



Consultation Summary & Recommendations Report

June 16, 2023

UPLAND Planning + Design for the Peggy's Cove Commission

BACKGROUND

The Peggy's Cove Commission ("PCC") is currently undertaking a process to update its Land Use Bylaw, which was originally adopted in 1993 and last updated in 2003. This document is the regulatory framework for guiding how development is permitted to occur in the Peggy's Cove Preservation Area, which includes the "village" of Peggy's Cove as well as the conservation lands in the surrounding area.

The PCC hired UPLAND Planning + Design ("UPLAND") in the summer of 2021 to undertake the day-to-day efforts of the project, including coordinating engagement efforts, providing recommendations on planning approaches, and drafting the Bylaw. The initial stages of the project were overseen by a Steering Committee consisting of PCC members plus members of Halifax Regional Municipality Planning and Development, Develop NS (now Build NS), provincial departments, and the Peggy's Cove Preservation Society. UPLAND undertook initial engagement with the community in the fall of 2021 and then began to work with the project Steering Committee to develop a draft of the Bylaw.

The project was placed on hold for approximately 10 months when the PCC membership did not comply with the membership requirements of the *Peggy's Cove Commission Act*.

In the fall and winter of 2022, UPLAND worked with the reinstated Steering Committee to regain momentum on the project and complete the initial draft. After a series of internal reviews, the first public draft was released in November of 2022 and followed up with a community meeting at the end of that month.

UPLAND then used the feedback from that meeting and worked with the Steering Committee and then PCC to develop an updated draft of the Bylaw. This was publicly released mid-April of 2023 and followed up with a community meeting at the end of that month.

Participants at the April community meeting raised concerns about the short timeline to review the updated draft and digest its implications, as well as concerns about the updated extent of the proposed Core Zone.

The PCC heard this desire to have more time to review the drafts, ask questions, and provide feedback, and directed UPLAND to undertake additional engagement.

WHAT WE DID

Since the April meeting, an information packet was sent out (May 19th, 2023) to property owners in Peggy's Cove inviting them to ask questions and provide feedback through any of the following channels:

1. Book a phone call or video conference chat with the UPLAND team.
2. Book a drop-in session with the UPLAND team for one-on-one chats during the evenings of June 7th and 8th at the VIC, or during the days of June 8th and 9th for in-home or in-business visits.
3. Fill out the attached questionnaire and return using the provided envelope, or complete an online version.
4. Provide written or email submissions.

In total, we connected with 13 residents or business owners one-on-one (in-person, over the phone or online) and received 10 survey and written responses.

WHAT WE HEARD

General

We heard a lot of frustration at the duration of the Land Use Bylaw Review process and the impact that this has had on residents and business owners in the community. The Bylaw project came on the heels of both the 2019 Master Plan project as well as the subsequent infrastructure work by Develop Nova Scotia (now Build NS). When combined with the large gap during which the project was stalled due to the suspension of the PCC there is an understandable level of consultation fatigue and a strong desire to see the project wrap up in a timely manner moving forward. At the same time, there is also a strong desire to ensure the Land Use Bylaw is a strong and robust document that serves the vision the community has for itself.

There is a recognition among residents and business owners that many of the issues at play are complicated and at times, conflicting. Some individuals spoke of the internal struggle they feel balancing what they think is best for the community with their own personal aspirations or interests - and the challenge that ensues when trying to reconcile the two. The fact that planning documents are supposed to be "living documents" and typically receive regular updates and reviews was of little comfort to many in the community, as history in Peggy's Cove has told a different story, with no major review for nearly three decades. Many interviewees expressed the feeling that the

current Bylaw project is their “one chance” to change the rules to accommodate any current or future plans they may have, so it was essential to advocate strongly for themselves as part of this process or risk missing out. There is a strong desire in the community to see this rectified moving forward to ensure the documents can adapt and evolve over time, and for expedient and straightforward processes to address emerging issues in the interim between larger reviews.

The Master Plan & the LUB - Creating a Cohesive Vision

Most communities in Nova Scotia have a Municipal Planning Strategy (MPS) and a Land Use Bylaw (LUB), providing both the high-level policies, goals, and vision with the on-the-ground regulations that enact those higher-level ideals within the landscape. Peggy's Cove does not have an MPS, but it does have the recently completed Peggy's Cove Comprehensive Master Plan, which provides a similar function and lays out a vision and some high-level objectives. We were reminded by some of the residents and business owners during this most recent phase of engagement that the Land Use Bylaw does not exist in a bubble and should align with the other plan and incorporate the lessons learned from that process. It must also be recognized, however, that the Master Plan is a conceptual document and that many aspects of it have been changed in the implementation; the Master Plan should be used for guidance and vision, but not be relied on as a specific blueprint for the future of Peggy's Cove, or for the specific details of regulations and zoning in the Land Use Bylaw.

We were also reminded that the ultimate goal of the LUB is to enact good community planning practices in Peggy's Cove.

Back to Basics

This Land Use Bylaw review project began in 2021 with an extensive consultation process with residents and business owners. Several key themes emerged from that initial phase of engagement, most of them reinforcing the vision from the Master Plan:

- Balance commercial and residential land use and ensure the Cove remains a place where people live
- Ensure everyone has some level of opportunity to benefit from “hosting the world”
- Preserve the fishery and ensuring the community remain a living and working fishing village
- Re-examine the structure and efficacy of the Peggy's Cove Commission

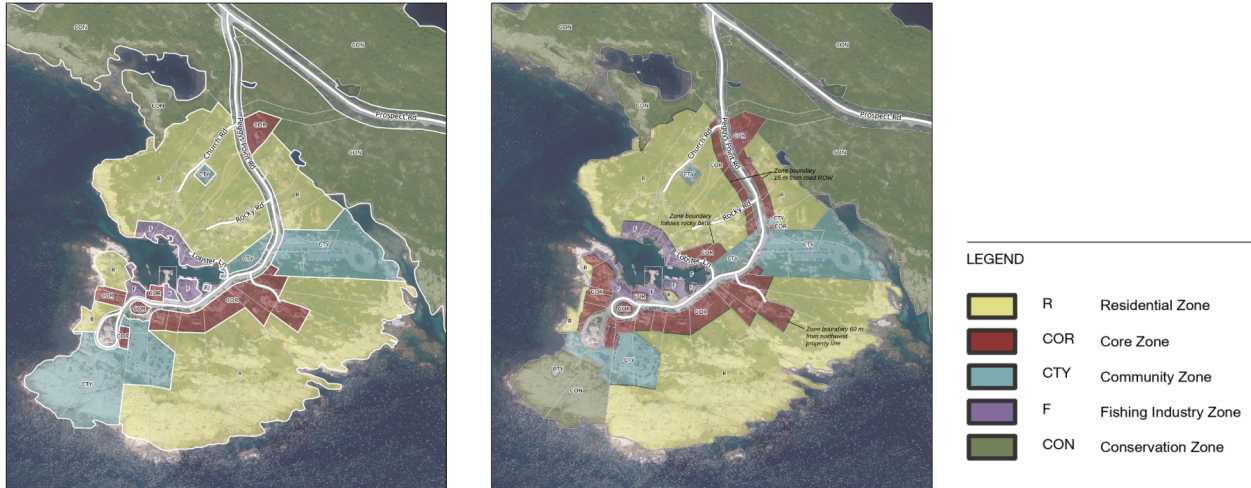
As this project progressed, the focus shifted, for better or for worse, to the proposed Core Zone and economic development in Peggy's Cove. The April 2023 draft LUB is a direct reflection of that shift in focus, and it received a great deal of pushback from the community after its release.

This most recent round of engagement has brought many residents and business owners in the community back to the basics of what this project was trying to achieve in the first place: ensuring Peggy's Cove is a living, working community, and not just a tourist attraction. In fact, it was reiterated to us repeatedly that part of what makes Peggy's Cove such a successful tourist destination is the authenticity of the experience, rooted in the people who live and work there. With that being said, nearly everyone we spoke to was in favour of business development in the community and spoke of their genuine desire to see visitors to the Cove enjoy their experience. The tension comes in when the importance of the tourist experience trumps the quality of life for residents, and the challenge for the Land Use Bylaw comes in determining precisely how much business development is appropriate.

The Core Zone & Commercialization in Peggy's Cove

The most widely discussed topic during this phase of the draft consultation was about the extension of the Core Zone along Peggy's Point Road. The majority of people we heard from during this phase of consultation felt that this was a misstep and that the Core Zone should not, at this time, be extended past the Visitor Information Centre (VIC). The primary concern was regarding pedestrian safety and the current lack of infrastructure to support a commercial extension. We also heard from residents that this extension contributes too much to the overcommercialization of the Cove and encroaches on the largely residential area located on the northern half of Peggy's Point Road, putting the peaceful enjoyment of residents' homes at risk.

During the initial phase of consultation, it was widely accepted (though not universally so) that the new LUB should be updated to reflect the actual land use taking place on the ground, the slate wiped clean, and better rules for enforcement enacted to ensure that land uses moving forward are reflective of the zoning. It was widely acknowledged that this approach was "rewarding bad behaviour" but that shuttering existing businesses was not a desired outcome. This issue has, understandably, been a contentious one, as there is a perception that some property owners have taken advantage of the "grey area" created by the review process and gone ahead with plans and projects that contravene the existing Land Use Bylaw and the intent of the proposed new one.



Peggy's Cove Draft Zoning Maps - First Draft (left) and Second Draft (right).

Discussion and Recommendation

Ultimately, determining the extent of the Core Zone is perhaps the biggest challenge for the final Land Use Bylaw. Whatever its final extent, Peggy's Cove will change, and there is no clear agreement in the community about what that extent should be. However, it is clear that the majority (though not all) of the people we heard from believe the Core Zone should be removed from the stretch north of the VIC for the time being (excepting the existing commercially-zoned property at Bubba Magoo's).

We agree with this on the basis of infrastructure availability, the cohesiveness of residential uses in this area, and the natural flow of visitors in Peggy's Cove. However, we do not believe this necessarily needs to be the dividing line for all time. Good plans evolve with time. While the history of planning amendments in Peggy's Cove has undercut community faith in the ability to request changes, the draft Bylaw does include an entire new chapter (Chapter 10) dedicated to setting out the process and expectations to guide future amendments. We encourage the community and the PCC to build a culture of revisiting the Bylaw as necessary to respond to change. Additionally, with the expansion to home-based business provisions (see below) we see a pathway for such businesses to act as "proving grounds" for expanded commercial operations – commercial activity that evolves with the community. We therefore recommend expanding the amendment provisions of the draft Bylaw to specifically consider successful home-based businesses as a compelling case for future expansions to Core Zoning.

South of the VIC we recommend that the Core Zone maintain its most recently-proposed extent. For better or worse, recent years of public and private investment have evolved this area of Peggy's Cove and shifted the balance between commercial and residential that exists in this area. To-date, that commercial evolution has largely

been without guidance, occurring either in situations where the PCC was defunct and work went ahead in their absence, or where the existing rules were difficult to defend and enforce. Establishing a Core Zone south of the VIC reflects this evolution of the area, while establishing clear, defensible parameters around what is an acceptable approach to this evolution. As discussed below, this must continue to promote a balance between commercial and residential scales in Peggy's Cove.

Commercial Floor Area

Through this engagement we heard concerns raised by business owners in the community that the proposed allowable commercial floor area in the Core Zone is too small, and that the provision that grants more commercial floor area if a dwelling exists on the lot should be removed. A request was made to see the commercial floor area on a single lot increased to 400m² from the current limit of 100m² for lots without a dwelling, and 200m² with a dwelling, or to see this calculated as a percentage of the lot size, with a minimum of 400m². There was also a request to have storage for commercial operations to not be included in the calculation of commercial floor area. Some business owners also do not want decks (or patios) to be factored into commercial floor area calculations.

Discussion and Recommendation

While we agree that the "core" of Peggy's Cove has evolved to be more commercial nature, we continue to recommend that there be clear limits on the scale of commercial activity in order to promote a balance with residential activity and to reflect the fine-grained scale of Peggy's Cove – the authentic fishing village vernacular that makes the Cove an attractive tourist destination. The limits as proposed, along with the requirement for a residential component if a larger commercial area is to be considered, hold the line on keeping this balance.

Further, we do not recommend excluding exterior areas from commercial floor area. With no limits, it would be, for example, quite feasible to build a large outdoor restaurant and skirt the intention of limiting commercial scale. However, we do recommend revisiting the definition around how outdoor space contributes to the commercial floor area calculation. Currently, it includes all areas "dedicated to public use", which is admittedly vague, hard to determine, and may be overly strict. Rather, the definition should focus only on areas serving a commercial purpose, such as outdoor restaurant seating areas.

Home Based Business: Everyone Gets a Piece of the Pie (if they want one)

Although the vast majority of the residents and business owners we spoke to were not in favour of extending the Core Zone past the VIC, and to keep the commercial area contained, there was an overwhelming majority who still wish to see everyone in the Cove have the opportunity to benefit from hosting the world. We heard repeatedly from residents that “everyone should get a piece of the pie, if they want one”.

The original intention of the home-based business provision was to do exactly this - offer residents of Peggy’s Cove the opportunity to economically benefit from tourism. However, the existing (2003) Bylaw includes several restrictions on home-based businesses that can make it unappetizing for residents to have one, and we heard a great deal about the desire to see these provisions amended in the new Bylaw to provide greater opportunities for the community.

The first draft of the new Bylaw brought forth the proposition that home-based businesses be permitted in an accessory building on a residential property and that the range of permitted commercial activities be expanded to include a wider range of opportunities. This proposal has been widely supported and further serves to preserve the community character by keeping the size of structures relatively small. This most recent phase of engagement saw many residents wanting to extend further the opportunities available through the home-based business provision, with some wanting the opportunity to rent their accessory structure to a business, without running it themselves. This was seen as the most equitable way to extend commercial opportunities, without an outright expansion of the Core Zone into residential areas.

Discussion and Recommendation

We do not currently recommend allowing home-based businesses to be rented out for non-resident owners, *i.e.* for property owners to be able to rent out structures for others to run businesses. This risks tipping the balance too far towards commercialization of Peggy’s Cove. Rather, we suggest that this be a specific topic to be reviewed in a near-future review of the Bylaw, once there is some experience with the loosening of home-based businesses as proposed in the current draft. However, we do suggest that the wording of the current draft could be loosened somewhat to specify that “an owner” of the business must have their primary place of residence on the lot, rather than “the owner”. This would open the door for residents to be partners in small businesses, without requiring everyone to undertake the task of running the day-to-day aspects of a business to benefit from hosting the world.

Additionally, we recommend a small tweak to allow existing dwellings in the Fishing Industry Zone to have a home-based business in an accessory building, to provide the same opportunity to residents here as held by residents throughout Peggy’s Cove. Currently, there is a blanket prohibition in the draft on home-based businesses in accessory buildings in the Fishing Industry Zone.

Mobile Vending

Vending has been another contentious issue in Peggy's Cove over the years, with some community members feeling it does not align with the character of the Cove, and others concerned about people who have absolutely no connection to Peggy's Cove setting up temporarily in the community to capitalize on tourist traffic.

The most recent draft Bylaw reiterates the prohibition on vending in the community, which was an approach that received near consensus in the initial phase of consultation.

In the recent engagements, a small handful of property owners indicated the desire to see mobile vending permitted in the Cove and suggested the addition of language that states that only property owners are permitted to operate mobile vending businesses. Still, the near consensus remains that the vast majority of residents do not want mobile vending permitted in the Cove, regardless of property ownership.

Discussion and Recommendation

Given the wide-spread community concern about vending, we continue to recommend prohibiting it. Allowing it but restricting it to property owners does not address concerns about community character, and is potentially difficult to monitor and enforce. However, the Bylaw as drafted does allow home-based businesses in accessory buildings (as discussed above) and has been expanded from the existing Bylaw to include take-out food as a permissible use. This approach, combined with the proposed scope of the Core Zone, was to allow a path forward for small-scale food services while continuing to prohibit mobile vending in the Cove.

Mixed-use Zoning

There was some discussion about the fairness associated with changing zones and the perception that zoning creates "winners and losers". Though there is certainly some truth in this statement, it was also pointed out by some interviewees that what some define as winning or losing is subjective. Some residents have no desire to have commercial opportunity on their property and view the preservation of their residential community as "winning" while others see having Core Zone applied to their property as "winning" primarily due to the possible financial benefits that could come along with that land use zone. During this phase of engagement, we heard from a few property owners that they would like to see mixed-use zoning applied throughout Peggy's Cove to "level the playing field" and allow individual property owners the decision-making power of what they want to do on their land.

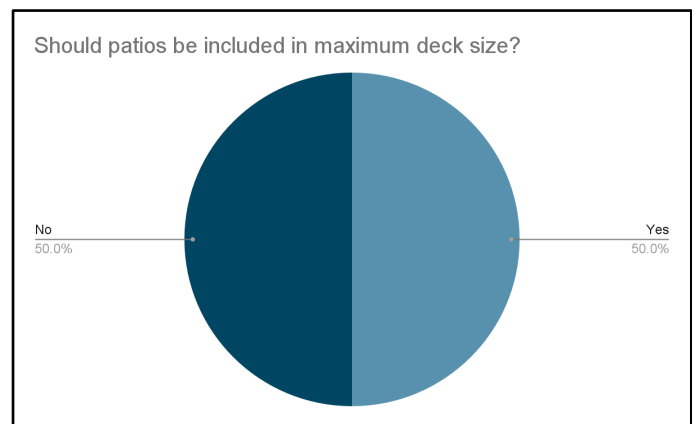
Discussion and Recommendation

While the suggestion to have widespread mixed-use zoning across the whole of the Cove seems, at the surface, to be a simple fix to address the issue of fairness, at its core it is contrary to the foundational ideal to keep Peggy's Cove a community where people live, as well as the core value of preserving the fishery and its legacy. Blanket mixed-use zoning would indeed allow property owners to choose "what is right for them"; however, this would remove the cohesive approach to good community planning, and risks creating situations where, for example, the distinct residential areas of the community are eroded through the personal choices of only a portion of the property owners.

Additionally, there is a very real risk that over time the Cove would transition to being entirely commercial. While many current property owners would likely make the immediate choice to use their land residentially, this would not necessarily hold for the long term. Lands are typically valued on their, "highest and best use", and establishing mixed-use zoning risks creating a situation where property values are such that only people with commercial intentions can justify purchasing in Peggy's Cove. Ultimately this risks the loss of the authenticity of Peggy's Cove (the working fishing village) as a world class tourist destination, and the gradual erosion of community as residential properties are lost to commercial interests. This is contrary to both the objectives of the Master Plan as well as the interests of the majority of the community members who have engaged throughout this project. We do not recommend implementing blanket mixed-use zoning throughout Peggy's Cove.

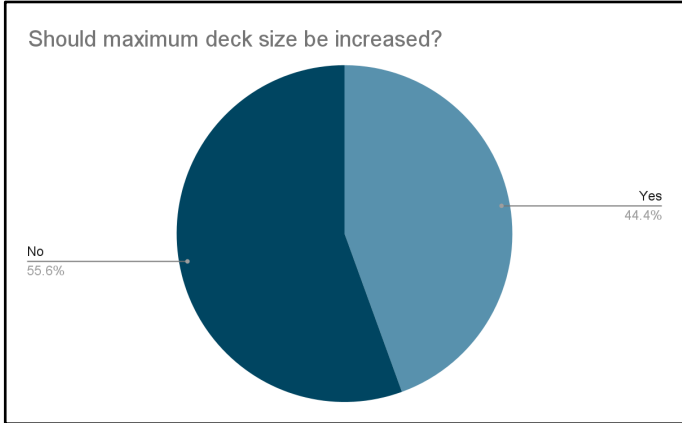
Patios & Decks

One of the focuses of the survey during this phase of consultation was on decks. Though less prominent in the earlier phases of consultation, deck size and setbacks emerged as a contentious topic as the process went on and the survey was an opportunity to receive private feedback on the topic. The current draft Bylaw includes a maximum size and minimum setback for decks. It does not, however, include at-grade patios in the definition of decks.



There was no clear consensus in the feedback received, but there was a clear differentiation between the opinions of business owners and the opinions of residents

who do not own businesses, with the former wanting to see maximum deck sizes increased, and the latter opposed to any increase. We heard from one resident that they felt the deck size issue should be addressed on a case-by-case basis, where proponents bring forth a proposal for a larger deck and the PCC determines whether or not it is approved based on the context.



Discussion and Recommendation

One of the key principles from the Master Plan, carried forward into the Intent of the draft Bylaw, is the value of the "rugged natural landscape and irregular placement of buildings" to the character and livability of Peggy's Cove.

Decks have traditionally been a rare feature in Peggy's Cove, with only small residential decks to be found. The recent construction of the public viewing deck is a departure from this; however, it is a piece of public infrastructure and involved an extensive design process to integrate elegantly with the landscape and improve accessibility. It is our recommendation that this should be seen as the exception, rather than the rule, for future development in Peggy's Cove. In order to preserve the ruggedness of the Peggy's Cove landscape, we continue to recommend limiting deck sizes as proposed, and would further recommend increasing the minimum setback for decks from 0.5 metres to 1.0 metres.

On the matter of patios, we recommend that they continue to not be included in the definition of decks (and therefore the maximum size and minimum setback). As one participant put it, "visitation to Peggy's Cove has grown, and ultimately those people need a place to gather". Patios provide such spaces while better blending into the landscape. However, we do recommend revisiting the definition of decks to ensure that any patio that involves a substantial alteration of the natural grade be included as a deck.

Additionally, as discussed above, outdoor spaces—whether deck or patio—that are used for commercial purposes should continue to count towards the maximum commercial floor area on a lot.

We do not recommend considering decks on a case-by-case basis, as one of the key goals of the Bylaw as drafted is to bring consistency to the development approvals process and remove the perception of arbitrariness or unfairness.

The Community Zone

The current draft Bylaw includes a "Community Zone", which is applied to a variety of public and private properties that serve the community and provide basic infrastructure for tourists. In previous engagements we heard concern about the zone as named being applied to private lands as it might suggest public ownership or unrestricted community access.

Most people we spoke with during this engagement had no strong feelings about the name of the Community Zone, but it was again suggested that this designation should not be applied to lands that are held in private ownership, as it feels misleading about the use of the land. We heard that the Community Zone name is fitting for the VIC, the Church and any of the publicly owned properties, but that another name should be applied to privately owned lands. The next most popular name choice was "Facilities and Service Zone".

Discussion and Recommendation

Given the potential concerns around the naming implications, we do recommend renaming the Community Zone. However, we do not recommend creating a separate name or zone for the private properties to which it applies; Peggy's Cove is simply too small to justify more zones and doing so would be overly-bureaucratic. Rather, we recommend choosing a name that does not imply public ownership and applying it to all properties within the current draft Community Zone. The popular choice of "Facilities and Service Zone" would be appropriate, though on review we would recommend rearranging it to "Service and Facilities Zone" so that its zoning map symbol does not conflict with that of the Fishing Industry Zone.

Signage

It was reiterated during this phase of the engagement that the language in the Bylaw needs to be clarified to ensure that it is explicit that no advertising signage should be permitted within the wider Peggy's Cove Preservation Area (*i.e.* the conservation lands). It was also noted that signage delineating private property should be reexamined and kept to a reasonable level, as some in the community feel there is an excessive amount in some areas.

Discussion and Recommendation

Certainly, the intention of the recent draft Bylaw was not to allow advertising signage within the conservation lands outside the village proper. However, some imprecision on our part in drafting does open the door for this to occur. We recommend addressing this in the next draft.

While the draft already includes strict limitations on advertising signage on private property, there are allowances for informational signs, such as "no trespassing". There are limits on size of such signs, but not on number. We did hear during engagement

clear concerns about members of the public trespassing on private property, and this fact was identified as a key challenge of living in the community. As a result, there is a need for such signage. Additionally, properties in Peggy's Cove vary widely in size and proportions, so there is no consistent standard for how many is the "right" number of signs to address the issue. As such, we recommend continuing to allow such signs.

Additional Ways to Benefit from "Hosting the World"

We heard from residents and business owners that the residents of Peggy's Cove should benefit in some way from "hosting the world" - and not just in a financial sense. There is a desire to see regular investment in the livability of the Cove, mainly through infrastructure extensions to bring both sewer and water service to the community. Suggestions include paid parking and/or a levy charge for busses, with a portion of the funds going towards reinvestment in the community's infrastructure. We heard one suggestion of a modest fee for entry into the Cove, though this is seemingly contradictory to the general sentiment we have heard around limiting any activities that make Peggy's Cove feel like a theme park.

Governance & The Peggy's Cove Commission Act

The call to revise the *Peggy's Cove Commission Act* has come up throughout the engagement process, and this round of consultation was no exception. There remains a fair bit of skepticism in the community about how the Bylaw will be enforced in the future and how the issues surrounding conflict of interest, anonymity of complaints, and fair process will be handled moving forward. The recommendation in the draft Bylaw of a dedicated Development Officer for Peggy's Cove has received widespread support from both residents and business owners, but there remain questions around how the Commission will function and what will remain in their purview.

NEXT STEPS

The feedback outlined in this report will be used to inform discussion between UPLAND and the PCC about the approach taken for the next draft of the Bylaw. Updates will be made and a new draft Bylaw will be available to the public. A follow up Community Meeting will be held in early summer to outline the changes made and engage in some discussion. Tentatively, this will enable final edits and the formal adoption process to take place over the summer.

APPENDIX - MAP SUBMISSIONS - CORE ZONE

As part of the survey, we asked respondents to draw their vision of the Core Zone boundary. These are included below. Some people verbally described to us their desired approach to the Core Zone. In addition, we received a list submission from a resident of properties that should be considered Core Zone:

- The Sou'Wester including the patio as it functioned in 2021-22
- Boast Cards/Bruce Stephen
- Peggy's Cove Gift Shop
- Amos Pewter
- Peggy's Cove Shirt Shop
- Bubba Magoo's
- Beales Bailiwick/Holy Mackerel
- The Buoy Shop
- deGarthe Studio/Neil Depew Gallery
- Peggy's Dogs
- Murray's Wharfside/Wharf Hags
- Tom's Lobster Shack/originally DeeDee's Ice Cream
- School House/formerly Jo Beale Art Gallery
- deGarthe garage/Hags on the Hill
- + deGarthe House as a community retail outlet for residents

