

TOWN OF LUNENBURG
PLANNING ADVISORY COMMITTEE
PUBLIC PARTICIPATION MEETING AGENDA

Monday, September 11, 2023 at 6 p.m.

Council Chamber, 120 Townsend Street and Zoom Webinar



Notice: Planning Advisory Committee meetings are held in person at Town Hall. Members of the public can attend meetings in person or participate in this meeting through the Zoom livestream. To livestream this meeting starting at 6 pm, use this Zoom link:

<https://us06web.zoom.us/j/87307732477?pwd=bTNoV2dRSDJYMGFKakRWd3I4R3ZZUT09>

Passcode is 417723

1. CALL TO ORDER

2. LAND ACKNOWLEDGEMENT

Acknowledgement of Mi'kma'ki the ancestral and unceded territory of the Mi'kmaq People.

3. APPROVAL OF AGENDA

Draft motion: Moved and seconded that the Committee approve the agenda for the September 11, 2023 meeting as presented.

4. APPROVAL OF MINUTES

Draft motion: Moved and seconded that the Committee approve the minutes of the August 28, 2023 meeting of the Planning Advisory Committee meeting as presented.

5. PUBLIC PARTICIPATION MEETINGS

5.1. Re-zoning Upper Hall Street (PID 60726403) from Industrial (M) Use Zone to Institutional (INS) Use Zone

5.2. Amendment to LUB Provisions for Off-site Signage

6. BUSINESS ARISING FROM THE PUBLIC PARTICIPATION MEETINGS

6.1. Re-zoning Upper Hall Street (PID 60726403) from Industrial (M) Use Zone to Institutional (INS) Use Zone

Draft Motion: Moved and seconded to recommend that Council proceeds with First Reading and advertise for a Public Hearing in order to consider, and if deemed advisable, the approval of an application to rezone Upper Hall Street (PID 60726403) from Industrial (M) Use Zone to Institutional (INS) Use Zone.

6.2. Amendment to LUB Provisions for Off-site Signage

Draft Motion: Moved and seconded to recommend that Council proceed with First Reading and advertise for a Public Hearing in order to consider, and if deemed advisable, approve proposed signage amendments to the Land Use By-law (LUB) as outlined in the Planner's report.

7. NEW BUSINESS

8. NEXT MEETING - TBD

9. ADJOURNMENT



PLANNING ADVISORY COMMITTEE MEETING MINUTES TOWN OF LUNENBURG

Monday, August 28 2023 at 6 p.m.

Council Chamber, 120 Townsend St. and Zoom Webinar/YouTube Live

Present	Councillor Susan Sanford (Chair) Councillor Stephen Ernst Councillor Ed Halverson (via Zoom) Colin Whitcomb (citizen rep)
Also present	Arthur MacDonald, Director of Community Development Ann Covey, Recording Secretary Trevor Hume, Planner/Development Officer
Call to Order	The Chair called the meeting to order at 6:17 p.m.
Land acknowledgment	The Chair recognized Lunenburg's location on the unceded territory of the Mi'kmaq people.
Approval of Agenda	Moved and seconded that the Committee approve the agenda for the August 28, 2023 meeting as presented. Motion carried unanimously
Approval of Minutes	Moved and seconded that the Committee approve the minutes of the February 27, 2023 meeting as presented. Motion carried unanimously
Public Hearings, Presentations and Questions	None.
Re-zoning – Upper Hall Street	Moved and seconded that the PAC proceeds with advertising for a Public Participation Meeting. Motion carried with Colin Whitcomb abstaining from the vote. Staff are asked to provide information on the traffic study being conducted by Harbour View Haven when it becomes available.
LUB amendment – Off-site signage	Moved and seconded that the PAC proceeds with advertising for a Public Participation Meeting. Motion carried unanimously
Business Arising from the Minutes	None.

Next meeting The Committee will hold a Public Participation Meeting (PPM) on Monday, September 11, 2023 at 6 p.m. This meeting will focus on the Upper Hall Street re-zoning and the Off-site signage amendment.

Adjournment There being no further business, the August 28, 2023 Planning Advisory Committee meeting adjourned at 6:51 p.m.

Minutes were read and approved.

DRAFT

Subject: Rezoning Upper Hall Street (PID 60726403) from Industrial (M) Use Zone to Institutional (INS) Use Zone

From: Arthur MacDonald, Director of Community Development

Reviewed by: Jamie Doyle, CAO

Date: September 11, 2023



Recommendation

That the Planning Advisory Committee recommends that Council proceed with First Reading and advertise for a Public Hearing in order to consider, and if deemed advisable, approve an application to rezone Upper Hall Street (PID 60726403) from Industrial (M) Use Zone to Institutional (INS) Use Zone.

Alternatives

- To recommend to Council to refuse the rezoning.

Background

Harbour View Haven is looking for a new home. Having a long-term care facility in Lunenburg is considered a community asset and provides an opportunity for our aging population to continue living in familiar surroundings close to family members and their support networks. If they decide to move out-of-town it would be considered a loss of an important and long-standing facility in our community (Established April 25, 1971).

Harbour View Haven is interested in obtaining Upper Hall Street (PID 60726403) to undertake a new 144 room long term care facility. They have made an application to rezone the subject lands from Industrial (M) to Institutional (INS). Their application is provided in **Attachment A**.

In their submission they note: "Our proposed long term care facility aims to continue providing exceptional care, comfort, and support to seniors in Lunenburg and surrounding areas in a state-of-the-art facility. The facility will consist of 144 beds and will be designed to meet the unique needs of the ageing population. We envision an updated facility that emphasizes personalized care, promotes independence, epitomizes infection control and safety and fosters a warm and welcoming environment for residents."

Discussion

The proposed rezoning does not require an amendment to the Municipal Planning Strategy (MPS). According to the Town's Future Land Use Map, the lands are designated "Industrial". Policy 4-2 (**Attachment B**) of the MPS enables the establishment of the Industrial Use (M) Zone; the Institutional Use (INS) Zone; and the Parks and Recreation Use (PR) Zone within the "Industrial" designation. Therefore, the proposed rezoning to Institutional (INS) is in compliance with the Town's MPS.

Policy 6-10 and Policy 6-11 of the MPS enable Council to consider an amendment to the Use Zoning Map, Schedule C, of the Land Use By-law (LUB) if the proposed amendment is consistent with this MPS and meets the general evaluation criteria for amending the LUB, as set out in Policy 6-19. Policy 6-10, 6-11 and 6-19 which are reviewed in **Attachment C**, and the proposed amendment is considered to be consistent with the intent of the MPS.

Any amendment to the LUB should be evaluated pursuant to the Statements of Provincial Interest. The proposed amendment is considered not to be contrary to any Provincial Interest Statements as shown in the table below:

Provincial Interest Statements	
<p>Statement 1: Drinking Water</p> <p>Goal: To protect the quality of drinking water within municipal water supply watersheds.</p>	<p>A proposed rezoning of the subject lands from Industrial (M) to Institutional (INS) will not affect Provincial Interest Statement 1. The quality of Dares Lake Watershed will not be affected by the proposal.</p>
<p>Statement 2: Flood Risk Areas</p> <p>GOAL: To protect public safety and property and to reduce the requirement for flood control works and flood damage restoration in floodplains.</p>	<p>The proposed rezoning and development will not have a direct impact on the 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. The lands are located at the top of the hill and are not located within lands shown on the Flood Risk Area Map, Schedule E, of the Land Use By-law. However, there is a Flood Risk Area at the bottom of the hill near the Hall Street/Victoria Road intersection.</p> <p>The applicant has advised that surface run-off will be taken care of on-site and the flows down the driveways onto Hall Street and Knickle Road will be controlled to minimize any impacts on the Town’s storm sewers. Hall Street has a 600mm storm sewer main and Knickle Road has a 450mm storm sewer main. The applicant has advised that they will install infrastructure to slowly release the run-off into these storm mains.</p> <p>The operations of the Long Term Care Facility and the safety of the residents may be affected and as such it is recommended that the Town consider the feasibility of providing a second means of access/egress via Knickle</p>

	Road for emergencies so residences are not trapped during high rain events.
Statement 3: Agricultural Land GOAL: To protect agricultural land for the development of a viable and sustainable agriculture and food industry.	The lands are currently zoned Industrial (M) for industrial uses. The proposed rezoning of these lands to Institutional (INS) for the propose of establishing a Long-Term Care facility 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 Town has invested in a 200mm sewer line and a 250mm water line to the top of Hall Street. The services available are more than sufficient for the pending use. However, the upper end of Hall Street has a dead-end waterline that may need an on-site pressure booster to facilitate the fire flow needs of the development or, alternatively, looping Hall Street waterline to connect to the waterline in Knickle Road. The Town’s wastewater facility currently has sufficient capacity to handle the anticipated additional flows. The proposed rezoning and development 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 rezoning and development of a 144-room long term care facility is in-keeping with the Provincial Interest Statement on Housing. The ability to retain Harbour View Haven as a local facility will benefit existing and future generations of the area.

Any amendment should also be evaluated pursuant to accessibility in keeping with the Lunenburg County Accessibility Plan. To this end staff has reviewed as outlined in the table below:

Review amendment through an accessible lens	
Review amendment with a focus on equity, diversity, and inclusion.	This amendment is a rezoning of the use of land from Industrial (M) to Institutional (INS) and will not negatively impact issues pertaining to equity, diversity, and inclusion.

Council should be aware that industrial lands in the Town are finite and any change that would reduce the Town's available industrial lands would reduce the Town's ability to develop new industrial uses in the future. The Comprehensive Community Plan notes in Section 6.5 (c) the following:

6.5 c) Provide for the future expansion of employment opportunities through the protection of industrial zoned land. (Supports objective ED1)

Objectives

ED1 Promote economic development that permits and encourages high-quality, resilient employment opportunities within the town.

From the staff's perspective, the Municipal Planning Strategy (MPS) enables industrial, institutional and parks and recreational uses within the Industrial Future Land Use Designation. The proposal to rezone to Institutional (INS) is consistent with the intent of the MPS. No amendment to the MPS is required. Section 6.5(c) of the CCP speaks about the protection of industrial land for employment opportunities. However, a 144-room long-term care facility would create and protect employment opportunities in the health care sector over the long term and meets the Town's objective ED1. Section 6.5(c) reminds Council of their strategic priority to protect industrial land for employment opportunities and should remain in place. Staff feels there is no need to amend the CCP. The Community Structure Tomorrow Map, Figure 2.2, page 20, of the CCP does not identify future intentions with regards to this site. The CCP is available at <https://townoflunenburg.ca/comprehensive-community-plan-ccp.html> .

Strategic Plan Relevance

- Economic Development: Direction to support economic development.
- Community Structure: Direction regarding how the town will be structured and how land will be used.
- Housing: Direction to support different types of housing development, tenant structures, and affordability.

Relevant Legislation

The Municipal Government Act (MGA) outlines the required process for amendments to the Land Use By-law.

Financial

As outlined in this report, there will be costs associated with upgrades to the Electric Utility to ensure sufficient power to the proposed 144 room Long Term Care facility. These costs will not be known until a system impact study is complete. Please refer to Attachment C, 6-19 (c)i for further information.

Part of these discussions include the feasibility of developing an access/egress for emergency vehicles via Knickle Road. Council may wish to consider helping with the development of Knickle Road, under the Street Service Extension Policy, as it would help facilitate future developments down the road. The

Town has a lot PID 60500006 that will hopefully become developed in the future, and staff has been receiving several inquiries about the feasibility of developing PID 60052636 for a residential group dwelling style of development that may take advantage of Knickle Road if it becomes a public street.

The sewer and water laterals from Hall Street are sufficient for the proposed use. However, the waterline may need a pressure booster, supplied by the developer, to handle the fire flows required by the building. If Council wishes to connect the waterlines from Hall Street to Knickle Road, and cost share this development with the applicant, they may consider such a request under the Street Service Extension Policy.

Communications

If Council proceeds with First Reading, a Public Hearing will be advertised in the local newspaper and on the Town's website and social media.

Attachments

- A. Harbour View Haven's Application
- B. Policy 4-2
- C. Evaluation of Policy 6-10, 6-11 and 6-19
- D. Amendments to LUB

Attachment A



Harbour View Haven "A Community For Quality Care"

Tel: 902-634-8836 ext. 225

Fax: 902-634-8792

Email: tmcauley@hvh.ca

June 16th, 2023

Town of Lunenburg
Department of Community Development
119 Cumberland Street
Lunenburg, NS B0J 2C0

Subject: Proposal for the Zoning Change of Upper Hall Street for the Replacement Harbour View Haven Facility

To whom it may concern,

We are writing to present a proposal for the zoning change of the Town of Lunenburg's property located on Upper Hall Street, PID 60726403. Harbour View Haven has been approved by the Province of Nova Scotia to replace our existing 144-bed long-term care facility. It is our goal to remain in our home, the beautiful town of Lunenburg. Recognizing the growing demand for quality elder care services in our community and Province, we believe that the addition of this facility will significantly enhance the healthcare infrastructure and positively impact the lives of our senior residents.

Harbour View Haven (HVVH) opened its doors for service on April 25, 1971. It is a non-profit organization, officially named "The Lunenburg Home for Special Care Corporation". Our home provides vital support to seniors. We have enjoyed the opportunity to write our history within Lunenburg for over 40 years, and hopefully, with your help look forward to many more here.

When it comes to advanced care for our seniors, Harbour View Haven is a leader in long term care in Nova Scotia. Our resident-centered long-term care home has been an active voice for the provision of quality care in local, provincial, and national arenas. From delivering learning to other homes on our leading practices in Alzheimer's Care, Dementia Strategies, Lift band Transfer Techniques, and more. We practice our belief that our residents are the core of our community, and they deserve our very best.

Executive Summary:

Our proposed long term care facility aims to continue providing exceptional care, comfort, and support to seniors in Lunenburg and surrounding areas in a state-of-the-art facility. The facility will consist of 144 beds and will be designed to meet the unique needs of the ageing population. We envision an updated facility that emphasizes personalized care, promotes independence, epitomizes infection control and safety. and fosters a warm and welcoming environment for residents.

Community Benefits:

Harbour View Haven has a proud tradition of being an active part of the local community. Our residents enjoy taking part in parades, community events, youth programming, and town governance. Many of our staff live and work in this quiet seaside town helping to provide a natural link to our residents and the community that they call home.

1. **Local Employment:** HVVH is one of the largest employers in the Town of Lunenburg employing over 200 partners in quality care.
2. **Economic Growth:** The long-term care facility will contribute to the economic growth of Lunenburg by attracting healthcare-related investments, generating revenue, and supporting local businesses such as the Pharmacy and local service providers.
3. **Enhanced Healthcare Access:** By offering comprehensive long-term care services, the facility will alleviate the burden on the local hospital hospitals and provide a dedicated resource for seniors requiring specialized care, thereby enhancing healthcare access for all residents.

Community Engagement and Collaboration:

We firmly believe in community engagement and collaboration. As we proceed with this project, we will actively seek input from local residents, community organizations, and town officials to ensure that the facility aligns with the needs and aspirations of the Lunenburg community.

"A Fully Accredited Facility"

Conclusion:

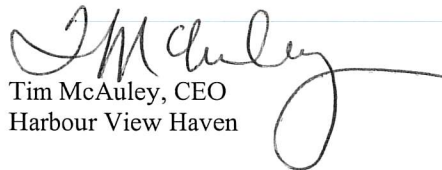
We are excited about the opportunity to establish our new 144-bed long-term care facility in Lunenburg and contribute to the well-being of our senior population. We kindly request your consideration and support for this proposal. We are available for a presentation or meeting to discuss this project further and address any questions or concerns you may have.

Please find attached the following supporting documentation:

- **Preliminary artist views and site placement**

Thank you for your time and attention. We look forward to the possibility of working together to ensure Harbour View Haven remains in our home in the Town of Lunenburg.

Sincerely,



Tim McAuley, CEO
Harbour View Haven



Harbour View Haven
"A Community For Quality Care"

Preliminary Artistic Views

15 June 2023

Preliminary Schematic Elevations



North Elevation



South Elevation

Preliminary Schematic 3D



South View

Harbourview Haven

schematic site placement



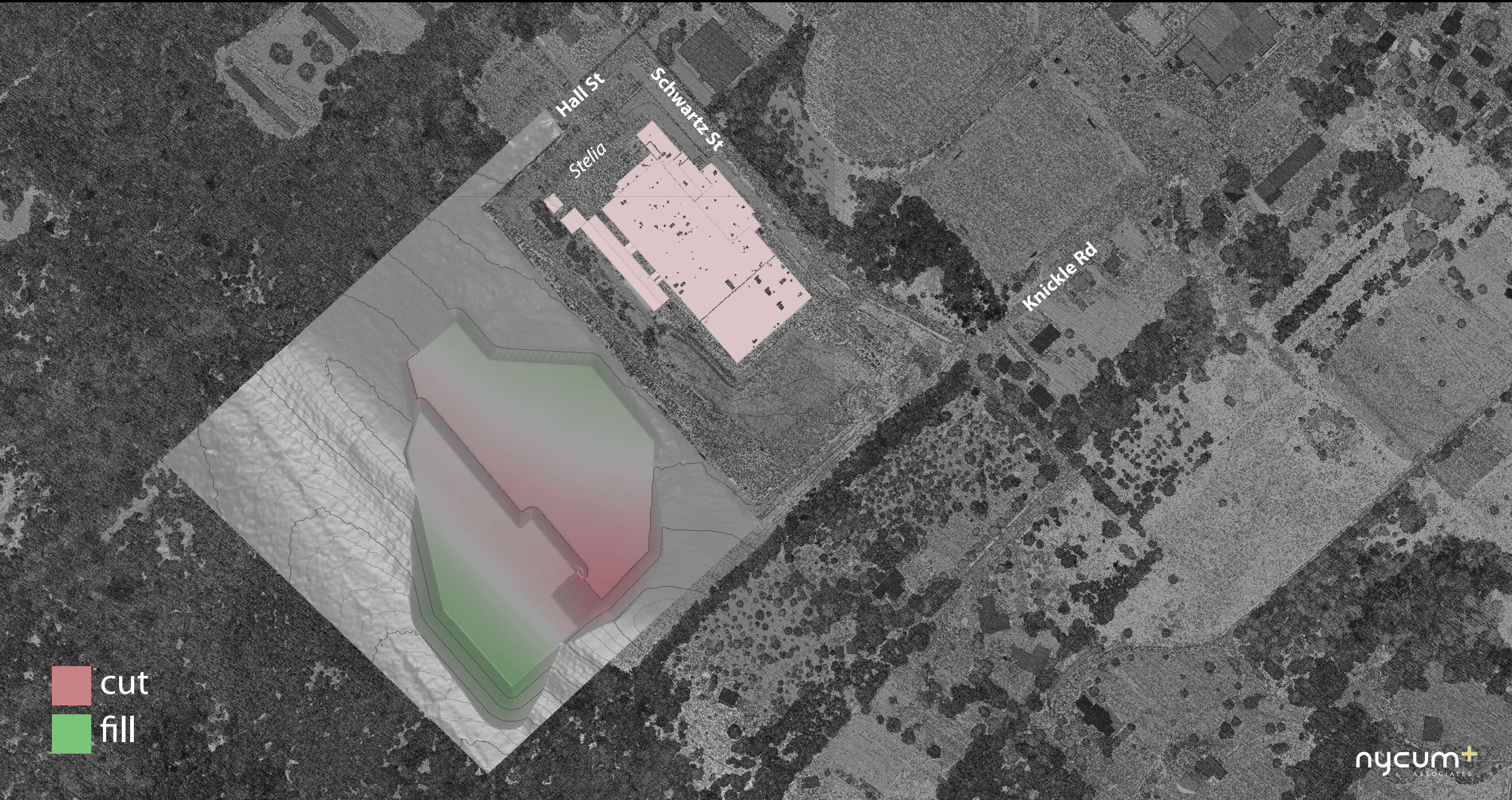
Harbourview Haven

schematic site plan



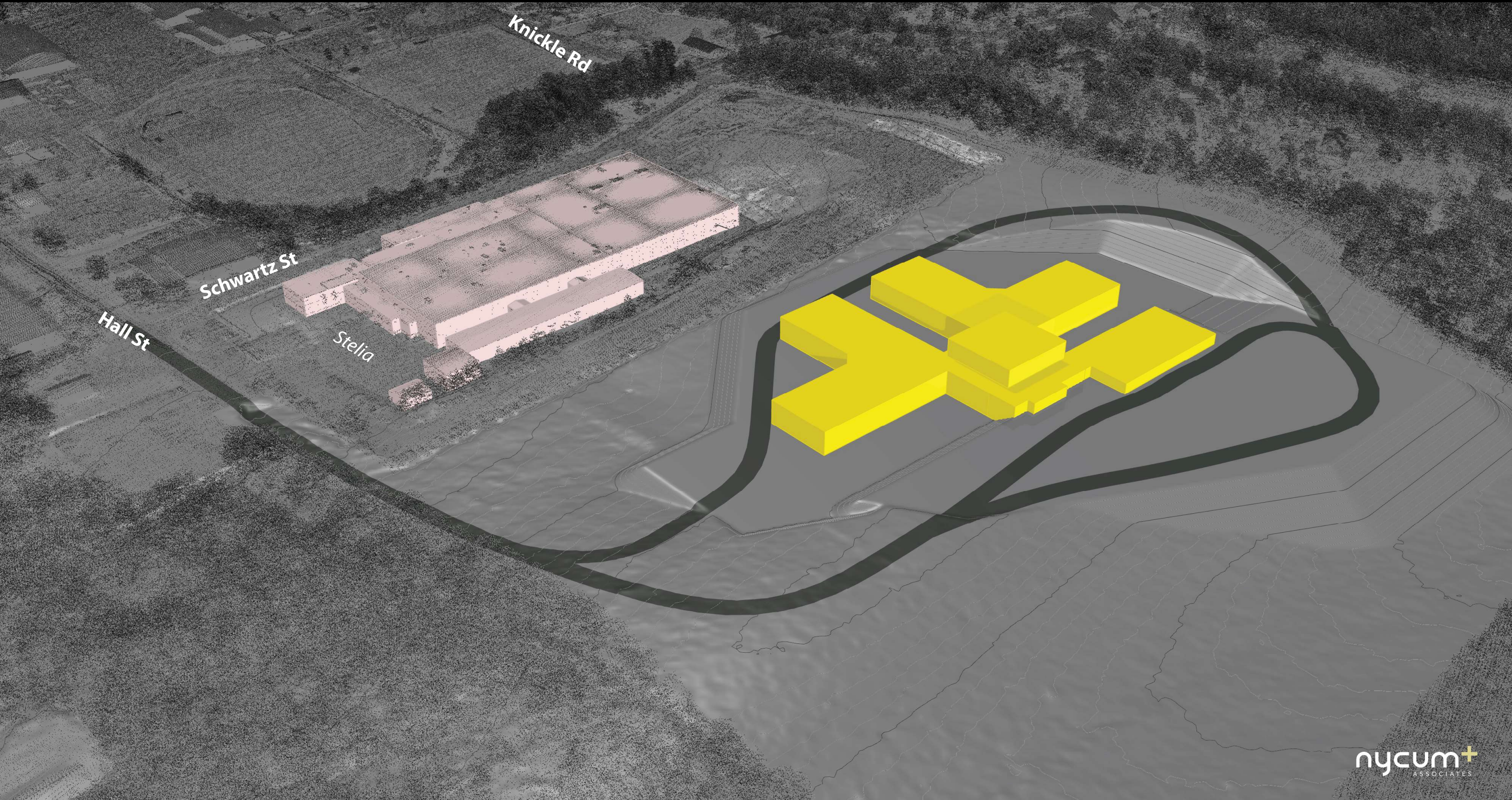
Harbourview Haven

cut and fill analysis



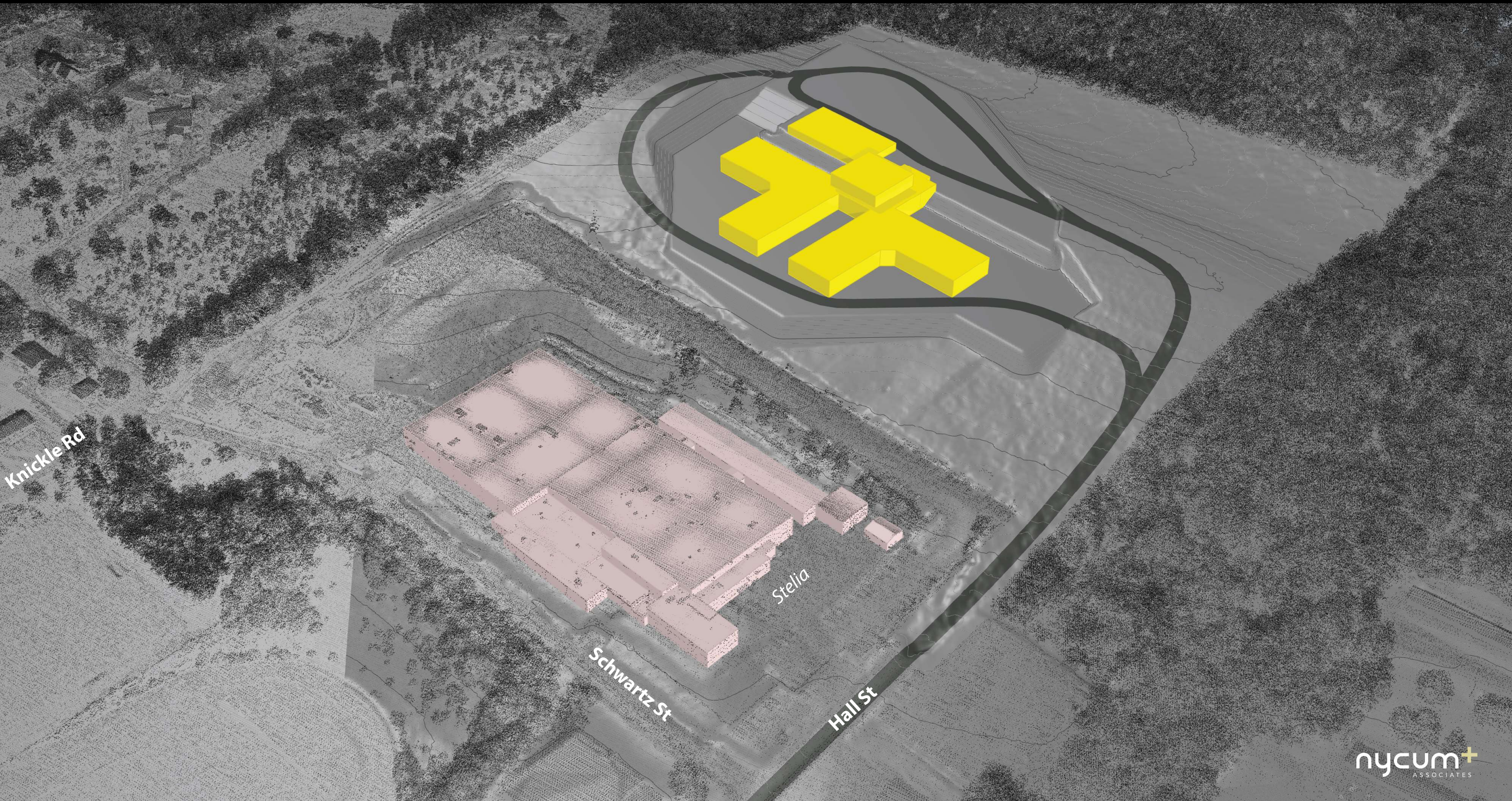
Harbourview Haven

view from west



Harbourview Haven

view from north



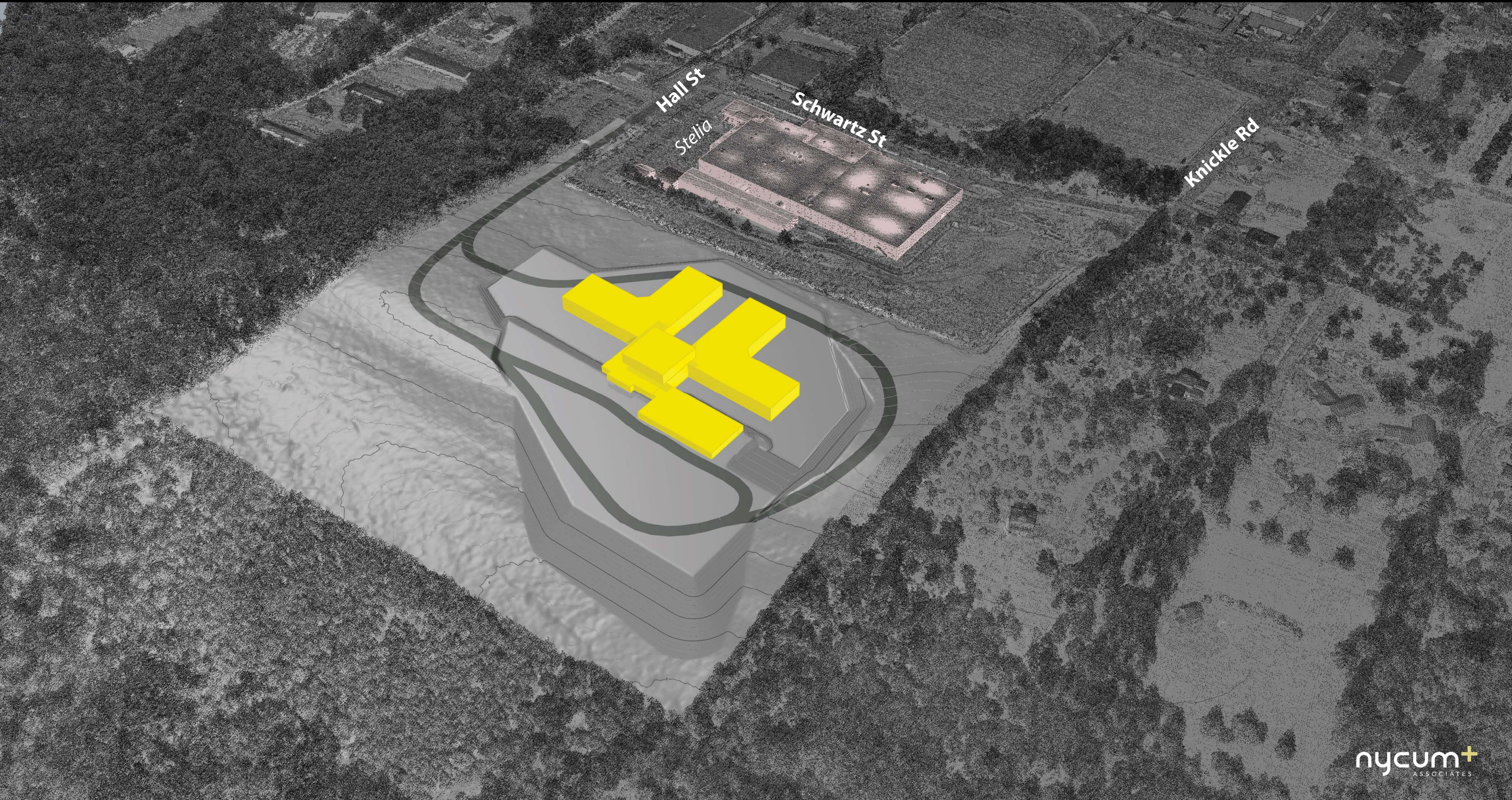
Harbourview Haven

view from east



Harbourview Haven

view from south



ATTACHMENT B

Policy 4.2 of the Municipal Planning Strategy

Policy 4-2: Council shall establish, on the Future Land Use Map, a series of Land Use Designations to guide the evolution of Use Zone placement over time. The Designations and the Use Zones permitted for consideration in each Designation are as follows:

- (a) The Residential Land Use Designation permits:
 - i. Lower Density Residential Use (RL) Zone
 - ii. Medium Density Residential Use (RM) Zone
 - iii. Higher Density Residential Use (RH) Zone
 - iv. Rural Use (RUR) Zone
 - v. Institutional Use (INS) Zone
 - vi. Parks and Recreation Use (PR) Zone
- (b) The Main Street Land Use Designation permits:
 - i. Commercial Mixed Use (CM) Zone
 - ii. Institutional Use (INS) Zone
 - iii. Parks and Recreation Use (PR) Zone
- (c) Downtown Commercial Land Use Designation permits:
 - i. General Commercial Use (CG) Zone
 - ii. Institutional Use (INS) Zone
 - iii. Parks and Recreation Use (PR) Zone
- (d) Waterfront Designation permits:
 - i. Waterfront Use (W) Zone
 - ii. Marine Industrial Use (MM) Zone
 - iii. Parks and Recreation Use (PR) Zone
- (e) Industrial Designation permits:**
 - i. Industrial Use (M) Zone**
 - ii. Institutional Use (INS) Zone**
 - iii. Parks and Recreation Use (PR) Zone**
- (f) Parks and Institutional Designation permits:
 - i. Institutional Use (INS) Zone
 - ii. Parks and Recreation Use (PR) Zone

Attachment C

Evaluation of Policy 6-10, 6-11 and 6-19

6.3.3 Amending the Text and Use Zoning Map of the Land Use By-law

Council recognizes it cannot foresee all possible types of development that might be acceptable in the Town in general, or on a specific piece of land. As such, there will be times when the Land Use By-law needs to be amended to accommodate a new development trend or specific development proposal.

Council also recognizes that it is possible to inadvertently make mapping errors in preparing the maps that accompanying this Plan and the Land Use By-law. Such errors may be in conflict with the policies in this Plan. Where such errors are discovered, Council may consider correcting them through amendments to the Use Zoning Map of the Land Use By-law.

Policy 6-9: Council shall amend the text of the Land Use By-law if the proposed amendment is consistent with this Municipal Planning Strategy and meets the general evaluation criteria for amending the Land Use By-law, as set out in Policy 6-19.

Policy 6-10: Council shall consider amendments to the Use Zoning Map of the Land Use By-law when the proposed map amendment is not specifically prohibited within this Plan and at least one of the following three conditions is true:

- (a) the proposed Use Zone is enabled by this Plan for use within the same Future Land Use Map designation;
- (b) a non-conforming use appears to have been created by an inadvertent administrative oversight in the Municipal Planning Strategy and Land Use By-law preparation process, resulting in a property being zoned inconsistent with stated policies in this Plan; or
- (c) notwithstanding the Use Zones permitted within a Future Land Use designation, the land to be rezoned is under 1,000 square metres in area and is abutting a Future Land Use Map designation that permits the proposed Use Zone. For clarity, land that abuts a right-of-way, such as a street, is considered to be abutting the designation on the other side of the right-of-way.

Evaluation: The proposed map amendment is considered to be in compliance with the Town's MPS and item (a) condition is true – that the proposed Use Zone is enabled by this Plan for use within the same Future Land Use Map designation (the Industrial Designation pursuant to Policy 4-2).

Policy 6-11: Council shall not amend the Use Zoning Map of the Land Use By-law unless Council is satisfied that:

- (a) the proposal is consistent with the description of the Use Zone in Policy 4-1 and any specific policies, if any, directing where it is appropriate to place the proposed Use Zone; and
- (b) the proposed Use Zone and the uses it permits meet the general criteria for amending the Land Use By-law, set out in Policy 6-19.

Evaluation: The proposal is considered consistent with the description of the Use Zone in Policy 4-1 where it states that the Institutional Use (INS) Zone is intended to set aside lands specifically for institutional uses, such as hospitals, emergency services, religious institutions, and government uses. In addition, the proposed rezoning meets the general criteria for amending the Land Use By-law, set out in Policy 6-19 as reviewed below:

6.5.1 Amending the Land Use By-law & Entering into Development Agreements

Amendments to the Land Use By-law and the entering into of development agreements are processes that require careful thought. As such, Council has established a set of general criteria to consider when evaluating all Land Use By-law amendments and development agreement proposals.

Policy 6-19: Council shall not amend the Land Use By-law or enter into a development agreement unless Council is satisfied the proposal:

- (a) is consistent with the intent of this Municipal Planning Strategy;
The proposal to rezone the lands to Institutional (INS) Use Zone is considered to be consistent with the intent of the MPS, in particular Policy 4-2.
- (b) does not knowingly conflict with any Town or Provincial programs, by-laws, or regulations in effect in the municipality;
The proposal does not knowingly conflict with any Town or Provincial programs, by-laws, or regulations in effect in the municipality. Section 6.5(c) of the CCP speaks about the protection of industrial land for employment opportunities. However, a 144-room long term care facility would create and protect employment opportunities in the health care sector over the long term. Section 6.5(c) reminds Council of their strategic priority to protect industrial land for employment opportunities and should remain in place. Staff feels there is no need to amend the CCP.

The proposal is in keeping with Objective ED1 of the CCP noted below:

Objectives

ED1 Promote economic development that permits and encourages high-quality, resilient employment opportunities within the town.

- (c) is not premature or inappropriate due to:
 - i. the ability of the Town to absorb public costs related to the proposal;

The proposal requires upgrades to the electrical utility infrastructure. The circuit that feeds this area is already above capacity according to NSP standards and would most likely require an upgrade. A system impact study to determine the loads and infrastructure upgrades will be required. There would be a customer contribution for the upgrades but at this point we cannot determine the costs until the system impact study is complete.

Though traffic circulation is directed up Hall Street and will be their only main access and egress point, it is recommended that the Town work with the proponent to develop an emergency access/egress via Knickle Road. The applicant, with the Town's permission, will enter into a Lease Agreement to enable the use of the upper end of Knickle Road. It is recommended that the applicant be responsible for upgrading these lands for an emergency exit to Knickle Road subject to the Town Engineer's approval.

As the Town will benefit from the upgrades of the electrical utility as well as the development of the emergency access/egress roadway (Knickle Road), the proposal is deemed not to be premature or inappropriate due to the ability of the Town to absorb public costs related to the proposal. It is Council's intent to experience a net fiscal gain from the sale of the property.

- ii. impacts on existing drinking water supplies, both private and public;
The proposal is not premature or inappropriate due to impacts on existing drinking water supplies, both private and public. The land is serviceable with a 250mm watermain from Hall Street which is sufficient for the intended use and will not have any impact on adjacent private wells.
- iii. the adequacy of central water and sewage services or, where such services are not available, the suitability of the site to accommodate on-site water and sewage services;
The proposal is not premature or inappropriate due to the adequacy of central water and sewage services. The lot will be serviced with central water and sewer services directly from Hall Street.
- iv. the creation of excessive traffic hazards or congestion on road, cycling, and pedestrian networks within, adjacent to, or leading to the proposal;
The 144-bed facility will require a significant number of staff and on-site parking facilities. The applicant intends to develop roughly 200 on-site parking spaces for staff and visitors. The applicant has advised that the shift work changes are spread out over time, in a similar fashion as they are now at the existing facility on Blockhouse Hill Road. The spreading out of the shift work changes will help to minimize potential impacts associated with vehicular traffic.

Hall Street presently serves HB Studios, Stelia, EHS, Francis Independent Grocer and the former Bicycle Lunch Box site. Though Hall Street can get quite busy during shift changes, it gets relatively dispersed upon entering Victoria Road. However, upon entering Victoria Road, there are several driveways serving businesses that can back-up traffic along Victoria Road such as the main entrance into the Independent and Tim Hortons. The Hall Street/Victoria Road intersection is one of the focus points intended to be reviewed pursuant to the Town's Traffic and Parking RFP. The applicant will also undertake a Traffic Impact Study to review traffic related issues. Investments may be needed to ensure that this intersection can adequately handle traffic and minimize potential traffic hazards or congestion on roads, cycling and pedestrian networks.

- v. the adequacy of fire protection services and equipment;
There is a 250mm water line available from Hall Street. A water line lateral will be extended to service the building and to provide sufficient fire flows to the building for the sprinkler system. The Town's services available to the lands are deemed adequate in this regard.
- vi. the adequacy and proximity of schools and other community facilities;
The proposed development is a long-term care facility and considered self-sufficient with internal recreational and educational facilities and programs. However, the Town's recreational facility is also nearby at the bottom of Hall Street. The adequacy and proximity of these facilities are deemed sufficient for the intended use.
- vii. impacts on UNESCO World Heritage Site statements of outstanding value;
The development is in New Town, a significant distance away from Old Town Lunenburg WHS. In this regard the development will not have, or impose, any impacts on the WHS or its Statements of Outstanding Universal Values (OUV's).
- viii. the creation of a new, or worsening of a known, pollution problem in the area, including, but not limited to, soil erosion and siltation of watercourses;
The proposed rezoning will not cause any new, or worsening of any known, pollution problems.
- ix. site-specific climate change risks;
The proposed rezoning will not cause or increase any known site-specific climate change risks. Surface run-off from the development will be handled on-site and the drainage from the driveways will be collected in the Hall Street and Knickle Road storm sewer systems.
- x. the potential to create flooding or serious drainage issues, including within the proposal site and in nearby areas;
The proposed rezoning will not cause any known flooding or drainage issues. The development site is located near the top of a hill and not located on lands shown on the Flood Risk Area Map, Schedule E, of the Land Use By-law. Surface run-off from the development will be handled on-site and the drainage from the driveways will be collected in the Hall Street and Knickle Road storm sewer systems.
- xi. impacts on known habitat for species at risk;
The proposed rezoning will not have any impact on known habitat.
- xii. impacts on the navigability and environment of Lunenburg Harbour;
The proposed rezoning will not have any impact on navigation or have any impacts on Lunenburg's Harbour.
- xiii. the suitability of the site in terms of grades, soil and geological conditions, the location of watercourses and wetlands, and proximity to rights-of-way; and

The developers have outlined in their submission details on grade alterations. The development is situated on the peak of the hill with natural grades to the north and south of the site. Surface run-off will be handled on-site and the driveway ditches leading to Hall Street and Knickle Road will be collected into existing storm sewers. The Town Engineer will work with the developer's consultants to minimize any potential impacts in this regard. There are no watercourses or wetlands associated with the site. The site is clear of any private rights-of-way. The site is deemed suitable with regards to this criterion.

xiv. land use conflicts that could place limits on existing operational procedures at existing businesses.

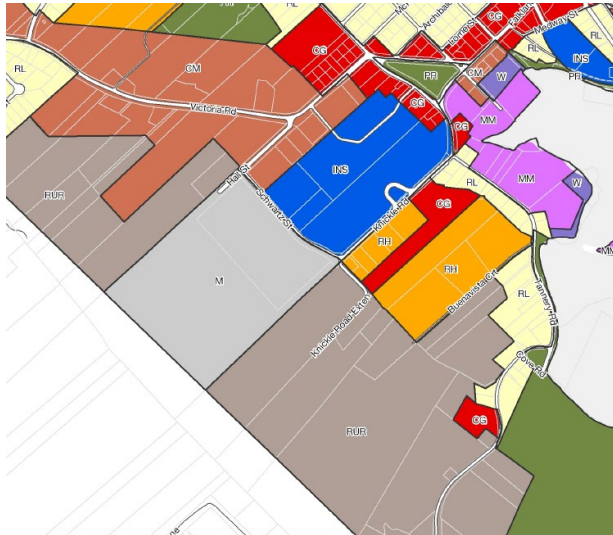
The proposed rezoning may lower the potential of land use conflicts by rezoning the lands from Industrial (M) (considered a high impact use) to Institutional (INS) (considered a lower impact use from the existing Industrial Use Zone). The biggest concern in this regard would be the increase in traffic, especially during shift work changes on the Hall Street/Victoria Road intersection. There is no question that the intersection of Hall Street with Victoria Road will see a rise in traffic due to the traffic generated by the development. However, the Town is in the process of issuing a Traffic and Parking Study RFP to consider upgrades to this intersection. Note that the applicant will be submitting a Traffic Impact Study for Council's consideration.

Attachment D

Amendments to Land Use By-law – Use Zoning Map, Schedule “C”

- 1) An amendment to the Land Use By-law, in particular the Use Zoning Map, Schedule “C”, thereby rezoning the lands located at Upper Hall Street known as PID 60726403 from Industrial (M) to Institutional (INS) as shown on the maps below:

Existing Use Zoning Map, Schedule “C”:



Proposed Use Zoning Map, Schedule “C”: Rezoning to Institutional (INS):



Subject: Amendment to LUB to Amend the Provisions for Off-site Signage
From: Trevor Hume, Planner – Development Officer
Reviewed by: Jamie Doyle, CAO
Arthur MacDonald, Director of Community Development
Date: September 11, 2023



Recommendation

That the Planning Advisory Committee recommends that Council proceeds with First Reading and advertise for a Public Hearing in order to consider, and if deemed advisable, approve proposed signage amendments to the Land Use By-law (LUB) as outlined in the Planner's report.

Alternatives

- Refuse the amendment.
- Approve the amendment with changes.

Background

The applicant, Saltbox (Lightship Brewing Co.), has applied to amend the Land Use By-law (LUB) to enable the erection of an off-site ground sign next to their driveway entrance located at 93 Tannery Road. The applicant's proposal is provided in **Attachment A**.

Several "landlocked" properties currently exist, served by a right-of-way easement from the public street. Some of these properties have businesses that would like to put up signage where their driveway meets the public road next to the public realm. Under the current LUB and Subdivision By-law, landlocked parcels can no longer be created. This issue is thus limited to only those existing landlocked properties served by rights-of-way.

Municipal Planning Strategy (MPS) Section 5.5 covers signage. It establishes Policy 5-7 and Policy 5-8 which enable the LUB to set out regulations for signs within the Town, including their placement, number, and size. It also empowers the LUB to define categories of signs and signs that will be prohibited. When the LUB was adopted on September 22, 2021, it included a provision under Section 7.8.4 which outlines the various types of prohibited signs. Section 7.8.4 (h) prohibits signs that advertise a good or service unavailable at the sign location. The intent of this provision is to prohibit off-site signage, and for most properties, this is a reasonable and prudent limitation. In the case of a business such as Saltbox (Lightship Brewing Co.) which is located on a landlocked parcel, this provision excludes the ability to place signage at their driveway entrance next to the public thoroughfare.

The existing LUB provisions are outlined in **Attachment B**. The Evaluation Criteria, Implementation Policy, 6-19 are outlined in **Attachment C**.

This report proposes the introduction of a “notwithstanding clause” amendment as outlined in **Attachment D** to enable businesses on landlocked properties, served by a legal right-of-way easement, to erect ground signs adjacent to the public street.

Discussion

The proposal involves the insertion of a "notwithstanding" clause to enable the erection of off-site signage for properties that are served by a legal right-of-way easement. The changes are needed to allow businesses located on properties that do not have street frontage to place a sign advertising their business on or near an easement that has been granted to them adjacent to the public street.

The Municipal Planning Strategy (MPS):

Policy 6-9 of the MPS enables Council to consider an amendment to the text of the LUB if the proposed amendment is consistent with this MPS and meets the general evaluation criteria for amending the LUB, as set out in Policy 6-19. Policy 6-19 is reviewed in **Attachment C** and the proposed amendment is considered to be consistent with the intent of the MPS.

Any amendment to the LUB must be evaluated pursuant to the Statements of Provincial Interest. The proposed amendment is considered not to be contrary to any Provincial Interest Statements as shown in the table below:

Provincial Interest Statements	
Statement 1: Drinking Water Goal: To protect the quality of drinking water within municipal water supply watersheds.	Allowing signage on or near an easement will not affect Provincial Interest Statement 1.
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.	Allowing signage on or near an easement 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.	Allowing signage on or near an easement will not affect Provincial Interest Statement 3.
Statement 4: Infrastructure GOAL: To make efficient use of municipal water supply and municipal wastewater disposal systems.	Allowing signage on or near an easement will not affect Provincial Interest Statement 4.

Statement 5: Housing GOAL: To provide housing opportunities to meet the needs of all Nova Scotians.	Allowing signage on or near an easement will not affect Provincial Interest Statement 5.

Any amendment should also be evaluated pursuant to accessibility in keeping with the Lunenburg County Accessibility Plan. To this end staff has reviewed as outlined in the table below:

Review amendment through an accessible lens	
Review amendment with a focus on equity, diversity, and inclusion.	This amendment is to enable an off-site sign where rights-of-way easements serve landlocked properties and will not negatively impact issues pertaining to equity, diversity, and inclusion.

Strategic Plan Relevance

- Economic Development: Direction to support economic development.
- Governance: Direction to enhance internal and external relations through policies, procedures and resources.

Relevant Legislation

The Municipal Government Act (MGA) outlines the required process for amendments to planning documents.

Financial

Amending the LUB to allow signage on or near an easement will have no financial impact on the Town.

Communications

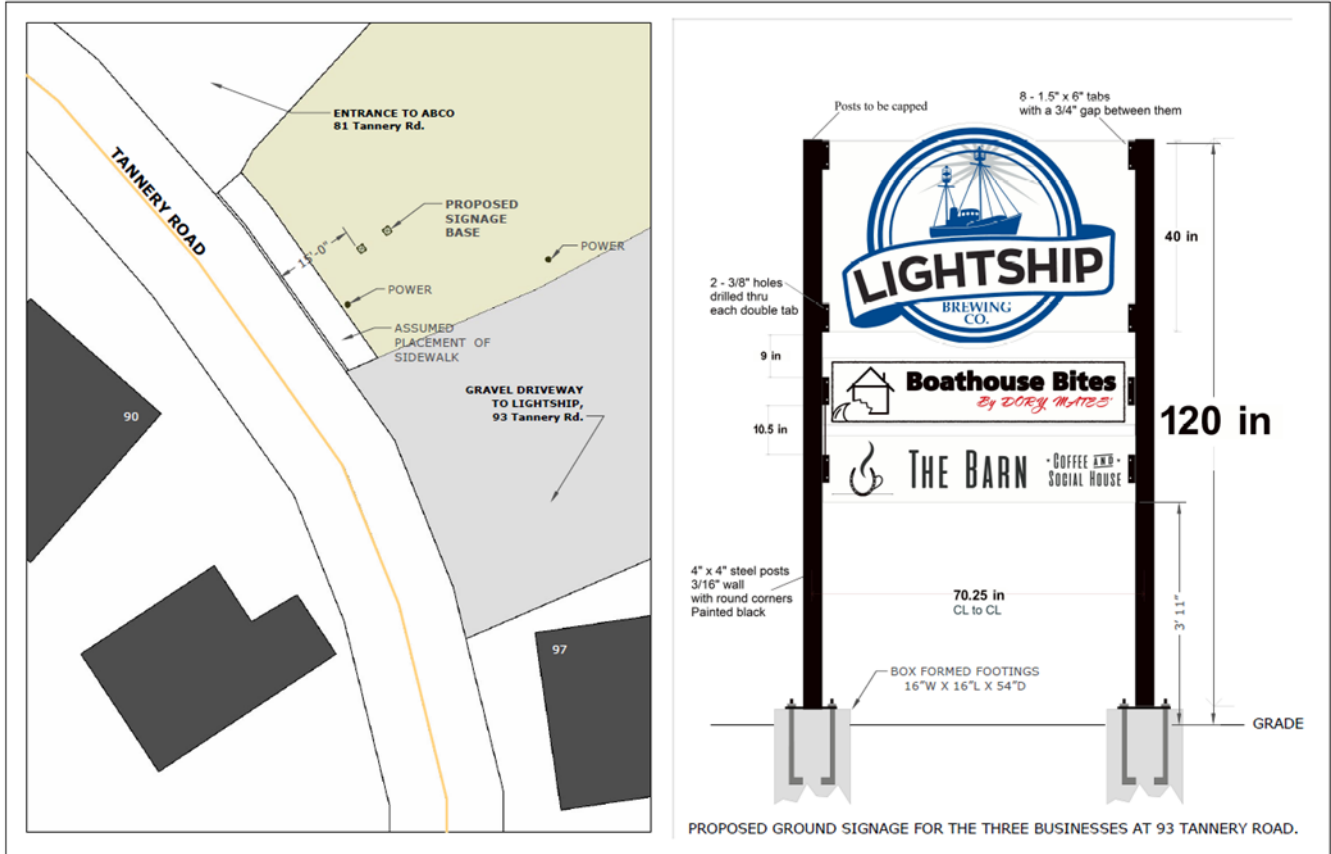
A Public Participation Meeting and a Public Hearing will be advertised in the local newspaper and on the Town's website and social media.

Attachments

- A. Saltbox (Lightship Brewing Co.) Proposal
- B. Existing LUB Provisions
- C. Evaluation of Policy 6-19
- D. Amendment to Land Use By-law

Attachment A

Saltbox (Lightship Brewing Co.) Proposal



Attachment B
Existing LUB Provisions

Land Use By-law Provisions:

Permits Required for Signs

- 7.8.1 Except as specifically exempted in this part, the erection or placement of a sign requires a development permit.
- 7.8.2 Signs require a Certificate of Appropriateness prior to issuance of a development permit if the property is a registered municipal heritage property or if it is in the Heritage Conservation District, as identified on Schedule 'F', the Heritage Conservation District and Architectural Control Area Map

Prohibited Signs

- 7.8.4 The following signs shall be prohibited:
- (a) Signs that incorporate any flashing or moving illumination, except for menu board signs.
 - (b) Signs that incorporate illumination that varies in intensity or colour, including flashing lights, except for menu board signs.
 - (c) Roof signs.
 - (d) Signs that are a hazard to public health or safety.
 - (e) Signs that obstruct drivers' vision or any traffic sign or traffic control device.
 - (f) Signs that obstruct the use of a fire escape door, windows, or other required exit.
 - (g) Signs that make use of such words as "STOP", "LOOK", "ONE WAY", "DANGER", "YIELD", or any other similar words, phrases, or symbols so as to interfere with or confuse traffic.
 - (h) Signs that advertise a product, service, or business that is not available at that location.
 - (i) Signs on public property or public right-of-way, unless:
 - i. erected by a public authority;
 - ii. erected with the permission of the owner of the property; or
 - iii. the sign is a portable sign in compliance with this By-law.
 - (j) Signs painted upon, attached to, or supported by a tree, stone, cliff, or other natural object.

Ground Signs

- 7.8.7 In the Main Street and Industry Form Zones ground signs shall:
- (a) not exceed 10 square metres (107 square feet) in sign area; and
 - (b) not exceed 6 metres (19.6 feet) in height.
- 7.8.8 In all other form zones, ground signs shall:
- (a) not exceed 2.4 square metres (25.8 square feet) in sign area; and
 - (b) not exceed 3 metres (9.8 feet) in height.
- 7.8.9 Ground signs shall not extend into:
- (a) an adjacent property;
 - (b) a driveway;
 - (c) a parking space;
 - (d) a corner vision triangle; or
 - (e) a street or other public right-of-way.
- 7.8.10 There shall only be one ground sign on a property, except in the Main Street Form Zone where two shall be permitted.
- 7.8.11 Ground signs in the Main Street Form Zone and Community Form Zone may be digital, in whole or in part, subject to the following requirements:
- (a) The content of the digital sign shall not change more frequently than once every 30 seconds.
 - (b) The digital sign shall not cause glare on adjacent roadways or on other lots.
- 7.8.12 Ground signs may have an additional signage area of not more than 1.0 square metres (10.7 square feet) to denote the price of fuel.

Attachment C

Evaluation of Policy 6-19

6.5.1 Amending the Land Use By-law & Entering into Development Agreements

Amendments to the Land Use By-law and the entering into of development agreements are processes that require careful thought. As such, Council has established a set of general criteria to consider when evaluating all Land Use By-law amendments and development agreement proposals.

Policy 6-19: Council shall not amend the Land Use By-law or enter into a development agreement unless Council is satisfied the proposal:

- (a) is consistent with the intent of this Municipal Planning Strategy;
The proposal to amend the LUB is consistent with the MPS Section 5.5, in particular Policy 5-7 and Policy 5-8.
- (b) does not knowingly conflict with any Town or Provincial programs, by-laws, or regulations in effect in the municipality;
The proposal does not knowingly conflict with any Town or Provincial programs, by-laws, or regulations in effect in the municipality.
- (c) is not premature or inappropriate due to:
 - i. the ability of the Town to absorb public costs related to the proposal;
The proposal is not premature or inappropriate due to the ability of the Town to absorb any public costs.
 - ii. impacts on existing drinking water supplies, both private and public;
The proposal is not premature or inappropriate due to impacts on existing drinking water supplies, both private and public.
 - iii. the adequacy of central water and sewage services or, where such services are not available, the suitability of the site to accommodate on-site water and sewage services;
The proposal is not premature or inappropriate due to the adequacy of central water and sewage services or, where such services are not available, the suitability of the site to accommodate on-site water and sewage services.
 - iv. the creation of excessive traffic hazards or congestion on road, cycling, and pedestrian networks within, adjacent to, or leading to the proposal;
The proposal is not premature or inappropriate due to the creation of excessive traffic hazards or congestion on road, cycling, and pedestrian networks within, adjacent to, or leading to the proposal.
 - v. the adequacy of fire protection services and equipment;
The proposal does not seem to be premature or inappropriate due to the adequacy of fire protection services and equipment.
 - vi. the adequacy and proximity of schools and other community facilities;
It is difficult to assess this evaluation criterion as no specific site is being proposed.
 - vii. impacts on UNESCO World Heritage Site statements of outstanding value;
The proposal does not seem to be premature or inappropriate due to impacts on UNESCO World Heritage Site statements of outstanding value.
 - viii. the creation of a new, or worsening of a known, pollution problem in the area, including, but not limited to, soil erosion and siltation of watercourses;
The amendment will not cause any new, or worsening, of any known pollution problems.
 - ix. site-specific climate change risks;
The amendment will not cause or increase any site-specific climate risks.

- x. the potential to create flooding or serious drainage issues, including within the proposal site and in nearby areas;
The amendment will not cause any flooding or drainage issues.
- xi. impacts on known habitat for species at risk;
The amendment will not cause any impact on known habitat.
- xii. impacts on the navigability and environment of Lunenburg Harbour;
The amendment will not cause any impact on navigation or environmental concerns on Lunenburg Harbour.
- xiii. the suitability of the site in terms of grades, soil and geological conditions, the location of watercourses and wetlands, and proximity to rights-of-way; and
It is difficult to assess this evaluation criterion as no specific site is being proposed.
- xiv. land use conflicts that could place limits on existing operational procedures at existing businesses.
The amendment removes a limit on existing businesses.

Attachment D
Amendment to Land Use By-law

1) Amendment to the Land Use By-law by inserting a new provision as outlined below:

"Off-site Signage

7.8.30. Notwithstanding anything contained in Subsection 7.8.4(h), 7.8.7, 7.8.8, 7.8.9 and 7.8.10, a maximum of one (1) off-site ground sign in addition to the number of ground signs permitted on a lot by this By-law may be erected adjacent to a public street for landlocked properties that are served by a legal right-of-way easement from a public street to their property to advertise a product, service, or business use located on the property served by said easement, subject to the issuance of a municipal development permit and provided:

- (a) the off-site sign has a minimum setback of 1.5 metres (5.0 feet) from any public street;**
- (b) the off-site sign is wholly contained within the legal right-of-way easement or is otherwise wholly contained within a setback of 3 metres (9.8 feet) from the legal easement;**
- (c) the off-site sign does not exceed 5 square metres (53.8 square feet) in sign area;**
- (d) the off-site sign does not exceed 6 metres (19.6 feet) in height;**
- (e) written permission from the property owner is obtained; and**
- (f) the off-site sign does not extend into a corner vision triangle."**