

Subject: Amending the MPS to be consistent with the Old Town Lunenburg Heritage Conservation District Plan and By-law

From: Department of Community Development

Date: *August 21, 2024 – public participation meeting*
September 24, 2024 – first reading
October 8, 2024 – public hearing and second reading



Recommendation

That Council approve the second and final reading of the amended Municipal Planning Strategy, as presented in Attachment A, to ensure consistency between the Municipal Planning Strategy and the Old Town Lunenburg Heritage Conservation District Plan and By-law.

Alternatives

- Refuse the application of the proposed amendments to the Municipal Planning Strategy (MPS)
- Defer a decision

Background

On September 13, 2013, the Town's Heritage Advisory Committee recommended the adoption of a new Old Town Lunenburg Heritage Conservation District Plan and By-law. On February 27, 2024, the Council approved the second reading of the HCD Plan and By-law.

Following Council's adoption, Staff sent the new Plan and By-law to the Province for review. A provincial senior planner and Coordinator of the province's Heritage Property Program recommended amending the Town's Municipal Planning Strategy to reconcile it with the new Old Town Lunenburg Heritage Conservation District Plan and By-law. Staff consider this a housekeeping amendment to ensure consistency across the Town's plans and by-laws.

The Planning Advisory Committee received an information memo on the proposed amendments July 31, 2024. At the August 21, 2024 meeting, a recommendation to Council was made that they amend the MPS following attachment A to make the MPS consistent with the Old Town Lunenburg Heritage Conservation District Plan and By-Law.

Discussion

The Current Planning Context

Sections 2.2.2 and 2.2.5 of the 2021 MPS are dedicated to 'A Working Waterfront' and 'Living Heritage.' These Sections do not need to be updated as they align with the new Old Town Lunenburg Heritage Conservation District Plan and By-law.

Section 5.3.1 of the MPS Section needs to be amended for the new Old Town Lunenburg Heritage Conservation District Plan and Bylaw to come into effect.

It states: *“In 2021 Council initiated a project to review the Heritage Conservation District Plan and By-law and Architectural Control Areas. However, this process is not yet complete at the time of adoption for this Municipal Planning Strategy and the associated Land Use By-law. As a result, this Municipal Planning Strategy continues without changing the approach contained within the 1996 Municipal Planning Strategy until such time as the review project is complete and this Plan is amended as necessary.”*

Section 5.3.2 states *“Establishment of a heritage conservation district comprised of the Old Town National Historic District & World Heritage Site and adjacent historic areas, with architectural controls implemented through the policies and design guidelines of the conservation plan and bylaw. Architectural controls in the heritage conservation district will apply to demolition of any pre-1940 building; the design of new buildings, including outbuildings; the alteration of any existing building, regardless of age; the design of fences and signs, and the placement and screening of utility structures.”*

The accompanying MPS policy is:

Policy 5-4: Council shall, through the Land Use By-law and pending completion of the project to review heritage and architectural controls, establish a Heritage Conservation District and Architectural Control Areas consistent with the 1996 Municipal Planning Strategy, as amended.

Now that a new Old Town Lunenburg Heritage Conservation District Plan and By-law has been adopted, this language should be updated.

Proposed Amendment

The proposed amendment updates the Municipal Planning Strategy so it remains aligned with the Town’s planning context, namely the adoption of a new Old Town Lunenburg Heritage Conservation District Plan and By-law.

First, it removes references to ongoing and upcoming work now that this work is complete. It also updates Policy 5-4 so it uses the same language as Policy 47 in the Old Town Lunenburg Heritage Conservation District Plan and By-law.

Policy 47: It is Council's policy to align this Plan and By-law with the Town of Lunenburg's Municipal Planning Strategy and Land Use By-law to ensure the conservation of Old Town Lunenburg Heritage Conservation District.

Staff feel the proposed amendments are administrative in that they do not materially change the intention of the Town’s Municipal Planning Strategy. The intent remains to conserve Old Town Lunenburg National Historic Site and Old Town Lunenburg World Heritage Site.

Strategic Plan Relevance

- *Community Structure*: Direction regarding how the town will be structured and how land will be used.
- *Heritage*: Direction to protect and enhance existing heritage assets and to support a wider cultural narrative.

Relevant Legislation

The Municipal Government Act (MGA) outlines the required process for amendments to the Municipal Planning Strategy.

Financial

There is no direct financial impact to the Town because of the proposed amendments other than advertising costs.

Communications

In accordance with the Town's Planning Public Participation Policy, this meeting was advertised 14 days in advance in the newspaper, on the Town's website, and on social media. The advertisement was also shared with the Municipality of the District of Lunenburg. A public hearing will be held following receipt of the Planning Advisory Committee's recommendation.

Attachments

- A. Proposed Amendment to Municipal Planning Strategy
- B. MPS Policy 6-22
- C. Review of Provincial Interest Statements and Lunenburg Accessibility Plan

Attachment A

Proposed Amendment to Municipal Planning Strategy

Amend Section 5.3.1 to read *"In 2021 Council initiated a project to review the Heritage Conservation District Plan and By-law and Architectural Control Areas. However, this process is not yet complete at the time of adoption for this Municipal Planning Strategy and the associated Land Use By-law. As a result, this Municipal Planning Strategy continues without changing the approach contained within the 1996 Municipal Planning Strategy until such time as the review project is complete and this Plan is amended as necessary."*

Section 5.3.2 states *"Establishment of a Heritage Conservation District comprised of the Old Town National Historic District & World Heritage Site and adjacent historic areas, with architectural controls implemented through the policies and design guidelines of the conservation plan and bylaw. Architectural controls in the heritage conservation district will apply to demolition of any pre 1940 building; the design of new buildings, including outbuildings; the alteration of any existing building, regardless of age; the design of fences and signs, and the placement and screening of utility structures."*

The accompanying policy is:

Policy 5-4: *Council shall, through the Land Use By-law and pending completion of the project to review heritage and architectural controls, establish a Heritage Conservation District and Architectural Control Areas consistent with the 1996 Municipal Planning Strategy, as amended.*

align the Municipal Planning Strategy and Land Use By-law with the Old Town Lunenburg Heritage Conservation District Plan and By-law to ensure the conservation of Old Town Lunenburg Heritage Conservation District.

Attachment B
Municipal Planning Strategy Policy 6-22

6.6.2 Municipal Planning Strategy Amendments

This Municipal Planning Strategy may be amended from time to time; it is not necessary to wait for a formal review. The amendment process involves such things as public participation, notification of the adjacent municipality and the Provincial Director of Planning, newspaper notices of the intention to amend, a public hearing, and review by the Province. The specific process is set out in the *Municipal Government Act*. Council may initiate an amendment arising from an internally-identified need, or from a request from a member of the public. However, Council is under no obligation to approve a Plan amendment unless the current Plan conflicts with the *Municipal Government Act*.

Policy 6-22: Council shall consider an amendment to this Municipal Planning Strategy, including as necessary Schedule 'A', the Future Land Use Map, when:

- (a) any policy intent is to be changed;
- (b) a proposed amendment to the maps or text of the Land Use By-law or Subdivision By-law is in conflict with this Plan and there are valid reasons for the amendment;
- (c) incorporation of a detailed secondary area strategy into this Plan is desired; or
- (d) this Municipal Planning Strategy is found to be inconsistent with the *Municipal Government Act* or the Statements of Provincial Interest.

Staff Comments

The Municipal Planning Strategy can be amended occasionally, and Council may initiate an amendment arising from an internally identified need. The proposed amendment will follow the process outlined in the Municipal Government Act and the Town's Planning Public Participation Policy. The proposed is an amendment to create alignment across the Town's planning and heritage policies.

Attachment C

Review of Provincial Interest Statements and Lunenburg County Accessibility Plan

Provincial Interest Statements	
Statement 1: Drinking Water	
Goal: To protect the quality of drinking water within municipal water supply watersheds.	The proposed MPS amendment will not affect Provincial Interest Statement 1. The quality of Dares Lake Watershed will not be affected by the proposed amendments.
Statement 2: Flood Risk Areas	
GOAL: To protect public safety and property and to reduce the requirement for flood control works and flood damage restoration in floodplains.	The proposed MPS amendment will not affect Flood Risk Areas as identified on the Flood Risk Area Map, Schedule E, of the Land Use By-law and will not affect Provincial Interest Statement 2.
Statement 3: Agricultural Land	
GOAL: To protect agricultural land for the development of a viable and sustainable agriculture and food industry.	The proposed MPS amendment will not affect Provincial Interest Statement 3.
Statement 4: Infrastructure	
GOAL: To make efficient use of municipal water supply and municipal wastewater disposal systems.	The proposed MPS amendment will not affect Provincial Interest Statement 4.
Statement 5: Housing	
GOAL: To provide housing opportunities to meet the needs of all Nova Scotians.	The proposed MPS amendment will not affect Provincial Interest Statement 5.

Review amendment through an accessible lens	
Review amendment with a focus on equity, diversity, and inclusion.	
	This amendment will not negatively impact issues pertaining to equity, diversity, and inclusion.