

# CONSULTATION SUMMARY

## Peggy's Cove Draft Land Use Bylaw

DECEMBER 9, 2022



What We Heard Report

December 2022

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This Consultation Summary was written by  
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# 1 INTRODUCTION

This report is a summary of the public feedback received on the Draft Land Use Bylaw, released on November 9, 2022.

A public meeting was held on November 23rd, 2022 at St. Peter's Parish Hall in Hackett's Cove. The meeting was offered in both an in-person and online format. The evening consisted of a presentation on the contents of the Draft Bylaw, with interspersed discussions focusing on particular aspects:

- Administration & Intent
- Residential Uses
- Commercial Uses
- Architecture & Design
- The Fishery
- Community & Conservation

A recording of the presentation was uploaded to the project website ([www.peggyscovelub.ca](http://www.peggyscovelub.ca)) for those who could not attend and residents were invited to share feedback in writing or by phone during the week following the meeting. Individual meetings were held by request.



## 2 DRAFT CONSULTATION DISCUSSION

### 2.1 Introduction

Overall, feedback was positive, with many stating that the proposed Land Use Bylaw is an improvement over the previous.

### 2.2 Discussion Topics

#### Administration & Intent

Overall, residents and stakeholders were happy with the clarity and approach taken with the administration of the new LUB. The implementation of a Development Officer (DO) received strong support. Many feel that having a third party handling the day to day administration and enforcement of the LUB will help to alleviate conflict in the community and promote fairness. Having someone to call directly with questions was also seen as a huge improvement to the current system. Residents and stakeholders want to see a clear job description for the DO and ensure the person who holds the role has no conflict of interest within the community and is adequately qualified to handle both the administration and enforcement elements of the role. Having an understanding of the context within the community was also seen as important for the DO. One resident had some concern around centralizing power and felt that the role of the DO should be limited to building permits and that anything else should continue to go through the Peggy's Cove Commission. Others had some concerns around leaving the interpretation of the LUB to one person and highlighted the importance of clarity in the document to ensure consistency and direction for the DO.

The approach for variances also received support from the community - though some would like to see a clear process for neighbours to appeal a granted variance. One resident noted that although they support the proposed process for variances, they wondered if there is room to differentiate between a significant variance that should get more public input, versus a small variance that doesn't require a robust review. We also heard about the desire to implement the same approach as HRM when it comes to notifying residents about an application for a variance, where property owners within 100m of the applicant's property are notified by mail.

Feedback around the intent was also very positive and many residents were glad to see this new addition to the LUB. Some suggestions for improvements included:

- Adding language around the protection of viewplanes, as well as protection against nuisances like noise, odor, light pollution, etc.
- Amending the language to better balance the interests of residents (currently feel as though it is heavily favouring business owners)
- Adding language around the importance of allowing residents to benefit from hosting the world (lining this up with the language in the Master Plan) - including the establishment of a fund that could be used to help residents with property upkeep
- Add a definition for Primary Residence
- Update Fishing Related Industry definition to only include commercial fishing

## Residential Uses

The general consensus was that the approach to residential development in the Cove does a good job of protecting the community character, while allowing for more dwelling units to be built in the future. This aligns with the community's vision to increase the population of the Village and promote it as a place to live, not just to visit. Some concern was raised around the allowance of three-storey buildings and a fear that this coupled with the maximum footprint could result in apartments or homes that do not fit with the community character and they would like to see the approach amended to address this.

Another concern raised during the public meeting focused on the pattern of buildings in Peggy's Cove and how the variation is part of what makes the area special. The concern was that because there can be three main buildings on a lot and the minimum distance between them is only 3.0 metres, that this could result in new developments not adhering to the irregular pattern and instead be lined up in a more traditional building pattern, changing the character of the community. There is a strong desire to see the irregular building pattern continue with new developments.

The topic of Short Term Rentals (STRs) was also widely discussed during the community meeting. Residents want to ensure that the LUB promotes the preservation of residential building stock for residential purposes. Though many thought that the approach taken in the LUB addresses this, there needs to be greater clarity around short term rentals in the residential zone. Some feel that the rules around STRs need to be more

explicitly stated - namely that STRs are only permitted in second or third main buildings if the owner resides in the first main building on the lot. Many meeting attendees were supportive of this approach, as it allows for STRs, which are seen as an important offering in the Cove, while ensuring it is benefiting residents and not external private interests who do not reside in the community.

Subdivision was another topic that came up in discussion. Meeting attendees wanted to see clarity around the rules for subdivision addressed in the LUB (a link to the HRM subdivision bylaw was noted as a helpful addition to electronic documents) and whether there were any additional considerations specific to Peggy's Cove that should be clearly explained.





## Commercial Uses

Commercial uses were the most widely discussed topic during the consultation period. Many feel that the approach taken by the Draft LUB is good, but there was not consensus on the boundaries of the Core Use Zone. Most people feel that the properties currently zoned Core Use in the Draft are appropriate, but that it should be extended to include other properties. The only exception is one parcel where the Core Use Zone crosses into a wetland - there is desire to see this boundary adjusted.

Some feel that the current Core Use Zone disproportionately benefits non-residents and leaves residents with significant limitations of what they can do from a commercial standpoint within the residential zone (relegated to the uses permitted under the home-based business provision).

Suggestions and requests for Core Use Zone expansion included:

- The properties around the Sou'wester, most notably the road frontage to the north and the entirety of the building footprint including the new decks
- The first two parcels along Lobster Lane, closest to the new washroom
- Both sides of Peggy's Point Rd. from the deGarthe monument to the gate rocks, with a similar depth to that applied to the south side of Peggy's Point Rd. in the current Draft LUB
- All the way to the main road, past Rocky Road
- The lone residentially zoned property at the end of the loop

Although there are suggestions of expanding the Core Use Zone, there is still a strong feeling in the community that this zone needs to have constraints to limit the volume of businesses. A few residents are concerned about the extent of the zone and the impacts that it could have on adjacent residential properties.



The approach to Home-Based Businesses (HBB) was widely accepted, with very few exceptions. One resident noted that food takeout as a HBB could create a lot of foot traffic and cause nuisance to the surrounding residents. Another resident asked for clear descriptions of the different types of HBBs to ensure that the community understands the parameters.

The approach to accommodations and "B&Bs" was also widely supported and feel that the Draft LUB is moving in the right direction. Some meeting participants noted that accommodations are an important part of the community and that this is a use that should be encouraged, but acknowledge that this should not be as a result of a loss of housing stock.

A few other points of clarification were requested during the consultation period regarding commercial uses. These included:

- Garage sales and yard sales
- Paid parking as a commercial use
- Greater detail to the definition of vending
- Where buskers fall into the discussion and how are they regulated
- Definitions within "retail sales", such as greater clarity on what constitutes "substances"

Other concerns and comments relating to commercial uses included:

- Regulating the development of "chain-stores" in the Cove
- Split zoning on properties - clarity around why this is being applied in one part of the community and not others
- "Licensed tracts of land" provision from previous LUB - is that included anywhere in the new LUB?
- Rising tax rates with more commercial development in the Cove
- The old right-of-way where the road used to be - how will this be treated?

## Architecture & Design

The approach to architecture and design controls was widely supported. Meeting participants felt that the Draft LUB added clarity and removed unnecessary and outdated provisions.

Some architecture and design elements were specifically addressed during the discussion, such as metal roofs and window trim colour. Metal roofs are widely accepted as an appropriate option for Peggy's Cove, but some residents want to see some restrictions around roof colour and see these limited to more muted, natural palettes. In terms of window trim, no one had a strong opinion about regulating this and the general consensus was that residents should be able to choose the colour they prefer.

Some additional comments we heard about architecture and design controls included:

- A provision that prevents circumventing window regulations by installing large glass doors
- A clear definition of what a "deck" is and how decks that cross lots are considered (how deck area is calculated and applied)
- A provision around stand-alone solar collection systems
- Clarity around what can be done as of right, and what needs to go through a specific process for approval
- Hope that the appointment of a Development Officer will speed up the process and make development and building updates much easier for residents and property owners

Signage also came up in discussion and there is a desire to see menu boards, secondary wall signage, changeable message signs (for event listings, etc.) and sign lighting provisions added or clarified within the LUB.

## The Fishing Zone

The approach to preserving the active fishery zone was widely supported by meeting participants. Many at the meeting reiterated the importance of the fishery to the character of Peggy's Cove and felt that the boundaries for the Fishing Zone were appropriate, except for one request to extend the zone to the waterfront of 165 and 167 Peggy's Point Road.

Despite strong support for the Fishing Zone, there were some requests for clarity on some aspects of the LUB as it pertains to fishing. Areas where clarification is required include:

- Adding language that promotes the ability for "teaching" within the Fishing Zone
- Accessory buildings in the Fishing Zone - are these permitted? Are there restrictions around what type of accessory building (i.e. garage)?
- Better definition of 2.2.1(c) - does this include the conversion of fishing industry properties into dwellings?
- Can dwellings within the Fishing Zone operate a Home-based Business?
- Do we need to add language for house boats?
- The definition of "preserved" products - does this include cooked products?
- How does marine engine repair differ from automotive repair - suggestion to revisit the list of examples given in the LUB

Some meeting participants want to see the use of recreational boats regulated to mitigate impacts on the fishing industry. One participant suggested that jet skis and motorized recreational boats should not be allowed.

## Community & Conservation

There were some concerns around the areas designated as "Community Zone" in the Draft LUB. The most widely discussed were the lands around the Sou'wester with many questioning why privately owned land would receive this designation. There was also a suggestion that the small vacant Church parcel along the Peggy's Cove Road be added to the Community Zone (it is currently zoned Residential).

Many meeting participants spoke of the importance of limiting parking lot development in both the Community and Conservation Zones, but especially in the latter. There is some desire to see a formalized footpath developed between the two existing parking lots, as currently visitors are





walking across private properties to get between the two, causing unnecessary impacts on the local environment. Formalized trails were not a desired use in the Conservation Zone, as it has the potential to increase foot traffic and cause adverse environmental impacts.

There was also some desire to see the white rocks around the lighthouse zoned Conservation instead of Community. During the initial phase of consultation, we heard that the white rocks are an integral part of the community's character, and zoning them Conservation would ensure they are protected long term.

There was much discussion around the provisions for temporary special events and meeting participants felt this section of the LUB required additional consideration. Some felt that the current Draft regulations are too heavy handed. Due to the seasonal nature of tourism in the Cove, some meeting participants

felt that this would hinder the community's ability to capitalize on the season and provide world-class experiences for tourists. Other participants felt that allowing 2 special events lasting up to 5 days each on everyone's property could have negative impacts on residents due to nuisances like noise and light pollution.

Some areas where clarifications or changes were requested included:

- More clarity around what constitutes a special event (and what doesn't)
- Inclusion of allowances for small scale fundraising activities associated with the Church, or a community garage sale, etc.
- Allowing a Farmer's Market use
- Approach for events that are not only on one property, such as Paint Peggy's Cove
- An overall management approach to arts and culture events in the community (recognizing this is likely outside of the scope of work for the LUB)

## General Comments

We heard from some meeting participants that the timeline for adoption of the LUB feels rushed and they would like the opportunity to see the updated document before it is adopted by the Peggy's Cove Commission. Due to the importance of this document to the everyday lives of residents and property owners in the Cove, some would like to see a final review period added.



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