

TOWN OF LUNENBURG
PLANNING ADVISORY COMMITTEE
MEETING AGENDA

Monday, May 5, 2025 at 6 p.m.
Council Chamber, 120 Townsend Street

1. ELECTION OF A CHAIR

The Chair must be one of the three Council Members on the Committee.

Recommendation: That the Committee appoint _____ as the Committee chair.

2. CALL TO ORDER

3. LAND ACKNOWLEDGEMENT

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

4. APPROVAL OF AGENDA

Recommendation: That the Committee approve the agenda for the May 5, 2025 meeting as presented.

5. APPROVAL OF MINUTES

Recommendation: That the Committee approve the minutes of the August 21, 2024 meeting of the Planning Advisory Committee meeting as presented.

6. CORRESPONDENCE FOR THE PUBLIC PARTICIPATION MEETINGS

7. PUBLIC PARTICIPATION MEETINGS

8. BUSINESS ARISING FROM THE PUBLIC PARTICIPATION MEETINGS

9. NEW BUSINESS

9.1 Amendment to the Land Use By-law to re-zone 280 Montague Street to Medium Density Residential Use Zone from Marine Industrial

9.2 Setting a regular PAC meeting

10. NEXT MEETING

To be set by the Committee

11. ADJOURNMENT

Subject: Planning Advisory Committee - Rezoning of 280 Montague Street.
From: Community Development
Date: May 5, 2025



Recommendation

That PAC hold a Public Participation Meeting at the next PAC Meeting on the applicant's request to rezone 280 Montague Street-PID 60696663 to allow the rezoning to Medium Density Residential Use.

Alternatives:

- Defer a decision to a future meeting
- Recommend refusal of the application of the proposed rezoning.

Applicant Request Synopsis and Key Evaluation Considerations

- 280 Montague Street is currently zoned as a Marine Industrial property. It has been used for commercial purposes (The Boat Locker), and the applicant wishes to now use the building as a dwelling.
 - The applicants have an unpermitted residential use (an apartment on the second floor) in the building that they had occupied for some time.
 - The applicants wish to retain and expand this use and bring it into conformance with the Land Use By-law.
 - No residential use is permitted in the Marine Industrial use zone.
- Neighbouring properties on Montague Street are zoned Medium Density Residential use, Marine form. Directly abutting across Montague Street is the Lower Density Residential use zone, Old Town 1 form.
- The applicants wish to have the same zoning as their directly adjacent neighbours.

Definitions

Designation: A specific category or classification of land use on the Future Land Use Map, indicating the type of development or activity that is permitted or encouraged in that area in the future. This map forms part of the MPS.

Future Land Use Map: A map that visually represents the intended future use of land within a municipality, based on the policies outlined in the MPS.

Rezoning: also known as a zoning amendment or mapping change, is the process by which a municipality changes the zoning of a specific property or area, allowing for a different type of land use than previously permitted.

Zoning: zoning refers to the legal classification of land use, determined by municipalities through land use by-laws. These bylaws define which activities are permitted within specific zones, such as residential, commercial, or industrial areas. Zoning regulations aim to guide development, protect properties, and manage the environment.

Process

Figure 1 shows the rezoning process and at what step the application is currently at:



Figure 1 – Process and Progress Chart

Background

The Current Planning Context



Figure 2 – Aerial Photo showing 280 Montague Street (red outline)

The *Comprehensive Community Plan* identifies this area as “Working Waterfront”. The MPS designates the subject property, and the two neighbouring properties as Waterfront. (See FLU Map excerpt on the right) Under Policy 4-2 of the MPS (See Appendix B), the Waterfront designation does not permit rezoning to a residential use zone. Currently, 268, 272, and 280 Montague Street all have this designation. This means that the only rezonings that are permitted “as-of-right” for these three properties would be to one of the use zones listed in Policy 4-2 (d) which does not include residential uses. To clarify, 268 and 272 Montague Street currently have residential zoning, but could not be rezoned to another residential zone under Policy 4-2.

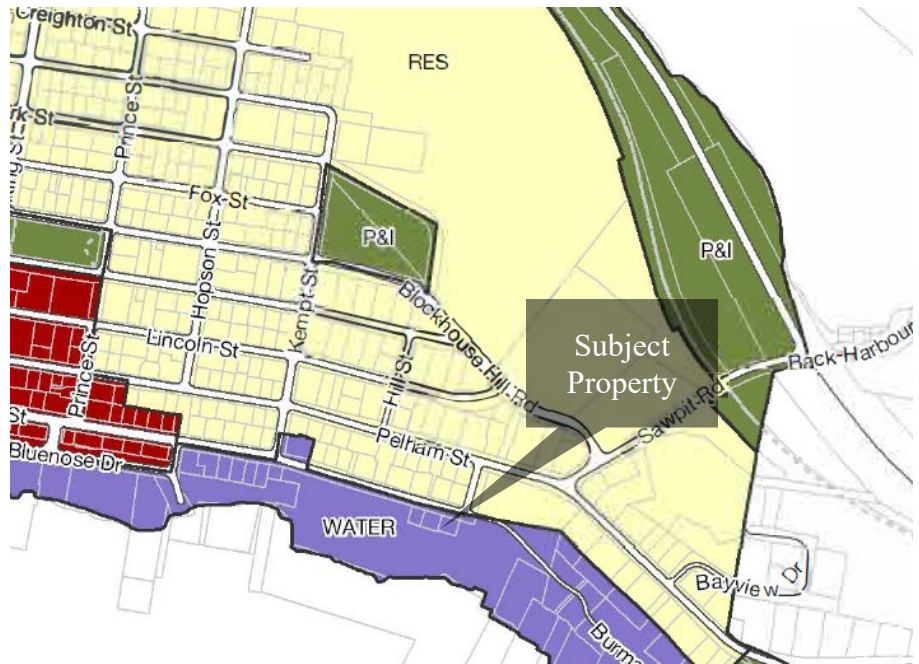


Figure 3 – Site Location and Use Zones

The MPS contains a policy which anticipates this type of situation. Policy 6-10 outlines the criteria for assessment where a property owner may wish to rezone their property to a zone that directly abuts the property.

The Request

The applicants wish to rezone their property to allow for the existing un-permitted residential use at 280 Montague Street to come into conformance. They understand that rezoning will prohibit the existing commercial use of 280 Montague Street as a business. The applicants have built a dwelling unit within the building, which they have used as a residence. Since 2021, a residential unit has been present at 280 Montague Street, which is a prohibited use in the Marine Zone.

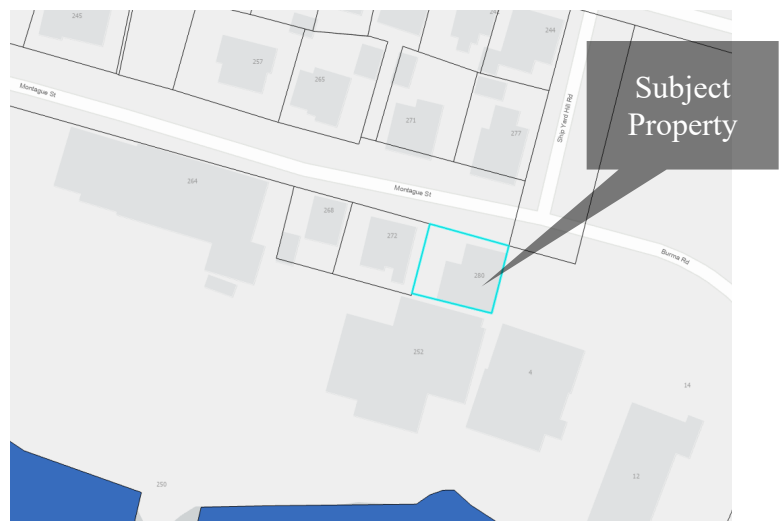


Figure 4 – Subject Property

Proposed Mapping Change(Rezoning)

The proposed mapping change to the Use Zone Map of the LUB can be found in **Attachment C**.

The proposal is a rezoning only, requiring no text changes to the LUB. The only change is a small mapping change to the Use Zone Map in the LUB affecting only PID 60696663.

Policy 6-10 (**Attachment C**) anticipates requests like this one. This policy identifies three avenues to rezone properties notwithstanding Policy 4-2 (**Attachment B**). Council, has recognized that no planning document is perfect and nor can it anticipate every possibility or special case through Policy 6-10. This application satisfies Policy 6-10 (c), thus enabling the rezoning being requested.

Policy 6-11 of the MPS allows 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 are reviewed in **Attachment C**. **Attachment E** evaluates the rezoning against the Provincial Statements of Interest and the TOL Accessibility Plan. No issues have been identified through this review.

Finally, the mapping change is illustrated in **Attachment D**.

Next Steps



Figure 5 - Next Steps

Figure 5 illustrates the process and the next step in the process will be a Public Participation Meeting (PPM), which must be advertised in the newspaper and online. Due to advertising deadlines and publication dates, the soonest that the PPM could be held is the week of June 1, 2025. PAC is the host for the PPM under the *Planning Public Participation Program Policy* of Council.

Strategic Plan Relevance

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

Relevant Legislation

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

Financial

There are no direct financial impacts to the Town as a result of the proposed amendment since advertising costs are borne by the applicant.

Communications

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

Attachments

- A. Applicant's Submission
- B. Policy 4-2
- C. Evaluation of Policy 6-10, 6-11 and 6-19
- D. Amendments to the LUB – Use Zone Map
- E. Review of Provincial Interest Statements and Lunenburg Accessibility Plan

Attachment B
Policy 4-2

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 6-10: 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 Use Zone Change will be enabled by this Plan in keeping with Policy 6-10(c).

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 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 proposed rezoning will be considered to be consistent with the intent of the MPS pursuant to Policy 6-10 (c).
- (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 considered premature or inappropriate due to the ability of the Town to absorb public costs related to the proposal. No public costs are anticipated with the proposed amendments.
 - 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. No new development proposals are anticipated at this time.
 - 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. There is a 8" water line and a 250mm sewer line available along this section of Montague Street. No new development proposals are anticipated at this time.
 - 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. The proposed rezoning is considered a less intensive use of land and will have less of an impact than development proposals permitted as-of-right under the current Marine Industrial (MM) Use Zone.
 - v. the adequacy of fire protection services and equipment;
There is a 8" water line available along this section of Montague Street. The proposal is not premature or inappropriate due to the adequacy of fire protection services and equipment.

- vi. the adequacy and proximity of schools and other community facilities;
The proposal is not premature or inappropriate due to the adequacy and proximity of schools and other community facilities.
- vii. impacts on UNESCO World Heritage Site statements of outstanding value;
The subject property is within the WHS, and rezoning from Marine Industrial to Medium Density Residential is identical to the two neighboring properties. In this regard the rezoning will not have, or impose, any impact 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. The building is existing, and no development is being contemplated at this time.
- x. the potential to create flooding or serious drainage issues, including within the proposal site and in nearby areas;
The rezoning will not cause any known flooding or drainage issues. The site is located outside of the Flood Risk Area shown on the Flood Risk Area Map, Schedule E, of the Land Use By-law. The dwelling is existing, and no development is being contemplated at this time.
- 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 impact on Lunenburg's Harbour. The dwelling is existing, and no development is being contemplated at this time.
- 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 proposal is not premature or inappropriate due to 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. The dwelling is existing, and no development is being contemplated at this time.
- xiv. land use conflicts that could place limits on existing operational procedures at existing businesses.
The proposal is not premature or inappropriate due to land use conflicts that could place limits on existing operational procedures at existing businesses. The proposed rezoning are considered a type of "downzoning" from "Marine Industrial" to "Medium Density Residential". As a result, the proposal should have less land use conflicts. As for potential conflicts with the adjacent Marine Industrial zone, as the building is existing and neighbouring dwellings are

present, and no development is being contemplated at this time, there is no anticipated impact or land use conflict.

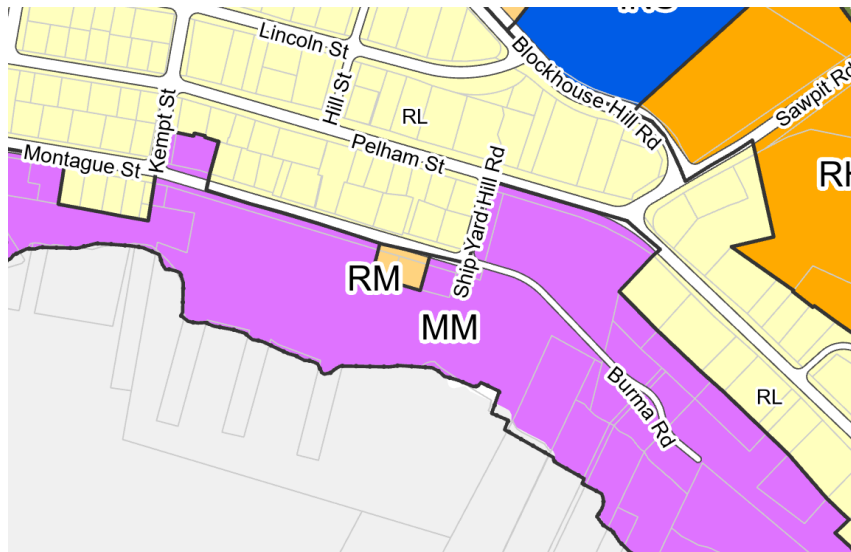
Attachment D

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

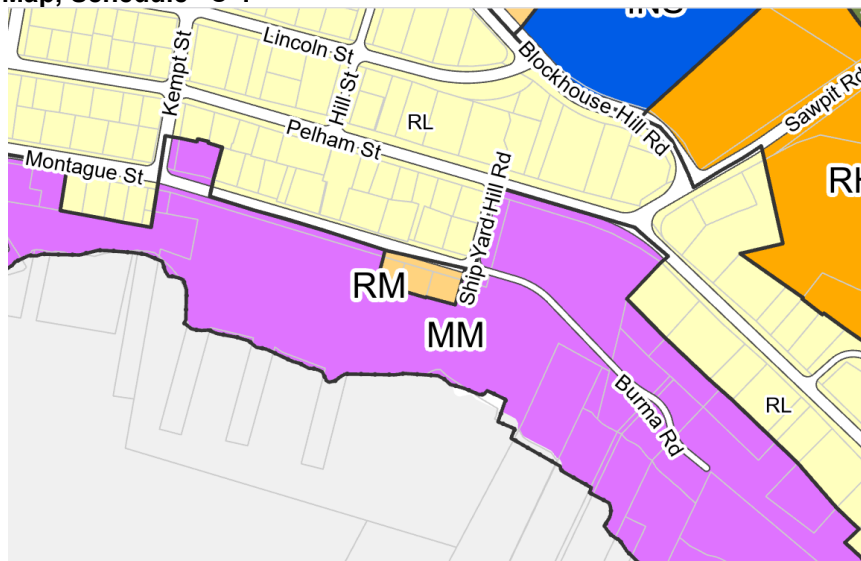
- 1) An amendment to the Land Use By-law, in particular the Use Zoning Map, Schedule “C”, thereby rezoning the lands as per table and maps shown below:

Property:	Application:
PID 60696663 – 280 Montague Street	Rezone from Marine Industrial (MM) Use Zone to Medium Density Residential (RM) Use Zone.

Existing Use Zoning Map, Schedule “C”:



Proposed Use Zoning Map, Schedule “C”:



Attachment E

Review of Provincial Interest Statements and Lunenburg County Accessibility Plan

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>The proposed rezoning of the subject lands will not affect Provincial Interest Statement 1. The quality of Dares Lake Watershed will not be affected by the proposed rezoning.</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 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 outside of the Flood Risk Area as identified on the Flood Risk Area Map.</p>
<p>Statement 3: Agricultural Land</p> <p>GOAL: To protect agricultural land for the development of a viable and sustainable agriculture and food industry.</p>	<p>The proposed rezoning of the subject lands will not affect Provincial Interest Statement 3.</p>
<p>Statement 4: Infrastructure</p> <p>GOAL: To make efficient use of municipal water supply and municipal wastewater disposal systems.</p>	<p>The proposed rezoning will not affect Provincial Interest Statement 4. The rezoning to “residential” is considered a less intensified use of land and should have less of an impact on Town infrastructure, with regards to water supply and wastewater disposal.</p>
<p>Statement 5: Housing</p> <p>GOAL: To provide housing opportunities to meet the needs of all Nova Scotians.</p>	<p>The purpose of the rezoning request is to permit an existing dwelling unit that was built in contravention of the Marine Industrial Use Zone. Each lot in the Medium Density Residential (RM) Use Zone may permit up to three (3) dwellings per lot and one (1) accessory dwelling unit. The intensification of dwelling units in this area may still occur. In light of the above, the proposed redesignation and rezoning is considered to be consistent with Provincial Statement 5.</p>

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 and will not negatively impact issues pertaining to equity, diversity, and inclusion.