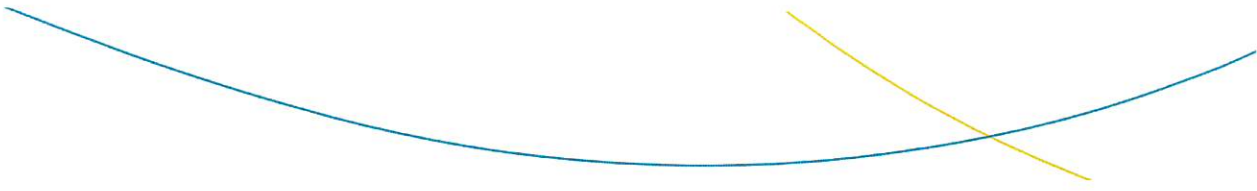
### **Background**

Region of Queens Municipality has received a request to make amendments to its Municipal Planning Strategy and Land Use Bylaw, which seeks to allow for new multiple-unit residential dwellings as the primary or sole use within the Downtown Commercial (CD) Zone. A copy of the application is attached as Appendix A.

There is a recognized need for new residential dwelling units in Queens County, including downtown Liverpool. In trying to attract new business and industry to the area and grow our communities, the need for residential dwelling units will place increasing pressure on the existing housing market.

### **Details**

Economic times have changed and there has been a development shift over the last few decades, which has seen commercial development moving away from downtown core areas to the outskirts of a town or city (ie. big box development). This trend holds true for the Region's largest commercial core area; downtown Liverpool. Our relatively small population and competition with larger urban centres can often make it challenging to attract new commercial development to the downtown area. As a result, many community "main Streets" are seeing increased vacancies in commercial space in these areas, Liverpool included.

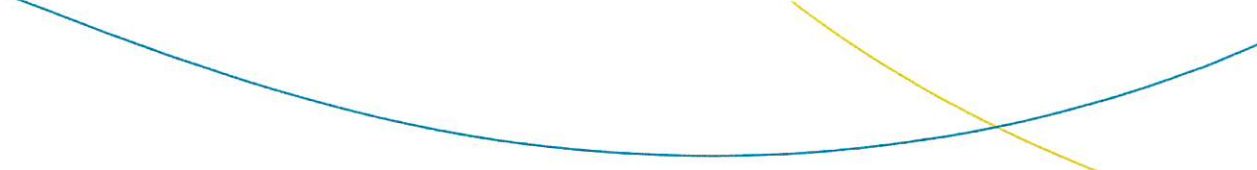


With this in mind, a question that gets raised frequently is can this vacant commercial space be better utilized under other types of uses, including full residential development? This is an issue that previous council's have wrestled with over the years. In 2003, Council for the Town of Liverpool entertained a similar planning amendment request from a property owner in Liverpool's downtown commercial core area. During the discussion / consultation process for this amendment application, several key considerations were identified:

- Parking -
  - Under the Municipality's Land Use Bylaw, there are no requirements for parking for new development in the Downtown Commercial (C1) Zone. Parking provisions for this zone has been removed previously, as it was felt that new commercial development was inhibited because there was no room to accommodate parking.
  - Parking for commercial businesses, for the most part, is in a constant state of motion.
  - Residential dwelling units, on the other hand, will require dedicated spaces. If these parking spaces cannot be provided on-site, where will they be accommodated.
- Reduction in properties available for new commercial development -
  - If an existing commercial property is converted to a residential use, it will most likely remain residential.
- Planning amendments would not only apply to a specific property, but to all properties within the Zone.

Council, at that time, was open to new residential dwelling units in the Downtown Commercial zone, but were hesitant to opening up the zone to residential uses as-of-right. Council instead opted to amend Liverpool's planning documents to allow new residential dwelling units through a development agreement process and subject to additional development criteria. This provision was incorporated into the Regional Municipal Planning Strategy and Land Use Bylaw that was adopted in 2009.

In July of 2023, Council completed a formal review and adopted a new Municipal Planning Strategy and Land Use Bylaw. Through the review process, revitalization of downtown Liverpool as a commercial core area was identified



as an issue of importance. The provision to allow new residential dwelling units through a development agreement process was not included in the revised planning documents.

The current Municipal Planning Strategy sets out that:

#### **5.1.1** *Downtown Commercial Zone*

*Downtowns were long the heart of many communities in Queens. Many of them developed during a time before the automobile, modern financial instruments, and modern construction methods and, as a result, feature smaller buildings, packed closely together and located close to the street.*

*Along with the growth of commercial plazas, shopping centres, and large-format retail came a decline in downtowns. However, recent decades have seen somewhat of a renaissance in these areas; the smaller commercial spaces are a good fit for independent businesses and the fine-grained streetscapes are attractive to people looking for slower-paced shopping experiences.*

*Downtown Liverpool features the largest and most complete “main street” in Queens, appropriately located on Main Street and its side streets. It is defined by a mix of both older Victorian and Georgian buildings and modern buildings.*

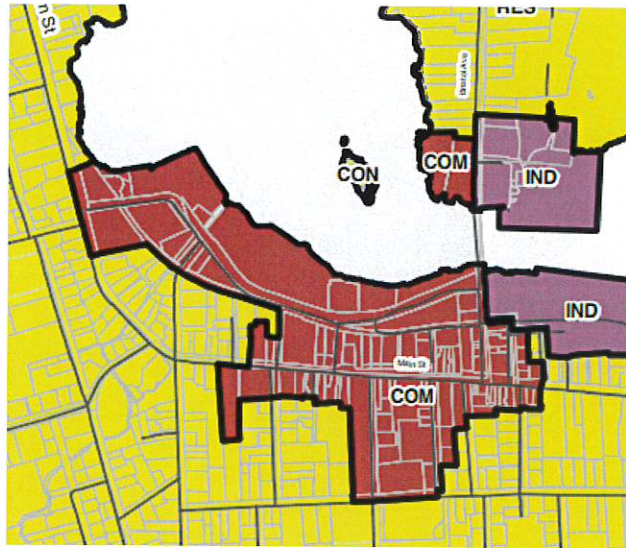
*Other downtowns in Queens do not feature the same critical mass and density of commercial buildings, having lost them to redevelopment over the years or never developing them in the first place. However, Council is supportive of establishing a denser commercial core within Caledonia, Milton, and Brooklyn; if demand warranted such an approach in the future, Council could consider applying the Downtown Commercial Zone to these communities.*

**Policy 5-20:** *Council shall establish the Downtown Commercial Zone in the Land Use Bylaw. This zone is intended to enable and promote fine-grained, walkable downtown areas reflective of a traditional “main street”.*

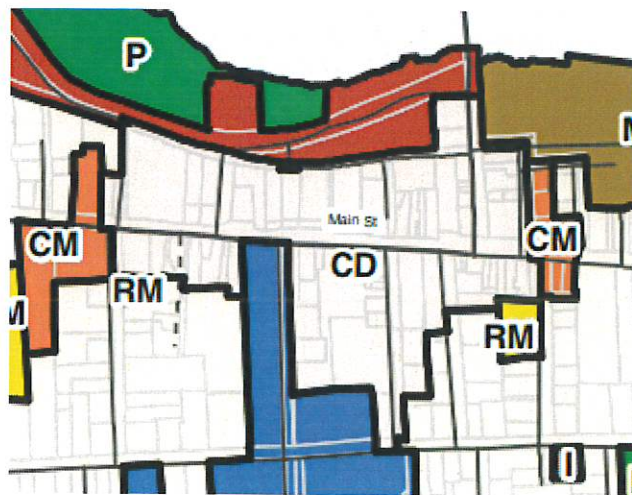
**Policy 5-21:** *The Downtown Commercial Zone shall permit a range of commercial and community uses of a scale and type appropriate to a downtown context. Automobile-related uses shall be prohibited, with the exception of parking lots designed to minimize their impact on the pedestrian*

*experience. Residential uses shall be permitted, but shall only be located in buildings with commercial uses and shall be secondary to the commercial storefront.*

The intent of policy 5-21 is to maintain the commercial nature of this commercially designated area.



Future Land Use Map



Zoning Map

In accordance with Policy 5-21, the Land Use Bylaw sets out that dwelling units can be considered in commercial buildings through a site plan approval process (Section 17.2 of the LUB). Site plan approval is a development approval



process in which applicants must meet an additional set of criteria set out in the Land Use Bylaw. This tool is useful for approvals that might require an additional level of oversight or flexibility in the ways impacts on neighbours are reduced, but that do not necessarily need to go through the complex and time consuming process required for a development agreement.

The criteria for site plan approval for Dwellings in Commercial Buildings includes the following:

*Where a zone permits dwellings in commercial buildings by site plan approval, the Development Officer shall approve a site plan agreement where the requirements of this Land Use Bylaw and the following matters have been addressed:*

*(a) Use Allocation*

- I. Dwellings located on the ground floor shall not exceed a total of 50 percent of the ground floor area.*
- II. Dwellings located on the ground floor shall be located to the rear of the commercial use(s).*
- III. On corner lots, ground floor commercial use(s) shall wrap around the corner from the front lot line along the flankage lot line to a minimum distance of 5 metres or 50 percent of the building depth, whichever is less.*
- IV. In buildings constructed after May 24, 2022, ground-floor residential uses shall have a floor-to-floor height of no less than 4 metres.*

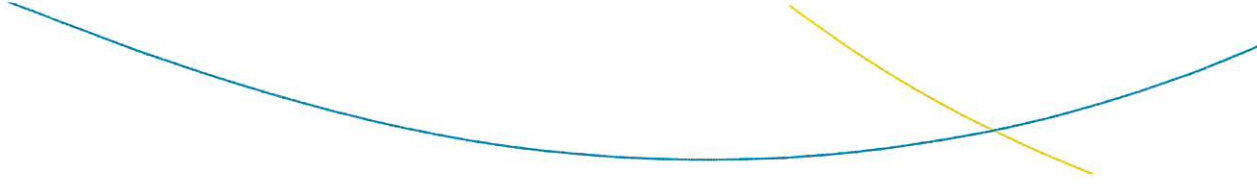
*(b) Access*

- I. Entrance(s) to residential uses shall be separate from the entrances for other uses.*
- II. Residential entrances shall not exceed a width of 2 metres on the front façade.*

In order to consider a proposal for new multiple-unit residential dwellings as the primary or sole use (no commercial use) within the Downtown Commercial (CD) Zone, amendments to both the Municipal Planning Strategy and Land Use Bylaw would be required.

**Options for Consideration -**

1. Allow new multiple unit residential dwellings as a permitted main use in the Downtown Commercial (CD) Zone –

- 
- Rewrite existing policy in the Municipal Planning Strategy to allow for multiple unit residential dwellings as a permitted main use in the CD Zone. Amend the Land Use Bylaw to reflect policy changes.
2. Allow new multiple unit residential dwellings in the Downtown Commercial (CD) Zone through development agreement -
    - Rewrite existing policy in the Municipal Planning Strategy to allow for new residential dwelling units in the CD Zone by development agreement. Amend the Land Use Bylaw to reflect policy changes.
  3. Maintain status quo.
    - Deny the application.

**Potential Recommendation Options:**

1. THAT Council of the Region of Queens Municipality give notice of its intention to amend the Municipal Planning Strategy and Land Use Bylaw to allow new multiple unit residential dwellings as a permitted main use in the Downtown Commercial (CD) Zone.

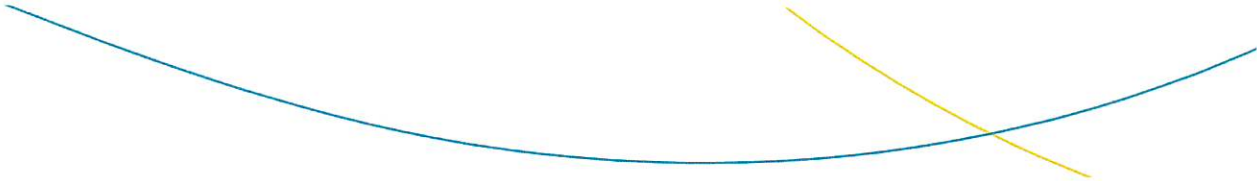
Or

2. THAT Council of the Region of Queens Municipality give notice of its intention to amend the Municipal Planning Strategy and Land Use Bylaw to allow new multiple unit residential dwellings as a permitted main use in the Downtown Commercial (CD) Zone through development agreement;

AND THAT Council of the Region of Queens Municipality give notice of its intention to enter into a development agreement with SDL Investments Limited to allow for a 16-unit multiple unit dwelling on property located at 194 Main Street in Liverpool and identified as PID# 70026364.

Or

3. THAT Council of the Region of Queens Municipality maintain status quo and deny the application to amend the Municipal Planning Strategy and Land Use Bylaw to allow new multiple unit residential dwellings as a permitted main use in the Downtown Commercial (CD) Zone.



The Planning Advisory Committee met on May 5, 2025 to review the application. The Committee engaged in considerable discussion on what it would mean for the Downtown Commercial (CD) Zone to open it up to strictly residential uses. The general feeling was that there are benefits of incorporating residential development in commercial areas, creating vibrant and sustainable communities that can encourage economic growth. Committee also discussed potential implications of reducing available space for commercial development in the future. It was felt that opening up the CD Zone to residential development as-of-right was not in the best interest of the community and that if Council was to permit this use, controls would need to be established. The Committee requested that draft amendments for considering multi unit dwellings in the CD Zone by development agreement be prepared, prior to making a recommendation to Council.

Draft amendments to the Municipal Planning Strategy and Land Use Bylaw are attached as Appendix B. A draft development agreement is attached as Appendix C.

**Applicable Legislation**

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

# Appendix A

February 25, 2025

Region of Queens Municipality

Liverpool, NS

Mike:

Please see attached our application to amend the Region's Planning Documents for the renovation of 194 Main Street, Liverpool.

The existing structure will be fully renovated to include up to 16 residential units, covered parking for all tenants and guests and approximately 20 storage units to be made available to the tenants.

To date we have completed a Phase 1 environmental assessment with no identified issues.

The attached plan is not yet fully designed but provides you and your team a rendering of our intended use of the property. Our goal is to complete renovations of the building by early next year.

I look forward to addressing any questions from you or your team and would be happy to meet with the PAC and/or Council to present the project and answer any questions.

Sincerely,

Eric Fry

President, SDL Investments Limited



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 – 194 Main St, Liverpool NS

Property Identification Number (PID) – 70026364

Present use of subject property – Commercial - vacant

Proposed Use of subject property – Residential

Existing Lot Size - 16,302 sq'

Existing Lot Frontage - 61.5 ft on Main, 64.5 ft on Water

**3. Property Owner Information:**

Name – SDL Invesments Limited

Applicant is :

- Owner
- Agent of Owner

Civic Address - \_\_\_\_\_

Mailing Address (If different from Civic Address) - \_\_\_\_\_

Telephone Number - \_\_\_\_\_

Email Address - \_\_\_\_\_

**4. Zoning Information:**

Existing Zoning - CD

Proposed Zoning - Residential

**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 Eric Fry, President of SDL Investments Limited 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 SDL Investments Limited

Signature Eric Fry

Date Feb 25, 2025

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:

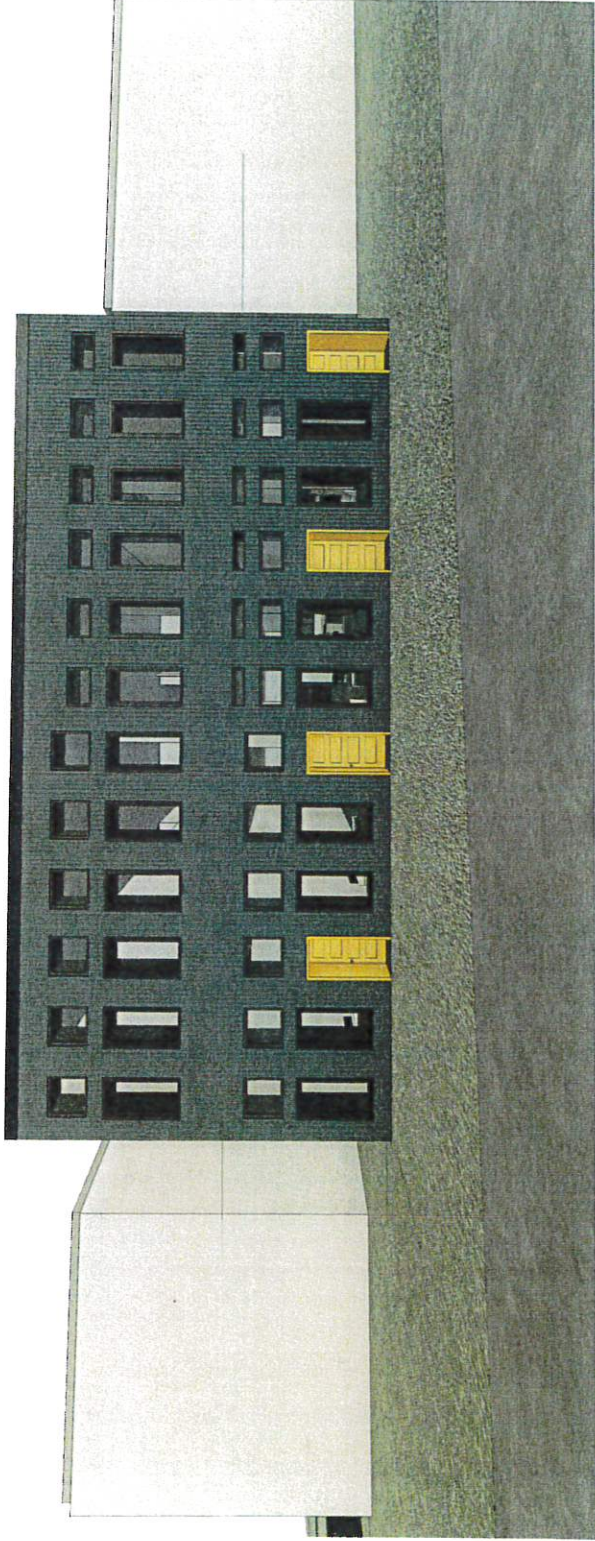
1. The requirements of a Land Use Bylaw amendment or development agreement application are established by the Planning Department of the Region of Queens Municipality. An application approval process will not commence until a completed application and advertising deposit are received.
2. Please make 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.



**T.A. SCOTT**  
ARCHITECTURE + DESIGN  
DRAWING INSPIRATION

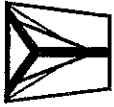
Project Number	24-079
Date	2025.02.11
A-000	
PROJECT STATUS	
2025.02.09	

# 194 MAIN STREET. LIVERPOOL









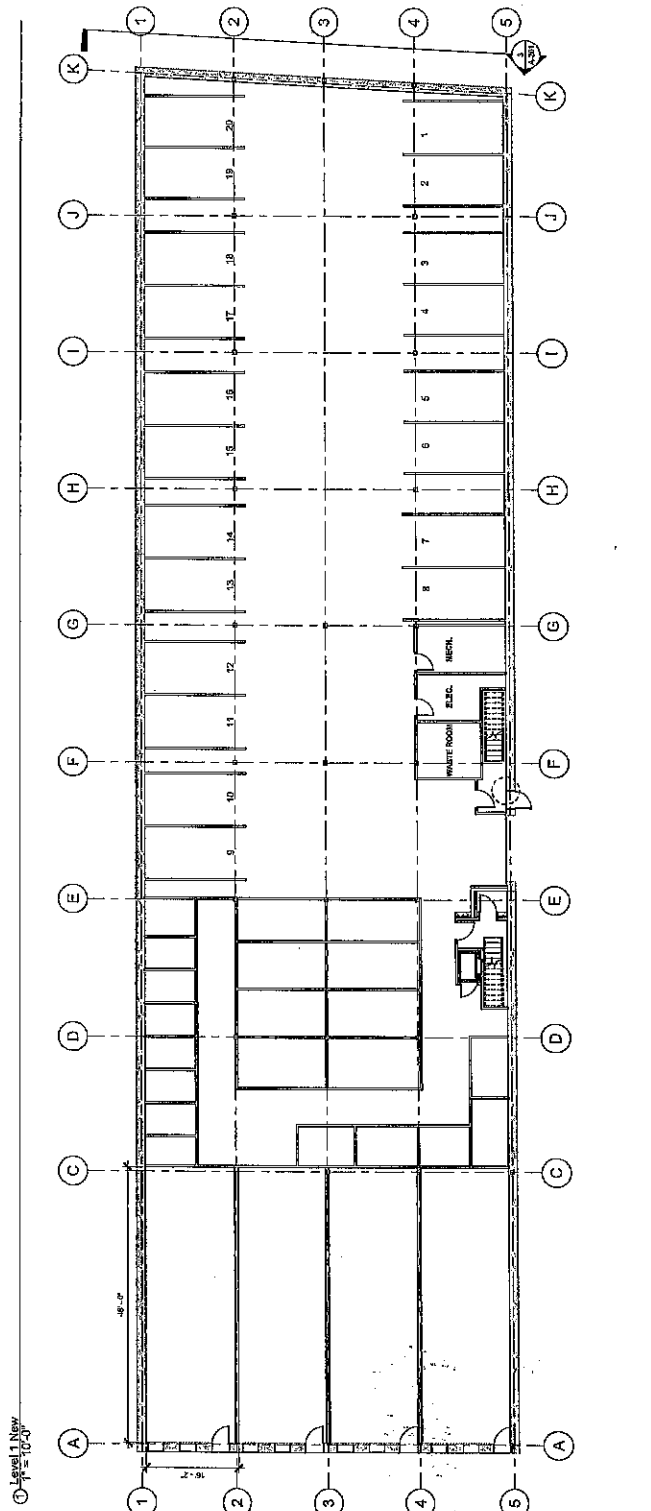
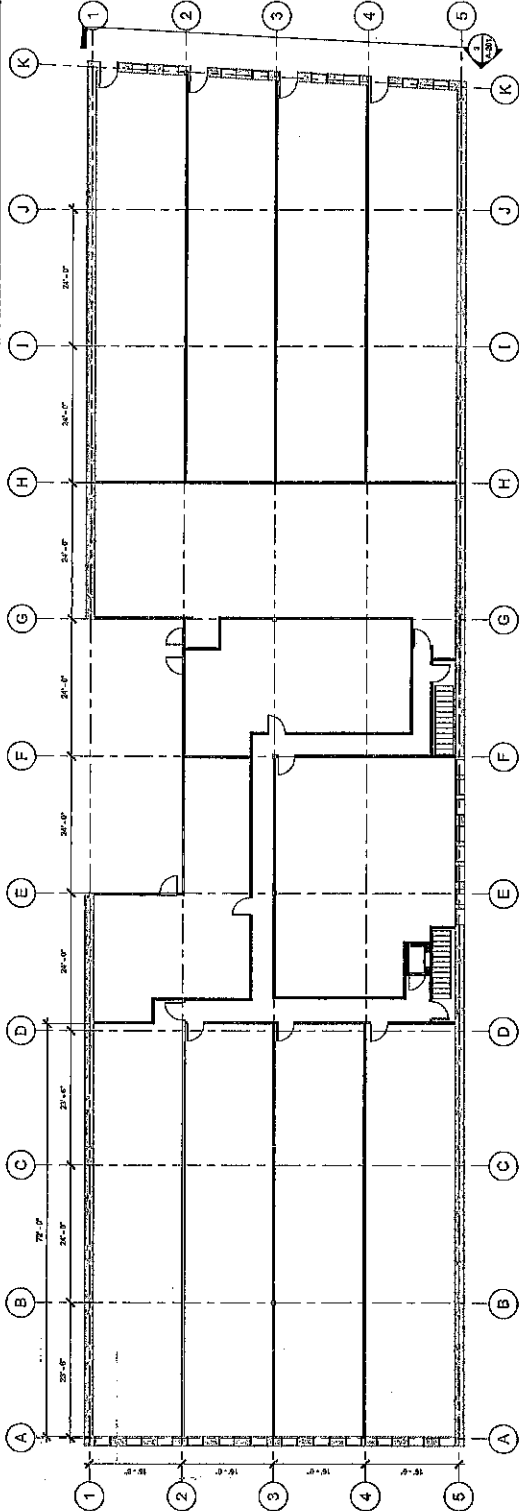
**T.A. SCOTT**  
ARCHITECTURE + DESIGN  
DRAWING INSPIRATION

194 MAIN STREET. LIVERPOOL	
Floor Plans	
Project Number	24-079
Date	2025.02.11
Drawn By	M. BEAULIEU
Checked By	TAS
A-101	
Scale 1" = 10'-0"	

UNIT COUNT	
LEVEL	NUMBER OF UNITS
1	4
2	12
TOTAL	16

GROUND FLOOR	
UNIT TYPE	NUMBER
RESIDENTIAL	12
STAIRS	2
MECH.	1
ELEC.	1

PARKING LEVEL	
UNIT TYPE	NUMBER
RESIDENTIAL	4
STAIRS	2
MECH.	1
ELEC.	1









# Appendix B

## Multi-Unit Dwellings as Primary Use in Downtown Commercial (CD) Zone Potential Amendments – Development Agreement Option –



### Municipal Planning Strategy:

- ⇒ Incorporating a new paragraph in Section 5.3.2 Downtown Commercial Zone (page 5-8), which reads as follows:

*Council recognizes the important role that downtowns play in the economic sustainability of Queens. While at the same time, they are also cognizant of the fact that residential uses in commercial downtown areas can be crucial for creating vibrant, dynamic spaces that foster a sense of community and encourage economic growth. By integrating housing with commercial and cultural spaces, downtown areas become more livable, offering a balance between work and leisure. Residents in these areas support local businesses and provide a steady customer base. Overall, the inclusion of residential spaces in commercial zones promotes urban sustainability, enhances quality of life, and stimulates both social and economic interactions.*

*Council feels that new multi-unit residential dwellings, whether associated with a permitted commercial use or a stand-alone residential development, may be compatible in certain commercial locations. However, Council also feels that this type of development should be regulated, so as to not adversely affect the surrounding commercial uses.*

- ⇒ Removing the last sentence in Policy 5-21 (page 5-8), which reads:

*Residential uses shall be permitted, but shall only be located in buildings with commercial uses and shall be secondary to the commercial storefront.*

- ⇒ Incorporating a new policy statement following Policy 5-21 (page 5-8), which reads as follows:

**Policy 5-21-1:** *Council shall consider proposals for new multiple-unit dwellings, which are not associated with a permitted commercial use, in the Downtown Commercial (CD) Zone by development agreement, shall have regard to the following:*

- a. *the policies of Section 6.4;*
- b. *the suitability of other sites zoned for the proposed residential use;*
- c. *that the proposed lot is large enough to accommodate a minimum of 1.25 off-street parking spaces for each dwelling unit in the building;*
- d. *the glare from the lighting of proposed parking areas be directed away from abutting properties;*
- e. *that any proposed outdoor storage and / or garbage areas are screened from view; and*

- f. the exterior design of new residential buildings in the Downtown Commercial (CD) Zone shall be compatible with those of surrounding commercial buildings.

Land Use Bylaw:

⇒ Rewrite Section 11.2.1(c) iv. (page 11-4) to read:

*iv. Multi-unit Dwellings – MPS Policy 5-21-1 and Policy 5-35*

⇒ Amend chart Residential Uses in Urban Serviced Commercial Zones (page 11-5) to reflect Multi-unit Dwelling in the CD Zone by development agreement.

	CD	CG	CM	CL	SPECIAL REQ's
Accessory Dwelling	-	-	P	-	S7.1
Bed and Breakfast	P	P	P	-	
Boarding House – 5 or fewer sleeping units	-	-	P	-	
More than 5 sleeping units	-	-	DA	-	
Converted Dwelling - 5 or fewer dwelling units	-	-	P	-	S7.5
Duplex Dwelling	-	-	P	-	
Dwellings in Commercial Buildings	S	S	-	P	
Grouped Dwellings	-	-	DA	P	
Home-based Business – Level 1	P	P	P	P	S7.9
Mobile Home	-	-	P	-	S11.1.1(f) & (g)
Multi-unit Dwelling	<b>DA</b>	-	DA	S	
Nursing Home	S	S	S	S	
Row House Dwelling	-	-	-	P	
Semi-detached Dwelling	-	-	P	-	
Short-term Rental	-	-	P	-	S7.14
Single-unit Dwelling	-	-	P	-	
Small Options Home	-	-	P	-	
Triplex Dwelling	-	-	P	-	

P = permitted | S = site plan approval | DA = development agreement



5. **THAT** the proposed parking area shall be maintained with a stable surface, that is treated to prevent the raising of dust or loose particles;
6. **THAT** any lighting for proposed parking area shall be directed away from abutting properties;
7. **THAT** any proposed outdoor storage and garbage areas be screened from view;
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) An increase in the number of residential units in the building.
  - (b)
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 agrees 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 agrees that, upon receiving written notification from the Development Officer to inspect the interior of any building located on the lands, the Developer agrees to allow for such inspection during any reasonable hour within two (2) days of receiving such notice.
  - (b) If the Developer fails 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 submits 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.



**PROVINCE OF NOVA SCOTIA  
COUNTY OF QUEENS**

**ON** this \_\_\_\_ day of \_\_\_\_\_, 2025, 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 \_\_\_\_\_ 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 \_\_\_\_\_, 2025, 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, Scott Christian and Willa Thorpe, signed, sealed and delivered the same in his/her presence.

\_\_\_\_\_  
A Commissioner of the Supreme Court of Nova Scotia