



PLANNING ADVISORY COMMITTEE MEETINGS

MONDAY, JULY 23, 2018

9:00 a.m.

COUNCIL CHAMBERS

A G E N D A

PLANNING ADVISORY COMMITTEE MEETING

1. Meeting to Order
2. Roll Call
3. Amendments to Agenda
4. Approval of the Agenda
5. Approval of Minutes
6. Business Arising from the Minutes
7. Disclosure of Conflict of Interest Issues
8. Business
9. Other Business
 - a. Recommendations Report for Draft Municipal Planning Strategy (MPS) and Land Use Bylaw (LUB) – Sections 3.5 and 3.6 of the MPS. (Planning & Development Services Staff) 1
10. Correspondence
11. Date of Next Meeting – July 24, 2018 – 9:00 am
12. Public Comments
13. Adjournment

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Municipality of the County of Kings
Report to the Planning Advisory Committee
Recommendations Report
July 23, 2018
Prepared by: Planning and Development Services

1. INTRODUCTION

Over the past several months, Staff have been seeking direction from the Planning Advisory Committee related to edits to the Draft Municipal Planning Strategy (MPS) and the Draft Land Use By-law (LUB) in order to produce what is known as a 'red-line' version of the document where additions, deletions and edits are tracked and can be reviewed.

On [December 18, 2017](#), the Planning Advisory Committee provided recommendations related to the Shoreland Designation and Alternative Energy sections based on comments from the public. On [January 22, 2018](#), [May 4, 2018](#) and on May 8, 2018 the Planning Advisory Committee provided direction on Growth Centre policies. The meetings in May adopted a new approach wherein staff reviewed each of the policies of the Municipal Planning Strategy with committee members, as opposed to only reviewing comments from the public on a given section. Subsequent meetings in May and June reviewed the balance of the policies in Section 2 of the MPS as well as policies contained in section 3.0, 3.1, 3.2 and 3.3 of the draft Municipal Planning Strategy. On [July 10, 2018](#), [July 13, 2018](#), and [July 19, 2019](#) the Planning Advisory Committee reviewed section 3.4 of the draft Municipal Planning Strategy that provides policy direction with regard to lands within the Agricultural Designation.

This report includes a summary of direction provided by Planning Advisory Committee with regard to recommendations and comments related to section 3.5 Shoreland Designation. This report also provides information related to comments received with regard to section 3.6 Resource Designation. A final report summarizing any comments received and staff recommendations on Section 5 of the MPS will be released at a later date.

2. RECOMMENDATIONS

2.1 SECTION 3.5 – SHORELAND DESIGNATION

2.1.1 Summary of Motions

2.1.1.1 Placement of Lakeshore Zones

On December 18, 2017, the Planning Advisory Committee reviewed comments from the public related to the application of the Lakeshore Residential (S1) Zone and the Lakeshore Limited Development (S2) Zone. The public indicated that there was interest in having more restrictive zoning on lakes that had met the maximum dwelling count or lakes that have demonstrated poor water quality. Staff indicated that the Lakeshore Residential (S1) Zone had been applied to areas of existing development and the Lakeshore Limited Development (S2) Zone had been applied to areas on lakes that were part of the Municipality's Lake Monitoring Program that exhibit less development or are part of a Special Character Area.

The Planning Advisory Committee passed the following motion:

That the Planning Advisory Committee direct staff to maintain the placement of the Lakeshore Residential (S1) Zone and Lakeshore Limited Development (S2) Zones as described in Map 1 of the Land Use Bylaw.

2.1.1.2 Lakeshore Limited Development (S2) Zone

On December 18, 2017, Planning Advisory Committee discussed the requirements of the Lakeshore Limited Development (S2) Zone. Some members of the public indicated that more should be done through this zone to protect the lakes. Other members of the public believed that lot requirements of a minimum of 400 feet of lakeshore and road frontage would make lots unaffordable.

The Planning Advisory Committee passed the following motion:

That the Planning Advisory Committee direct staff to amend the Lakeshore Limited Development (S2) Zone by including a maximum building footprint chart.

2.1.1.3 Shoreline Treatment in Lakeshore Zones

On December 18, 2017, the Planning Advisory Committee discussed matters related to vegetation around lakes and the benefits resulting from the vegetation with regard to protecting lake water quality. Members of the public suggested that stronger language around the requirement for natural vegetation within the required shoreline setback.

The Planning Advisory Committee passed the following motion:

That the Planning Advisory Committee direct staff to amend the Lakeshore Residential (S1) and Lakeshore Limited Development (S2) Zones by placing greater restriction on the removal of vegetation along the shoreline.

2.1.1.4 Island Development

On December 18, 2017, the Planning Advisory Committee reviewed comments from the public related to the development of islands within lakes in the Municipality. Members of the public had expressed concerns regarding development on islands.

The Planning Advisory Committee passed the following motion:

That the Planning Advisory Committee direct staff to amend the County Zoning Map of the draft Land Use Bylaw by re-zoning all islands, except Dodge Island in Aylesford Lake, to the Lakeshore Limited Development (S2) Zone.

2.1.1.5 Protection of Lakes through the use of Lake Monitoring Data

On December 18, 2017, the Planning Advisory Committee discussed the Lake Monitoring Program and the use of the data collected. Members of the public expressed concern with development around lakes that have reached their capacity.

The Planning Advisory Committee passed the following motions:

That the Planning Advisory Committee direct staff to amend the policies of the Shoreland Designation by requiring that all new development within the Lakeshore Residential (S1) and Lakeshore Limited Development (S2) Zones take place through Site Plan Approval.

That the Planning Advisory Committee direct staff to amend the Shoreland Designation policies by replacing the policies that limit the re-zoning of the Lakeshore Residential (S1) Zone based on the maximum lake percentages with a policy that prohibits any re-zoning to the Lakeshore Residential (S1) Zone.

2.1.1.6 Outdated Septic Systems

On December 18, 2017, the policies related to outdated septic systems were discussed by the Planning Advisory Committee. Concern was expressed by one member of the public about outdated septic systems. Staff reported that this was a responsibility of Nova Scotia Environment.

The Planning Advisory Committee passed the following motion:

That the Planning Advisory Committee affirm the Draft Land Use Bylaw as it relates to outdated septic systems.

2.1.1.7 Development Agreement Option for Large or Unique Developments

On December 18, 2017, the Planning Advisory Committee discussed comments from the public related to policies 3.5.18 and 3.5.19 related to a development agreement option for large or unique developments on lakeshores. Members of the public had expressed concern with this option.

The Planning Advisory Committee passed the following motion:

That the Planning Advisory Committee direct staff to amend the Shoreland Designation policies by removing the development agreement option for large and unique developments.

2.1.1.8 Tidal Shoreland Zone

On December 18, 2017, the Planning Advisory Committee reviewed the topic of the application of the Tidal Shoreland Zone. There were comments from the public both expressing support for the application but others that expressed concerns with implications related to different regulations for Home Based Businesses, reduced lot requirements or permissions for recreational vehicles and cabins.

The Planning Advisory Committee passed the following motion:

That the Planning Advisory Committee direct staff to review the extent and location for the Tidal Shoreland (T1) Zone in an effort to minimize the loss of development rights for properties not directly on the coastline.

2.1.1.9 Recreational Vehicles

On December 18, 2017, the Planning Advisory Committee discussed proposed permissions for Recreational Vehicles, both as an alternative to a permanent dwelling or a recreational cabin and proposed permissions for visiting recreational vehicles. Members of the public generally supported recreational vehicles as a permanent use, but there were concerns with regard to visiting recreational vehicles.

The Planning Advisory Committee passed the following motion:

That the Planning Advisory Committee direct staff to amend the draft Land Use Bylaw by removing Section 9.3.4.4(d) i and ii. which are the provisions permitting visiting Recreational Vehicles in all zones within the Shoreland Designation.

2.1.1.10 Recreational Cabins

On December 18, 2017 and on January 22, 2018, the Planning Advisory Committee discussed permissions for recreational cabins in the lakeshore zones. There was both support and concerns expressed by members of the public in this regard.

The Planning Advisory Committee passed the following motion:

That the Planning Advisory Committee affirms the draft Land Use By-law as it relates to recreational cabins within the lakeshore zones.

2.1.1.11 Houseboats on Lakes

On December 18, 2017, the Planning Advisory Committee discussed the matter of houseboats on lakes in the Municipality. Concerns had been raised by members of the public on this topic. A legal opinion had been received that indicated that the Municipality's jurisdiction extends to lands covered by water and can adopt regulations related to activities on that land.

The Planning Advisory Committee passed the following motion:

That the Planning Advisory Committee direct staff to amend the County Zoning Map of the draft Land Use Bylaw by rezoning all land under the lakes to the Environmental Constraint (O1) Zone.

2.1.1.12 Outhouses in the Lakeshore Zones

On December 18, 2017 and on January 22, 2017, the Planning Advisory Committee discussed shoreline setbacks for outhouses. There had been concerns from the public related to water quality being negatively impacted as a result of outhouses that might be located too close to shorelines.

The Planning Advisory Committee passed the following motion:

That the Planning Advisory Committee direct staff to increase the shoreline setback distance for outhouses within lakeshore zones from a minimum of 65 feet to 100 feet.

2.1.1.13 General Criteria for Rezoning and Development Agreements

On December 18, 2017, staff recommended that the Planning Advisory Committee include in the list of general criteria used to assess applications for development agreements and rezoning a consideration of the impact the proposed development would have on lake water quality.

The Planning Advisory Committee passed the following motion:

That the Planning Advisory Committee direct staff to amend the General Development Agreement and General Land Use by-law amendment criteria to include protection of lake water quality.

2.2 SECTION 3.6 – RESOURCE DESIGNATION

2.2.1 Comments from the Public

There were comments from the public suggesting that there needed to be better recognition of the need to protect forests. There was also one comment that was opposed to a maximum front yard setback within the Resource (N1) Zone.

Staff are prepared to include more information on the importance of the Forestry Sector within the contextual text of the draft Municipal Planning Strategy.

2.2.2 Staff Recommendations

There are no staff recommendations.

3. APPENDICES

Appendix A – Recommendations Charts

Appendix A – Recommendations Charts

Shoreland Recommendations

No. of Responses	Topic	Nature of Comments	Related MPS Policy(ies)	Related LUB Section(s)	Staff Recommendation	Rationale
5	Placement of the Lakeshore Residential (S1) and Lakeshore Limited Development (S2) Zones	Members of the public felt that more restrictive zoning should be placed around lakes that have reached their maximum dwelling count or have demonstrated poor water quality	3.5	-	No change to current draft	<p>Lakes that are not currently developed or part of the lake monitoring program have had the Resource (N1) Zone applied along the shorelines. This zone does not allow for development on private roads. The Lakeshore Residential (S1) Zone is placed around portions of lakes that contain existing residential development. The Lakeshore Limited Development (S2) Zone is placed around lakes or portions of lakes that are part of the Municipality’s Lake Monitoring Program and are less developed or considered Special Character Areas.</p> <p>Motion of December 18, 2017:</p> <p>That the Planning Advisory Committee direct staff to maintain the placement of the Lakeshore Residential (S1) and Lakeshore Limited Development (S2) Zones as described in Map 1 of the Land Use Bylaw.</p>
7	Lakeshore Limited	Members of the	3.5.5, 3.5.6,	9.4	Maintain a 3-acre minimum lot	The Lakeshore Limited Development (S2) Zone

	Development (S2) Zone	public felt that the Lakeshore Limited Development (S2) Zone should do a better job of protecting lake water quality. A few people commented that the minimum required frontage proposed for this zone may result in lots being unaffordable	3.5.7 and 3.5.8		size, reducing the minimum shoreline and road frontage from 400 ft to 250 ft and including the maximum building footprint chart from the Lakeshore Residential (S1) zone in the Lakeshore Limited Development (S2) zone. (see recommendation 6 regarding Site Plan requirements)	requires larger lots to reduce need for clearing and for additional lakeshore septic systems, all with the intent to balance water quality protection with development opportunities. Motions of December 18, 2017: That the Planning Advisory Committee direct staff to amend the Lakeshore Limited Development (S2) Zone by including a maximum building footprint chart.
6	Shoreline treatment in lakeshore zones	Members of the public suggested that stronger wording should be used to ensure that natural vegetation within the required shoreline setback be maintained. Some also believed that the Municipality should be regulating the use of chemical	3.5.4, 3.5.5 and 3.5.6	9.3 and 9.4	Amend the zone regulations within the Lakeshore Residential (S1) Zone and the Lakeshore Limited Development (S2) zone regulations by limiting vegetation removal within the required shoreline setback (see recommendation 6 regarding Site Plan requirements).	Shoreline vegetation helps to protect water quality. Motion of December 18, 2017: That the Planning Advisory Committee direct staff to amend the Lakeshore Residential (S1) and Lakeshore Limited Development (S2) Zones by placing greater restriction on the removal of vegetation along the shoreline.

		fertilizers along the shoreline				
3	Island development	Members of the public expressed concerns with development on islands that have running water, but no septic system	3.5.4, 3.5.5	9.3, 9.4	No change to current draft Zone all islands Lakeshore Limited Development (S2)	Island development requirements are the same as those for mainland development. Since electrical installation is rare on the islands, sanitary waste disposal is limited to outhouses. In order to protect lake water quality, larger minimum required lot areas are recommended. Motion of December 18, 2017 That the Planning Advisory Committee direct staff to amend the County Zoning Map of the draft Land Use Bylaw by re-zoning all islands, except Dodge Island in Aylesford Lake, to the Lakeshore Limited Development (S2) Zone.
21	The use of lake monitoring data and protection of lake water quality	Members of the public emphasized the need to protect lake water quality and had particular concerns with development around lakes that have already reached their capacity	3.5.8, 3.5.10 and 3.5.12	9.3, 9.4	1. All new development within the Lakeshore Residential (S1) and Lakeshore Limited Development (S2) zones take place through Site Plan approval. 2. That the chart indicating maximum percentage of land within the Shoreland Designation that can be zoned Lakeshore Residential (S1) in Section 3.5.8 of the draft MPS, be removed and that staff, in	Site Plan approval can minimize and mitigate negative impacts that can occur as a result of lakeshore development. For more information on this recommendation, please see Appendix A to the report dated December 18, 2017. . Motions of December 18, 2017: That the Planning Advisory Committee direct staff to amend the policies of the Shoreland Designation by requiring that all new development within the Lakeshore Residential

					<p>partnership with the Lake Monitoring Technical Advisory Committee, to undertake a detailed review of the Lake Capacity Model as it relates to the Shoreland Designation policies.</p> <p>3. In the meantime, the MPS should specify that Council will not consider any re-zoning to the Lakeshore Residential (S1) Zone.</p>	<p>(S1) and Lakeshore Limited Development (S2) Zones take place through Site Plan Approval.</p> <p>That the Planning Advisory Committee direct staff to amend the Shoreland Designation policies by replacing the policies that limit the re-zoning of the Lakeshore Residential (S1) Zone based on the maximum lake percentages with a policy that prohibits any re-zoning to the Lakeshore Residential (S1) Zone.</p>
1	Outdated septic systems	One member of the public thought that the Municipality should be doing something about developments with outdated septic systems around the lakes	3.5.11	N/A	No change to current draft	<p>While staff agree that outdated septic systems are likely having a negative impact on lake water quality, the Municipality only has the jurisdiction to ensure that existing septic systems are adequate as part of the issuance of permits for new or renovated dwellings; NSE is otherwise the governing body.</p> <p>Motion of December 18, 2017:</p> <p>That the Planning Advisory Committee affirm the draft Land Use Bylaw as it relates to outdated septic systems.</p>
15	Development Agreement option for large or unique developments in the	Members of the public felt that this development agreement option	3.5.18, 3.5.19 and 2.7.15	9.3.5, 9.4.5	Remove Development Agreement option for large or unique developments in Lakeshore Residential (S1)	<p>Staff heard from the public that the wording for the Development Agreement option was too vague. This Development Agreement option was intended to allow for uses such as resorts, campgrounds and</p>

	lakeshore zones	was not specific enough to ensure appropriate development around the lakes			and Lakeshore Limited Development (S2) Zones. Amend Section 2.7.15 of the recreation policies to allow the Commercial Recreation (P1) Zone within the Shoreland Designation.	summer camps to locate in the Shoreland Designation. Staff found that resorts can be contemplated through a Development Agreement option for tourist-related uses (including within the Shoreland Designation) is located in section 2.5.12. Campgrounds are permitted within the Commercial Recreation (P1) Zone. All zones within the Shoreland Designation should be permitted to re-zone to the P1 zone as long as certain criteria (e.g. the property is located on a public road) are met. Recommendation 9, below, addresses the use of summer camps within the Shoreland Designation. Motion of December 18, 2017: That the Planning Advisory Committee direct staff to amend the Shoreland Designation policies by removing the development agreement option for large and unique developments.
7	Tidal Shoreland (T1) Zone	Members of the public either supported the proposed T1 zoning or expressed concerns regarding the restrictions on	3.5.14 and 3.5.16	9.5	Tidal Shoreland (T1) Zone standards remain as is. Review the extent and location of the Tidal Shoreland (T1) Zone.	Permitted uses are consistent with MPS policy to concentrate residential development along the marine coast. The Tidal Shoreland (T1) Zone has been applied to all land currently zoned Coastal Shoreland (CS), certain lands along the marine coast zoned Country Residential (R6), as well as all current Hamlets that are located along the coast. Comments from the

Home Based Businesses, reduced lot requirements or the fact that RVs and recreational cabins are permitted

public have revealed that this application of the zone may result in an unintended loss of development rights related to home businesses for some properties that would be more appropriate in the Rural Mixed Use (A2) Zone. Some of properties currently listed in T1 many be more approximately listed within other zones (this will be reflected in an updated map).

Motion of December 18, 2017:

That the Planning Advisory Committee direct staff to review the extent and location of the Tidal Shoreland (T1) Zone in an effort to minimize the loss of development rights for properties not directly on the coastline.

Other Shoreland Recommendations

No. of Responses	Topic	Nature of Comments	Related MPS Policy(ies)	Related LUB Section(s)	Staff Recommendation	Rationale
22	Recreational Vehicles in Shoreland zones	Members of the public generally supported allowing RVs as a main use on a property as long as it is required to hook up to a NSE approved septic system. Many members	N/A	9.3,9.4,9.5 and 9.6	Permit RVs as a main use on a property, and remove provision for 30-day visiting RVs.	Main use RVs are strictly regulated, requiring qualified septic approval and current vehicle registration, unlike visiting RVs which are proposed to not require septic connection and could therefore disturb water quality. Motion of December 18, 2017:

		of the public expressed concerns with the visiting RV provision because of difficulty with enforcement and possible lake water contamination				That the Planning Advisory Committee direct staff to amend the draft Land Use Bylaw by removing Section 9.3.4.4 (d) I and ii. which are the provisions permitting visiting Recreational Vehicles in all zones within the Shoreland Designation.
4	Permitting recreational cabins in the lakeshore zones	Two members of the public were in favour of allowing recreational cabins, one member of the public was against any development around the lakes that is not hooked up to a septic system and one members of the public was against recreational cabins located in the Tidal Shoreland Zone where they will negatively impact land values	N/A	9.3, 9.4, 9.5 and 9.6	No change to current draft.	When a recreational cabin is permitted as a main use the owner is required to verify that the cabin has a valid septic system approval, but is not required to install a system. This allows for lakeshore development without the large investment needed to build a one unit dwelling. Motion of January 22, 2018: That the Planning Advisory Committee affirms the draft Land Use By-law as it relates to recreational cabins within the lakeshore zones.
Staff	Development on remote lakes	Staff initiated recommendation	N/A	N/A	Staff are seeking direction from the Planning Advisory Committee on whether to include a Development Agreement option to allow Council to consider the development of remote lakes	Staff have heard from some members of the public that they would like the opportunity to have residential development around some of the more remote lakes on the South Mountain plateau. These are lakes that may or may not currently do not have any development on them and would not be available for development because we do not allow for new public

					in the Municipality.	<p>or private roads within the Resource (N1) Zone.</p> <p>Possible criteria that would be used to assess the appropriateness of the application for a Development Agreement include the following:</p> <ol style="list-style-type: none"> 1. Available to properties located in the Resource (N1) or Limited Lakeshore Development (S2) Zones only 2. Must be facilitating development within 300 feet of a lake shore 3. Water monitoring program needs to be established along with baseline condition 4. Access by an existing access road 5. Development would be subject to Lakeshore Limited Development (S2) zone requirements <p>Motion defeated at meeting of December 18, 2017.</p>
8	Houseboats on lakes	Members of the public expressed concerns that houseboats pose a risk to lake water quality and do not meet the more stringent requirements imposed on dwellings on land	N/A	N/A	Zone land under the lakes	<p>A municipality's jurisdiction applies to land and land covered by water (non-tidal areas). A Land Use By-Law cannot supersede the authority of Provincial law.</p> <p>Provincial regulations govern moorings.</p> <p>If a structure is attached permanently to the bottom of the lake, a municipality can be the authority having jurisdiction. If the structure, such as a houseboat, is attached by mooring the Province is the authority having jurisdiction.</p> <p>To the extent the Province does not have jurisdiction then a municipality can regulate.</p> <p>The Municipality of should encourage the Province to</p>

actively exercise its jurisdiction.

Motion of December 18, 2017:

That the Planning Advisory Committee direct staff to amend the County Zoning Map of the draft Land Use Bylaw by rezoning all land under the lakes to the Environmental Constraint (O1) Zone.

Residential development does not require septic connection, but requires only confirmation of capacity for septic systems. NSE permits outhouses, but a minimum setback may help to protect lake water quality.

Motion of January 22, 2018:

That the Planning Advisory Committee direct staff to increase the shoreline setback distance for outhouses within lakeshore zones from a minimum of 65 feet to 100 feet.

Lake water quality protection is a key MPS policy.

Motion of December 18, 2017:

That the Planning Advisory Committee direct staff to amend the General Development Agreement and General Land Use By-law amendment criteria to include the protection of lake water quality.

5	Outhouses in the lakeshore zones	Two members of the public supported the use of outhouses as long as they were properly constructed and setback appropriately from the shoreline, other members of the public suggested that outhouses should not be permitted	N/A	9.3, 9.4	No change to current draft
3	General rezoning and Development Agreement criteria		5.3.7	-	Add lake water quality protection as a general rezoning and Development Agreement criteria.

Resource Recommendations

No. of Responses	Topic	Nature of Comments	Related MPS Policy(ies)	Related LUB Section(s)	Staff Recommendation	Rationale
10	Development in rural areas (private roads)	Members of the public expressed the need to protect our forests, one comment was against the maximum setbacks in the Resource (N1) Zone	2.2, 3.5, 3.6	N/A	No change to current draft	The MPS directs development in Growth Centres, and limits rural areas to resource uses, recreation uses, limited residential development and uses requiring large tracts of land, none of such uses which require development on private roads (with the exception of Shoreland zones). It is not the intent of Resource (N1) Zone to protect agricultural land. Reviewed on May 4, 2018. No motion passed.
9	Resource (N1) Zone	Members of the public expressed the need to protect our forests, one comment was against the maximum setbacks in the Resource (N1) Zone	3.6.9	10.3	Include more information on the importance of the Forestry Sector in the contextual section of the Resource (N1) Zone.	Forest protection is within provincial jurisdiction. Increasing the required road frontage in the Resource (N1) Zone would effectively limit residential development in the rural areas.

