



Public Draft Summary

April 27, 2023
UPLAND Planning + Design

BACKGROUND

In May of 2021, the Peggy's Cove Commission ("Commission") engaged UPLAND Planning + Design to work with the community to update the Peggy's Cove Land Use Bylaw ("Bylaw"). The current Bylaw was adopted in 1993 and amended in 2003. While it has served the community well since that time, it is in need of an update to address contemporary issues and to improve the clarity and usability of the document.

The Commission established a Steering Committee to oversee the Bylaw project. This Steering Committee consisted of members of the Commission, as well as representatives from Halifax Regional Municipality Planning and Development, Develop/Build Nova Scotia, the Peggy's Cove Preservation Society, and the Department of Economic Development.

Unlike other municipalities in Nova Scotia, authority for planning and development control is set out in the *Peggy's Cove Commission Act* R.S., c. 339, s. 1 and as such, the approach to planning and development control is somewhat different here.

PROJECT PROCESS

Preliminary Work

Work on the Bylaw project started with a community tour with UPLAND and members of the Steering Committee. This was followed by a land use inventory and background report (copies are available at www.peggyscovelub.ca or in hard copy at the Sou'Wester).

UPLAND then launched a project website (www.peggyscovelub.ca), which acted as a public hub for project information and as a document library.

Initial Engagement

Following this, UPLAND conducted initial engagement with Peggy's Cove residents and the wider community. This included:

- One-on-one interviews with 21 residents and property owners in the Cove.
- Stakeholder interviews with 10 stakeholders representing businesses and government departments who have a mandate that involves Peggy's Cove in some way.
- An online survey open to the wider community, which received 58 responses.
- An online map, where people could leave geo-referenced comments about development in Peggy's Cove.
- A workshop with the Steering Committee.
- A community workshop on October 7th, 2021, concurrently online and at the St. Peter's Church Hall in Hackett's Cove.

Key themes from this initial engagement included:

- clarifying the role of the Commission;
- the extent and location of commercial uses, and balancing that against residential uses;
- promoting protection and preservation of the fishing industry;
- establishing appropriate architectural standards that promote the character of Peggy's Cove, while limiting the burden on residents; and
- ensuring residents benefit from "hosting the world".

A full summary of "What We Heard" is available at www.peggyscovelub.ca or in hard copy at the Sou'Wester.

Draft Engagement

Following this, UPLAND worked to produce a first draft of the new Bylaw, and then worked closely with the Steering Committee to refine it.

In November of 2022, UPLAND released a public draft of the new Bylaw. This was followed by a concurrent online/in-person community workshop in December of 2022 to review the content of the draft and get feedback on its key directions. People were also encouraged to submit written or phone-in comments following the meeting. A full summary of the draft engagement is available at www.peggyscovelub.ca or in hard copy at the Sou'Wester.

Once the draft engagement had closed, UPLAND met with the Steering Committee to review the feedback and set a direction for the next draft version. Following this, UPLAND updated the draft and circulated it to the Steering Committee for review and sign-off.

DRAFT HIGHLIGHTS

It is important to note that the *Peggy's Cove Commission Act* provides protection for structures and uses that were legally developed under previous bylaws (or prior to any bylaw existing). In other words, a new Land Use Bylaw will not retroactively require compliance for structures and uses that were legally developed.

While many aspects of the existing Bylaw have been carried forward, the overall change in content and arrangement is substantial. Some of the key highlights include (but are not limited to):

Clarity and Ease of Use

The entire Bylaw has been re-written with an eye to clarity and ease of use. This includes ensuring language is precise and consistent, necessary definitions are present, and the structure of the document is well-organized. The draft also includes an introductory, "Guide to this Bylaw" section that describes, plainly, the different parts of the Bylaw.

Intent

In most of Nova Scotia, municipalities adopt a Municipal Planning Strategy that outlines the rationale and policies for planning, which are then carried out through the Land Use Bylaw. However, the *Peggy's Cove Commission Act* does not enable a Municipal Planning Strategy. The draft Bylaw instead contains an "Intent" (Part 2) that sets out some of the key qualities of Peggy's Cove the Bylaw seeks to address. This will provide some guidance to future Commissions when considering requests to amend the Bylaw.

Development Officer

The draft Bylaw provides for the position of a Development Officer to administer the day-to-day aspects of the Bylaw. This position is intended to reduce the administrative burden on the Commission, provide for a consistent approach to regulation in the Cove, provide a resource to people with questions about development in the Cove, and establish clear pathways for things like variances and appeals.

Variances and Appeals

The draft Bylaw enables the Development Officer to grant variances to the requirements of the Bylaw in order to alleviate site-specific hardships. The extent of variances is intended to be limited to only the extent necessary to alleviate the hardship.

The draft also sets out clear procedures and expectations for appeals of the Development Officer's refusal to grant a permit, or approval or refusal of a variance.

Core Zone and Commercial Development

The “Commercial Zone” in the existing Land Use Bylaw has been re-named the “Core Zone” to reflect that it is intended to be a mixed-use zone that also permits and encourages residential uses. The placement of the Core Zone, and the balance of commercial and residential development in the Cove, was a key point of discussion throughout the project process. The draft Bylaw includes the Core Zone the length of Peggy’s Point Road—with the exception of lands backing on the actual cove—as well as properties on the north side of Lobster Lane. The Core Zone is larger in the “core” of the community, which has traditionally hosted commercial uses, while a thinner (15-metre-wide) strip of Core Zone runs along the remainder of Peggy’s Point Road.

In order to limit the extent and impact of commercial uses in the community, and to promote residential development, the total commercial floor area on a lot is limited to 200 square metres if the lot contains a dwelling, and 100 square metres if it does not. Additionally, any building intended to be visited by the public is counted toward the maximum of three “main” buildings on a lot.

Home-based businesses are carried forward from the previous Bylaw in order to enable economic activity for all residents of the Cove. One important change is not restricting the location of home-based businesses to the main dwelling (*i.e.* they can be in accessory buildings or outside).

Vending is prohibited, except for yard sales (with limits on number and duration) and for two food trucks at special events.

The draft Bylaw also includes limits on hours of operation for commercial uses (7:00 am to 9:30 pm).

Special Events

Sometimes special community events, such as weddings or festivals, need infrastructure that would not otherwise be permitted by the Bylaw (washrooms, tents, *etc.*). The draft Bylaw includes provisions to enable special events, with limits on the duration and the number of special events in a year.

Residential Zone and Residential Uses

A key direction of the Bylaw Intent is to promote a strong residential base in the community. The Residential Zone from the previous Bylaw is carried forward, but a key change is to allow multiple dwellings on a lot, up to the maximum number of main buildings (three) and total footprint (420 square metres). Additionally, the draft Bylaw includes clear provisions that accommodations uses are only permitted as home-based businesses in the Residential Zone in order to prevent the conversion of dwellings to tourist accommodations.

Residential uses are also permitted in the Core Zone, with an incentive (see above) of extra permitted commercial floor area if Core Zone lots contain a dwelling.

Fishing Industry Zone

The fishing industry was identified in engagement as an important component of Peggy's Cove, and the Fishing Industry Zone is intended to avoid competition from other uses on the lands around the actual cove. The Fishing Industry Zone has been extended further along the shore (compared to the existing Bylaw) and the permitted use table only includes those uses that are involved with, or complimentary to, the fishing industry. The zone also includes provisions to continue the architectural character of this area, including lower height limits and no minimum distances between buildings or between buildings and the coast.

Community Zone and Uses

The Public Facilities Zone from the existing Bylaw has evolved into the Community Zone, to reflect that fact that not all such properties are publicly owned. The draft Bylaw expands this zone onto the St. John's Anglican Church property and removes it from some of the lots in the vicinity of the Sou'Wester.

Additionally, the draft clarifies that commercial (*i.e.* paid) parking lots are permitted within this zone.

Building Design

The scale, architecture, and arrangement of buildings in Peggy's Cove are an essential part of the community's character. The draft Bylaw includes provisions to help preserve and encourage this character going forward. However, the draft Bylaw takes a restrained approach to building restrictions and focuses on those aspects of building design with the greatest impact on character, while avoiding regulating more minor details in order to avoid burdening residents in the Cove. Key aspects of building regulation in the draft include:

- Removing the prohibition on metal roofs
- Reducing the permitted main building height to 7.6 metres (~25 feet) in most zones, and 6.1 metres (~20 feet) in the Fishing Industry Zone
- Permitting multiple main buildings on a lot, to continue the organic arrangement of buildings on the landscape
- Expanding the list of permitted cladding materials to include modern, low-maintenance materials as long as they mimic the look of wood
- Regulating the proportions and appearance of windows
- Requiring exterior lighting in the Core Zone and Community Zone to be full-cutoff fixtures to limit light pollution and the impact of lighting on neighbouring properties

Site Design

The site design provisions of the current Bylaw are generally carried forward. However, some key changes include:

- Prohibiting modification of the granite bedrock except for public road projects
- Limiting the size and number of driveways
- Limiting the size of parking areas in the Core Zone and Residential Zone
- Limiting the total area of decks on a lot to 75 square metres and requiring a minimum setback of decks from property lines of 0.5 metres

Conservation Zone

The draft Bylaw carries forward the Conservation Zone from the existing Bylaw and continues to apply it to the undeveloped areas of the Peggy's Cove Preservation Area. Additionally, the draft Bylaw extends this zone onto the granite rocks on public land surrounding the lighthouse.

The draft Bylaw includes parking lots as a permitted use in this zone to accommodate upgrades to parking lots at trailheads; however, there are clear limits on the permitted size of such parking lots, and surface materials must be permeable.

CHANGES FROM NOVEMBER 2022 DRAFT

The December 2022 public meeting and following comment period resulted in lots of good community feedback on the draft Bylaw. The updated (April 2023) draft attempts to respond to much of this feedback. In particular, some key changes are:

- Added more information about the Halifax Regional Subdivision By-law and information about special events on the "Guide to this Land Use Bylaw" page.
- Added "development regulations help prevent nuisances and protect the quality of life for residents" to the Intent.
- Variances
 - Made it clear that development cannot occur under a variance until appeal periods have passed.
 - Added notification of variance, and right to appeal, to all assessed property owners in Peggy's Cove.
 - Added specific timelines for variance appeal hearings.
- Removed "Use" from the zone names (e.g. "Residential Use Zone" is now "Residential Zone").
- Added clarity to what is permitted on a lot that has more than one zone on it.
- Added vocational schools to the list of uses permitted in the Fishing Industry Zone.
- Changed the Fishing Industry Zone so only existing dwellings are permitted, rather than permitting one dwelling (new or existing) on every Fishing Industry Zone lot.

- Added hours of operation (7:00 am to 9:30 pm) for commercial uses.
- Reclassified "bed and breakfast" uses to "accommodations" uses to align with new provincial legislation.
- Added requirement that retail sales as part of a home-based business can only be carried out if they are indoors.
- Allowed home-based businesses to occur outdoors (except retail elements and in the Fishing Industry Zone) to enable things like play areas for home daycares.
- Added clear permission, as well as limits on size, for ground-mount solar panels.
- Added clarity around when a non-conforming use is considered "discontinued".
- Added exemption from vending rules for yard sales.
- Reduced the maximum building height from 10 metres to 6.1 metres in the Fishing Industry Zone and 7.6 metres in all other zones.
- Added a maximum footprint of 200 square metres for all accessory buildings on a property combined.
- Increased the minimum separation distance between main buildings from 3 metres to 5 metres.
- Added a limit of two driveways on a lot.
- Made clear that window provisions apply to windows within doors unless they are smaller than 1 square metre.
- Added requirement for full-cutoff (i.e only emits light downwards) exterior light fixtures in the Community Zone and Core Zone.
- Added minimum setback of 0.5 metres between decks and property lines.
- Added prohibition on drive-through windows.
- Added requirements for screening solid waste storage facilities in the Core Zone and Community Zone.
- Added clear permission for small restaurant menu signs.
- Changed façade signs so that instead of permitting one per façade, it is now a total of two per main building.
- Changed projecting signs so that instead of permitting one per façade, it is now a total of two per main building.
- Added clear permission, with restrictions on light direction and hours of use, for sign lighting in the Fishing Industry Zone and Core Zone.
- Updated definition of "accommodations" to make clear that serving food to guests (but not non-guests) is permitted.
- Added definition for "deck".
- Added definitions and illustrative graphics for architectural elements (e.g. dormers, muntins, etc.)
- Added definition for fish processing.
- Refined definition of fishery product.
- Removed "sale of art" from gallery definition.
- Removed jet ski rentals from definition of marine recreation provider.
- Added definitions for parking lots, parks and playgrounds, post offices, reduction trails and conservation uses, and yard sales.

- Added the Community Zone to PID 40038259 (86 Peggy's Point Road), which was previously Residential Zone.
- Added the Conservation Zone to PIDs 40038226 and 40038606 (white rocks of the lighthouse), which were previously Community Zone.
- Extended the Fishing Industry Zone:
 - Onto the rear of PID 40038598 (153 Peggy's Point Road), previously Core Zone
 - Along the water edge of PIDs 40038184 and 40038531 (165 and 167 Peggy's Point Road), previously Residential Zone
- Added the Residential Zone:
 - To the front portion of PID 40038382, previously Fishing Industry Zone.
 - To the white rocks portion of PIDs 40281826 and 40038556 (173 Peggy's Point Road), previously Core Zone
- Added the Core Zone:
 - To portions of PIDs 40038184 and 40038531 (165 and 167 Peggy's Point Road), previously Residential Zone
 - To a portion of PIDs 40281834 and 40873242 (lots north of viewing deck), previously Residential Zone
 - To PIDs 40873259 and 40038200 (lots between Sou'Wester and 162 Peggy's Point Road), previously Community Zone
 - To portions of PID 40038267 and 40038416 (6 and 10 Rocky Road) along the north side of Lobster Lane, below the granite embankment, previously Residential Zone
 - A 15-metre-wide strip on both sides of Peggy's Point Road from the VIC north to 1 Church Road and 48 Peggy's Point Road, previously Residential Zone.

KEY ISSUES

The April 2023 draft Bylaw is still very much a draft, and all aspects of the Bylaw are still up for discussion. However, there are a few topics on which the Peggy's Cove Commission wants to ensure community input is gathered and will be specifically discussed at the community information meeting, in addition to any other topics you raise. We are flagging them here for your review in preparation for the meeting.

Deck Standards and Definition

The draft Bylaw limits the size of decks to a maximum of 75 square metres (807 square feet) on a lot and requires a minimum setback of 0.5 metres from property lines (Section 8.12) to limit their visual impact on the rugged landscape and to provide some separation from neighbours. However, the Commission would like to receive further specific input on the following matters:

1. The current definition of decks ("an unenclosed platform raised above finished grade") would not include at-grade patios, even though such patios may have a

similar effect on the landscape. **Should patios be included in the maximum deck size and setbacks?**

2. The current draft setback for decks is 0.5 metres (1.6 feet) from property lines. However, buildings are required to be set back 1.0 metres (3.3 feet). **Should the setback for decks be increased to 1.0 metres?**
3. The current draft maximum total area of decks on a lot is 75 square metres (807 square feet). After the last round of engagement, the Commission received a request to increase the maximum to 92.9 square metres (1,000 square feet). This would provide property owners with additional flexibility at the expense of a larger impact on the landscape. **Should the maximum deck size be increased?**

Core Zone Extent

The April 2023 draft increases the size of the Core Zone in response to the feedback at the December public meeting and comment period. The Commission has since received additional requests for Core Zoning:

1. Along the full extent of the north side of Lobster Lane (to include a portion of 12 and 13 Rocky Road).
2. Increase the depth along the north portion of Peggy's Point Road (from the VIC to 1 Church Road and 48 Peggy's Point Road) from 15 metres to 40 metres.

However, the Commission is concerned the Core Zone even as currently proposed in the draft may be inconsistent with feedback received in the initial engagements. The "What We Heard Report" from October of 2021 notes:

"When asked in the survey about the perceptions around commercial uses in the Village, 48% of respondents felt there was the right amount of commercial property, while 24% felt there was too much, and 20% felt there wasn't enough (the remaining respondents had no opinion)."

And

"Many residents expressed their concern around the community becoming over-commercialized and residential buildings being converted to commercial uses, contributing to the loss in housing stock in the community and consequently impacting the number of residents the Cove can accommodate."

In thinking about the April 2023 Core Zone extent, is it:

- Too small, and should be expanded?
- Just right?
- Too large, and should be reduced?

Community Zone Name

The existing Bylaw includes a zone named "Public Facilities Zone". The draft proposes to re-name this zone to the "Community Zone" since it is located in some locations that are private land instead of public. However, the Commission has heard concerns that the "Community" wording implies community ownership or use and is similarly not appropriate for private lands. This zone is intended to be applied to public lands and to private lands that are typically used in a non-commercial or semi-commercial (e.g. paid parking) manner by the wider public (parking lots, the church, etc.). We want to communicate this intent without suggesting that any such private lands have public or community ownership or inherent right to public access.

In trying to achieve this, would you suggest:

- **Keeping the Community Zone name?**
- **Changing back to Public Facilities Zone name?**
- **Renaming as one of the following:**
 - **Institutional Zone?**
 - **Facilities and Service Zone?**
 - **Culture and Parking Zone?**
 - **Amenity Zone?**
- **Other?**

Project Check-in

The Peggy's Cove LUB project is a substantial piece of work and a crucial element in charting the future of the community. After two years the work is potentially nearing its end. However, this is a longer time period than initially anticipated, so there is a risk of straying from the initial goals along the way.

Thinking back to the beginning of the project, is the outcome to date what you had hoped and expected? Does the draft Bylaw address the key themes from the initial engagement (see page 2)? Does the draft Bylaw reflect your vision for the future of Peggy's Cove?