

REQUEST FOR DECISION 027-2020

Title: Planning Documents - Public Hearing and 2nd Reading
Date: 2020-06-25 (PH) and 2020-06-30 (2nd Reading)
Department: Planning & Development



SUMMARY

Planning Document Public Hearing and Final Approval (2nd Reading)

The Town's Planning document review has been ongoing since 2015 (see [here](#) for background, previous drafts, previous consultation, etc). The review has been comprehensive, including a review of our Municipal Planning Strategy, Land Use By-law, Subdivision By-law, Design Guidelines, Stormwater Management practices and most recently a detailed flood risk study has been integrated (see documents [here](#)). A tremendous amount of Staff, Consultant, Committee and Council time/resources have gone into this process. In recent months, Council held [public information sessions](#), and widely distributed information on key issues, process, and work-to-date. First Reading was given March 7, 2020 and Staff have brought updates and decision points to Council as the pandemic and our 'new normal' have evolved.

On May 19, 2020 Council passed a motion to proceed with a virtual public hearing on June 25, 2020 (Public Hearing information can be found [here](#)) and to hold a Special Council meeting June 30, 2020 to consider 2nd Reading of the documents (decision by Council to approve the new documents). The final stage of the process will be a Provincial review.

This report is meant to accompany the proposed [final planning documents](#) being considered for approval and provides recommendations/motions that Council would consider at 2nd Reading.

DRAFT MOTIONS (FOR JUNE 30th, 2020 SPECIAL COUNCIL MEETING):

- 1) That Council give 2nd Reading to the Planning Documents (Municipal Planning Strategy, Land Use By-law, Stormwater and Urban Design Guidelines, Subdivision By-law and Public Participation Program Policy) subject to any final amendments.
- 2) That Council, in support of the new Planning Documents, approve the amendment to the System of Municipal Fire Inspections (Policy No. 220-002), as per Attachment 1.
- 3) That Council, in support of the new Planning documents, approve the amendments to the Town's Fees Policy (Policy No. 140-015) as per Attachment 2.
- 4) That Council, in support of the new Planning documents, give First Reading to the repeal of the Existing Planning Documents (Municipal Planning Strategy, Land Use By-law, Subdivision By-law, Design Guidelines, and Public Participation Program Policy), the Swimming Pool By-law and Sidewalk Café By-law.

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- 5) That Council acknowledges Discharges of existing Development Agreements are forthcoming and that updates to the Design Review Committee Policy/Terms are forthcoming, as outlined in this report (note: hoping to have ready for June 30th and this motion updated)

CAO COMMENTS

The CAO supports the recommendation of Staff.

1) LEGISLATIVE AUTHORITY

The [Municipal Government Act](#) (MGA) provides legislative authority for the Town to develop and adopt a Municipal Planning Strategy, Land Use By-law, Subdivision By-law and Design Guidelines. This review has been ongoing since 2015. The current documents were adopted in 2008.

Parts 205 and 206 of the MGA outline requirements for the adoption of planning documents and the holding of a public hearing. The MGA was recently updated to include minimum planning standards (see Part 212-214 of the MGA) and also requirements around consulting with abutting municipalities. Staff have been in discussion with Provincial Staff on various issues and feel the documents meet or exceed all legislative requirements, including those newly introduced. Once approved by Council, the documents will be sent to the province for review, primarily related to the 'Statements of Provincial Interest' regarding drinking water, flood risk areas, agricultural land, infrastructure, and housing.

2) STAFF RECOMMENDATION

That Council consider all feedback provided during the public hearing, provide direction to Staff on any final changes and proceed to approve the documents on June 30, 2020.

3) REFERENCES AND ATTACHMENTS

References

See [here](#) for final versions of documents, including:

- 1) Municipal Planning Strategy
- 2) Land Use By-law
- 3) Design Guidelines
- 4) Subdivision By-law
- 5) Stormwater Management Guide
- 6) Public Participation Program Policy

Note: the existing (2008) Planning Documents that are to be repealed and replaced with our new documents, can be found [here](#) under "Current (2008) Planning Documents."

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Attachments

- 1) System of Municipal Fire Inspections Amendments
- 2) Fees Policy Amendments

The review of our Planning Documents has a dedicated area on the Town website [here](#). Background, previous drafts, reports and presentations are included.

7) DISCUSSION

Public Hearing Format

Additional information on the Public Hearing can be found [here](#). It is important to note that only those members of Council present at the Public Hearing may vote at 2nd reading.

The *Municipal Government Act* stipulates advertising requirements for a public hearing. Staff will meet these requirements through typical means (e.g. newspaper ads and direct mail) and also use other means to advertise the event. Poster and Mailing for the Public Hearing can be found [here](#) and [here](#).

Recent Plan Review Actions by Council

On [March 3rd, 2020](#) first reading was given to the proposed planning documents and Council directed Staff to finish and publish the final documents and a staff report for the Public Hearing. Shortly after this (just before Staff were looking to place advertising for the Public Hearing) the pandemic postponed the process from moving forward until we had a better sense of our new normal.

On [April 7, 2020 Council](#) received a verbal update from Staff on the status of the Plan Review process. Of note were zoning issues related to properties owned by the Blomidon Inn (adjacent the actual Inn) and lower Westwood Avenue properties currently zoned R-1A. A motion was passed at this meeting directing Staff to revise the proposed R-3 zoning of the lower Westwood Avenue properties (currently zoned R1-A) from R3 to R2 and that this change be reflected in the public hearing package and proposed final documents.

On [May 19, 2020 Council](#) passed a motion to proceed with a virtual public hearing on June 25, 2020 and to hold a special Council meeting June 30, 2020 to consider 2nd Reading of the documents

Public Hearing Package – Final Documents

The public hearing package includes this report and the proposed final planning documents. Key issues, edits, changes, etc. are outlined here for Council, organized by document:

Municipal Planning Strategy (MPS)

- Various administrative edits – clarifying wording, copy edits, formatting, etc have been carried out on this document in preparing the final version.

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- Climate Change Action Updates
 - Adaptation: Integration of our recent Flood Risk Mitigation Plan.
 - Staff have worked with CBCL consultants to integrate the flood risk study the and update the flood risk areas of our planning documents. The final technical report is still being finalized (to be presented to Council in July).
 - Schedule 7 of the MPS includes a summary and background on the Flood Risk Mitigation Plan carried out by CBCL. The Flood Mitigation Plan has informed Land Use By-law updates to Schedule B – our Development Constraints Map with realistic future scenarios.
 - The flood risk extents (areas that could flood) have not changed dramatically but with the modeling and software capabilities of CBCL, the risks have been better defined and stormwater (rain) flooding has been better integrated. The approach shown assumes the Town will prioritize, over time, the topping of the dykes and upgrades to our stormwater management infrastructure.
 - A policy has been added to Part 4.0 of the MPS that speaks to residual risks and emergency management measures – such as a warning system – that should be implemented to manage these risks.
 - Policy added regarding forthcoming Coastal Protection Act (Part 1.4.1 of MPS)
 - Mitigation: Food Systems
 - There is tremendous interest in ‘food’ (and all things connected to it) in our community. Emerging from ongoing dialogue with the community on Climate Action, Part 4.4 has been added to the MPS to provide context and a framework for future action related to Food Systems.
- Future Streets Map (Map 2 of MPS)
 - Updated to remove Fowler extension
- Green Space Network (Map 3 of MPS)
 - Updated to reflect minor zoning edits

Land Use By-law

- Various administrative edits – clarifying wording, copy edits, formatting, various graphic updates, etc have been carried out on this document in preparing the final version.
- Wording has been updated in both Part 4, 10 and 6 and worth noting here:

4.21 ONE MAIN BUILDING ON A LOT

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No person shall erect or use more than one main building on a lot in the R-1 zone. Up to two main buildings on a lot may be considered in the R-2, R-3, R-4 or C-2 zones by Site Plan Approval. More than two main buildings on a lot in the in the R-2, R-3, R-4 or C-2 zones that do not meet Cluster Development requirements may be considered by Development Agreement.

10.4 SEMI-DETACHED BUILDINGS - SECOND DWELLING UNIT

A semi-detached building that has been subdivided with each side of the building on its own lot shall be permitted to establish a second dwelling unit provided the unit is contained with the existing dwelling unit, has no more than two bedrooms and does not exceed 40% of the floor area of the main dwelling.

- The following has been inserted in the LUB to provide some clarity for parking requirements for additions and expansions in the C-1 zone:
 - 6.2.2 Notwithstanding section 6.1.3, the parking requirements shall not apply to additions or expansion of an existing uses in the Core Commercial (C-1) zone that create 40% or less new useable floor area or new seating capacity.*
- Updates to the Zoning Map (Schedule 1 of the Land Use By-law) include:
 - The properties owned by the Blomidon Inn, adjacent to the main Inn property have been changed to C-2 zoning. The owner operates these properties as a 'campus' and future plans for the properties (e.g. adding more long-term, low rise residents) align with the community priorities of our planning strategy. This issue was outlined at the April 7, 2020 meeting of Council.
 - Lower Westwood – existing R1-A properties have been rezoned to R2 (instead of R3 as proposed) as per Council motion from April 7, 2020.
 - Baptist Church and parking lot – 487 Main Street – has been requested by the Church to be zoned C-1. This has been integrated.
 - Existing Park space on Orchard – this was not shown on previous versions
 - East End Gateway (former NS Power property – north of 292 Main Street) – the Town now owns this area and has been zoned appropriately (institutional and parks/open space)
 - Area adjacent 48 Westwood (in and along the ravine) connecting to Beckwith has been zoned P2 – this is all University open space and part of the existing trail system. This was not shown as park space on previous versions.
 - Parcel behind 47 hillside – zoning has been clarified in the area adjacent this property (R3, R4 zoning) to correspond with property lines. This was just an oversight in previous versions.

Subdivision By-law, Design Guidelines, Public Participation Program Policy

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- No changes of note to these documents (clarifying wording, copy edits, formatting, graphic updates, etc)

System of Municipal Fire Inspections

Our System of Municipal Fire Inspections is proposed to be updated to include short-term rentals, consistent with recent updates to include Single Room Occupancies (already completed). The proposed amendments are included as Attachment 1.

Fees Policy

A review of Municipal Fees is typically carried out annually. Development fees have been static since 1980 for Subdivision and 1997 for Building and Development. Other jurisdictions were reviewed, and new fees had to be created for processes and uses not in our current documents (Site Plan Approval, Short-term rentals, Single Room Occupancies, etc). The recommended amendments to the Fees Policy are outlined in Attachment 2.

Development Agreement (DA) Discharges

The intent is to have the DAs discharged, and replaced with the updated Land Use By-law, with a motion from Council on June 30th. This work is forthcoming and hopefully can be resolved on the 30th or by the time we start administering the documents after a Provincial review.

Repeals of Existing By-laws

The existing planning documents (see [here](#) under “Current (2008) Planning Documents”) would be repealed and replaced by the new documents. The [Sidewalk Café By-law](#) and [Swimming Pool By-law](#) will also be repealed and replaced by the new documents as their content has been integrated.

Forms and Administration

Various administrative updates are ongoing, including our forms, website information and intake process. Staff will have this organized and in place before we begin administering the new documents (August-September).

Initial Plan Implementation – ongoing/soon to come

- Design Review Committee Policy and Terms of Reference will be updated to align with the new documents. Staff are working on this update and will bring forward once complete, potentially June 30th with 2nd Reading we can also have this considered and approved.
- Communications and expectations management related to the new documents (ongoing)
- Bill 177 Neighbourhood Commercial Development Incentive Program By-law (fall 2020)
- Servicing outside our Borders Policy (fall/winter 2020)
- Overview materials and briefings for the incoming Council (fall 2020)

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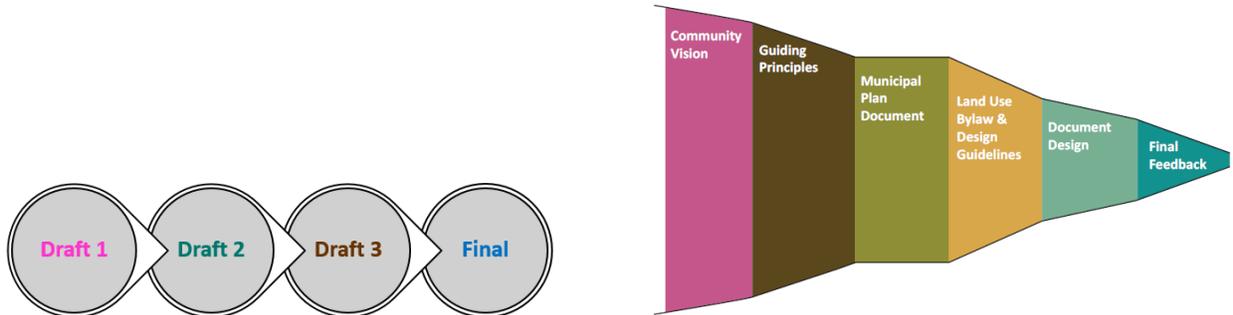
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Public Engagement and Consultation

The plan review has been ongoing since 2015. A summary of our process and engagement activities are included in this [plan review summary presentation](#) (see starting on page 19 'How did we get here?') from the recent Public Information Meetings. The process has been broad to detailed with multiple reports and draft documents produced and refined through public and committee dialogue.



Council Decision Making Considerations

The following provides some consideration for Council in making decisions at 2nd Reading:

- Consultation and feedback
- Strategic Priorities, Other Town Reports
- Advice from Professionals and Best Practice
- Take us toward what you want?
- Keeping with Values of Community?
- Compliant with MGA requirements?
- Practical? Doable? Measurable?
- Broader region impacts?
- Best for all and not a few?

KEEP IN MIND:

- We must advocate for some voices and present a balanced perspective.
- No silver bullets. Land use is only one tool.
- Polarized views on some issues. No consensus.
- NIMBYism.

#growingtogether 

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8) FINANCIAL IMPLICATIONS

Staff are working to complete the Planning documents within allocated operating budgets. Not finishing this process with the current Council presents a risk that additional costs will be incurred by moving the most important aspect of the work-to-date to the new Council.

9) CONCLUSION

This process has been working toward meeting Council's stated community priorities. Staff and Council have gone to great lengths to propose change that is acceptable to the community. We've tried to strike a balance.

These documents represent where we are today and are living documents that need to be revisited regularly to see if they are generating the positive outcomes envisioned. Certainly, one of the first tasks of the new Council will be to understand the documents and work on effective implementation

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ATTACHMENT 1

Amendments to System of Fire Inspections Policy

Amend Policy No. 220-002 System of Fire Inspections with the following (new text in *italics*):

Delete all reference to “National Building Code of Canada” **and replace** with “*Nova Scotia Building Code*”.

Section 1.4

Delete and replace with:

1.4 *To do so in a manner which minimizes inconveniences to tenants and businesses, ensuring the fire and life safety to building occupants is maintained.*

Section 4.0 Definitions

Add:

Short Term Rental means the rental of a dwelling unit or part thereof for overnight stay to the travelling public for a period of 28 days or less and includes a bed and breakfast or similar use.

Section 5.3.1

In the first column heading of the table delete “Class” and replace with “Classification”

Add to table:

<u>Occupancy Classification</u>	<u>Frequency of Inspection</u>
<i>Short Term Rentals</i>	<i>Every 4 years</i>

Add below table:

Any fire and life safety inspections requested outside of the above inspection schedule may be subject to a fee as outlined in Policy 140-015 Municipal Fee’s Policy.

Section 5.5

Delete and replace with:

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5.5 *Notwithstanding section 5.3.1 herein, the Municipal Fire Inspector, pursuant to the Fire Safety Act, may deem that in order to improve fire and life safety, more frequent inspections of one or more particular buildings may be required.*

Section 5.6

Delete and replace with:

5.6 *Where a building contains mixed Occupancy Classifications it shall be inspected at the most frequent inspection schedule in section 5.3.1 above.*

Section 5.7.2

Delete and replace with:

5.7.2 *Further to section 5.7.1 above, time for compliance will be determined by the Municipal Fire Inspector based on the following criteria:*

- a) *The degree of risk of fire and life safety;*
- b) *Occupancy Classification;*
- c) *Serving of alcohol;*
- d) *The amount of time reasonably required by the owner to comply, including whether the deficiency has been subject to previous compliance requests or directives from any source.*

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ATTACHMENT 2

Amendments to Municipal Fees Policy

Amend Policy No. 140-015 Municipal Fees as follows:

Update fees in Schedule B and C – delete strikethrough text and replace with text in red:

Schedule B - Building and Development Permit Fees ([Building Bylaw, Chapter 65](#))

Description of Licence, Inspection, Permit, Application, Approval, or Service	Fee
New Construction of and addition to residential buildings, community centres and churches.	\$20.00¹ \$50.00 plus 15 cents per sq. ft.
New construction of and additions to commercial, industrial and other buildings not otherwise specified.	\$20.00² \$75.00 plus 20 cents per sq. ft.
New construction of and additions to sheds, decks, shell storage buildings, garages, barns, and other farm, forestry or fishing buildings not designed for human occupancy.	\$10.00³ \$25.00 plus 10 cents per sq. ft.
Repairs, renovations, or alterations to all existing buildings.	\$25.00⁴ \$50.00 plus \$4.00 per \$1000 of estimated value of construction work.
Location or relocation of an existing structure, or mobile home	\$75.00
Construction or location of a swimming pool including required fencing	\$50.00 \$100.00
Renewal of an approved permit	\$15.00 \$25.00
Erection of a business directional sign	\$50.00 (Development Permit)
Building or structure demolition	\$30.00 \$50.00

¹ ~~plus 10 cents per square foot passes on all usable floor area of the new construction or addition~~

² ~~plus 14 cents per square foot based on all usable floor area of the new construction or addition~~

³ ~~plus 4 cents per square foot based on all usable floor area of the new construction or addition~~

⁴ ~~plus \$2.00 per \$1,000 of estimated value of construction work~~

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To amend a permit in force	\$15.00
Zoning Certificate	\$25.00 \$50.00
Erection of a general sign	No Fee \$50.00 (Development Permit)
Development Permit	No Fee \$50.00
Heritage Applications	No Fee (move to Schedule C)
Sidewalk Café Fee (Calculated by measuring the total area of the sidewalk in front of the building (building edge to inside curb edge) to be used for the café).	\$1.00 per sq. ft.
Short Term Rental – Renewal every 4 years	\$150.00 (includes development permit fee)
Single Room Occupancy – Renewal every 4 years	\$150.00 plus \$25.00 per rental room after four (includes development permit fee)
Fire inspection not required under regulations.	\$100.00

Schedule C – Land Use Planning and Development

Description of Licence, Inspection, Permit, Application, Approval, or Service	Fee
Site Plan Approval	\$150.00
Subdivision Application Fee (plus \$5.00 for each additional lot beyond one)	\$45.00 \$100.00 plus \$10.00 for each additional lot beyond one.
Sidewalk Café Fee (per 0.0929 square metre (1 square foot))	\$1.00 per sq. ft. (move to schedule b)
Development Agreement	\$600.00 \$2000.00 (includes advertising costs)
Plan Amendments	\$600.00 \$2000.00 (includes advertising costs)

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Heritage Applications	No Fee
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