



Peggy's Cove

Summary Sheets

For 2022.11.09 Public Draft of the Land Use Bylaw

1 INTRODUCTION

The last update to the Peggy's Cove Land Use Bylaw ("LUB") was in 2003. Changes need to be made to keep the document current. This is also an opportunity to make it easier to understand, administer, and enforce, all while being appropriate to the needs of Peggy's Cove residents and businesses.

On November 10, 2022 the project team released a public draft of the new Land Use Bylaw. This draft is the result of the initial input we heard from residents and community members, as well as thorough discussion with the Steering Team overseeing the project. A "What We Heard" report, summarizing the results of the initial round of engagement, is available on the project website (www.peggyscovelub.ca)

This "summary sheets" document attempts to summarize the ways the draft LUB approaches some of the key planning issues in the community and answer potential questions people may have about the draft.

This is not an exhaustive summary of the draft; if you have additional questions, please contact Ian Watson at ian@uplandstudio.ca or 902.423.0649.

Following the draft release, the project team is conducting additional engagement to get feedback on the draft LUB. This will result in refinements to the document before it is presented to the Peggy's Cove Commission for potential adoption. For more information on engagement opportunities please visit the project website or contact Ryan MacLean at ryan@uplandstudio.ca or 902.423.0649.

2 PROCESS AND TRANSPARENCY

2.1 Introduction

One of the key concerns we heard was with the usability of the current LUB, and past challenges around enforcement, lack of clarity around amendments, and consistent application of the Bylaw. The draft LUB contains a number of significant changes to address these challenges.

2.2 General Process and Transparency Changes

- The entire document has been re-written with a focus on clarity and precision of language, as well as making it easier to understand and interpret.
- The draft LUB contains an “Intent” [s2.2] to help communicate the reasoning behind aspects of the LUB, and to guide the Peggy’s Cove Commission when considering amendments.
- Definitions have been reviewed and updated for clarity and consistency.
- Missing definitions have been added.
- Where possible, the draft uses tables to summarize information.
- Following public engagement (*i.e.* once we have a final draft) we will produce graphics to help illustrate important or difficult terms or concepts in the LUB.

2.3 Permitting and Enforcement

- The draft includes a clear list of developments that do not require a development permit [ss5.2.1]; however, all development is still required to comply with the LUB and any other applicable bylaws or regulations.
- The draft includes clear expectations and processes for permit applications [s5.4 to 5.7]
- The draft enables “variances”, which are deviations from the requirements of the LUB in instances of site-specific hardships.
- The draft proposes the implementation of a Development Officer to oversee the day-to-day administration of the LUB.
 - Key responsibilities are issuing permits in compliance with the LUB, reporting to the Commission the facts of appeals, and notifying property owners if they are in violation of the LUB [ss4.1.1].
 - The Development Officer would also be a resource for people looking to better understand the LUB and how it applies to their property.
 - Exactly how the Development Officer position would be staffed is still being explored.
- Enforcement continues to be governed by Sections 14 and 15 of the *Peggy’s Cove Commission Act*. However, the proposed implementation of a Development Officer would create a third party, separate from the Commission, who would

take some responsibility for monitoring and enforcement of the LUB. The exact scope and approach to enforcement (*e.g.* complaint-based vs. proactive) is subject to the terms of any employment or servicing contract for the Development Officer.

2.4 Amendments and Appeals

- The draft removes ambiguity around the ability to amend the LUB, with an entire chapter [c10] dedicated to the acceptable situations for considering an amendment, the factors that the Commission should consider when undertaking an amendment, and the process for amendments and associated public engagement.
- The draft clearly enables appeals of the Development Officer's decision to deny a variance or development permit, and includes direction for the process to be followed [s5.10].
 - Appeals would be heard by the Peggy's Cove Commission
- The draft LUB does not contain any provisions to appeal the Commission's decision on an amendment request.
 - The *Peggy's Cove Commission Act* does not enable appeals to the Nova Scotia Utility and Review Board.

3 RESIDENTIAL USES

3.1 Introduction

A key theme of initial engagement is that Peggy's Cove needs to continue to be a place where people live. The draft LUB contains a number of provisions to preserve and encourage residential development in Peggy's Cove.

3.2 Dwellings

- Residential dwellings are widely permitted – only the Community Use Zone and the Conservation Use Zone prohibit dwellings [t7.B].
- There is no explicit limit on the number of dwellings permitted on a lot; instead, this will be controlled through the maximum number of main buildings on a lot (three) and the maximum main building footprint (140 m²).
- Accommodations uses that do not occur in the owner's primary residence (*e.g* full-time, whole-house, short-term rentals) are not permitted in the Residential Use Zone [t7.B].
- The development of larger commercial uses requires a dwelling to be located on the lot (more details below).

4 COMMERCIAL USES

4.1 Introduction

Residents of Peggy's Cove can host upwards of a million visitors per year, and should benefit from hosting the world. Additionally, visitors to Peggy's Cove require services. Commercial uses are, therefore, important to Peggy's Cove. However, our initial engagement made it clear that commercial activity should not be to the detriment of a living, vibrant residential community in Peggy's Cove. The draft LUB includes a significant number of provisions related to commercial uses.

4.2 Commercial Zoning

- The Commercial Zone has been renamed the Core Use Zone to emphasize that the zone is not entirely commercial and permits other uses such as residential dwellings and community uses.
- The Core Use Zone has been placed on portions of:
 - all properties that were previously zoned Commercial (five properties)
 - properties on Peggy's Point Road that contain an existing commercial business but were not previously zoned Commercial (five properties)
 - the DeGarthe garage
 - the three remaining residential properties on the south side of Peggy's Point Road that are adjacent to these commercial uses
- The Core Use Zone includes various limitations on the scope of commercial businesses:
 - there are a maximum of three main buildings permitted on a lot [t8.A], and any building that is intended to be visited by the public is considered a main building
 - main building footprints are capped at 140 square metres [t8.A]
 - the total combined floor area (including commercial decks) of all offices, personal service shops, restaurants, accommodations, and retail uses on a lot cannot exceed 200 square metres if there is a dwelling on the lot, or 100 square metres if there is no dwelling [ss7.3.3]

4.3 Home-based Businesses

- Home-based businesses continue to be permitted as a use accessory to a dwelling in all zones that permit dwellings [s7.7]
- The draft clarifies that there can be more than two employees if they are not located on-site (*e.g.* the office of consulting firm with remote workers) [ss7.7.1(b)]
- The draft is explicit about the kinds of businesses permitted as a home-based business [ss7.7.1(c)]
- The draft allows home-based businesses to be located in a fully-enclosed accessory building [ss7.7.1(h)]

4.4 Accommodations

- The draft includes two categories of tourism accommodations:
 - “Accommodations”, including full-time, whole-house, short-term rentals, which are only permitted in the Core Use Zone [t7.B]
 - “Bed and breakfast operations” accessory to a dwelling (*i.e.*, run as a home-based business) [s7.7]
 - Do not actually need to include breakfast
 - Capped at four guest rooms
 - Can be used for residents to rent out their primary dwelling as a short-term rental, either as rooms while they are living there or as a whole-house rental on a part-time basis when they are travelling or temporarily living elsewhere

4.5 Vending

- Vending, except as a market use conducted as a special event (*e.g.* a Christmas market, see 6.2, below) is prohibited.

5 THE FISHERY

5.1 Introduction

Fishing activities are incredibly important to the character and culture of Peggy's Cove. The draft LUB includes provisions to help support and encourage the continuance of fishing activities.

5.2 Zoning and Uses

- The draft continues the current approach of having a separate Fishing Industry Use Zone.
- The Fishing Industry Use Zone permits a wide range of uses associated with the fishery and marine activities [t7.B].
- The draft LUB clearly permits retail sale of fishing gear and fishery products [s7.3.5].
- Uses that could compete with the fishery for the limited area of land around the Cove itself are not permitted in the Fishing Industry Use Zone.

5.3 Process and Standards

- The storage of fishing vessels, gear, and related materials is clearly exempted from requiring a development permit.
- Development in the Fishing Use Zone that is adjacent to the ocean and does not contain an on-site sewage disposal system is exempt from the LUB requirements for lot size and frontage [ss6.3.4].
- Development in the Fishing Use Zone is exempt from minimum setbacks from property lines adjacent to the ocean and minimum separation distances between buildings [ss8.1.3 and 8.1.4].

6 COMMUNITY AND CONSERVATION

6.1 Introduction

The Peggy's Cove Preservation Area, to which the LUB applies, is much larger than the developed portion of Peggy's Cove. Additionally, community uses serving both the residents of the Cove and the wider Nova Scotian public are a substantial feature within Peggy's Cove. The draft LUB contains a number of provisions related to community and conservation uses.

6.2 Community

- The Public Facilities Zone has been renamed to the Community Use Zone and expanded to include St. John's Anglican Church.
- Temporary special events are clearly allowed and do not require a development permit [s7.11]
 - Special events are limited to a duration of five days, and only two are permitted on a lot in one year.
 - The draft is clear that the commercial provision of weddings is not permitted as a special event.

6.3 Conservation

- The Conservation Use Zone continues to apply to lands outside of the developed area of Peggy's Cove.
- The Conservation Use Zone is limited to trails and conservation uses, and to parking lots [t7.B]
 - The parking lot use is intended to permit upgrades to trailhead parking lots. Provisions in the draft LUB limit these parking lots to gravel or permeable grid pavers, and limit the size to 250 square metres [ss7.3.4]
- Altering the granite bedrock is not permitted except for public roads [ss.8.4.1]
- There are restrictions on altering topsoil and filling of land [ss8.4.2 and 8.4.3]

7 ARCHITECTURE AND DESIGN

7.1 Introduction

During initial engagement we heard a number of concerns about the architecture and design provisions of the current LUB, and the challenges they create for living and working in Peggy's Cove. The draft LUB includes a number of changes to simplify and focus these provisions.

7.2 Clarity and Process

- Maintenance activities (*e.g.* painting, roof replacement with permitted materials) are clearly listed as exempt from requiring a development permit [s5.2.1]
- Vague language regarding architectural style has been removed.
- All language about design "preferences" (*i.e.* difficult to enforce) has been removed.

7.3 Roofs

- Provisions related to roof type and slope have been simplified [ss8.7.1 to 8.7.3]
- The types of permitted roofing materials have been expanded to permit standing seam metal roofs and solar voltaic shingle roofs [ss8.7.4]

7.4 Windows

- Window requirements have been updated to require rectangular, vertically-oriented windows [ss8.8.1]
 - Exemption to allow multiple individual windows to be combined into one larger area that has a horizontal appearance
 - Exemptions for windows for commercial and industrial uses, bathroom windows, and gable peak windows.

7.5 Cladding Materials

- The cladding materials permitted in Peggy's Cove have been expanded to include wood-composite panels (*e.g.* MDF or Hardie Board) that mimics the appearance of wood, and vinyl siding that mimics the appearance of wood shingles [ss8.9.1(a)].
- Controls on paint colours have been removed.
- Clarity has been added that the material prohibitions do not apply to foundations and chimneys.
- The prohibition on decorative elements has been removed.

7.6 Decks

- Decks in the Residential Use Zone and Core Use Zone are capped at 75 square metres (the deck between 124 and 126 Peggy's Point Road is approximately 50 square metres) [s8.11].

7.7 Parking

- Parking areas in the Residential Use Zone and Core Use Zone are capped at 60 square metres on a lot (a parking space is approximately 15 square metres) [s8.5.2].