

WHAT WE HEARD

Peggy's Cove Land Use Bylaw Review

OCTOBER 2022



What We Heard Report

October 2022

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This What We Heard Report was written by
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Cove Commission.

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1 INTRODUCTION

1.1 Engagement Context

The Peggy's Cove Land Use Bylaw Review is a project to update the existing planning documents to reflect changes in the community, modernization of building materials, emerging demographic trends, and the aspirations of the community moving into the future. The current Land Use Bylaw was adopted in 1993 and amended in 2003, but has remained unchanged since.

The community has undergone significant changes in recent years. The Peggy's Cove Master Plan, drafted in 2019, made a series of recommendations for the future development of Peggy's Cove. Crown corporation Develop Nova Scotia then created an implementation plan to see some of these recommendations through to fruition, particularly those relating to improving infrastructure and traffic flow. The community was engaged through both of these processes.

The last two years have been challenging for residents in the community - living through construction, a global pandemic that impacted the tourism industry in unprecedented ways, and some major changes to the community's core infrastructure. Change is challenging at the best of times, but the circumstances of the last two years have caused tensions, frustrations and an emotionally charged environment. Residents recognize the necessity of many of the improvements, but acknowledging the burden they've endured is important in contextualizing the engagement results.

This report is a summary of the engagement methods and resulting public feedback since the Land Use Bylaw Review project publicly launched in May 2021.

1.2 Public Health Restrictions

The project launched in the Spring of 2021, amid the third wave of the COVID-19 pandemic in Nova Scotia. Due to public health restrictions, much of the engagement was required to be done online and over the phone. The public meeting was able to proceed in-person, but provincial mandates required proof of vaccination for attendance. In order to ensure all residents and business owners were able to participate in this important discussion, a dual in-person and online video format was used in order to accommodate everyone.

2 ENGAGEMENT METHODS

2.1 Introduction

Formative engagement for the Peggy's Cove Land Use Bylaw took place from May to October of 2021. This phase of engagement focused on centering the experiences of residents and business owners in the community, in addition to consulting the wider public and other relevant stakeholders. The goals of the engagement were to gather input from residents about both the content of the Land Use Bylaw and how they would like to see it changed or updated, as well as the process of its administration.

The project team used a variety of engagement methods to consult with residents, business owners, the wider public, and stakeholders throughout the initial phase of consultation, including:

- + Advertising & Project Website
- + Resident Interviews
- + Stakeholder Interviews
- + Online Survey
- + Social Pinpoint Interactive Map
- + Steering Committee Workshop
- + Resident & Business Owners Meeting

2.2 Engagement Methods

Advertising & Project Website

The project team established a website (www.peggyscoveLUB.ca) to serve as a centralized hub for project information and materials.

The project launch was advertised with a letter to all residents and business owners in the community. The letter provided contact

information for the project team and asked those interested to set up a one-on-one interview to discuss their thoughts on the bylaw.

The project team also keeps an email list and notifies subscribers of upcoming project milestones and publications.

Resident Interviews

The project team conducted interviews with 21 residents of Peggy's Cove between June and September, 2021. These were held using online video conferencing, or over the phone. The team asked a series of guiding questions, but residents were encouraged to discuss the issues that mattered most to them, resulting in a wide range of topics covered.

Stakeholder Interviews

The project team conducted an additional 10 interviews with stakeholders. Stakeholders included business owners, municipal and provincial government departments, local and provincial tourism organizations, and Develop Nova Scotia.

These interviews involved one-on-one discussions, as well as small group conversations. Most were conducted by phone, with some in-person meetings when possible.

Stakeholders interviewed include:

- Amos Pewter
- Bubba Magoo's & Bistro
- Develop NS
- Hags on the Hill
- Halifax Regional Municipality
- Neil DePew

- Nova Scotia Department of Economic Development (formerly the Department of Inclusive Economic Growth)
- Nova Scotia Department of Municipal Affairs and Housing
- Peggy's Cove Boat Tours
- Sou'wester Restaurant & Gift Shop
- St. Margaret's Bay Tourism Association
- Tourism Nova Scotia

Online Survey

The online public survey was employed to give the wider public the opportunity to weigh in on the Peggy's Cove Land Use Bylaw Review. It was also open to residents and business owners.

The survey focused on the respondents' perceptions of land use and architectural character in Peggy's Cove, as well as their experience with the larger Preservation Area. There were 58 responses to the survey, with a quarter being Peggy's Cove residents and the vast majority (over 60%) being residents of Nova Scotia, but not residing in the Cove itself.





Social Pinpoint Interactive Map

Social Pinpoint is an online, interactive engagement platform that allows users to place “pins” or draw shapes on a map of their community to share their input. The Social Pinpoint for Peggy’s Cove asked residents to comment on three different categories:

1. Perceived Land Use
2. Desired Land Use
3. Architectural Character

This activity allowed residents, and the wider public, to share their input around how they see the land use currently, how or if they want to see land use change, and what buildings define the architectural character of the community.

This tool was employed to complement the feedback given in the survey and allow respondents to share their input on land use and architectural character in the Cove with georeferenced (map based) commentary.

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Steering Committee Workshop

On Wednesday, September 22nd, an online, two hour workshop was held with the project team and the Steering Committee. This workshop was an opportunity to drill into the finer details of the Land Use Bylaw in both form and function. It was also an opportunity for the project team to learn more about the administration of the Bylaw and hear from the Peggy’s Cove Commission about the challenges from their perspective.

Residents & Business Owners Meeting

On Thursday, October 7th, the project team hosted a public meeting at St. Peter's Church Hall in Hackett's Cove. The meeting was held in a dual format, with an in-person contingent, and a group joining online via an a video conferencing platform. Twenty-seven residents and/or business owners joined in person, while seven joined online. This two hour meeting featured a brief presentation on the project background and preliminary engagement results, followed by targeted small-group discussions around four topics:

1. Administration of the Land Use Bylaw
2. Commercial Land Uses
3. The Future of the Fishing Zone
4. Architectural Controls

Each small group (including those joining online) had a facilitator from the project team to take notes and facilitate the discussion. Each topic was given 20 minutes for discussion.

3 ENGAGEMENT RESULTS

3.1 Introduction

The initial consultation phase brought a lot of long-standing concerns to the surface. It was evident from the outset of the consultation that residents were frustrated and feeling uncertain about the future. Though residents could understand the intended function of the Land Use Bylaw, they felt it had rarely been properly administered, leading to a lack of trust in both the document itself and the governing body that administers it.

Many common themes emerged during the initial consultation and will be discussed in the following section.

3.2 Major Themes

The Role of the Peggy's Cove Commission

The most common theme across resident and stakeholder discussions centered around the role of the Peggy's Cove Commission (PCC). Residents were unclear on the governance structure for their community, and why it differed from the rest of the municipality. The lack of clarity around the role of the PCC, as well as the perception that there is a lack of transparency, has contributed to feelings of distrust within the community.

The most widely agreed upon issue with the PCC was the lack of a formal enforcement process. The lack of enforcement of the Land Use Bylaw has eroded the confidence of the community over time, causing them to question the PCC's role and its effectiveness as a governing body. This sentiment was compounded during the recent period where the PCC was defunct and

not operational, leaving many to question why it existed in the first place. This period also resulted in a number of Bylaw infractions that have led to non-compliant uses (for example commercial uses in residentially zoned properties), and architectural design elements that contravene the Bylaw (such as metal roofs).

The many contraventions of the Bylaw over the years, coupled with the perception that some infractions have received more attention from the PCC than others, has caused residents to feel that the Bylaw is not fairly enforced. Many residents spoke of "backroom politics" and the perception that the interests of business owners in the community are receiving more attention than maintaining the quality of life of residents.

The role of community members as Commissioners has also posed some challenges. Although the vast majority of residents want community representation on the PCC, nearly every resident interviewed expressed their concerns with "neighbours policing neighbours" and the potential conflicts of interest that can arise. Residents spoke of their desire to see enforcement carried out by a separate, neutral third-party, like a municipal bylaw enforcement officer. The same issue was raised by community members who have served on the PCC. Resident Commissioners are placed in the challenging position of making decisions that directly affect their neighbours, and this has many people hesitant to participate on the PCC.

Residents had other concerns around the process of administering the Land Use Bylaw, including the mechanism for registering complaints and the appeals process. The vast majority of residents commented that the process for registering complaints is not confidential, causing hesitation for anyone wanting to raise an issue in the community out of fear of creating an uncomfortable situation. Residents would like to see an anonymous complaints system implemented to protect their identity should they wish to file one. With the appeals process, residents expressed that the process felt futile. With no other governing body to appeal to, residents felt that appealing a decision of the PCC to the same group of people was not a fair system for appeals and would like to see this addressed in the future.

In the same vein, residents are frustrated that they cannot seek the advice of the Municipality and are dismissed when they say they're a resident of Peggy's Cove. Due to the structure of the PCC, residents are not able to call to ask questions about development rules and processes as they would in any other community in the municipality and this contributes to their overall frustrations. Residents feel that the PCC is often slow to respond to their applications and some feel that the information required in their applications is excessive.

Some residents would like to see the *Peggy's Cove Commission Act* reviewed, in addition to the Land Use Bylaw. It was suggested that the two documents undergo review in tandem in the future.

The role of the PCC was so common a topic throughout the engagement process that it was selected as a topic for discussion at the Residents & Business Owners Meeting in early October. Some suggestions emerged for possible paths forward, including:

- The appointment of a third party enforcement officer (either HRM, or a separate, neutral entity)
- Making HRM the administrator of the Bylaw and the PCC more of a Planning Advisory Committee, or part of the Community Council
- Maintaining the existing structure of the PCC but adapting systems and processes to be clearer and more transparent
- Maintaining the structure of the PCC but ensuring ethics training is included in the on-boarding process
- Dissolving the PCC and having HRM take over all land use and development responsibilities



Commercial Zoning

Another major theme that emerged throughout the initial consultation phase was commercial zoning. 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).

Many residents acknowledge that the area between the Sou'wester and the Visitor Information Centre is viewed as the commercial hub of the community. This area received the most comments on the interactive map, with many feeling that it is already perceived as a commercial zone. Most commercial businesses are operating in this area, and it is where the vast majority of tourists gather when visiting

Peggy's Cove. Residents at the public meeting spoke of the new infrastructure by Develop NS as contributing to this commercial hub atmosphere. They also expressed interest in multi-use zoning to allow residential and commercial businesses to operate on the same property.

When it comes to non-compliant uses, or in this case commercial uses operating in residential zones, most residents would like to see the zoning updated to reflect the actual use of the buildings in question. Although some residents are hesitant to "reward bad behaviour", there is wide acknowledgment that shutting down existing businesses is not a desirable outcome. Many residents feel that the zoning should be updated, the slate wiped clean, and better rules for enforcement enacted to ensure that land uses moving forward are reflective of the zoning.

The types of commercial uses in the Cove was something residents felt strongly about - they did not want to see any chains develop in the

community. When asked about the importance of businesses being locally owned and operated, 45% of survey respondents felt strongly that businesses should run by community members. Another 21% felt somewhat strongly about this topic and 21% were neutral on the subject. Only 12% of respondents felt it was somewhat unimportant or not important at all. Residents and survey respondents felt strongly that the types of businesses permitted in the Cove should be reflective of the character of the community - focusing on unique, local wares and experiences.

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. Long term residents have observed the population halved in recent years, and there is a strong desire to see more emphasis placed on retaining residents and attracting new community members. As one stakeholder noted "without people, you don't have a community - without community, you don't have culture".

Home-Based Business: Theory vs. Practice

Tied closely to the theme of commercial zoning, the topic of home-based business came up consistently in resident and stakeholder interviews. Most residents understand the intention of the home-based business section of the existing Bylaw, but see it as good in theory, and not so good in practice.

Residents want the opportunity to live and work in the community, and the home-based business provision allows everyone that option, but many businesses that started by occupying 25% of a dwelling have slowly taken over more and more of their building's square-footage and are no longer livable spaces. At the public meeting, the

option of allowing commercial uses in accessory buildings was discussed and received wide support from attendees.

The types of businesses that are permitted in homes (or accessory buildings) was also discussed. Residents feel there should be some controls on this to ensure no significant nuisance (i.e. light/noise pollution) is caused by home-based businesses, but also believe that the list of approved uses should be expanded. Some would like to see food service added to the list to provide more and varied options for visitors. Survey respondents from outside of the community commented that more food service options were needed in the community to meet the demand.

Residents and business owners at the public meeting felt strongly that moving forward, home-based businesses must be operated by a resident who lives on the premises and this should be enforced in the future. Some residents would like to see a permitting process established to ensure home-based businesses are suitable and that steps are taken to minimize the impacts on neighbouring properties.

Mobile Vending

The general consensus around mobile vending was that residents, business owners, and survey respondents from the wider public, do not want mobile vendors operating in the community and do not want to see this use encouraged in the future. Some felt that if a designated area for these businesses was established, and designed to fit with the character of the community, they would be supportive, but generally they do not like the atmosphere that mobile vending creates in the Cove. At the public meeting, it was suggested that this could be mitigated through new provisions around home-based business, allowing businesses to set up in a small accessory building, instead of a mobile unit.

There is a strong desire from the community and the wider public to see the authenticity of the fishing village preserved and celebrated, and many feel that mobile vending does not fit with this vision.

The Fishing Zone

When asked about the three features that defined Peggy's Cove, the top three answers were the lighthouse, the landscape and the fishery. The fishing zone is "quintessentially Peggy's Cove" as one participant shared on the interactive map.

Survey respondents also felt strongly about the fishing zone, with 58% feeling there is the right amount of property devoted to fishing uses, and another 31% feeling there isn't enough. The rest of the respondents had no opinion. This was the only zone that no respondents felt there was too much of in the community.

With the fishery in decline, but so important to the history and heritage of the community, attendees at the public meeting discussed the possibilities for this zone moving forward. Some of the opportunities suggested include:

- Fish market
- Small aquarium
- Recreational uses, like recreational fishing or boating
- Food services that tie directly to the local fishery
- Marine conservation, stewardship or educational space
- Tourist interpretation around the fishery

There was concern over allowing any commercial use in the fishing zone and many residents felt that if commercial uses were permitted in this zone, the business would need to be clearly tied to the fishery. There was hesitation in making

any wide-spread changes to the allowable uses in the fishing zone, as many attendees felt that this could contribute to the decline of fishing in the community.

The decline of the fishery is not something the Bylaw Review can address, but residents did share some ideas about how to keep the fishery alive in the community. One small group discussion at the public meeting talked about the possibility of a "license trust" to make the fishery more accessible for local fishers. The cost of licensing is seen as the largest barrier for younger fishers and this could be an incentive to keep the fishery active into the future and ensuring the community stays an authentic, active fishing village. Another small group discussion talked about celebrating the fishery with an annual "Fish Festival" to





attract locals and tourists alike. Another small group discussion suggested the Peggy's Cove Commission could take on a role in helping to keep the fishery alive by ensuring this concern is raised across government departments and possible solutions developed for the long-term sustainability of the industry in Peggy's Cove.

Architectural Character

When asked if Peggy's Cove had a distinct architectural character, 79% of survey respondents felt that it did, with many citing the fishing shacks, the wharves, the small, colourful homes and their orientation on the landscape, as the predominant elements defining the community's character and feel.

The Land Use Bylaw has a strong influence on regulating the look and feel of the community through architectural controls. All residents who were interviewed wanted to see changes to this section of the Bylaw, to varying degrees. Some items have clear consensus, while others are more split within the community.

When discussing controls around permitted paint colours, residents overwhelmingly felt that all colours should be allowed, with the exception of fluorescents and neon colours. Residents also felt that building materials should be updated and allow for new technologies that still have the look and feel of wood, but are significantly more durable. Most residents do not want vinyl siding permitted in the Cove as they feel it takes away from the community character.

One architectural control that saw diverging opinions was metal roofing. This material is currently prohibited under the existing Land Use Bylaw, but many residents feel this should be amended. Multiple buildings in the Cove have added metal roofs in recent years, including the church, which is a visually prominent community feature. Similarly to non-compliant uses, most residents do not want the metal roofs removed, and are willing to accept that, as one resident put it, "what's done is done". The question moving forward remains - should metal roofs be permitted?

Although opinions are divergent on this topic, the majority are in favour of metal roofs, some for aesthetic reasons, and some for more practical ones. Due to the lack of groundwater water in the community, many (if not all) residents are reliant on water deliveries and cisterns to meet their needs. The current provision in the Bylaw states that roofing materials are relegated to asphalt or traditional wood shingles, but some residents have concerns around the contamination of runoff from asphalt shingles, and would prefer a metal roof for this reason.

Residents expressed their concern around the cost of maintaining their homes given the weather conditions they endure. Many would like to see the provisions in the Bylaw changed to make maintenance more affordable and less cost prohibitive.

Another concern that was raised consistently in conversations, from interviews to the public meeting small group discussions, was the ability to hide infrastructure, such as cisterns and garbage bins. Residents want to ensure that developing structures (either stand alone, or attached to an existing building) to hide infrastructure is clearly considered in the new Bylaw and guidelines are established. Some elements residents would like considered are whether these additions would be considered part of the building footprint or not, and what the design guidelines around these features should be.

When it comes to size of building footprints, residents are content with the current provisions in the Bylaw. Across all methods of engagement, people were insistent that the size of structures in Peggy's Cove remain the same. Many see the building footprint regulations as beneficial in maintaining the architectural character of the community and ensuring it stays a quaint fishing village long into the future.

The Growth of Tourism

Throughout resident and stakeholder interviews, the topic of tourism was unavoidable. The residents of Peggy's Cove, as one resident puts it, "host the world - but what do we get in return?". The general feeling in the community is that the needs of tourism are consistently placed above the needs of residents, leading to great frustration.

Many residents spoke of a tipping point with tourism when the cruise ships started busing passengers to the community for short visits. The volume of passengers arriving in the community has become unmanageable for many business operators and there is concern around the community being taken advantage of by the cruise ship operators and their partners. There is also concern in the community that visitors are not receiving a good experience due to the volume of traffic and the inability to meet the needs of visitors given the short duration of time they spend in the community.

Though most residents are supportive of the infrastructure improvements that have been made to accommodate these higher volumes of visitors, they feel that something should be done to limit the number of buses arriving at any given time. Although this is not something the Bylaw Review can address, it is important to note that this topic was a major theme throughout the consultation process.

3.3 Minor Themes

The Preservation Area

The Preservation Area was a topic that came up often across engagement methods. The importance of the landscape of Peggy's Cove and the larger Preservation Area were addressed at length in the public survey and discussed in numerous resident and stakeholder interviews. Across consultation methods, there was near consensus that protecting the Preservation Area was of high importance. It was viewed by most as the visual and natural threshold to the community and a crucial part of the experience of Peggy's Cove.

When asked if they were aware of the Preservation Area, 88% of respondents said they were aware, and another 9% were somewhat aware. Only one respondent was unaware of this designation. Interestingly, when asked about the amount of conservation and open land in Peggy's Cove, the response was split, with 46% feeling there was the right amount of conservation land, and another 46% feeling there wasn't enough. Only 4% of respondents felt there was too much land devoted to conservation and open space.

When survey respondents were asked about the level of protection for the Preservation Area in the future, 61% wanted to see it remain fully protected, and another 24% felt it should remain mostly conserved.

Short Term Rentals

Tied closely to the conversation around commercial uses and home-based business, the topic of short term rentals was raised by many throughout the consultation process. With the B&B accommodations no longer operating, residents and business owners suggested that this provision in the Bylaw should be removed or adjusted.

The prevalence of short term rental accommodations, however, is on the rise in the community, and this has caused concern for some residents. This concern is rooted in the loss of permanent housing options for full-time residents in Peggy's Cove. Some residents would like to see a system for registering or providing permits for short term rental operations.

Signage

Many residents and business owners discussed the provisions around signage in their interviews. The vast majority felt that signage in the Cove is tasteful and in keeping with the character of the community. Some felt that approved materials for signage should be expanded to include metal.



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