



AGENDA

Public Information Meeting

Planning Advisory Committee

Monday, January 13, 2020 at 4:30 p.m.

Lunenburg Town Hall, 2nd Floor, 120 Cumberland Street

1. Agenda - approval

2. Opening of the Public Information Meeting

A public information meeting provides members of the public with an opportunity to learn about a proposal and make their views known to the Planning Advisory Committee. A public information meeting is required under the Town of Lunenburg's Public Participation Program.

In terms of process, after the public information meeting is held, PAC will make a recommendation to Council. The public will have another opportunity for input should Council forward the proposal to a public hearing. After the public hearing, Council will make the final decision.

3. Review of General Rules of Conduct

There are a few general rules of conduct that are to be observed so that everyone who wishes to speak can do so in an open and respectful environment. The general rules of conduct are:

- We ask that those who wish to speak, to please go to the podium.
- Please state your name and civic address clearly so that it may be recorded in the minutes.
- We ask that you be respectful of others opinions and speak only from the podium microphone so that everyone is able to hear you.
- Speakers will be limited to one presentation unless called upon by the Chair for further comment. Speakers are limited so that all may have an opportunity to participate.
- PAC members may question each speaker.
- Comments and questions by the public are to be directed to the Chair.

4. Public Information Meeting

(a) Amero request to remove Lot A1 from the Architectural Control Area along Dufferin Street

- (i) Presentation by Town Planner Dawn Sutherland
- (ii) Opportunity for presentation by Joe Amero
- (iii) Written submissions
- (iv) Public input (oral submissions)



(b) ABCO Industries Inc. request to remove 6 properties from the Architectural Control Area along Tannery Road

- (i) Presentation by Town Planner Dawn Sutherland
- (ii) Opportunity for presentation by ABCO Industries Inc.
- (iii) Written submissions
- (iv) Public input (oral submissions)

5. Next Meeting Dates – Monday, February 10th.

6. Adjournment

Attachments:

1. Public Information Report for the Amero request to remove Lot A1 from the Architectural Control Area along Dufferin Street
2. Public Information Report for the ABCO Industries Inc. request to remove 6 properties from the Architectural Control Area along Tannery Road

Attachment:

1. Public Information Report for the Amero request to remove Lot A1 from the Architectural Control Area along Dufferin Street

Document No:
Meeting: January 13, 2020
Circulate To: PAC, BR, DS, HM
File: PAC

MEMORANDUM

TO: PLANNING ADVISORY COMMITTEE

FROM: DAWN SUTHERLAND, DEVELOPMENT/PLANNING MANAGER

DATE: JANUARY 6, 2020

**RE: PUBLIC INFORMATION MEETING REPORT (Amero)
Proposed amendments to the Municipal Planning Strategy's Map 2
Future Land Use Map to remove Lot A1 (PID 60642741) from the
Architectural Control Area along Dufferin Street.
(Amero application)**

Applicant	Joseph Amero & Eldona Amero
Land Owner	Joseph Amero & Eldona Amero
Proposal	Application for MPS map amendments to remove Lot A1, PID 60642741 from the architectural control area along Dufferin Street
Lot Area	10641.0 sq. ft
Designation	Residential
Zone	Residential (R)
Surrounding uses	residential
Architectural Controls	Yes
Heritage	-NOT within the Heritage Conservation District -NOT a designated heritage property (municipal, provincial, federal)

1. Purpose of a Public Information Meeting

A public information meeting provides members of the public with an opportunity to learn about an application and make their views known to the Planning Advisory Committee (PAC). No decisions have been made. This public information meeting report provides background information on the application only.

A public information meeting is required under the Town of Lunenburg's Public Participation Program.

In terms of process, after the public information meeting is held, PAC will make a recommendation to Council. The public will have another opportunity for input should

Council forward the proposal to a public hearing. After the public hearing, Council will make the final decision. Detailed information on the process is contained in Section 3 below.

2. A. Application

Joseph and Eldona Amero, have submitted an application to amend the Municipal Planning Strategy's Map 2 Future Land Use Map to remove Lot A1, PID 60642741 from the architectural control area along Dufferin Street. Mr. Amero appeared before Council on 27 August 2019 to seek permission to apply. Council invited Mr. Amero to apply and referred the matter to the Planning Advisory Committee. The application form and accompanying documentation are attached as Schedule A.

Mr. Amero has related that he has had Lot A1 for sale for a number of years and believes that the architectural control area restrictions have hindered its sale. He wishes to be removed from the architectural control area and be subject only to the Residential (R) Zone provisions.

B. Property Information

The subject property is in the Residential designation and Residential (R) Zone. Part 5 Residential (R) Zone of the Land Use By-law sets out the permitted developments and additional zoning information. It is attached as Schedule B. The surrounding uses are all residential. The lot is currently vacant.

The lot was originally part of the property next door at 95 Dufferin Street. The Ameros severed the parent property in 2005 to create Lot A1 (subject property) and Lot A2, which contains the home at 95 Dufferin. 95 Dufferin Street is no longer owned by the Ameros.

The property slopes from a higher elevation at Dufferin Street to a lower elevation at the rear. The rear of the property was found to be quite wet during the site visit on 16 October 2019. The property to the north at 107 Dufferin Street is at a higher elevation as fill was brought in at the time of construction. Drainage from this property has been a concern from some adjoining neighbours. Figure 1 shows the change in grade from the rear of the lot to the front of the lot abutting Dufferin Street.



FIGURE 1

C. Architectural Control Area

This lot is on the south west boundary of the Architectural Control Area. It had been part of the parent lot when this boundary was defined. The property to the north of Lot A1 at 107 Dufferin Street is not within the boundary. The property directly across the street at 102 Dufferin Street is within the boundary. While the Georgian style home at 95 Dufferin, beside Lot A1 at the corner of Dufferin and Tupper Streets, was built sometime after 1946, the homes that are across Dufferin Street at 90 Dufferin

Street (1888-1890), 96 Dufferin Street (1891-1893) and 102 Dufferin Street (1910) are much older. Please refer to Schedule C for a map showing the Amero lot, Lot A1, in Architectural Control Area on Dufferin Street.

Part 10 Architectural Heritage in the Municipal Planning Strategy contains the policies that enable the architectural control areas. Please refer to Schedule D. Regulation is through the Land Use By-law. Please refer to Schedule E for Part 26G Architectural Control Area of the Land Use By-law. Simply, if the design meets the criteria set out in Part 26G, then Development Officer issues a Development Permit. There are requirements for new main buildings and additions to be similar to those pre-1940 buildings within 300 ft. There are restrictions on size of additions and such things as cladding, roof shape, style. Mr. Amero wishes his property to be removed from these restrictions. He has related that assessment on Lot A1 has decreased from when it was first created. This appears to be the case as shown by the assessment history from Viewpoint.ca (Schedule F).

Policy 10.6 in the Municipal Planning Strategy sets out that Council can consider the future expansion of the Heritage Conservation District to include areas of architectural control. The Heritage Conservation District Plan and By-law are currently under review by the Heritage Advisory Committee. The draft includes the Falkland Street/Dufferin Street Architectural Control Area becoming part of an expanded Heritage Conservation District. Mr. Amero has also related that pending sales have been lost when buyers become aware of the restrictions in the Architectural Control Area. He has asked that Lot A1 be removed from the Architectural Control Area and does not wish to be included in a new Heritage Conservation District.

3. Process

Planning processes are legislated under the *Municipal Government Act* and are subject to Town of Lunenburg Public Participation Program as well. There are statutory requirements for notification of members of the public as well as Town policies in place in order for the public to become informed of proposed changes to our planning documents and to provide an opportunity for meaningful engagement. Changes to policies are to be given careful consideration by Council and those affected are to be given an opportunity to have their voices heard.

Below is a flow chart of the process for a Municipal Planning Strategy Amendment:

1. Applicant wishes to make a planning application and makes a request to apply	
2. Council hears the request. If willing to consider/learn more, Council will invite the applicant to apply. Referral to the Planning Advisory Committee (PAC).	<ul style="list-style-type: none"> -Applicant submits application. -PAC schedules a Public Information Meeting (PIM), applicant notified -Approved advert sent to paper -PIM letter mailed to assessed owners within 30 m, notice posted in Town Hall, -Applicant notified

	-PIM advert published (did this twice as it was advertised in December)
3. PAC holds PIM	-PAC learns about application -Public learns about application and asks questions -no decisions at this time
4. PAC meeting, recommendation to Council	-Staff report with analysis -PAC may ask for additional information or changes -PAC makes a recommendation to Council
5. Council – First Reading and sets a Public Hearing date	-Approved advert sent to paper -Notice of Intent and PH date to appear 14 days before public hearing, applicant notified, abutting municipality notified -PH letter mailed to assessed owners within 30 m First advert, Second advert
6. Council - Public Hearing	Public input – make presentation, email, letter
7. Council – Second Reading (decision made)	-Negative: refuse - no appeal - ends -Positive: approve, then 4 certified copies to Province along with all supporting documentation
8. If positive (Approved by Council) Province reviews	30 days
9. Province Approval required – 60 days , approve with or with amendments or refuse OR Approval not required	
10. Notice in newspaper setting out that MPS amendment is in effect	Effective date of amendment is upon publication in paper. (NO APPEAL TO UARB)

4. Next Steps

The next meeting of the Planning Advisory Committee (PAC) is scheduled for Monday, 10 February 2020. There will be a staff report containing an analysis and a copy of the PIM meeting minutes will be attached. PAC may make a recommendation to Council at that time or may ask for additional information or changes. If a recommendation is made, the application will proceed to Council for First Reading.

5. Appendices

Schedule A, application form and accompanying letter

Schedule B, Part 5 Residential (R) Zone

Schedule C, Map showing Amero lot, Lot A1, in Architectural Control Area on Dufferin Street

Schedule D, Part 10 Architectural Heritage in the Municipal Planning Strategy

Schedule E, LUB Part 26G Architectural Control Area

Schedule F, Assessment History from Viewpoint.ca

Town of Lunenburg Planning Application for a Municipal Planning Strategy Amendment

PLEASE NOTE THAT ALL INFORMATION PROVIDED IS PUBLIC INFORMATION

APPLICANT INFORMATION	REGISTERED OWNER OF PROPERTY
Name Joseph Amero and Eldona Amero	Name Joseph Amero and Eldona Amero
Company Name N/A	Company Name N/A
Mailing Address	Mailing Address
Email	Email
Phone	Phone
Cell	Cell

PLEASE NOTE: If you are not the registered owner of the property, include a letter of authorization from the owner with your application.

PROPERTY INFORMATION	APPLICATION CHECKLIST
Civic Address Lot A1, Dufferin Street	<input checked="" type="checkbox"/> Copy of Deed
PID # 60642741	<input checked="" type="checkbox"/> Survey Plan or Equivalent
Present Use of Property VACANT	<input checked="" type="checkbox"/> A Letter Explaining the Proposal
Proposed Use of Property SALE FOR RESIDENTIAL USE	N/A Application and Advertising Fees \$945.15 (\$245.15 + \$700.00) FEES WAIVED BY MOTION OF COUNCIL 27 AUGUST 2019

EXPLANATION OF PROPOSAL AND SIGNATURE

A short explanation of your proposal (please include a detailed letter with a full explanation)

Please see the letter included

By submitting this application I affirm that the facts set forth are true and complete.

Eldona Amero
J Amero

Name (printed): Joseph Amero Signature: J Amero Date: Aug 29, 2019

OFFICE USE ONLY: Type of Application: MPS, Map Amendment

Date received:



Joseph Amero
34 Archibald St.
Lunenburg ,NS
PO Box 1893
B0J 2C0
August 29, 2019

Mayor Bailey and Members of Town Council
Town Hall
Lunenburg,NS

Request to Remove Land Use By-Law Heritage Designation:

We are requesting the removal of our Lot PID #600 554 49 from the Land Use By-Law Heritage Designation for the following reasons:

1.Many people have been asking me why this lot is so designated as it is far removed from the Heritage area of Old Town.My answer is always,"I am not sure because when you look at where it is located ,it does not make sense.Furthermore ,I spoke to Michael Zinck , Funeral Director and owner of Sweeny' s Funeral Home. He told me that in his attempt to build his new Funeral Home there ,the question of a Heritage site was never brought up.

When we lived in 95 Dufferin St. we never considered it to be a Heritage House nor that it was located on a Heritage designated Lot. It was not in the description of sale nor ever mentioned to us by the real estate agent. It was an older Georgian but of modern design and a very beautiful one at that.So we purchased it.

The only time the question of this block being a Heritage site was when we tried to sell it.

2.We have lost many potential buyers as a result of this designation :e.g.

Families with children, retirees, working people and others who wanted to relocate to our beautiful town.Potential buyers have walked away scratching their heads after finding out from Mr. Arthur MacDonald that the lot was a Heritage Designated site and being told what kind of house they

could build by Mrs.Dawn Sutherland.This has caused us considerable frustration as well as to the potential buyers.

Many of these potential buyers had taken great care to draw up sketches and plans for their new home not to mention time and expense only to have their dreams squashed.

I would draw your attention to the attached email ,especially the last comment on that page.

“They certainly should change the by-law(s) with the loss of \$60000 to roughly\$80000 in tax revenues yearly.definitely ! No one except for a rich individual with a taste for old traditional housing in a newer developed area with newer **looking houses would ever want to purchase and build on it with the guidelines in place.”**

The town would also benefit from this change in that it would have a new revenue stream and be seen as providing for additional housing which we all agree is needed.

Also new residents have the potential of being assets to the Town’s culture and population growth.

3. This area in question creates a delineation halfway through this residential block which has a mix of older and newer homes which does not bear any correlation to a Heritage area.This lot is vacant and the home next to it is of modern construction. A house of Heritage construction would be out of place and appear as an anomaly.

5. We are ardent fans of heritage preservation as we live in a late 1800’s house .We feel that our request is reasonable under the circumstances.

Thank you .



Joseph and Eldona Amero

From: **Stephanie deVries** stephanie@viewpoint.ca
Subject: Buyers Comments re Arhicitucally Protected Area
Date: May 22, 2019 at 6:41 PM
To: **Joseph Amero** eamero@eastlink.ca

Hi Joseph and Eldona

Well that was was short lived-sorry. Please find the buyers comments below re his meeting with the Town today.

"Good afternoon Stephanie & David,

I've just completed a meeting with Mrs. Dawn Sutherland the Town Development/Planning Manager, Mr. Lee Fougere the Town Engineer had to attend another meeting and Mr. Arthur MacDonald the Town Heritage Manager is away from his office until May 27th.

Mrs. Sutherland and I discussed the architectural design guidelines of the Old Town Heritage bylaws, **a small portion of which I've attached**, along with application for the property in question to be removal from the Heritage designation by town council.

I was advised by Mrs. Sutherland that the home I proposed for placement on the property would not fit in with the present heritage guidelines and that application for the property to be removed from the heritage designation by council could take up to 6 months, without guarantees, along with the fact it could still be appealed by surrounding homeowners/residents even if it was granted.

I presented my case of lost tax revenue to the town over the 10 or more years it has been unoccupied, ranging from \$60,000 to \$80,000 and continuing due to the lot's restricted width and architectural guidelines but this didn't make a difference.

Given these circumstances I must withdraw my purchase proposal citing excessive expenditures required to meet the present design restrictions and it's unpalatable end result.

Please contact me should you have any further questions or concerns.

Sincerely,
(Attachment)

They certainly should change the bylaws with the loss of \$6000 to roughly \$8000 in tax revenues yearly, definitely ! No one except a for rich individual with a taste for old traditional housing in a newer developed area with newer looking houses would ever want to purchase and build on it with the guidelines in place !

Stephanie deVries
View Point Realty
Cell 902-521-1575
Fax 888-761-9052
<http://www.viewpoint.ca>

002592

THIS INDENTURE made this 20 day of April, A.D., 1999

BETWEEN:

DANIEL ZWICKER and JUDITH ANN ZWICKER, spouses, both of Lunenburg, in the County of Lunenburg and Province of Nova Scotia;

being the owner of the lands described in Schedule "A" herein.

(hereinafter called the "Grantor")

OF THE ONE PART

- and -

JOSEPH AMERO and ELDONA AMERO, husband and wife, both of Cambridge, in the Province of Ontario as JOINT TENANTS and not as Tenants-in-Common;

(hereinafter called the "Grantee")

OF THE OTHER PART

WITNESSETH THAT in consideration of One Dollar and other good and valuable consideration:

THE GRANTOR hereby conveys to the GRANTEE the lands described in Schedule "A" to this Warranty Deed as JOINT TENANTS and not as Tenants-in-Common and hereby consents to this disposition, pursuant to the Matrimonial Property Act of Nova Scotia.

THE GRANTOR covenants with the Grantee that the Grantee shall have quiet enjoyment of the lands, that the Grantor has a good title in fee simple to the lands and the right to convey them as hereby conveyed, that they are free from encumbrances and that the Grantor will procure such further assurances as may be reasonably required.

IN THIS DEED the singular includes the plural and the masculine includes the feminine and neuter genders, with the intent that this Deed shall be read with all appropriate changes of number and gender required of the context.

IN WITNESS WHEREOF the Grantors have signed and sealed this indenture on the day and year first above written.

SIGNED, SEALED AND DELIVERED)

- in the presence of -)

Handwritten signatures of Daniel Zwickler and Judith Ann Zwickler on lines.

D. Zwickler DANIEL ZWICKER

Judith A. Zwickler JUDITH ANN ZWICKER

LUNenburg COUNTY REGISTRY OF DEEDS 2592 717 84-86 I certify that this document was registered as shown here. 06 01 1999 11:50 AM Joan Plunkett Registrar MM DD YYYY Time

AFFIDAVIT OF SPOUSAL STATUS

CANADA
PROVINCE OF NOVA SCOTIA
COUNTY OF LUNENBURG

We, Daniel Zwicker and Judith Ann Zwicker, both of Lunenburg, in the County of Lunenburg and Province of Nova Scotia make oath and say as follows:

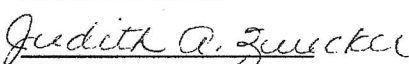
1. THAT We are the Grantors in the foregoing Warranty Deed and are of the full age of nineteen (19) years.
2. THAT We are now, and intend to be at the date of closing residents of Canada within the meaning of the Income Tax Act (Canada).
3. THAT for the purposes of this our Affidavit, "spouse" means either of a man or a woman who:
 - (i) are married to each other;
 - (ii) are married to each other by a marriage that is voidable and has not been annulled by a declaration of nullity; or
 - (iii) have gone through a form of marriage with each other, in good faith, that is void and are cohabitating or have cohabited within the preceding year.
4. THAT we are the spouses of each other and we have no other spouse as defined herein.

SWORN TO (severally) at
Lunenburg, in the County
of Lunenburg, Province
of Nova Scotia, this 7th + 20th day
of April, A.D., 1999.

A _____ OF THE SUPREME
COURT OF NOVA SCOTIA

David K. Macdonald
A BARRISTER OF THE
SUPREME COURT OF NOVA SCOTIA

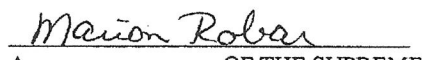

DANIEL ZWICKER


JUDITH ANN ZWICKER

AFFIDAVIT OF EXECUTION

PROVINCE OF NOVA SCOTIA
COUNTY OF LUNENBURG

ON this 5 day of May, 1999 before me, the subscriber personally came and appeared David K. Macdonald, a subscribing witness to the foregoing indenture, who having been by me duly sworn, made oath and said that DANIEL ZWICKER and JUDITH ANN ZWICKER, two of the parties thereto, signed, sealed and delivered the same in his presence.


A _____ OF THE SUPREME
COURT OF NOVA SCOTIA

MARION R. ROBAR
A Commissioner of the
Supreme Court of Nova Scotia

SCHEDULE "A"

All those lands and premises conveyed in a Trustee's Deed dated the 7th day of May, 1984 from Patrick A. Burke and Mary Ann Burke, Executors and Trustees under the last Will and Testament of Jean B. Burke, to Daniel Zwicker and Judith Ann Zwicker recorded in Bridgewater Registry of Deeds Office on the 8th day of May, 1984 in Book 342 at Page 204 and therein more particularly described as follows:

" ALL those certain lots of land situate, lying and being in the Town of Lunenburg and bounded as follows:

BEGINNING at an iron bolt at the Northwest intersection of Tupper and Dufferin Streets;

THENCE in a Westerly direction along said Dufferin Street One Hundred and Seventy (170') feet to a stake;

THENCE in a Southwardly direction One Hundred and Eighty (180') feet to a stake;

THENCE in an Eastwardly direction One Hundred and Seventy (170') feet to a stake on the bounds of Tupper Street, aforesaid;

THENCE along said Tupper Street Northwardly One Hundred and Sixty-seven (167') feet to the place of beginning and being lots Number 1, 2, and 6 in Block One according to a plan of division of School lands made by S.E. March, P.L.S. and dated November 15th, 1926.

BEING AND INTENDED TO BE the same lots of land as conveyed by the Board of Management of School Lands to William T. Powers by deed dated the 19th day of February, 1937 and recorded at the Registry of Deeds Office, Bridgewater, N.S. in Book 103 at Page 49 under No. 77.

For further reference to title see:

1. Last Will and testament of William T. Powers dated the 31st day of August, 1955 duly admitted to Probate at the Probate Court for the County of Lunenburg on the 31st day of October, 1955 and recorded at the Registry of Deeds Office, Bridgewater, N.S. in Book 120 at Page 408.

2. Last Will and testament of Jean Bernice Burke duly admitted to Probate at the Probate Court for the County of Lunenburg on the 11th day of August, 1982. "

JB
Dmz

PART 5 RESIDENTIAL (R) ZONE

5.1 Permitted Developments

(a) Developments Permitted

existing commercial uses as follow:

Civic Address	Use
60 Dufferin Street	part-time upholstery business in accessory building
195 Green Street	retail florist

existing multi-unit dwellings as follow:

Civic Address	Number of Units
37 Blockhouse Hill Road	15
30-36 Broad Street	8
138-146 Centennial Avenue	5
119 Cornwallis Street	15
23 James Road	14
41 James Road	14
28 Sawpit Road	12
36 Sawpit Road	12

existing visitor-oriented commercial uses as follow:

Civic Address	Use
18 Lower Street	(1) use of 528 square feet of the basement level floor of the dwelling for the creation, painting and retail sale of wooden toys
	(2) use of 450 square feet of the property for outdoor sales and display
	(3) use of two signs, each a maximum of 5 square feet in area
34 Linden Avenue	(1) use of 518 square feet of the ground floor of the dwelling for the retail sale of quilts, quilt-related craft and art goods, and handmade hooked rugs
	(2) use of 100 square feet of the property for outdoor sales and display
	(3) use of three signs: <ul style="list-style-type: none"> • one 25 square foot quilt hung on the dwelling • one 13.6 square foot ground sign; and • one 3.5 square foot flat fixed wall sign

guest houses up to 3 units subject to Section 3.1
 parking lots associated with uses permitted in the Residential (R) Zone
 single-unit dwelling
 two-unit dwellings

- (b) Developments Permitted by Development Agreement
- (i) institutional developments in accordance with Municipal Planning Strategy policy 5.5
 - (ii) multi-unit dwellings in accordance with Municipal Planning Strategy policy 5.9
 - (iii) expansion of existing multi-unit dwellings listed above in accordance with Municipal Planning Strategy policy 5.9
 - (iv) guest houses over 3 units in accordance with Municipal Planning Strategy policy 5.10
 - (v) Dining Rooms in conjunction with guest houses in accordance with Municipal Planning Strategy Policy 5.10A.

5.2 Residential (R) Zone Standards

Minimum Front Yard	6 metres (20 feet)
Minimum Rear Yard	6 metres (20 feet)
Minimum Side Yard	2.4 metres (8 feet)
Minimum Side Yard on Side with Common Wall	0 metres (0 feet)
Minimum Flankage Yard	6 metres (20 feet)
Maximum Height of Buildings	10.5 metres (35 feet)
Minimum Lot Area	558 square metres (6000 square feet)
Minimum Lot Frontage	18.2 metres (60 feet)

5.3 Attached Dwellings on Separate Lots

Where two lots are created for the development of an attached two-unit dwelling to be located on the common lot line, the total area, added together, of both lots must be 558 square metres (6000 square feet) and the total frontage of both lots must be 18.2 metres (60 feet) and each lot must have a minimum frontage of 20 feet.

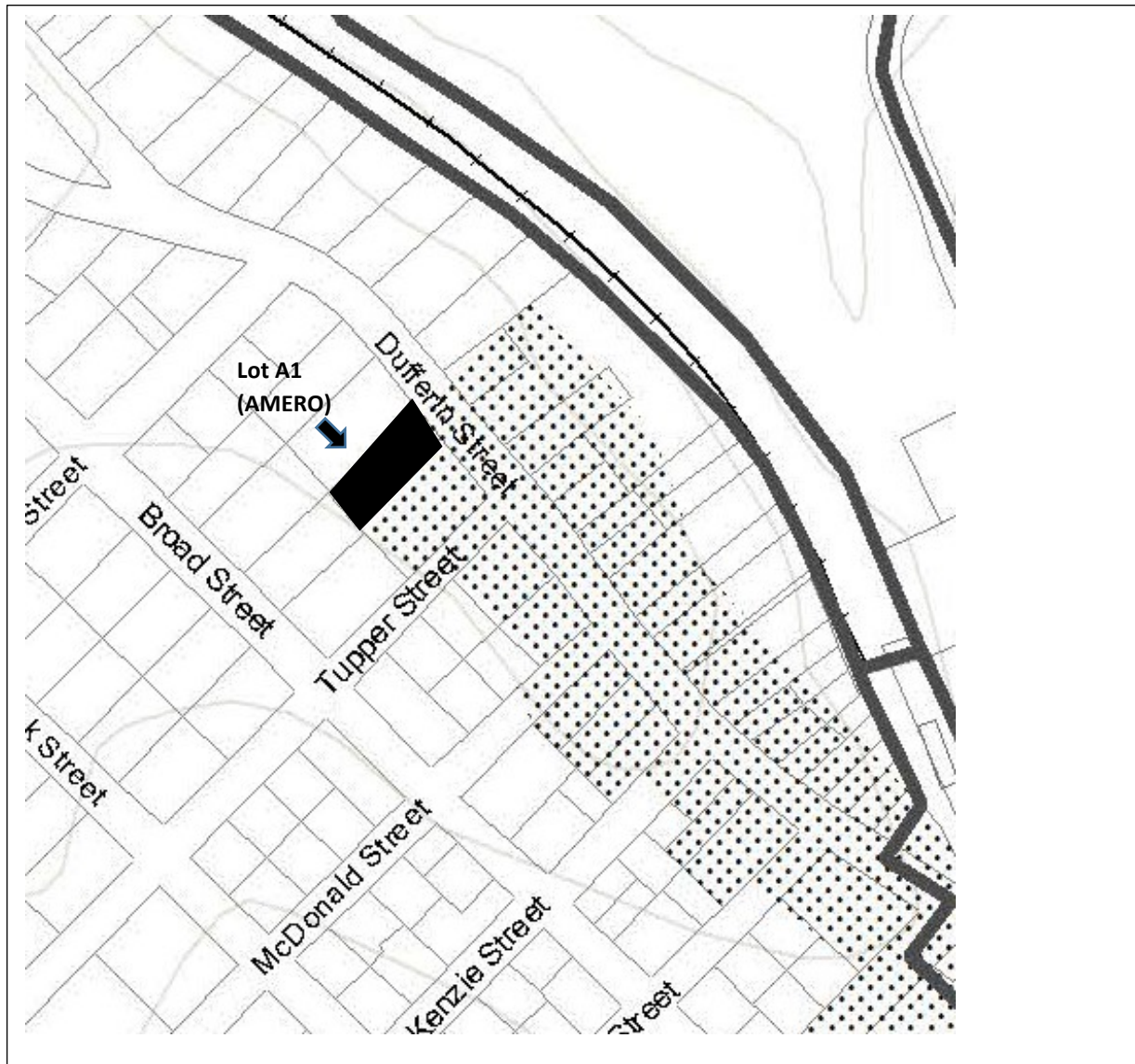
5.4 Special Requirements: Existing Visitor-Oriented Commercial Uses in the Residential (R) Zone

In the Residential (R) Zone visitor-oriented commercial uses listed in the zone may:

- (a) continue the use;
- (b) expand the building for residential purposes in accordance with the requirements of the Residential (R) Zone;
- (c) replace the building;
- (d) move the use to a different location within the building, provided that
 - (i) there is no increase in the size of the use beyond that listed in the

- Residential (R) Zone;
- (ii) there is no increase in the area of outdoor display and sales beyond that listed in the Residential (R) Zone;
 - (iii) there is no change in the type of item available for retail sale from those items listed in the Residential (R) Zone; and
 - (iv) all other activity related to the business use, such as parking, is in accordance with the requirements of Section 5.1 of the Land Use By-law.

Schedule C – Map showing Amero lot, Lot A1, in Architectural Control Area on Dufferin Street



10.0 ARCHITECTURAL HERITAGE

BACKGROUND

Lunenburg has a distinct heritage rooted in the Germanic origins of its first settlers, its unique architectural character, and its historical association with the growth of the Atlantic fishery and the bygone age of sail. This strong heritage is recognized as an important element of community life, important not only to residents of the Town but to the growing tourism industry as well. The term "heritage" encompasses many things, from vernacular forms of speech, to local food, traditional skills, crafts, and means of livelihood, and the historic built environment. Most aspects of Lunenburg's heritage are protected, preserved, and promoted through the activities of the Fisheries Museum of the Atlantic, the South Shore Genealogical Society, the German Canadian Cultural Society of Lunenburg, the Lunenburg Heritage Society and the Lunenburg Academy Foundation, the latter two organizations focusing particularly on the preservation of historic buildings.

The Town's architectural character is perceived as being a particularly important component of its heritage and Town Council has taken a number of initiatives to conserve, maintain, and improve that character. Involvement in the Provincial Main street Program from 1979 to 1994, in cooperation with the downtown merchants, facilitated both public and private sector improvements to the built environment in the designated downtown Business Improvement District. Although the Main street Program no longer exists, the Town will continue to seek similar programs to assist the business community.

In 1981, the Heritage Property By-law was adopted under the Heritage Property Act, enabling Council to designate historic buildings, streetscapes, and areas in the Town and to control any substantial alteration to them. Implementation of the By-law began in 1982 when research was undertaken to document the historic and architectural character of the Town. This research culminated, in February 1984, in the publishing of an inventory of historic buildings, which laid the groundwork for subsequent designations of Municipal Heritage Properties under the Heritage Property By-law. Additional information collected in 1992 and subsequent years will be used to update the Heritage Inventory when funds become available.

In 1991, Lunenburg received the distinction of having Old Town designated as a National Historic District.

In 1994, with the assistance of the Provincial Department of Housing and Municipal Affairs and a consultant, a background study was undertaken on the possible establishment of the Old Town as a heritage conservation district under the Heritage Property Act, with the district consisting of the National Historic District plus adjacent historic areas. A working group of

residents assisted in the preparation of a draft conservation plan and bylaw that included policies restricting demolition of historic (pre-1940) buildings and design guidelines for new buildings, alterations to existing buildings, and signs, fences, and utility structures. The establishment of the heritage conservation district was also intended to qualify property owners for conservation assistance programs available from the provincial government.

A series of opinion surveys, public meetings, workshops, and media presentations on the proposed district were subsequently conducted. Establishment of the district was significantly delayed, however, by the need for certain prior amendments to the Heritage Property Act and the Provincial Regulations for Heritage Conservation Districts, and by uncertainties about funding for a Heritage Officer to administer the conservation plan and bylaw. These amendments and funding uncertainties were not fully settled until late 1999, and the establishment of the heritage conservation district and the adoption of the conservation plan and bylaw remained on hold for the intervening years.

In 1995, the Old Town was designated as a World Heritage Site by the United Nations Educational, Scientific and Cultural Organization (U.N.E.S.C.O.).

In 1996, following the Five-Year Review, limited architectural controls were introduced into the municipal planning strategy and land use bylaw. Three architectural control areas were established, one encompassing the Old Town National Historic District / World Heritage Site, another in the Dufferin Street and Falkland Street area, and a third in the Tannery Road area. Within these areas, architectural controls regulated the design of new main buildings and alterations to pre-1920 main buildings.

In 1997, with assistance from the Federal and Provincial Governments, the Town commissioned a Strategic Plan for conservation and management of the Town as a World Heritage Site. The resulting Lunenburg World Heritage Community Strategy, adopted by Council in 1998, identified numerous initiatives relating to cultural preservation and economic development. It also affirmed the need for the establishment of a heritage conservation district, comprehensive architectural controls, and financial incentives. Implementation of the strategy began in 1999 with the creation of a new Heritage Project Manager position within the Town staff, whose responsibilities include administration of the heritage conservation district plan and bylaw.

In early 2000, following formal notification of all affected property owners, the heritage conservation district was established and the conservation plan and bylaw were adopted by Council, along with concurrent amendments to the architectural control policies of this Municipal Planning Strategy.

ARCHITECTURAL CONTROL

Council recognizes the potential social and economic benefits of preserving the heritage of Lunenburg and is committed to its protection. The designation of the Old Town as a National Historic District and World Heritage Site also imposes upon Council significant responsibility for its protection and management as a cultural resource of national and international importance. At the same time, Council recognizes that the Town is a living community, not a museum, and that architectural change must be accommodated.

In order to ensure the protection of Lunenburg's built heritage, Council has adopted a three-fold approach to architectural control:

- Voluntary designation of individual Municipal Heritage Properties under the Heritage Property Bylaw.
- Establishment of architectural control areas in the Dufferin Street, Falkland Street, and Tannery Road areas, with limited architectural controls implemented through the Land Use Bylaw. These architectural controls will continue the regulatory approach originally adopted in 1996 with the exception that the cut-off date for architectural reference will be changed from 1920 to 1940. Within the architectural control areas, architectural controls will apply only to new main buildings and alteration of pre-1940 main buildings.
- 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.

Council will also consider the future possibility of extending the heritage conservation district to include the Dufferin Street, Falkland Street, and Tannery Road architectural control areas and other historic parts of the Town by future amendment of the conservation plan and bylaw and this municipal planning strategy.

POLICIES

It shall be the policy of Council to:

Registered Heritage Properties

- 10.1** regard the Heritage Property By-law as the principal means of control of substantial alteration to registered Municipal Heritage Properties.

Architectural Control Area Designation

- 10.2** designate the areas shown as Architectural Control Areas on Map 2, the Future Land Use Map, as the areas in which the appearance of buildings will be controlled through the Land Use Bylaw. These areas include the areas of Dufferin Street, Falkland Street, and Tannery Road.

Architectural Control Area Provisions

- 10.3** incorporate special provisions in the Land Use By-law for the area designated Architectural Control with respect to:
- (a) new buildings; and
 - (b) additions or alterations to buildings built prior to 1940, in order to ensure the compatibility of new buildings and additions and alterations with the established character of the Town.

These special provisions shall control architectural style, building length to width ratio, the appearance of exterior cladding and roofing materials, height, shape and the size and ratio of windows and doors.

Heritage Conservation District

- 10.4** designate the area shown as Heritage Conservation District on Map 2, Future Land Use Map as the area within which demolition of pre-1940 buildings, the architectural design of new buildings and alterations to existing buildings, including outbuildings, and the design and placement of signs, fences, and utility structures will be controlled through the heritage conservation district plan and bylaw with design guidelines. This area includes the Old Town National Historic District and World Heritage Site and adjacent historic areas.

Heritage Conservation District Plan and Bylaw

- 10.5** regard the heritage conservation district plan and bylaw with design guidelines as a guiding policy and regulatory document with regard to architectural conservation and architectural change in the designated heritage conservation district, in parallel with the applicable provisions of this municipal planning strategy.

Future Expansion of Heritage Conservation District

- 10.6** consider the future expansion of the heritage conservation district outside of the Old Town to include other historically and architecturally significant areas including the Falkland Street, Dufferin Street, and Tannery Road architectural control areas, the remainder of the historic New Town and adjacent parts of Green Street, and the eastward extension of Pelham Street. The inclusion of such areas shall be preceded by background studies and public consultation, as required by sections 6 and 7 of the Regulations for Heritage Conservation Districts and shall be governed by the applicable policies of the conservation plan.

General Policies

- 10.7** encourage the preservation of Lunenburg's heritage through cooperation with the Fisheries Museum of the Atlantic, the Lunenburg Heritage Society, the Lunenburg Academy Foundation, and other heritage and cultural organizations and through continued involvement in programs similar to the Provincial Main street Program.
- 10.8** maintain Town owned public buildings, streets and signs in a state of good repair and to carry out any alterations to them in a manner which enhances the historic character of the Town.
- 10.9** ensure that when considering development agreements, the architectural character of any proposed new main building, or addition to or alteration of a main building will be compatible with the established architectural character of other buildings in the area in terms of relationships of height, bulk, scale, roof shape, materials, relationships of windows and doors and architectural details.

Schedule E- LUB Part 26G Architectural Control Area

PART 26G ARCHITECTURAL CONTROL AREA

26G.1 New Main Buildings

In addition to all requirements governing land use, new main buildings within the Architectural Control Area, as shown on Map 2, the Future Land Use Map, shall be similar to any substantially intact pre-1940 main building located within 91 metres (300 feet) of the new building and fronting on the same street, with respect to:

- (a) architectural style; and
- (b) building length to width ratio; and
- (c) height; and
- (d) roof shape; and
- (e) appearance of exterior cladding and roof materials; and
- (f) architectural details and trim; and
- (g) shape and size of porches, doors and windows; and
- (h) window area to wall area ratio; and
- (i) location, type, bulk and appearance of chimneys.

New main buildings located on corner lots may use either street as the street on which they front.

26G.2 Additions and Alterations to Existing Buildings

In addition to all requirements governing land use, additions and alterations to any main building constructed prior to 1940 within the Architectural Control Area as shown on Map 2, the Future Land Use Map, shall be similar to the main building with respect to the considerations set out in Section 26G.1.

- 26G.3 (a) The total ground floor area (footprint) of all additions shall not exceed 25% of the ground floor area (footprint) of the building existing prior to 13 June 1996.
- (b) For the purposes of this section, the calculation of ground floor area (footprint) does not include decks or verandas which do not enclose interior space.
- (c) An addition, less than ten per cent of which (by volume) is visible from the street directly in front of the main building, or from any other street abutting the property, in the case of a corner lot, and which is not higher than the main building, is permitted provided it does not exceed 100% of the footprint of the existing structure. **Adopted October 2, 2012**

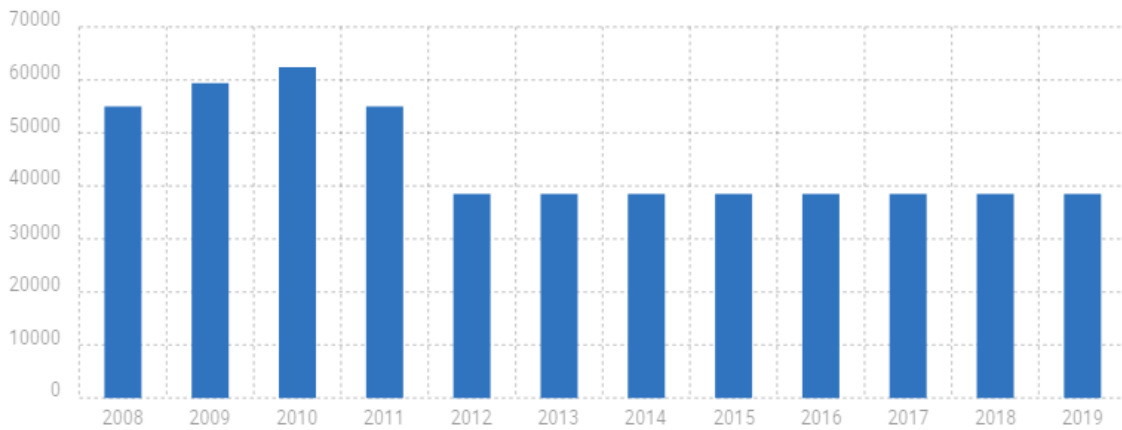
26G.4 Renovations and Replacements

Any renovation or replacement of any part of an existing building in the Architectural Control Area as shown on Map 2, the Future Land Use Map, shall be similar to the main building as it existed prior to the renovation or replacement in terms of the considerations

set out in Section 26G.1.

Schedule F - Assessment History from Viewpoint.ca

Source: Viewpoint.ca, accessed 30 August 2019



YEAR	ASSESSED AT	% +/-
2008	\$55,000	0.0%
2009	\$59,400	8.0%
2010	\$62,400	5.1%
2011	\$55,000	-11.9%
2012	\$38,500	-30.0%
2013	\$38,500	0.0%
2014	\$38,500	0.0%
2015	\$38,500	0.0%
2016	\$38,500	0.0%
2017	\$38,500	0.0%
2018	\$38,500	0.0%
2019	\$38,500	0.0%

Attachment:

2. Public Information Report for the ABCO Industries Inc. request to remove 6 properties from the Architectural Control Area along Tannery Road

Document No:
Meeting: January 13, 2020
Circulate To: PAC, BR, DS, HM
File: PAC

MEMORANDUM

TO: PLANNING ADVISORY COMMITTEE

FROM: DAWN SUTHERLAND, DEVELOPMENT/PLANNING MANAGER

DATE: JANUARY 6, 2020

**RE: PUBLIC INFORMATION MEETING REPORT (ABCO)
Proposed amendments to the Municipal Planning Strategy's Map 2
Future Land Use Map to remove 6 properties (PIDs 60053188, 60053196,
60053204, 60053212, 60386018, 606072839) from the Architectural
Control Area along Tannery Road.
(ABCO Industries Inc. application)**

Applicant	ABCO Industrial Holdings Limited, Jason Huskilson
Land Owner	ABCO Industrial Holdings Limited
Proposal	Application for MPS map amendments to remove 6 properties from the architectural control area along Tannery Road
Lot Area	Combined: ≈7.3748 acres/321 247 sq ft./ 29 844.8229 sq. metres
Designation	Industrial
Zone	Marine Industrial (MI)
Surrounding uses	residential, marine industrial, institutional
Architectural Controls	Yes
Heritage	-NOT within the Heritage Conservation District -NOT a designated heritage property (municipal, provincial, federal) -Location of Camp Norway Monument

1. Purpose of a Public Information Meeting

A public information meeting provides members of the public with an opportunity to learn about an application and make their views known to the Planning Advisory Committee (PAC). No decisions have been made. This public information meeting report provides background information on the application only.

A public information meeting is required under the Town of Lunenburg's Public Participation Program.

In terms of process, after the public information meeting is held, PAC will make a recommendation to Council. The public will have another opportunity for input should Council forward the proposal to a public hearing. After the public hearing, Council will make the final decision. Detailed information on the process is contained in Section 3 below.

2. A. Application

Jason Huskilson, on behalf of ABCO Industries Inc., has submitted his application to amend the Municipal Planning Strategy's Map 2 Future Land Use Map to remove 6 properties (PIDs 60053188, 60053196, 60053204, 60053212, 60386018, 606072839) from the Architectural Control Area along Tannery Road. Mr. Huskilson

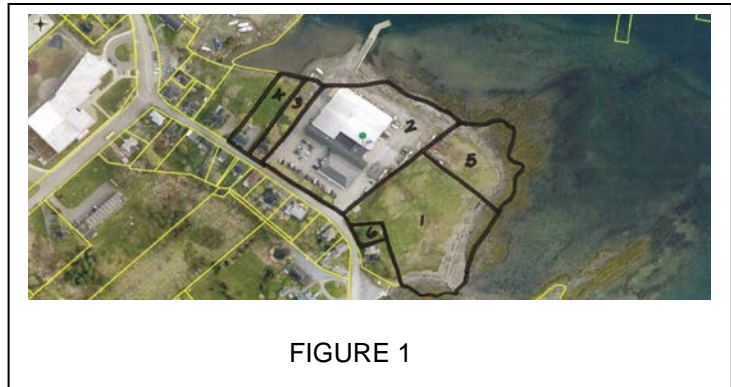


FIGURE 1

appeared before Council on 22 October 2019 to seek permission to apply. Council invited Mr. Huskilson to apply and referred the matter to the Planning Advisory Committee. The application form and accompanying letter are attached as Schedule A.

This application is for the removal of 6 properties from the architectural control area along Tannery Road only. This application does not contain any request related to acquisition of the sea bed or allowance for mixed residential/commercial development.

B. Property Information

The six (6) properties shown in Figure 1 are the subject of this application. These properties are in the Industrial designation and Marine Industrial (MI) Zone. A map showing the lot lines of the subject and surrounding properties is attached as Schedule B. Part 16 Marine Industrial (MI) Zone of the Land Use By-law sets out the permitted developments and additional zoning information. It is attached as Schedule C.

Please note that the views and view planes are not protected. Design and use are currently regulated by the Land Use By-law.

These lots are within the Architectural Control Area along Tannery Road. An excerpt from the Municipal Planning Strategy, Map 2, Future Land Use showing the Architectural Control Area along Tannery Road is attached as Schedule D. Please note that Little Island (AKA Burns Island) is not part of this application as it is not within the Architectural Control Area. The island is within the Marine Industrial (MI) Zone.

The lots are located off Tannery Road and are on the south west side of Lunenburg Harbour. The lots are relatively flat and, with the exception of Lot 09-1, PID 60672839 (#6 on the mapping), abut the shore. All are accessed off of Tannery Road.

The uses on the lots vary. The Camp Norway monument is located on Lot A, PID 60053188 (#1 on mapping). Briefly, Norwegian sailors were housed at Camp Norway after the Nazis invaded Norway during World War II. The camp was primarily a Royal Norwegian Navy training depot for over 1000 seamen and whalers who were being taken into the navy. The barracks were constructed and opened in November of 1940, with the first sailors arriving in 1941. The barracks now house ABCO Industries at 81 Tannery Road. Camp Norway is an important part of the history of the South Shore.

The ABCO Industries Inc. lands had been used for traditional fishing industries. In an undated post card, Figure 2 shows a fish shack and fish drying. The building at 81 Tannery Road has undergone a number of additions and internal modifications since ABCO was first founded in 1947. The current uses are considered marine industrial and industrial in nature as design and fabrication work occurs on site including purpose built aluminum boats. There are approximately 60 fulltime employees. Manufacturing plays an important role in the local economy.



Figure 2

There are two residential properties (houses) at 57 and 61 Tannery Road. 57 Tannery Road is a rental property while 61 Tannery Road is currently used for ABCO storage. Three lots are currently vacant (#1, 5, 6 on mapping) with the exception of the Camp Norway monument on #1.

The abutting properties and those across Tannery Road (south) are residential.

C. Architectural Control Area

The Architectural Control Areas are shown on the Municipal Planning Strategy's Map 2 Future Land Use Map. There are two areas: Falkland/Dufferin Streets and Tannery Road. "Old Town" was originally an architectural control area before becoming a Heritage Conservation District. If a property is in one of these areas, then it is subject to the architectural controls that are contained with the Land Use By-law.

Part 10 Architectural Heritage in the Municipal Planning Strategy contains the policies that enable the architectural control areas. Please refer to Schedule E. Regulation is through the Land Use By-law. Please refer to Schedule F for Part 26G Architectural Control Area of the Land Use By-law. Simply, if the design meets the criteria set out in Part 26G, then Development Officer issues a Development Permit. There are requirements for new main buildings and additions to be similar to those pre-1940 buildings within 300 ft. There are restrictions on size of additions and such things as cladding, roof shape, style. ABCO Industries Inc. wishes to be removed from these restrictions. They wish to have the flexibility to expand their operation as needed (perhaps in excess of the 25% of the ground floor area found in LUB Part 26.G.3) and

be subject only to the standards of the Marine Industrial (MI) Zone. They would like the ability to use more modern cladding as well. Flexibility and timely permitting are concerns.

Policy 10.6 in the Municipal Planning Strategy sets out that Council can consider the future expansion of the Heritage Conservation District to include areas of architectural control. The Heritage Conservation District Plan and By-law are currently under review by the Heritage Advisory Committee. The draft includes the Tannery Road Architectural Control Area becoming part of an expanded Heritage Conservation District. ABCO Industries Inc. wishes to be removed from the Tannery Road Architectural Control Area and does not wish to be included in a new Heritage Conservation District.

3. Process

Planning processes are legislated under the *Municipal Government Act* and are subject to Town of Lunenburg Public Participation Program as well. There are statutory requirements for notification of members of the public as well as Town policies in place in order for the public to become informed of proposed changes to our planning documents and to provide an opportunity for meaningful engagement. Changes to policies are to be given careful consideration by Council and those affected are to be given an opportunity to have their voices heard.

Below is a flow chart of the process for a Municipal Planning Strategy Amendment:

1. Applicant wishes to make a planning application and makes a request to apply	
2. Council hears the request. If willing to consider/learn more, Council will invite the applicant to apply. Referral to the Planning Advisory Committee (PAC).	-Applicant submits application. -PAC schedules a Public Information Meeting (PIM), applicant notified -Approved advert sent to paper -PIM letter mailed to assessed owners within 30 m, notice posted in Town Hall, -Applicant notified -PIM advert published (did this twice as it was advertised in December)
3. PAC holds PIM	-PAC learns about application -Public learns about application and asks questions -no decisions at this time
4. PAC meeting, recommendation to Council	-Staff report with analysis -PAC may ask for additional information or changes -PAC makes a recommendation to Council
5. Council – First Reading and sets a Public Hearing date	-Approved advert sent to paper

	-Notice of Intent and PH date to appear 14 days before public hearing, applicant notified, abutting municipality notified -PH letter mailed to assessed owners within 30 m First advert, Second advert
6. Council - Public Hearing	Public input – make presentation, email, letter
7. Council – Second Reading (decision made)	-Negative: refuse - no appeal - ends -Positive: approve, then 4 certified copies to Province along with all supporting documentation
8. If positive (Approved by Council) Province reviews	30 days
9. Province Approval required – 60 days , approve with or with amendments or refuse OR Approval not required	
10. Notice in newspaper setting out that MPS amendment is in effect	Effective date of amendment is upon publication in paper. (NO APPEAL TO UARB)

4. Next Steps

The next meeting of the Planning Advisory Committee (PAC) is scheduled for Monday, 10 February 2020. There will be a staff report containing an analysis and a copy of the PIM meeting minutes will be attached. PAC may make a recommendation to Council at that time or may ask for additional information or changes. If a recommendation is made, the application will proceed to Council for First Reading.

5. Appendices

Schedule A, application form and accompanying letter
Schedule B, A map showing the lot lines of the subject and surrounding properties
Schedule C, Part 16 Marine Industrial (MI) Zone of the Land Use By-law
Schedule D, Municipal Planning Strategy, Map 2, Future Land Use showing the Architectural Control Area along Tannery Road
Schedule E, Part 10 Architectural Heritage in the Municipal Planning Strategy
Schedule F, LUB Part 26G Architectural Control Area

Town of Lunenburg Planning Application for a Municipal Planning Strategy Amendment

PLEASE NOTE THAT ALL INFORMATION PROVIDED IS PUBLIC INFORMATION

APPLICANT INFORMATION	REGISTERED OWNER OF PROPERTY
Name Jason Huskilson	Name 3-H ABCO Holdings Inc.
Company Name ABCO Industries Inc.	Company Name ABCO Industries Inc.
Mailing Address 81 Tannery Road, Lunenburg, NS, B0J 2C0	Mailing Address 81 Tannery Road, Lunenburg, NS, B0J 2C0
Email jason@abco.ca	Email jason@abco.ca
Phone 	Phone (902) 634-8821
Cell 	Cell

PLEASE NOTE: If you are not the registered owner of the property, include a letter of authorization from the owner with your application.

PROPERTY INFORMATION	APPLICATION CHECKLIST
Civic Address 81 Tannery Road, Lunenburg, NS, B0J 2C0	<input checked="" type="checkbox"/> Copy of Deed <input checked="" type="checkbox"/> Survey Plan or Equivalent <input checked="" type="checkbox"/> A Letter Explaining the Proposal <input checked="" type="checkbox"/> Application and Advertising Fees \$945.15 (\$245.15 + \$700.00)
PID # 60386000 60053188 60053196* 60053204** 60053212** 60386018 60672839	
Present Use of Property Manufacturing* Residential** Empty	
Proposed Use of Property Allowable uses under the Marine Industrial Zoning	

EXPLANATION OF PROPOSAL AND SIGNATURE

A short explanation of your proposal (please include a detailed letter with a full explanation)

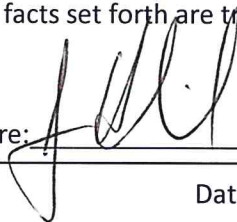
A significant expansion of the manufacturing foot print of ABCO Industries Inc. This increased space will house new machinery and facilitate work space for new hires.

By submitting this application I affirm that the facts set forth are true and complete.

Name (printed):

Jason Huskilsen

Signature:



Date:

Oct 25, 2019

OFFICE USE ONLY: Type of Application:

Date received:

To Whom it may concern,

ABCO Industries Inc. is a world class supplier of manufactured metal products. Since 1947, ABCO has built a customer base that spans the globe. This customer base, coupled with new investment from the New Ownership, puts ABCO in a position to grow if we had an adequately sized facility. This is impossible with the current rules and by-laws which is why we are asking to be removed from the Architectural Control zone. This will give ABCO Industries the freedom to grow. Our current foot print has been pushed to the limit in recent years and we are looking to make a change.

ABCO is looking to expand the existing floor space up to, and possibly beyond, 100% of the current foot print. ABCO would like to build new infrastructure that may include detached structures or additions to the existing building. Any new additions could be of similar shape and colour of the existing structure which Lunenburg has been accustomed to seeing for over 50 years. We feel that this expansion will be a welcome part of the working waterfront of Lunenburg and we look forward to continued community investment.

The Marine Industrial zoning would give ABCO the architectural freedom to manage our growth. Removal from the Architectural Control Zone will facilitate the transition to being limited only by the Marine Industrial controls. We appreciate the consideration thus far, and we look forward to continuing our growth within the Town of Lunenburg.

Regards,

A handwritten signature in blue ink, appearing to read "J. Huskilon".

Jason Huskilon

Director ABCO Industries

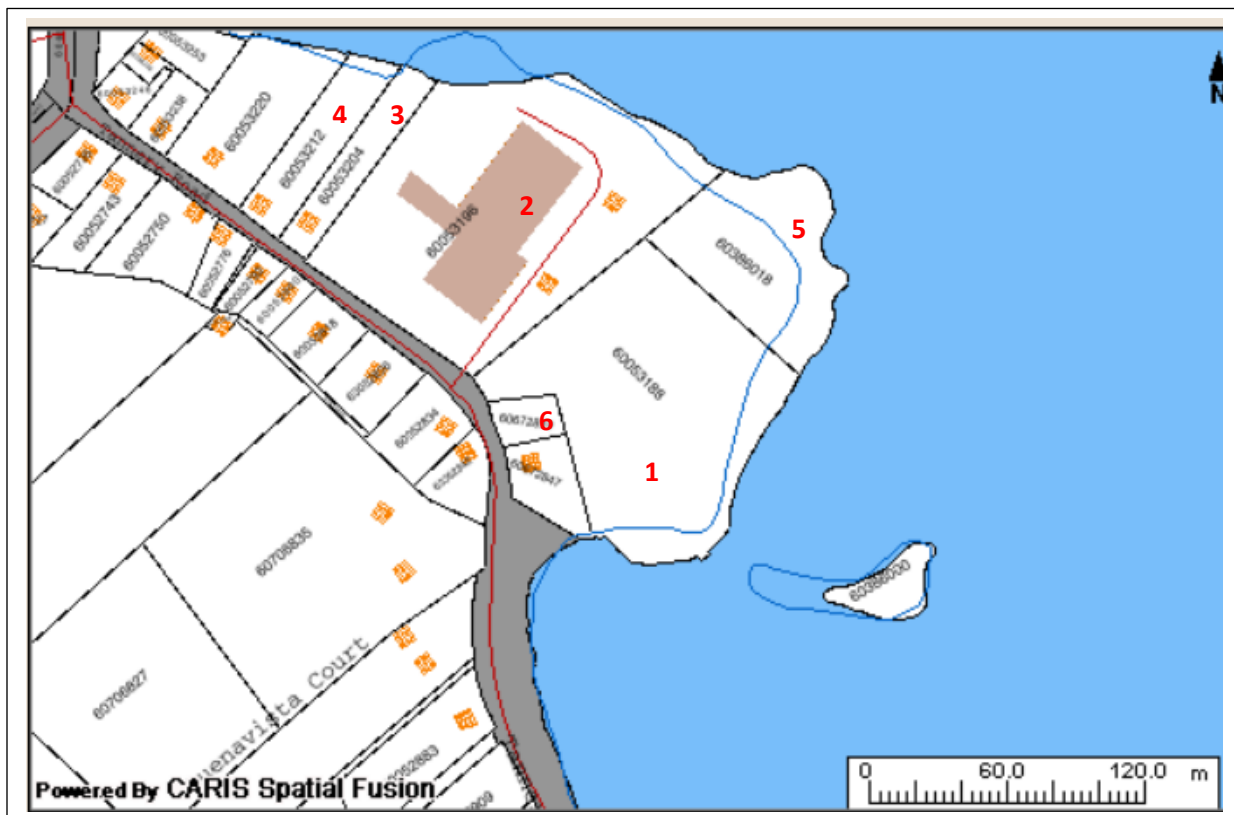
Oct 25, 2019

Schedule B – A map showing the lot lines of the subject and surround properties

Property online Map showing ABCO Industries Holdings Limited properties that are within the Architectural Control Area on Tannery Road

7 October 2019

	PID	OWNER	PROPERTY ADDRESS/AREA
1	60053188	ABCO Industries Holdings Limited	Lot A, Tannery Road (2.37 acres)
2	60053196	ABCO Industries Holdings Limited	81 Tannery Road (3.28 acres)
3	60053204	ABCO Industries Holdings Limited	61 Tannery Road (19375 sq ft) residential
4	60053212	ABCO Industries Holdings Limited	57 Tannery Road(19845 sq ft) residential
5	60386018	ABCO Industries Holdings Limited	Lot 2, Tannery Road (29900 sq ft)
6	60672839	ABCO Industries Holdings Limited	Lot 09-1 (6013 sq ft)



PART 16 MARINE INDUSTRIAL (MI) ZONE

16.1 Permitted Developments

Developments Permitted

any use permitted in the Industrial (I) Zone
 any use permitted in the General Commercial (GC) Zone, **with the exception of residential uses**

dry cleaning or laundry establishments or depots
 funeral homes
 medical clinics
 places of entertainment, recreation and assembly
 boatyards, including boat storage
 existing residential uses as follow:

Civic Address	Owner
29 Falkland Street	Cynthia and Adam Dial
49 Falkland Street	Lunenburg Foundry & Engineering
175 Montague Street	Adams and Knickle
43 Tannery Street	Clarence Dauphinee
49 Tannery Road	ABCO
57 Tannery Road	ABCO
61 Tannery Road	ABCO

fish uses, including fish processing
 marinas, including boat rentals and charters, fuel sales, and pump-out facilities
 marine railways
 marine uses
 marine-related commercial uses
 parking lots
 parks
 public uses and buildings
 sale of fish and other seafood
 shipbuilding and repair
 ship chandlery and provisioning
 storage buildings for commercial fishing gear
 wharves and docks
 wholesale fish establishments
 outdoor yacht and boat sales and displays, including yachting and boating merchandise

16.2 Developments Permitted by Development Agreement

- (i) industrial development which may create land use conflicts in accordance with Municipal Planning Strategy policy 8.7
- (ii) Places of entertainment, recreation or assembly in accordance with Municipal Planning Policy 8.7A.

16.3 **Marine Industrial (MI) Zone Standards**

Minimum Front Yard	nil
Minimum Side Yard	nil
Minimum Rear Yard	nil
Maximum Height of	13.5 metres (45 feet)
Minimum Lot Area	37 square metres (400 square feet)
Minimum Frontage	nil

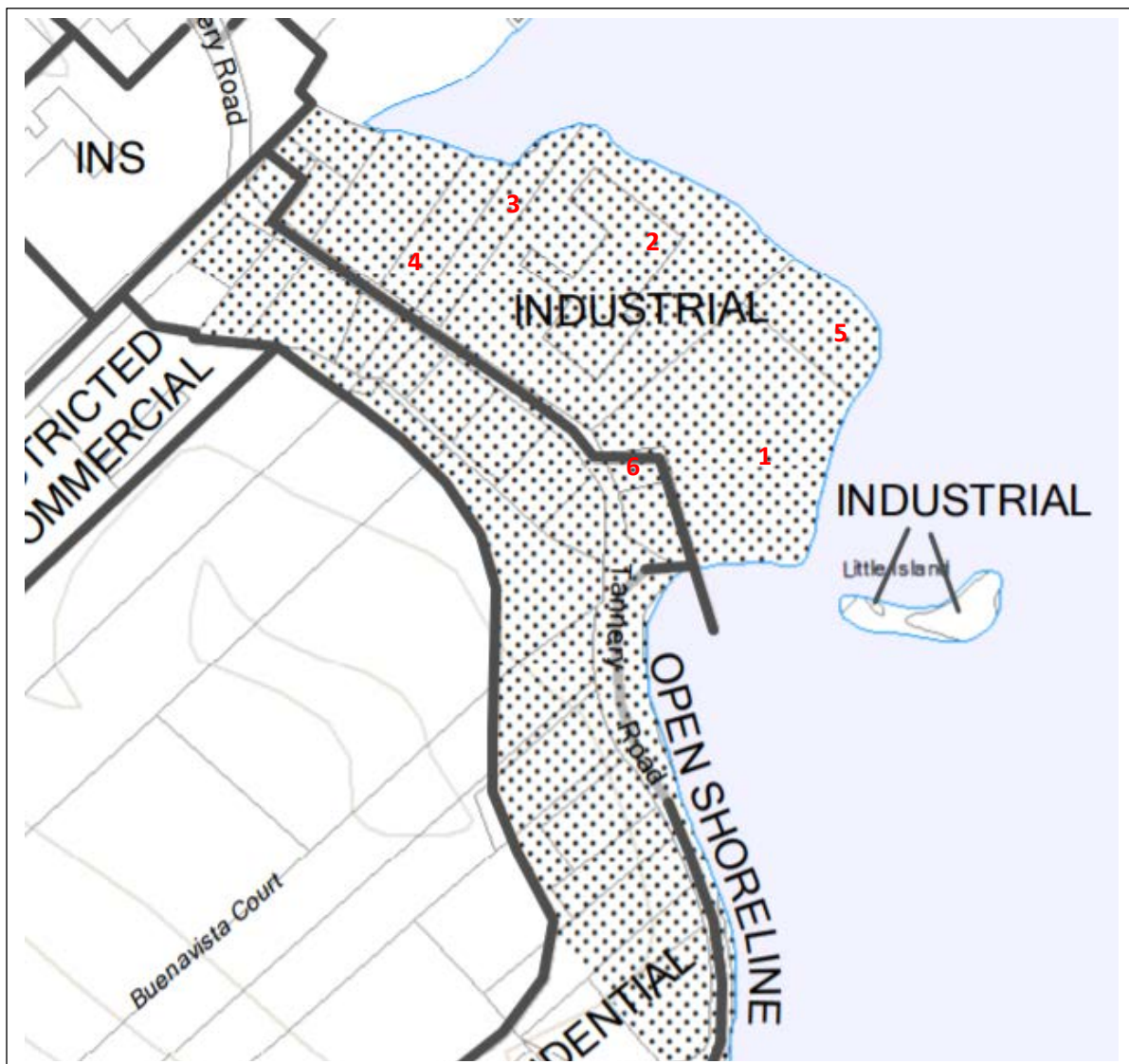
16.4 Notwithstanding section 16.3, a boathouse may be erected on a lot that is at least 37 square metres (400 square feet).

Schedule D – Municipal Planning Strategy, Map 2, Future Land Use showing the Architectural Control Area along Tannery Road

Property online search of “ABCO” shown on excerpt from Town of Lunenburg, Municipal Planning Strategy, Map 2, Future Land Use, showing Architectural Control Area along Tannery Road with lands owned by ABCO Industries Holdings Limited numbered in red

7 October 2019

	PID	OWNER	PROPERTY ADDRESS/AREA
1	60053188	ABCO Industries Holdings Limited	Lot A, Tannery Road (2.37 acres)
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10.0 ARCHITECTURAL HERITAGE

BACKGROUND

Lunenburg has a distinct heritage rooted in the Germanic origins of its first settlers, its unique architectural character, and its historical association with the growth of the Atlantic fishery and the bygone age of sail. This strong heritage is recognized as an important element of community life, important not only to residents of the Town but to the growing tourism industry as well. The term "heritage" encompasses many things, from vernacular forms of speech, to local food, traditional skills, crafts, and means of livelihood, and the historic built environment. Most aspects of Lunenburg's heritage are protected, preserved, and promoted through the activities of the Fisheries Museum of the Atlantic, the South Shore Genealogical Society, the German Canadian Cultural Society of Lunenburg, the Lunenburg Heritage Society and the Lunenburg Academy Foundation, the latter two organizations focusing particularly on the preservation of historic buildings.

The Town's architectural character is perceived as being a particularly important component of its heritage and Town Council has taken a number of initiatives to conserve, maintain, and improve that character. Involvement in the Provincial Main street Program from 1979 to 1994, in cooperation with the downtown merchants, facilitated both public and private sector improvements to the built environment in the designated downtown Business Improvement District. Although the Main street Program no longer exists, the Town will continue to seek similar programs to assist the business community.

In 1981, the Heritage Property By-law was adopted under the Heritage Property Act, enabling Council to designate historic buildings, streetscapes, and areas in the Town and to control any substantial alteration to them. Implementation of the By-law began in 1982 when research was undertaken to document the historic and architectural character of the Town. This research culminated, in February 1984, in the publishing of an inventory of historic buildings, which laid the groundwork for subsequent designations of Municipal Heritage Properties under the Heritage Property By-law. Additional information collected in 1992 and subsequent years will be used to update the Heritage Inventory when funds become available.

In 1991, Lunenburg received the distinction of having Old Town designated as a National Historic District.

In 1994, with the assistance of the Provincial Department of Housing and Municipal Affairs and a consultant, a background study was undertaken on the possible establishment of the Old Town as a heritage conservation district under the Heritage Property Act, with the district consisting of the National Historic District plus adjacent historic areas. A working group of

residents assisted in the preparation of a draft conservation plan and bylaw that included policies restricting demolition of historic (pre-1940) buildings and design guidelines for new buildings, alterations to existing buildings, and signs, fences, and utility structures. The establishment of the heritage conservation district was also intended to qualify property owners for conservation assistance programs available from the provincial government.

A series of opinion surveys, public meetings, workshops, and media presentations on the proposed district were subsequently conducted. Establishment of the district was significantly delayed, however, by the need for certain prior amendments to the Heritage Property Act and the Provincial Regulations for Heritage Conservation Districts, and by uncertainties about funding for a Heritage Officer to administer the conservation plan and bylaw. These amendments and funding uncertainties were not fully settled until late 1999, and the establishment of the heritage conservation district and the adoption of the conservation plan and bylaw remained on hold for the intervening years.

In 1995, the Old Town was designated as a World Heritage Site by the United Nations Educational, Scientific and Cultural Organization (U.N.E.S.C.O.).

In 1996, following the Five-Year Review, limited architectural controls were introduced into the municipal planning strategy and land use bylaw. Three architectural control areas were established, one encompassing the Old Town National Historic District / World Heritage Site, another in the Dufferin Street and Falkland Street area, and a third in the Tannery Road area. Within these areas, architectural controls regulated the design of new main buildings and alterations to pre-1920 main buildings.

In 1997, with assistance from the Federal and Provincial Governments, the Town commissioned a Strategic Plan for conservation and management of the Town as a World Heritage Site. The resulting Lunenburg World Heritage Community Strategy, adopted by Council in 1998, identified numerous initiatives relating to cultural preservation and economic development. It also affirmed the need for the establishment of a heritage conservation district, comprehensive architectural controls, and financial incentives. Implementation of the strategy began in 1999 with the creation of a new Heritage Project Manager position within the Town staff, whose responsibilities include administration of the heritage conservation district plan and bylaw.

In early 2000, following formal notification of all affected property owners, the heritage conservation district was established and the conservation plan and bylaw were adopted by Council, along with concurrent amendments to the architectural control policies of this Municipal Planning Strategy.

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Council recognizes the potential social and economic benefits of preserving the heritage of Lunenburg and is committed to its protection. The designation of the Old Town as a National Historic District and World Heritage Site also imposes upon Council significant responsibility for its protection and management as a cultural resource of national and international importance. At the same time, Council recognizes that the Town is a living community, not a museum, and that architectural change must be accommodated.

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- (a) new buildings; and
 - (b) additions or alterations to buildings built prior to 1940, in order to ensure the compatibility of new buildings and additions and alterations with the established character of the Town.

These special provisions shall control architectural style, building length to width ratio, the appearance of exterior cladding and roofing materials, height, shape and the size and ratio of windows and doors.

Heritage Conservation District

- 10.4** designate the area shown as Heritage Conservation District on Map 2, Future Land Use Map as the area within which demolition of pre-1940 buildings, the architectural design of new buildings and alterations to existing buildings, including outbuildings, and the design and placement of signs, fences, and utility structures will be controlled through the heritage conservation district plan and bylaw with design guidelines. This area includes the Old Town National Historic District and World Heritage Site and adjacent historic areas.

Heritage Conservation District Plan and Bylaw

- 10.5** regard the heritage conservation district plan and bylaw with design guidelines as a guiding policy and regulatory document with regard to architectural conservation and architectural change in the designated heritage conservation district, in parallel with the applicable provisions of this municipal planning strategy.

Future Expansion of Heritage Conservation District

- 10.6** consider the future expansion of the heritage conservation district outside of the Old Town to include other historically and architecturally significant areas including the Falkland Street, Dufferin Street, and Tannery Road architectural control areas, the remainder of the historic New Town and adjacent parts of Green Street, and the eastward extension of Pelham Street. The inclusion of such areas shall be preceded by background studies and public consultation, as required by sections 6 and 7 of the Regulations for Heritage Conservation Districts and shall be governed by the applicable policies of the conservation plan.

General Policies

- 10.7** encourage the preservation of Lunenburg's heritage through cooperation with the Fisheries Museum of the Atlantic, the Lunenburg Heritage Society, the Lunenburg Academy Foundation, and other heritage and cultural organizations and through continued involvement in programs similar to the Provincial Main street Program.
- 10.8** maintain Town owned public buildings, streets and signs in a state of good repair and to carry out any alterations to them in a manner which enhances the historic character of the Town.
- 10.9** ensure that when considering development agreements, the architectural character of any proposed new main building, or addition to or alteration of a main building will be compatible with the established architectural character of other buildings in the area in terms of relationships of height, bulk, scale, roof shape, materials, relationships of windows and doors and architectural details.

Schedule F- LUB Part 26G Architectural Control Area

PART 26G ARCHITECTURAL CONTROL AREA

26G.1 New Main Buildings

In addition to all requirements governing land use, new main buildings within the Architectural Control Area, as shown on Map 2, the Future Land Use Map, shall be similar to any substantially intact pre-1940 main building located within 91 metres (300 feet) of the new building and fronting on the same street, with respect to:

- (a) architectural style; and
- (b) building length to width ratio; and
- (c) height; and
- (d) roof shape; and
- (e) appearance of exterior cladding and roof materials; and
- (f) architectural details and trim; and
- (g) shape and size of porches, doors and windows; and
- (h) window area to wall area ratio; and
- (i) location, type, bulk and appearance of chimneys.

New main buildings located on corner lots may use either street as the street on which they front.

26G.2 Additions and Alterations to Existing Buildings

In addition to all requirements governing land use, additions and alterations to any main building constructed prior to 1940 within the Architectural Control Area as shown on Map 2, the Future Land Use Map, shall be similar to the main building with respect to the considerations set out in Section 26G.1.

- 26G.3 (a) The total ground floor area (footprint) of all additions shall not exceed 25% of the ground floor area (footprint) of the building existing prior to 13 June 1996.
- (b) For the purposes of this section, the calculation of ground floor area (footprint) does not include decks or verandas which do not enclose interior space.
- (c) An addition, less than ten per cent of which (by volume) is visible from the street directly in front of the main building, or from any other street abutting the property, in the case of a corner lot, and which is not higher than the main building, is permitted provided it does not exceed 100% of the footprint of the existing structure. **Adopted October 2, 2012**

26G.4 Renovations and Replacements

Any renovation or replacement of any part of an existing building in the Architectural Control Area as shown on Map 2, the Future Land Use Map, shall be similar to the main building as it existed prior to the renovation or replacement in terms of the considerations

set out in Section 26G.1.