

November 1, 2023

The Honourable Susan Corkum-Greek
Minister
Department of Economic Development
PO Box 2311
Halifax, NS B3J 3C8
VIA Email: EDminister@novascotia.ca

Dear Minister Corkum-Greek:

Re: Peggy's Cove Commission Draft Land Use Bylaw (LUB)

Please accept this letter and attachments as official submission of a revised Land Use Bylaw (LUB) for your review in accordance with the Peggy's Cove Commission Act.

The Peggy's Cove Commission (PCC) approved the proposed LUB as attached on October 13, 2023. Further, the Commission confirms that it has met its legislated obligations with respect to public notification and the hearing of objections. In fact, the PCC has exceeded its legislative requirements to provide ample opportunity for community input and feedback. Information on these requirements is attached.

As you are aware, the Commission has undertaken a substantial review process over the past one and a half years to update the LUB including:

- Hiring the planning consultant, UPLAND Planning + Design (UPLAND) through a tender process;
- Extensive consultation by UPLAND both on an individual and community level;
- Peggy's Cove LUB website set up by UPLAND to provide an outline of the review process, updates, and draft LUB for public review;
- Several town hall sessions with the PCC and interested community members to hear concerns and feedback;
- Opportunities for community input through written submissions
- Two Hearing of Objections sessions to hear public feedback on drafts.

Through extensive community engagement and work with our consultant, UPLAND, the proposed LUB addresses key concerns for the Peggy's Cove Preservation Area. Notably, the Commission would like to highlight the following updates:

- Inclusion of a new Statement of Intent for the LUB which will guide implementation and interpretation of the LUB;
- Clearer definitions of key concepts in the LUB to ensure users/residents to aid in the interpretation of clauses;

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- Creation of new zoning descriptions and rezoning of properties with the objective of balancing interests across property uses in the following zones:
 - o Residential Zone
 - o Fishing Industry Zone
 - o Core Zone
 - o Service and Facilities Zone and;
 - o Conservation Zone;
- Establishment of a Development Officer role to assist the PCC in implementing and enforcing the LUB. It has been raised by the community and become apparent to the PCC that a functional role with development skills is a necessary operational role for the LUB and is an important aspect of managing land use going forward.

We look forward to your review and are committed to working with the Department of Economic Development to implement the changes following approval.

If you have any further questions, please contact me at peggys.cove.commission@novascotia.ca

Sincerely,



Nicole Campbell

Chair, Peggy's Cove Commission

Attachments:

- Draft Peggy's Cove Land Use Bylaw
- Certificate
- Report of Objections
- Proof of Notice



Peggy's Cove

Land Use Bylaw



Approved: 2023.09.18
Adopted: 2023.10.13
Effective Date: XX
With Amendments To: N/A

SUMMARY OF AMENDMENTS

Description	Effective Date

GUIDE TO THIS LAND USE BYLAW

THIS PART IS FOR BASIC INFORMATION PURPOSES ONLY AND DOES NOT FORM AN OFFICIAL PART OF THE LAND USE BYLAW

This Land Use Bylaw controls development in Peggy's Cove. It is a legal document. The wording used in the document must be very exact, sometimes at the expense of easy reading.

This guide gives a plain explanation for figuring out what you can do on your land in Peggy's Cove, and how to get a development permit. Depending on the scope of your development, you may want to hire a professional to help you with the process. This could include a building contractor, planner, architect, surveyor, or engineer, depending on your development.

If you are doing any form of development in Peggy's Cove you will need to meet the rules in this Land Use Bylaw. You will also likely need a development permit from the Peggy's Cove Commission. Please note that the definition of "development" is relatively broad:

"Development means to erect, construct, expand, alter, relocate or reconstruct a building, structure or sign; any significant permanent change or alteration to land levels; and any change or alteration in the use made of land or structures."

1. **Check if a development permit is required:** Developments listed in Section 5.2 do not require a development permit. However, all development must still comply with this Land Use Bylaw, whether or not a permit is required.

You may also need to get other permits or approvals from Halifax Regional Municipality, utility companies, the Province, or the Federal Government. For example, you may need a building permit, driveway access permit, electrical permit, septic permit, wetland alteration permit, environmental assessment, business license, or more. The Land Use Bylaw does not regulate these matters; please reach out to the appropriate body to determine what permits they require.

2. **If you are subdividing land (creating or joining lots or adjusting lot lines):** The primary document for regulating subdivision is the Halifax Regional Subdivision By-law, which does apply to Peggy's Cove. However, Part 6 of this Land Use Bylaw includes lot standards applicable within Peggy's Cove, which are in addition to the Subdivision By-law. Halifax Regional Municipality administers the Halifax Regional Subdivision By-law. Please contact Halifax Regional Municipality for information on applying for land subdivision.

3. **If you are changing what types of activities happen on your property (the “use”):** Check Schedule ‘A’, the Zoning Map, to determine the use zone that applies to your property, or the area of your property where you want to do this development. Then check Table ‘7.B’ to see if the use you want is permitted in that use zone. Be aware that there may be special conditions outlined in Part 7 that affect your wanted use. An “accessory use” of the land may be permitted, but it must be secondary to another, “main” use on the land. For example, this Land Use Bylaw allows for home-based businesses that are secondary, or accessory, to a home.
4. **If you are altering the land; building a driveway, walkway, or other similar change to the landscape; renovating; or moving, building, or demolishing a building or structure (such as fence or deck):** Check Part 8 for the requirements for buildings, structures, architecture, and site design.
5. **If you are installing or modifying a sign:** Check Part 9 for signage requirements.
6. **If you are hosting a special event:** Check Section 7.13 for the requirements for special events. To be clear, an activity only needs to be considered under the special event provisions if it does not otherwise have a development permit for the use and any associated structures. For example, an outdoor theatre festival that needed a temporary stage could be permitted as a special event, while plays held in a building with a development permit for an assembly use or cultural use would simply be considered part of that use.
7. **If a development permit is required and you meet the requirements of this Land Use Bylaw:** Check Part 5 for the process and for the required information you must provide to apply for a development permit.
8. **If you cannot meet the requirements of the Land Use Bylaw:** It may be possible to apply to change the Land Use Bylaw to accommodate your proposal. This may involve changing the text of the Bylaw and/or “rezoning” your property by changing the Zoning Map. Check Section 10.7 to see the criteria the Peggy’s Cove Commission will use to assess your request. If you think you have a strong case for meeting those criteria, apply to the Commission as outlined in Section 10.3.
9. **If you do not understand a word or the precise way it is used in this Land Use Bylaw:** Check Part 11, Definitions.

PLEASE NOTE: This Bylaw uses the term “Preservation Area” to refer to the whole of Peggy’s Cove, including both the developed community and the conservation lands outside of the developed area. This is necessary in order to align with the *Peggy’s Cove Commission Act*. This may cause some confusion due to the common use of the term to refer just to the conservation lands.

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1 TITLE, AUTHORITY, & APPLICATION

1.1 Title

- 1.1.1 This Bylaw is the Peggy's Cove Land Use Bylaw, and may be cited as the "Land Use Bylaw" or "LUB".
- 1.1.2 This Land Use Bylaw may also be cited as "Bylaw" when used in a self-referential manner within the text.

1.2 Authority

- 1.2.1 This Bylaw is passed under the authority of the *Peggy's Cove Commission Act*. R.S. 1989, c. 339.

1.3 Application

- 1.3.1 This Bylaw applies to the Peggy's Cove Preservation Area as designated by the Governor in Council in accordance with the *Peggy's Cove Commission Act*.

2 PURPOSE & INTENT

2.1 Purpose

2.1.1 The purpose of this Bylaw is to carry out the Intent, as identified in Section 2.2, for Peggy's Cove by regulating the standards for lots; the use of land, buildings, and structures; and the height, bulk, location, size, spacing, and character of buildings.

2.2 Intent

2.2.1 The Intent to be carried out by this Bylaw is to ensure Peggy's Cove is an authentic, traditional fishing village; where people feel proud to live; families thrive; residents benefit financially from hosting the world; the authentic beauty of the community is evident; and in particular the following qualities are established and maintained:

- (a) the undeveloped lands along the Peggy's Cove Parkway (Route 333) are preserved as natural areas with human activities limited to passive recreation and scientific endeavors;
- (b) the community has a strong residential base, where residential uses are widely permitted, and where areas within the developed portion of the Peggy's Cove but not fronting on Peggy's Point Road are primarily residential in nature;
- (c) fishing industry uses are prioritized around the Cove itself, and uses that would encourage the conversion of existing fishing industry properties away from fishing purposes are not permitted;
- (d) public facilities and other community uses are considered throughout the developed portion of the Peggy's Cove, but do not overwhelm the character of the community;
- (e) stand-alone commercial uses are permitted along Peggy's Point Road, but are limited in scale and do not become the dominant land use within the community;
- (f) the small scale of buildings, the rugged natural landscape, and the irregular placement of buildings upon the landscape are preserved;
- (g) the architectural style of renovations and new buildings respects the fishing village vernacular, but is not necessarily identical to it;
- (h) development regulations help prevent nuisances and protect the quality of life for residents; and
- (i) development processes are clear, fair, and transparent.

3 INTERPRETATION

3.1 Certain Words

3.1.1 In this Bylaw:

- (a) the words “must” and “will” mean the imperative or mandatory compliance;
- (b) the word “may” means discretionary compliance or a choice in applying a regulation;
- (c) the word “should” indicates a preference, but not obligation;
- (d) words used in the plural include the singular, and words in the singular include the plural; and
- (e) gendered words will be interpreted to mean any gender.

3.2 Conflict

- 3.2.1 In the case of any conflict between the text of this Bylaw and any maps or drawings used to illustrate any aspect of this Bylaw, the text will take priority.
- 3.2.2 Colour coding throughout this Bylaw and the Zoning Map is for ease of reference only and the text of the Bylaw will take priority.
- 3.2.3 In the case of any conflict between a number written in numerals and a number written in letters, the number written in numerals will take priority.
- 3.2.4 In the case of conflict between a written zone name and a zone symbol, the written zone name will take priority.

3.3 Definitions

- 3.3.1 For the purposes of this Bylaw, words have the meaning or meanings assigned to them in Part 11 - Definitions. Where a word is not defined in Part 11 the word has the meaning assigned to it in the *Peggy’s Cove Commission Act* or the *Interpretation Act*. Where a word is not defined in Part 11 or either of the Acts, the word has the meaning or meanings assigned by the most recent edition of the *Oxford English Dictionary*.

3.4 Units of Measurement

- 3.4.1 This Bylaw uses the metric system of measurement.
- 3.4.2 Numerical measurements in this document may also be presented in other units; however, this is for convenience only.
- 3.4.3 If a metric measurement conflicts with its conversion in another unit, the metric measurement will take priority.

3.5 Interpretation of Use Zone Boundaries

- 3.5.1 Boundaries of zones are determined as follows:
 - (a) where a zone boundary is indicated as following the boundary of the Peggy's Cove Preservation Area the zone boundary follows the Peggy's Cove Preservation Area boundary and the zone boundary will follow any changes in the Peggy's Cove Preservation Area boundary;
 - (b) where a zone boundary is indicated as following a boundary survey line as recorded at the Registry of Deeds or Land Registration Office, the boundary follows that line;
 - (c) where a zone boundary is indicated as following a street, private access, pathway, or controlled access highway the centerline of the street, private access, pathway, or controlled access highway as it existed on the effective date of this Bylaw is the boundary unless otherwise indicated;
 - (d) where a zone boundary is indicated as following a utility right-of-way, the centerline of the right-of-way as it existed on the effective date of this Bylaw is the boundary unless otherwise indicated;
 - (e) where a zone boundary is indicated as approximately following lot lines, the boundary follows the lot lines as they existed on the effective date of this Bylaw unless otherwise indicated;
 - (f) where a zone boundary is indicated as following the shoreline of a river, watercourse, lake, or salt water body, the mean high water mark is the boundary and the zone boundary will follow any changes in mean high water mark; and
 - (g) where none of the above provisions apply, the Development Officer will scale the zone boundary from the zoning map.

3.6 Severability

- 3.6.1 If any provision of this Bylaw is held to be invalid by a decision of a court of competent jurisdiction, that decision will not affect the validity of the remaining portions of this Bylaw.

3.7 Voting

3.7.1 For the purposes of this Bylaw:

- (a) a quorum is at least two thirds of the voting members of the Commission;
- (b) Commission decision-making is by majority vote; and
- (c) a tied vote is considered defeated.

4 ADMINISTRATION

4.1 Development Officer

- 4.1.1 The Commission must appoint a Development Officer, who is responsible for:
- (a) issuing development permits in compliance with this Bylaw;
 - (b) reporting to the Commission the case facts on any appeal of the Development Officer's decision to refuse or grant a variance or to refuse a development permit; and
 - (c) notifying the applicable property owner(s) of a violation of this Bylaw.
- 4.1.2 The Development Officer is considered the "building inspector" for the purpose of the *Peggy's Cove Commission Act*.
- 4.1.3 Until the Commission has appointed a Development Officer, or during times when the Development Officer position is vacant:
- (a) Subsections 5.9.2, 5.9.3, and 5.9.4 of this Bylaw are inactive;
 - (b) Section 5.10 of this Bylaw is inactive;
 - (c) Subsections 7.12.5 and 7.12.6 of this Bylaw are inactive; and
 - (d) all other references to the "Development Officer" in this Bylaw will be interpreted as referencing the Commission.

4.2 Licenses, Permits and Compliance with Other Bylaws

- 4.2.1 Nothing in this Bylaw exempts any person from complying with the requirements of the Building Bylaw for Halifax Regional Municipality or any other bylaw in force within the Preservation Area, or to obtain any license, permission, permit, authority, or approval required by any other bylaw of Halifax Regional Municipality, or statute or regulation of the Province of Nova Scotia or the Government of Canada.
- 4.2.2 The more stringent requirement applies if the provisions in this Bylaw conflict with those of any other municipal, provincial, or federal regulations, bylaws, or codes.

4.3 Restoration to a Safe Condition

4.3.1 The requirements of this Bylaw may be waived by the Development Officer to the degree necessary to enable the strengthening or restoring to a safe condition of any building or structure, provided that in the case of a building containing a non-conforming use, the provisions of Section 13 of the *Peggy's Cove Commission Act* will prevail.

4.4 Failure to Comply

4.4.1 Any person who violates a provision of this Bylaw is subject to prosecution as provided for under Section 15 of the *Peggy's Cove Commission Act*.

4.5 Repeal

4.5.1 The Peggy's Cove Land Use Bylaw approved by the Peggy's Cove Commission on November 23, 1993, as amended, is hereby repealed.

4.6 Existing Structures and Uses

4.6.1 A structure or use of land is deemed to exist on the effective date of this Bylaw if:

- (a) it has lawfully been constructed;
- (b) it has lawfully commenced;
- (c) it is lawfully under construction and is completed within a reasonable time; or
- (d) all required permits for its construction or uses were in force and effect, except that this will no longer apply if the construction or use is not commenced within 12 months after the date of the latest issuance of the development and building (as applicable) permits and construction is not completed within a reasonable time.

4.6.2 For the purposes of this Section, the Development Officer may consider a structure or use of land to be lawful if the Development Officer is satisfied a development permit could have been issued for the use or structure under the terms of the Land Use Bylaw in effect at the time the use commenced or the structure was built.

5 DEVELOPMENT PERMITTING

5.1 Development Permit Required

5.1.1 Unless otherwise stated in this Bylaw, no person is permitted to undertake a development within the Preservation Area without first obtaining a development permit from the Development Officer.

5.2 Developments not Requiring a Development Permit

5.2.1 The following developments do not require a development permit:

- (a) Interior renovations to a structure that do not result in a change in the number of dwelling units or a change in use of the structure
- (b) Replacement or repair of exterior materials on a structure using like materials
- (c) Replacement of roofing materials or exterior cladding with materials meeting the requirements of Section 8.8 or Section 8.9
- (d) Replacement or repair of driveways and parking areas with the same grade as existing
- (e) Painting, except where painting would create a new sign that requires a development permit
- (f) Signs smaller than 0.2 square metres in area, where signs are permitted
- (g) Fences and retaining walls less than 1.0 metre in height
- (h) Miscellaneous minor structures such as children's play structures, cold frames, garden trellises, clothes line poles, chicken coops, dog houses, and other similar structures
- (i) Accessory sheds and greenhouses with footprints that do not exceed 10.0 square metres
- (j) Decks and patios with surface areas that do not exceed 5.0 square metres
- (k) Special events meeting the requirements of Section 7.13
- (l) Temporary construction uses meeting the requirements of Section 7.14
- (m) Public and private utilities located within the street right-of-way
- (n) The making of a garden
- (o) Personal offices or studios meeting the requirements of Section 7.6
- (p) The instruction of one or two students at a time, meeting the requirements of Section 7.7

- (q) Signs permitted throughout the Preservation Area, as listed in Subsection 9.1.2 and 9.1.3
- (r) Outdoor commercial display meeting the requirements of Section 7.9
- (s) Storage of fishing vessels, gear, and related materials
- (t) Yard sales meeting the requirements of Clause 7.16.1(c)

5.3 No Exemption from Requirements

5.3.1 Every development is subject to the requirements of this Bylaw whether or not a Development Permit is required.

5.4 Form of Application

5.4.1 Applications for development permits must be made to the Development Officer in writing on an approved form and must, at a minimum, include:

- (a) the PID(s) of the lot(s) for which the permit is being applied;
- (b) the name of the property owner(s);
- (c) the applicant's name and contact information;
- (d) the signature of the property owner(s) or authorized agent;
- (e) a description of the existing use(s) of the land;
- (f) a description of any proposed new or changed use(s) of the land, if applicable;
- (g) a site plan, as detailed in Section 5.5;
- (h) floor plans and elevation drawings of any new proposed buildings; and
- (i) elevation drawings if the development involves alterations to existing buildings that would alter the roof pitch, building dimensions, or window dimensions.

5.5 Site Plan

- 5.5.1 Every application for a development permit must be accompanied by a plan of the proposed development, drawn to an appropriate scale and showing:
- (a) the true shape and dimensions of all lots to be used;
 - (b) the proposed location, height and dimensions of the building, structure, or work for which the permit is applied;
 - (c) the location and dimensions of all structures on the lot;
 - (d) the location of rights-of-way and easements within the subject property;
 - (e) the location and dimensions of all decks and patios on the lot;
 - (f) the proposed location and dimensions of parking spaces, loading spaces, driveways, solid waste storage areas, decks, patios, and landscaping areas, where applicable; and
 - (g) the location of all watercourses on the property.

5.6 Additional Site Plan Information

- 5.6.1 Where the Development Officer is unable to determine whether the proposed development conforms to this Bylaw, they may require that the plan submitted under Section 5.5 shows:
- (a) the location of every building erected upon any abutting lot;
 - (b) existing and proposed services; and/or
 - (c) a plan based upon a survey prepared by a Nova Scotia Land Surveyor.

5.7 Additional Studies and Plans

- 5.7.1 Where necessary to determine conformance with this Land Use Bylaw, the Development Officer may require the applicant to provide additional information at the necessary level of detail and, if necessary, prepared by the appropriate professional. Such additional information may include, but is not limited to:
- (a) site survey and/or site plan prepared and stamped by a Nova Scotia Land Surveyor;
 - (b) location certificate;
 - (c) topography and soil conditions of the subject site;
 - (d) watercourse delineation study;
 - (e) stormwater management plan;
 - (f) site grading plan; and/or
 - (g) any other information deemed necessary by the Development Officer.

5.8 Variance

- 5.8.1 The Development Officer may grant a variance in one or more of the following Land Use Bylaw requirements to the minimum degree necessary to alleviate site-specific hardships:
- (a) size or other requirements relating to setbacks;
 - (b) lot frontage or lot area, or both, if
 - i. the lot existed on the effective date of the bylaw, or
 - ii. a variance was granted for the lot at the time of subdivision approval;
 - (c) footprint and height of a structure;
 - (d) floor area occupied by a home-based business;
 - (e) height and area of a sign.
- 5.8.2 A variance must not be granted where:
- (a) the variance violates the intent of this Land Use Bylaw;
 - (b) the difficulty experienced is general to properties in the area; or
 - (c) the difficulty experienced results from an intentional disregard for the requirements of this Land Use Bylaw.
- 5.8.3 Development for which a variance has been granted must not commence until the expiry of the appeal period if no appeal is filed, as outlined in Subsection 5.10.3, or until an appeal is heard by the Commission and the Commission issues a decision upholding the variance.

5.9 Notice of Decision

- 5.9.1 The Development Officer must notify the applicant in writing of their decision to approve or deny a variance or development permit.
- 5.9.2 If the Development Officer denies a variance or development permit, the written notification must include the reason for denial and identify the applicant's right to appeal as provided for in Section 5.10.
- 5.9.3 The Development Officer should provide a notice of decision within 30 days of receiving a complete development permit application.
- 5.9.4 The Development Officer must issue notification, in writing, to all assessed property owners within the Peggy's Cove Preservation Area within seven (7) days of any decision to approve a variance and such notice must identify the property owner's right to appeal as provided for in Section 5.10.

5.10 Appeal

- 5.10.1 Applicants who are denied a variance or development permit may appeal the Development Officer's decision to the Commission.
- 5.10.2 Property owners within the Peggy's Cove Preservation Area may appeal the Development Officer's decision to approve a variance to the Commission.
- 5.10.3 Applicants or property owners wishing to appeal the Development Officer's decision must provide written application to the Commission within 14 days of the date the Development Officer's notice of decision is issued.
- 5.10.4 An application for appeal of the Development Officer's decision must include a rationale that outlines the basis for challenging the Development Officer's decision.
- 5.10.5 The Commission must notify the Development Officer of the application to appeal and the Development Officer must subsequently provide a report to the Commission, and copied to the appellant, outlining the facts of the development permit application and permit denial or variance approval or denial. The Development Officer should provide the report to the Commission and appellant within 30 days of being notified of the application to appeal.
- 5.10.6 The Commission must hold a hearing in which the Development Officer and the appellant or their designate are invited to speak.
- 5.10.7 The hearing should be held at the next regularly-scheduled Commission meeting following Commission receipt of the Development Officer's report, or at a special Commission meeting held no later than 30 days following Commission receipt of the Development Officer's report.
- 5.10.8 Notification of the hearing must be provided to the Development Officer and the appellant a minimum of seven (7) days prior to the hearing.
- 5.10.9 Following the hearing, the Commission must review the application and must make any decision the Development Officer could have made.
- 5.10.10 The Commission's review and decision regarding the appeal should occur on the same day as the hearing.
- 5.10.11 The Commission must notify, in writing, the Development Officer and the appellant of their decision and if the decision includes the issuing of a development permit the Development Officer must issue such permit.

6 LOT & SUBDIVISION STANDARDS

6.1 Minimum Lot Standards

- 6.1.1 Subject to the *On-site Sewage Disposal Regulations*, the minimum lot area for subdivision is 230 square metres.
- 6.1.2 The minimum lot frontage for subdivision is:
 - (a) 61 metres for lots fronting on Route 333;
 - (b) 61 metres in the Core Zone; and
 - (c) 6.1 metres elsewhere.
- 6.1.3 For greater clarity, these provisions are for the creation of new lots or the adjustment of existing lots and the Development Officer may issue a development permit for development on existing lots not meeting these standards.

6.2 Fish and Boat Shed Lots

- 6.2.1 Notwithstanding Section 6.1, the creation of an undersized lot for the accommodation of fish and boat sheds may be permitted if:
 - (a) it does not contain an on-site sewage disposal system or any part of an on-site sewage disposal system;
 - (b) it borders the ocean; and
 - (c) it is located in the Fishing Industry Zone.

6.3 Enlargement of Non-standard Lots

- 6.3.1 Notwithstanding Section 6.1, an existing lot that does not meet the requirements of this Bylaw may be increased in lot area and/or frontage as a result of an approved plan of subdivision and if the lot after enlargement still does not comply with this Bylaw the lot will continue to be considered an existing non-standard lot.

7 LAND USE

7.1 Use Zones and Zone Purpose

7.1.1 The main uses permitted on land within the Peggy's Cove Preservation Area are governed by use zones, the boundaries of which are shown on Schedule 'A', the Zoning Map.

7.1.2 The use zones, use zone symbols, and zone purpose of each use zone are outlined in Table 7.A.

Table 7.A: Use Zones

Use Zone Name	Symbol	Zone Purpose
Residential Zone	R	To prioritize and promote residential uses and associated community amenities.
Core Zone	COR	To enable a mix of residential, commercial, and community amenity uses that serve both the residents of Peggy's Cove and visitors to the community.
Service and Facilities Zone	S	To enable and preserve community and public uses and amenities.
Fishing Industry Zone	F	To protect and promote the commercial fishing industry.
Conservation Zone	CON	To strongly protect the integrity of high-value natural areas.

7.2 Permitted Main Uses

7.2.1 Table 7.B identifies the main uses of land permitted in each use zone, subject to the following scheme:

- (a) Main uses denoted with a "P" are permitted, subject to all requirements of this Bylaw and to any sections noted in the "Special Req's" column.
- (b) Main uses denoted with a "-" or not listed in the table are not permitted.

7.2.2 Multiple main uses are permitted on a lot if each main use meets all applicable requirements of this Bylaw.

7.3 Multiple Use Zones

7.3.1 If a lot contains multiple use zones:

- (a) main uses are only permitted on the portions of the lot within a use zone that would permit the main use (as outlined in Table 7.B); and
- (b) accessory uses are only permitted on the portions of the lot within a use zone that would permit the main use (as outlined in Table 7.B) to which they are accessory.

Table 7.B: Permitted Main Uses

	R	COR	S	F	CON	Special Req's
Accommodations	-	P	-	-	-	Subsection 7.4.3 & 7.4.4
Assembly Uses	-	P	P	-	-	Subsection 7.4.4 & 7.4.7
Cultural Facilities	-	P	P	P	-	Subsection 7.4.4 & 7.4.7
Daycare Centres	P	P	P	-	-	
Dwellings	P	P	-	P	-	Subsection 7.4.1
Fish Processing	-	-	-	P	-	Subsection 7.4.2
Fishing Related Industry	P	P	P	P	-	
Galleries	-	P	P	-	-	Subsection 7.4.4, 7.4.7, & 7.4.9
Interpretive Centres	-	P	P	-	-	Subsection 7.4.4
Marine Recreation Providers	-	P	-	P	-	
Medical Facilities	-	P	-	-	-	
Offices	-	P	P	-	-	Subsection 7.4.3 & 7.4.4
Parking Lots	-	P	P	-	P	Subsection 7.4.5
Parks and Playgrounds	P	P	P	P	-	
Personal Service Shops	-	P	-	-	-	Subsections 7.4.3, 7.4.4, & 7.4.7
Places of Worship	-	P	P	-	-	
Post Offices	-	P	P	-	-	
Restaurants	-	P	-	-	-	Subsections 7.4.3, 7.4.4, & 7.4.7
Retail Sales	-	P	-	P	-	Subsections 7.4.3, 7.4.4, 7.4.6, & 7.4.7
Schools	-	P	P	P	-	Subsection 7.4.8
Trails and Conservation Uses	P	P	P	P	P	
Water Access	P	P	P	P	-	
Workshops	-	P	-	P	-	Subsection 7.4.7

7.4 Special Use Requirements

- 7.4.1 Dwelling uses permitted in the Fishing Industry Zone are limited to existing dwellings.
- 7.4.2 Fish processing must not involve reduction.
- 7.4.3 The total combined commercial floor area of all offices, personal service shops, restaurants, accommodations, and retail sales on a lot, excluding floor area dedicated to a home-based business, is not permitted to exceed:
- (a) 200 square metres if the lot contains a dwelling; or
 - (b) 100 square metres if the lot does not contain a dwelling.
- 7.4.4 In addition to Subsection 7.4.3, the total combined commercial floor area of all offices, personal service shops, restaurants, accommodations, retail sales, assembly uses, cultural facilities, galleries, and interpretive centres, excluding floor area dedicated to a home-based business, on a lot is not permitted to exceed 300 square metres.
- 7.4.5 Parking lots in the Conservation Zone must:
- (a) be surfaced with gravel or permeable grid pavers;
 - (b) not exceed 250 square metres in area, exclusive of the driveway connection between the lot and the road but inclusive of circulation aisles; and
 - (c) be limited to the following locations:
 - i. one parking lot each on PIDs 40228363 and 40066938; and
 - ii. seven parking lots on PID 40038655.
- 7.4.6 Retail sales in the Fishing Industry Zone are limited to the sale of fishing gear and the sale of fishery products.
- 7.4.7 Assembly uses, cultural facilities, galleries, personal service shops, restaurants, retail sales, and workshops are not permitted to be open to the public outside the hours of 7:00 a.m. to 9:30 p.m., except in conjunction with a special event that meets the requirements of Section 7.13.
- 7.4.8 Schools in the Fishing Industry Zone are limited to vocational schools teaching skills related to the commercial fishery.
- 7.4.9 Despite the definition of gallery, galleries on PIDs 40038333 and 40038259 may include the on-site sale of art and craft as an accessory use.

7.5 Accessory Uses – General

7.5.1 Uses accessory to main uses are permitted in all use zones, subject to any additional requirements that apply to specific accessory uses in Sections 7.6 through 7.10, as applicable.

7.6 Accessory Uses – Personal Office or Studio

7.6.1 Nothing in this Bylaw may prevent, and no development permit is required for, the use of a portion of any dwelling or building accessory to a dwelling as a personal office or studio for residents of the dwelling if the personal office or studio is not intended to be visited by members of the public.

7.7 Accessory Uses – Instruction of One or Two Students at a Time

7.7.1 Nothing in this Bylaw may prevent, and no development permit is required for, the use of a portion of any dwelling or building accessory to a dwelling for the instruction of one or two students at a time.

7.8 Accessory Uses – Home-based Businesses

7.8.1 Home-based businesses are permitted accessory to a dwelling use, subject to the following requirements:

- (a) The owner of the business must have their primary place of residence in the dwelling.
- (b) No more than two (2) non-resident, on-site employees are permitted at one time.
- (c) The following uses are permitted as a home-based business:
 - i. Accommodations
 - ii. Day care centres
 - iii. Offices
 - iv. On-site preparation of food for off-site catering
 - v. Personal service shops
 - vi. Repair shops, excluding automobile repair shops
 - vii. Restaurant, take-out only
 - viii. Studios for the practice or instruction of fine arts, commercial arts, or crafts
 - ix. Tailoring and/or commercial sewing
 - x. Workshops

- (d) A home-based business may include more than one of the uses permitted in clause (c) at one time, but the provisions of this section will apply to the whole home-based business. For example, the combined floor area of all the uses in the home-based business cannot exceed the floor area permitted by clause (g).
- (e) Retail sales of products is permitted if the retail sales are confined within a building and either:
 - i. the products are made, refinished, or repaired on the premises; or
 - ii. the sale is directly associated with and accessory to the primary business, such as the sale of shampoo by a hairdresser.
- (f) Home-based businesses are not permitted within accessory buildings in the Fishing Industry Zone unless there is an existing dwelling on the lot within the Fishing Industry Zone.
- (g) Except for accommodation uses, the maximum total commercial floor area of the home-based business must not exceed the equivalent of 25% of the gross floor area of the dwelling or 50.0 square metres, whichever is less.
- (h) Accommodation uses as a home-based business are limited to a maximum of four (4) guest rooms.
- (i) Accommodation uses as a home-based business are not permitted in more than two buildings (main or accessory) on a lot.
- (j) Accessory buildings used for home-based businesses must be fully enclosed and must meet the architectural requirements for both main and accessory buildings found in Sections 8.6 through 8.9.

7.9 Accessory Uses – Outdoor Commercial Display

- 7.9.1 Outdoor commercial display is permitted accessory to an enclosed business, except home-based businesses, provided such display is confined to an area not larger than 2.0 square metres.

7.10 Accessory Uses – Ground-mount Solar Panels

- 7.10.1 Ground-mount solar panels are permitted accessory to a main use, subject to the following provisions:
 - (a) the maximum surface area of the panels on a lot is 15 square metres; and
 - (b) the maximum height of the panels is 2 metres.

7.11 Commercial Motor Vehicles

- 7.11.1 No more than two (2) commercial vehicles are permitted to be kept on a lot in the Residential Zone.
- 7.11.2 Commercial motor vehicles kept on a lot in the Residential Zone must not exceed a registered weight of 4.5 tonnes.
- 7.11.3 For greater clarity, the parking of commercial vehicles in the Residential Zone is not permitted to include an actively-serving food truck.

7.12 Non-conforming Uses

- 7.12.1 Non-conforming uses are subject to the *Peggy's Cove Commission Act*.
- 7.12.2 Further to the *Peggy's Cove Commission Act*, a non-conforming use is considered "discontinued" if the use ceases operation for a continuous period of six months. Seasonal businesses will be considered to have ceased operation as of December 31st if they did not operate within the previous 12 months. For greater clarity, uses that are not operating due to a state of emergency, or similar directive, issued by the Government of Nova Scotia or the Government of Canada are not considered to have ceased operation.
- 7.12.3 Requests to change one non-conforming use to a similar non-conforming use, as provided for by the *Act*, must be made in writing to the Commission prior to application for a development permit.
- 7.12.4 The Commission must decide to allow or deny the change of non-conforming use. In making their decision, the Commission should consider the qualities of the proposed use compared to the existing non-conforming use in terms of:
 - (a) noise;
 - (b) odour;
 - (c) vehicular and pedestrian traffic;
 - (d) waste generation;
 - (e) hours of operation;
 - (f) light emission;
 - (g) servicing requirements; and
 - (h) any other qualities deemed relevant by the Commission.
- 7.12.5 The Commission must notify the Development Officer and the applicant of their decision in writing.

- 7.12.6 If the Commission allows for the change of non-conforming use, the Development Officer must grant a development permit contrary to Section 7.2 provided all other requirements of this Bylaw are met. The new use will continue to be considered "non-conforming" for the purposes of the *Peggy's Cove Commission Act* and this Bylaw.
- 7.12.7 This Bylaw does not provide for appeal of the Commission's decision on a change of non-conforming use to a similar non-conforming use.

7.13 Special Events

- 7.13.1 The temporary use of land for the celebration of holiday events, markets, or special community events is permitted in all use zones except the Conservation Zone, subject to the following requirements:
- (a) No development permit is required, but written notice of the event must be provided to the Commission at least five (5) days prior to the event.
 - (b) Stages, tents, awnings, portable washrooms, bleachers, and other similar structures are permitted accessory to the use, but no such structure is permitted to remain in place for more than seven (7) consecutive days.
 - (c) Up to two (2) food trucks are permitted accessory to the use.
 - (d) The maximum duration of an event is five (5) consecutive days.
 - (e) The maximum number of special events per lot is two (2) per year. For greater clarity, an event held over multiple days is only considered to be a single event if those days are consecutive.
 - (f) The commercial provision of wedding facilities is not considered a special community event.

7.14 Temporary Construction Uses

- 7.14.1 Nothing in this Bylaw may prevent the use of land for temporary buildings or structures that are accessory to construction in progress, such as a tool or maintenance shed or scaffold, provided that the construction complies with this Bylaw.
- 7.14.2 For greater clarity, a mobile home or a sales or rental office is not considered a temporary construction use.

7.15 Utility Uses

- 7.15.1 Unless otherwise stated, a utility that is essential for the actual provision of a service, including but not limited to public or private sewer collection and treatment facilities; water supply and distribution facilities; and facilities for the distribution of electrical power, telephone, internet, and cable television is permitted in any use zone.
- 7.15.2 Utility uses not essential for the direct provision of services are permitted or not as outlined in Table 7.B and the accessory use provisions of this Part. This includes uses such as, but not limited to, utility offices, electrical power generation systems, and maintenance workshops.

7.16 Vending and Busking

- 7.16.1 Vending and busking are prohibited, except:
- (a) busking accessory to a special event that is in compliance with Subsection 7.13.1
 - (b) food trucks accessory to a special event, as permitted in Subsection 7.13.1; and
 - (c) three (3) yard sales per lot per year, each limited to two (2) continuous days in length.

8 FORM

8.1 Building Standards

8.1.1 Buildings must meet the standards of Table 8.A.

Table 8.A: Building Standards

Requirement	Main Buildings	Accessory Buildings
(a) Maximum height		
(i) Fishing Industry Zone	6.1 m	6.1 m
(ii) All other zones	7.6 m	7.1 m
(b) Minimum setback from lot lines	1.0 m	1.0 m
(c) Maximum footprint		
(i) If front lot line setback < 6 m	140 m ²	30 m ²
(ii) If front lot line setback > 6 m	140 m ²	70 m ²
(d) Maximum number of buildings on a lot	3	5
(e) Maximum total combined footprint on a lot	300 m ²	150 m ²
(f) Minimum separation distance between buildings on the same lot	5.0 m	2.0 m from main buildings; 1.0 m from accessory buildings

8.1.2 Despite clause 8.A(b), there is no minimum setback from lot lines bordering the ocean in the Fishing Industry Zone.

8.1.3 Despite clause 8.A(f), there is no minimum separation distance between buildings in the Fishing Industry Zone.

8.1.4 For the purposes of clause 8.A(d), an existing building that crosses lot lines will be counted towards each lot's maximum number of buildings.

8.2 Building to be Moved

8.2.1 Buildings, residential or otherwise, must not be moved within or into the Preservation Area unless a development permit for the relocation of the building has been granted or the building is a development that does not require a development permit, as outlined in Section 5.2.

8.3 Non-conforming Structures

- 8.3.1 Any structure that exists, as defined by Section 4.6, on the effective date of this Bylaw but does not conform with the requirements of this Bylaw is considered a non-conforming structure.
- 8.3.2 Non-conforming structures may be replaced, reconstructed, enlarged, renovated, and/or repaired, provided:
- (a) any such construction does not further infringe on the Bylaw requirement(s) that created the non-conformity; and
 - (b) all other requirements of this Bylaw are met.

8.4 Site Design – Grade Alteration and Excavation Materials

- 8.4.1 Alteration of the granite bedrock is not permitted, except for the development of public roads.
- 8.4.2 Alteration of topsoil or the filling of land is not permitted except for the following purposes:
- (a) the construction of a driveway or parking area provided no cut or fill exceeds 0.60 metres in depth;
 - (b) the construction of a structure;
 - (c) the construction of climate adaptation or flood control measures;
 - (d) the construction of a disposal bed for an onsite sewer system; or
 - (e) the construction of garden beds.
- 8.4.3 No fill or excavation material is permitted to be placed on exposed granite rock, wetland, swamp, or bog except what is necessary for the construction of a driveway or structure, subject to all applicable Provincial and Federal approvals.

8.5 Site Design – Driveways and Parking Areas

- 8.5.1 Driveway widths must not exceed:
- (a) 3.7 metres in the Residential Zone and Fishing Industry Zone; and
 - (b) 6.1 metres in the Core Zone and Service and Facilities Zone.
- 8.5.2 The number of driveways on a lot must not exceed two (2).
- 8.5.3 Parking areas in the Residential Zone and Core Zone must not exceed 60 square metres per lot, excluding the driveway.

8.6 Architectural Design – Building Proportions

- 8.6.1 The proportions of any new building or alteration or expansion to an existing building must be rectangular in plan for the principal component.

8.7 Architectural Design – Windows

- 8.7.1 Windows on main buildings and accessory buildings are subject to the following requirements:
- (a) Windows must be single- or double-hung.
 - (b) Contrary to clause (a), casement, awning, and fixed window types are permitted provided muntins are used to provide a window profile similar to a single-hung window with a central meeting rail (check rail).
 - (c) Windows must be rectangular and vertically oriented with a minimum width to height ratio 1:1.5 to a maximum width to height ratio of 1:2.
 - (d) Wider, horizontal window openings may be achieved by combining sash windows in a mullioned frame.
 - (e) Contrary to clause (c), windows may deviate from being rectangular and vertically-oriented in the following situations:
 - i. Bathroom windows except those on the front principal façade.
 - ii. Windows on the first storey level of commercial or industrial buildings.
 - iii. Windows located directly below the gable peak of a roof.
- 8.7.2 Windows located within doors are subject to the provisions of Subsection 8.7.1 unless the window has an area of less than 1.0 square metre.

8.8 Architectural Design – Roofs

- 8.8.1 Roofs for main buildings and accessory buildings must be one of, or a combination of, the following types:
- (a) Hipped
 - (b) Gabled
- 8.8.2 Dormers are permitted.
- 8.8.3 Roofs for main buildings and accessory buildings must have a slope between 1:12 and 12:12.
- 8.8.4 Roof materials must be:
- (a) asphalt shingles;
 - (b) rolled asphalt;
 - (c) solar photovoltaic shingles;
 - (d) standing seam metal; or
 - (e) wood shingles.

8.9 Architectural Design – Exterior Materials

- 8.9.1 Exterior materials for main and accessory buildings must meet the following requirements:
- (a) Exterior wall cladding must be:
 - i. wood shingled siding or narrow horizontal smooth clapboard wood siding;
 - ii. wood- or cellulose-composite panels, such as MDF and fibre-cement board, designed to mimic the appearance of traditional wood siding; or
 - iii. vinyl siding designed to mimic the appearance of wood shingles.
 - (b) Vinyl siding that does not mimic wood shingles, metal siding, stucco, brick, stone, and other wall cladding materials that do not meet clause (a) are prohibited. For greater clarity, this does not apply to roofs, foundations, or chimneys.
 - (c) Cladding and trim must match on all sides of the building.
 - (d) Building corners must have cornerboards or butted shingles.
 - (e) Solar panels on roofs are permitted.

8.10 Exterior Lighting

8.10.1 Exterior lighting fixtures in the Core Zone and Service and Facilities Zone must be full cutoff fixtures.

8.11 Fences

8.11.1 Fences greater than 2.0 metres in height are not permitted.

8.12 Decks

8.12.1 The total combined maximum surface area of decks and patios on a lot is:

- (a) 75.0 square metres in the Residential Zone; and
- (b) 100.0 square metres in the Core Zone.

8.12.2 Decks and patios must be set back from property lines a minimum of 1.0 metres.

8.13 Drive-through Windows

8.13.1 Drive-through windows are prohibited.

8.14 Solid Waste Storage

8.14.1 Facilities for storing solid waste (garbage, recycling, and compost) in the Core Zone and Service and Facilities Zone must be enclosed within a building or fully screened from the view of dwellings and public streets by an opaque fence.

9 SIGNAGE

9.1 General

9.1.1 Notwithstanding anything else in this Bylaw, the following signs are prohibited throughout the Preservation Area:

- (a) Signs outside of the Core Zone or Fishing Industry Zone that are not listed in Subsection 9.1.2 or 9.1.3
- (b) Internally-illuminated signs
- (c) Roof signs
- (d) Mobile signs
- (e) Any sign or sign structure that constitutes a hazard to public safety or health
- (f) Any privately-owned directional or advertising sign located off the lot of the business establishment to which it refers, except that any business establishment not having direct access to a public street is permitted, subject to the agreement of the applicable landowner, one sign at the entrance to the access road or driveway that connects such property to a public street, and that sign will constitute the free-standing sign permitted for that business
- (g) Any sign that by reason of size, location, content, or colouring obstructs the vision of drivers leaving a roadway or driveway, or detracts from the visibility or effectiveness of any traffic sign or control device on a public street
- (h) Any sign not erected for traffic control purposes that makes use of words such as "STOP," "LOOK," "ONE WAY," "DANGER," "YIELD," or any similar words, phrases, symbols or characters used in a manner which may mislead, confuse, or interfere with traffic
- (i) Any sign on public property or a public right-of-way not erected by a government body, unless required or specifically permitted by the Province of Nova Scotia or other applicable public body
- (j) Any sign not erected by a government body that is located at or near a sharp road curve or below the crest of a hill
- (k) Any sign painted on a tree, stone, cliff, or other natural object

9.1.2 Unless prohibited by Subsection 9.1.1, the following signs are permitted throughout the Preservation Area, except the Conservation Zone, and do not require a development permit:

- (a) Signs of not more than 0.20 square metres in area identifying the name and address of a resident or residents on the lot
- (b) Signs of not more than 0.50 square metres advertising a home-based business on the lot
- (c) Signs of not more than 0.50 square metres in area advertising the availability for sale or rent the property on which the sign is located
- (d) The flag, pennant, or insignia of any government, or of any religious, charitable, or fraternal organization
- (e) Church identification signs and church directional signs
- (f) One menu board of not more than 0.40 square metres in area per restaurant use on the lot

9.1.3 Unless prohibited by Subsection 9.1.1, the following signs are permitted throughout the Preservation Area, including the Conservation Zone, and do not require a development permit:

- (a) Signs of not more than 0.20 square metres in area regulating the use of a property such as a "No Trespassing" sign or similar warning sign
- (b) Signs of not more than 0.50 square metres in area regulating or denoting on-premises traffic or parking, or other signs denoting the direction or function of various parts of a building or premises
- (c) Signs erected by a government body or under the direction of such a body and bearing no commercial advertising, such as traffic signs, safety signs, and interpretative or informational signs
- (d) Memorial signs or tablets and signs denoting the date of erection of a structure

9.2 Signage in the Core Zone and Fishing Industry Zone

9.2.1 In addition to the provisions of Subsection 9.1.2 and 9.1.3, and subject to the provisions of Subsection 9.1.1, the following signs are permitted in the Core Zone and Fishing Industry Zone:

- (a) Two façade-mounted wall signs per main building, each of which meets all the following provisions:
 - i. the maximum sign area is 1.1 square metres; and
 - ii. the maximum sign width is fifty percent of the width of the wall on which it is mounted.
- (b) One additional façade-mounted wall sign per lot, with a maximum sign area of 0.5 square metres.
- (c) Two projecting wall signs per main building, each of which meets all the following provisions:
 - i. the maximum sign area is 1.1 square metres;
 - ii. the maximum length of any sign dimension is 1.5 metres;
 - iii. the minimum distance between grade and the bottom of the sign is 2.5 metres; and
 - iv. the sign must not extend beyond a property line or project over a public right-of-way or any driveway or parking space.
- (d) One free-standing sign, per lot, that meets all the following provisions:
 - i. the maximum sign area is 1.4 square metres;
 - ii. the maximum length of any sign dimension is 1.5 metres;
 - iii. the maximum height from grade to the highest part of the sign is 1.5 metres;
 - iv. the sign must not extend beyond a property line or project over a public right-of-way or any driveway or parking space;
 - v. the sign must be set back a minimum of 1.5 metres from any property line; and
 - vi. the sign must not present more than two visible faces.

9.2.2 Signage in the Core Zone and Fishing Industry Zone may be illuminated but such illumination must:

- i. be provided by an external, full cutoff light fixture; and
- ii. be turned off outside of business hours.

10 AMENDMENTS & REVIEW

10.1 Amending this Bylaw

10.1.1 The Commission may amend the text or schedules of this Bylaw in a manner consistent with the *Peggy's Cove Commission Act*.

10.1.2 Amendments to this Bylaw may arise:

- (a) as initiated by the Commission in response to a request by a property owner or member of the public;
- (b) as initiated by the Commission in response to an identified deficiency or need within the Bylaw;
- (c) as initiated by the Commission as part of regular review under Section 10.2; or
- (d) by repeal of a portion or all of the Bylaw by the Minister responsible for the *Peggy's Cove Commission Act*, as provided for under Section 8(2) of the Act.

10.1.3 The Commission is not obligated to initiate a process to consider amendments to this Bylaw in response to a request by a property owner or member of the public; however, such requests should be considered except where:

- (a) a similar request has been considered and denied within the last twelve (12) months and the facts of the request have not materially changed; or
- (b) the request is on the face of it clearly contrary to the Intent in Part 2.

10.2 Regular Review of this Bylaw

10.2.1 The Commission should, within five (5) years of adopting this Bylaw, initiate a housekeeping review to identify and correct any typographical errors, errors in drafting, or deficiencies within the Bylaw.

10.2.2 The Commission should, within ten (10) years of adopting this Bylaw, initiate a comprehensive review to reassess the Intent in Part 2 and update any other parts of the Bylaw to align with changes to the Intent, if any.

10.3 Application for Amendment

10.3.1 Applications to amend this Land Use Bylaw must be made in writing to the Commission and must include:

- (a) a general description of the requested amendments;
- (b) identification of the specific property or properties (if any) to which the amendments would apply;
- (c) a description of any proposed development that would be enabled by the amendments; and
- (d) the signature and contact information for the applicant.

10.4 Additional Information Required

10.4.1 The Commission may, at any time prior to approving draft amendments to this Bylaw, require the applicant to provide additional information, prepared by the appropriate professional at the applicant's cost, to aid in evaluation of the criteria outline in Section 10.7. Such additional information may include, but is not limited to:

- (a) site plan;
- (b) site survey or location certificate;
- (c) watercourse delineation study;
- (d) stormwater management plan;
- (e) floor plans and elevation drawings;
- (f) site grading plan;
- (g) traffic impact assessment or study;
- (h) environmental study;
- (i) cultural resource assessment; and/or
- (j) heritage study.

10.5 Process for Making Amendments

- 10.5.1 The Commission must undertake, at a minimum, the following steps to amend this Land Use Bylaw:
- (a) A successful motion to initiate the process to consider amendments to this Bylaw and to establish the methods of public engagement.
 - (b) Any applicable preliminary public engagement outlined in Subsection 10.6.2 and Subsection 10.6.3.
 - (c) Preparation of drafts of the amendment(s).
 - (d) A vote to approve the draft amendment(s) and set the date for the Public Hearing.
 - (e) The Public Hearing as outlined in Subsection 10.6.1.
 - (f) A vote to adopt the amendment(s).
 - (g) Submission and filing of the amended Bylaw in compliance with the *Peggy's Cove Commission Act*.
- 10.5.2 Amendments to this Bylaw take effect when approved by the Minister responsible for the Act.
- 10.5.3 Substantial changes to proposed amendments occurring after the Public Hearing will require a new Public Hearing meeting the requirements of Subsection 10.6.1.

10.6 Public Engagement

- 10.6.1 The process to amend this Bylaw must include a Public Hearing following approval of the amendments but prior to adoption of the amendments. In holding a Public Hearing, the Commission must:
- (a) provide notification of the Public Hearing at least 21 calendar days in advance in a form of media that is reasonably accessible and available to all property owners within the Preservation Area;
 - (b) make the proposed amendments available for inspection by the public at all times during regular business hours for a minimum of 21 calendar days in advance of the Public Hearing;
 - (c) provide for written submissions and verbal presentations to the Commission; and,
 - (d) keep meeting notes of verbal presentations and a copy of all written submissions as part of the Commission records.
- 10.6.2 The process to amend the Intent in Part 2 of this Bylaw must, in addition to the Public Hearing, include preliminary engagement consisting of, at a minimum, a public meeting to review the current Intent and the community's vision for the future.
- 10.6.3 The Commission may establish additional preliminary engagement for any amendments to this Bylaw as warranted by the scope and potential community impact of the amendments. Additional preliminary engagement may include, but is not limited to:
- (a) public meetings;
 - (b) surveys;
 - (c) stakeholder interviews;
 - (d) design charrettes;
 - (e) information booths;
 - (f) advertising and communications materials; or,
 - (g) any combination of the above.

10.7 Criteria for Evaluating Proposed Amendments

10.7.1 The Commission should, in evaluating proposed amendments to this Land Use Bylaw, consider whether any development enabled by the proposed amendment:

- (a) is consistent with the Intent, as outlined in Part 2;
- (b) can be adequately serviced with potable water and appropriate sewage disposal;
- (c) can be adequately protected by available fire services;
- (d) would create traffic hazards or unacceptable congestion on road, cycling, and pedestrian networks;
- (e) would create a new, or worsen a known, pollution problem in the area, including, but not limited to, soil erosion and siltation of watercourses;
- (f) would increase site-specific climate change risks;
- (g) would create flooding or serious drainage issues, including within the proposal site and in nearby areas;
- (h) would impact cultural sites, registered heritage buildings, or known habitat for species at risk;
- (i) would enable the expansion or evolution into a standalone commercial use of a home-based business that has proven to be compatible with the Intent, outlined in Part 2, and the general character of the community; and,
- (j) if an amendment to the Zoning Map is proposed, aligns with the Zone Purpose, as outlined in Table 7.A.

10.8 Appeal of Amendment Decision

10.8.1 This Bylaw does not provide for appeal of the Commission's decision regarding amendments to this Bylaw.

11 DEFINITIONS

Act means the *Peggy's Cove Commission Act*. R.S., c. 339, s. 1., unless otherwise specified.

Accessory Building means a subordinate building on the same lot, or adjacent lot, as the main building and devoted exclusively to an accessory use, but does not include a building attached in any way to the main building.

Accessory Use means a use subordinate and naturally, customarily, and normally incidental to and dependent upon a main use of land or building and located on the same lot.

Accommodations means the use of a building, or part thereof, for the commercial provision of temporary accommodations for the travelling public, and may include the service of food to guests but may not include food service for non-guests.

Alter means any change to structural components or increase in the volume of a building or structure.

Assembly Uses means the use of a building or part thereof for public assembly such as, but not limited to, community halls, gymnasiums, and auditoria, but does not include a commercial wedding venue.

Building means a structure, whether temporary or permanent, that is roofed and that is used for the shelter or accommodation of persons, animals, material, or equipment.

Busking means the performance of live music, dance, oration, puppetry, circus, street theatre, or other similar acts, for compensation or the expectation of compensation, in a publicly accessible place, but does not include such acts when performed as part of a permitted cultural facility use.

Commercial Floor Area means the total floor area used for commercial purposes, measured from the inside face of exterior and interior walls, as applicable, and including storage areas, commercial kitchens, and any hallways or washrooms intended for public uses, but excluding utility rooms. Where a commercial use includes commercial outdoor seating spaces the area of the smallest polygon that can encompass the commercial outdoor seating spaces will be included in the commercial floor area. Outdoor seating spaces separated by a horizontal distance of more than 5.0 metres will each be considered their own area and subject to individual polygons for the purpose of calculating commercial floor area.

Commercial Vehicle means a motor vehicle designed or primarily used for commercial purposes, such as, but not limited to, a bus, taxicab, truck tractor or trailer, or grader.

Commission means the Peggy's Cove Commission established under the *Peggy's Cove Commission Act*.

Craft Product means products assembled or made by hand or small custom production processes including but not limited to potters, pewterers, goldsmiths, silversmiths, jewelers, toy makers, leather workers, upholsterers, woodworkers, furniture makers, musical instrument makers, clothing designers and makers, shoemakers, antique refinishers, glass or stained glass workers, and caterers.

Cultural Facilities means the use of land, buildings, or part thereof, for the promotion of culture and learning and without limiting the generality of the foregoing includes libraries, museums, performance arts theatres, visual arts centres, and other similar uses.

Cutoff Angle means the angle, measured up from the nadir (*i.e.* straight down), between the vertical axis and the first line of sight at which the bare source (the bulb or lamp) of a light fixture is not visible.

Daycare Centre means a place where humans are cared for without overnight accommodation, but does not include a school.

Deck means an unenclosed platform raised above finished grade, but does not include any associated stairs or ramps, or water access structures.

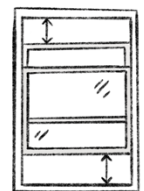
Development means to erect, construct, expand, alter, or relocate or reconstruct a building, structure, or sign; any significant permanent change or alteration to land levels; and any change or alteration in the use made of land or structures.

Development Officer means the person or persons appointed by the Commission to carry out the duties described in Section 4.1.

Dormer means a roofed structure, containing a window, that projects above the plane of a pitched roof.



Dormer



Double-hung Window

Double-hung Window means a window that has two sashes that can slide up and down.

Drive-through Window means a structure or window within a structure, along with associated travel and stacking lanes, for the purposes of providing goods or services to customers who remain within their automobile, but does not include a facility for paying for commercial parking.

Dwelling means the use of a building or part of a building to provide a home or residence for one or more persons and containing one or more dwelling units, but does not include an accommodations use.

Dwelling Unit means one or more habitable rooms within a dwelling designed, occupied, or intended for use by one or more persons as an independent and separate housekeeping establishment in which kitchen, sleeping, and sanitary facilities are provided for the exclusive use of such persons.

Erect means to build, construct, alter, or relocate and, without limiting the generality of the foregoing, is taken to include any preliminary physical operation such as excavating, grading, piling, cribbing, filling, or draining and structurally altering any existing building or structure by an addition, deletion, enlargement, or extension but does not include work done in connection with the subdivision approval process or the temporary storage of fill.

Established Grade means:

- (a) when used in reference to a building, the average elevation of the finished surface of the ground where it meets the exterior of the front of such building, exclusive of any artificial embankment or entrenchment; or
- (b) when used in reference to a structure that is not a building, the average elevation of the finished grade of the ground immediately surrounding such structures, exclusive of any artificial embankments or entrenchment.

Fish Processing means the use of land, structures, or part thereof for the cleaning, filleting, curing, icing, packing, canning, freezing, salting, cooking, pickling, grading, or preparing fish, crustaceans, mollusks, seaweed, and sea salt for market, but does not include reduction.

Fishery Product means fresh or processed fish, crustaceans, mollusks, seaweed, or sea salt, not intended for immediate consumption, along with subsidiary food products or culinary tools intended to assist in their consumption, such as, but not limited to, seafood sauces and oyster knives.

Fishing Related Industry means the use of land, buildings, or part thereof in support of the commercial fishery and without limiting the generality of the foregoing includes commercial storage of fishing vessels, gear, and other related materials; docks; boat launches; and repair facilities; but does not include fish processing.

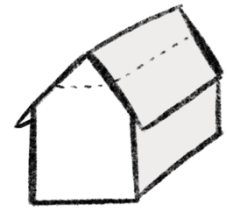
Food Truck means the vending, with or without on-site preparation, of food products from a vehicle or former vehicle body or trailer.

Footprint means the total area contained within the outside walls of the first floor of a building above the established grade.

Front Lot Line means the lot line dividing the lot from the street. In the case of a corner lot or a lot with more than one line abutting a single street the shorter boundary line abutting the street will be deemed the front lot line. In the case of a through lot the longer boundary dividing the lot from the street will be deemed to be the front lot line. In the case of a lot that does not abut a street the lot line that is most closely opposite and parallel to the principal entrance to the main building will be deemed the front lot line.

Full Cutoff Light Fixture means a light fixture in which zero light intensity is emitted above a cutoff angle of 90 degrees and no more than 10% of the lumens emitted by the light fixture are emitted between a cutoff angle of 80 degrees and 90 degrees.

Gabled Roof means a roof that slopes downward in two parts at an angle from a central ridge so as to leave a vertical, triangular gable at each end.

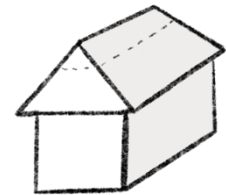


Gabled Roof Example

Gallery means the use of land, buildings, or part thereof for the display of art and craft and may include the display of art or craft that is for sale but may not include on-site sales, which falls under the definition of retail sales.

Gross Floor Area means the total area contained within the outside walls of a building excluding any private garage, porch, verandah, sunroom, unfinished attic, or basement and cellar or other room which is not habitable during all the seasons of the year.

Height means the vertical distance between established grade and the highest point on a non-roofed structure or the mean level between the eaves and ridges of a roofed structure.



Hipped Roof Example

Hipped Roof means a roof that slopes upwards to a peak or ridge from all sides of the perimeter of the building.

Interpretive Centre means the use of a building or part thereof to communicate to the public the historical, scientific, or cultural information about a location and/or to provide tourism and wayfinding information to the public, and may include grounds keeping and maintenance facilities as an accessory use.

Lot means any area of land or parcel described in a deed filed in the Office of the Registrar of Deeds for Halifax County on or before the 16th day of April, 1987, or is described in a plan and deed pursuant to the *Land Titles Clarification Act*, or is approved on a plan of subdivision endorsed and filed in the Office of the Registrar of Deeds for Halifax County.

Lot Area means the total horizontal area contained within the lot lines of a lot.

Lot Frontage means the length of the front lot line.

Lot Line means a boundary or exterior line of a lot.

Main Building(s) means the building or buildings in which the primary use or uses of land are carried out and in the case of commercial businesses, except for home-based businesses, includes all buildings open to the general public.

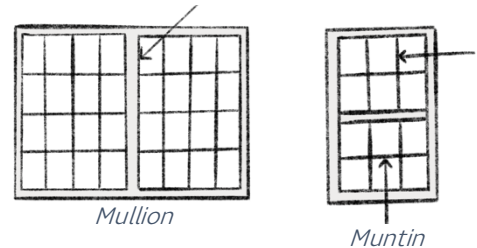
Marine Recreation Provider means a commercial recreation business that, due to its nature of the use, relies on the sea or ocean as an integral part of its operation, including but not limited to boat tours, deep sea fishing tours, and canoe and kayak rentals, but does not include uses related to the commercial fishing industry.

Market means the use of land, buildings, structures, or part thereof for the purpose of selling seasonal fresh produce, meat, fish, craft products, and ready-to-eat food by three or more independent vendors.

Medical Facility means the use of a building or part of a building where medical or therapeutic diagnosis and/or treatment services are provided to the general public, but does not include a public or private hospital or a professional office located in the practitioner's home.

Mobile Home means a detached dwelling designed for transportation after fabrication, whether on its own wheels or on a flatbed or other trailer, that arrives at the site where it is to be occupied as a dwelling complete and ready for occupancy (except for minor and incidental unpacking and assembling operations), located on wheels, jacks, or permanent foundation, and which may be connected to utilities and a septic disposal system.

Mullion means a heavy vertical or horizontal bar or rigid support between adjacent window openings.



Muntin means a narrow vertical or horizontal bar or rigid support between adjacent panes of glass within a window.

Office means the use of a building or portion of a building where business may be transacted, a service performed or consultation given, such as, but not limited to, offices for lawyers, architects, engineers, planners, accountants, real estate agents, therapists, psychologists, and photographers but does not include any place where manufacturing of any product or selling of goods is carried on.

Outdoor Commercial Display means a display of goods on a lot for the purpose of encouraging the purchase of the display items or items similar to the display items.

Parking Lot means the use of land to temporarily park automobiles and may include facilities for the control of automobile admittance and exit and may include the provision of parking spaces on a commercial basis.

Parks and Playgrounds means the non-commercial use of land for passive recreation and landscaping features and includes, but is not limited to, greens, community gardens, walking paths, play structures, ponds, fountains, and dog parks.

Patio means an at-grade surface paved with asphalt, bricks, concrete pavers, hard-packed gravel, or similar hard surfaces but does not include pathways with a width of less than 1.5 metres, driveways, or parking lots.

Personal Service Shop means the use of a building or part of a building in which persons are employed in furnishing services and otherwise administering to the individual and personal needs of persons and may include, but is not limited to, such establishments as barber shops, beauty parlours, shoe shining shops, tattoo shops, and depots for collecting clothing and linens for dry cleaning and laundry, but excludes any manufacturing or fabrication of goods for sale or the actual act of dry cleaning or the boarding or care of animals.

Place of Worship means a place dedicated to religious worship and may include, but is not limited to, halls or auditoriums for religious gathering, accessory office space for administrators, day nurseries operated for patrons, and classroom space for religious instruction.

Post Office means the use of a building or part thereof for the collection and delivery of post, and may include the retail sale of stamps, packaging, and other materials related to preparing post for shipment.

Preservation Area means the Peggy's Cove Preservation Area as designated by the Governor in Council pursuant to the *Peggy's Cove Commission Act*.

Repair Shop means the use of a building or part thereof for servicing, repairing, installing, or renting things and equipment, including but not limited to, the following: radio or television service or repair shops, locksmith shops, small appliance service or repair shops, small engine repair shops, household and carpenter tool service and repair shops, but does not include industrial, manufacturing, or motor vehicle repair shops.

Reduction means the use of a building or part of a building where offal including the whole or parts of an animal or a combination thereof is rendered into meal, fertilizer, or any other byproduct.

Restaurant means the use of a building, structure, or part thereof where food and/or drink intended for immediate consumption is prepared and served to the public.

Retail Sales means the use of a building or part of a building in which goods, wares, merchandise, materials, ingredients, articles, or things are offered or kept for sale directly to the public at retail, but this definition does not include automobile sales, boat and marine sales, display courts, retail lumber and home improvement yards, or heavy equipment sales and rentals.

Private Access means any road or shared access that is not owned by Halifax Regional Municipality or the Crown and for the purposes of this Bylaw this definition includes deeded rights-of-way.

School means an educational establishment, whether public or private, intended for:

- (a) the academic instruction of students up to the completion of Grade 12;
- (b) instruction in extracurricular activities and/or vocational skills; or
- (c) degree- or diploma-granting academic instruction of students after the completion of Grade 12.

Setback means the horizontal distance between the specified lot line and the nearest main wall of any building or structure and extending the full width or length of the lot.

Sign means any structure, device, light, painting, or other representation or natural object that is used to identify, advertise, or attract attention to any object, place, activity, person, institution, organization, firm, group, commodity, profession, enterprise, industry or business, or which displays or includes any letter work, model, banner, flag, pennant, insignia, device, or representation used as an announcement, direction, or advertisement, and which is intended to be seen from off the premises or from a parking lot, except any "sign" that is affixed to the inside of a window or glass door.

Façade-mounted Wall Sign means a sign attached to, painted on, or erected against a wall of a building, with the face horizontally parallel to the building or structure wall.

Free-standing Sign means a sign supported by one or more upright poles, columns, or braces placed in or on the ground and not attached to any building or structure.

Menu Board means a façade-mounted wall sign that displays or contains a restaurant menu.

Mobile Sign means a sign that is not permanently affixed to the ground or a building.

Projecting Sign means a sign that is attached to and projects from a structure or building face, and includes signs painted on or attached to awnings or canopies.

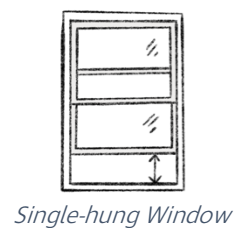
Roof Sign means a sign attached to the roof of a building or structure or projecting above the fascia board of a building or structure.

Sign Area means the area of the smallest triangle, rectangle, circle, or semicircle that can wholly enclose the surface area of the sign. Only one side of a multifaced sign is used to determine sign area. The sign area of individual letters or figures that are attached or painted on a surface is the area of the smallest triangle, rectangle, circle, or semicircle that can wholly enclose all the letters, numbers, or insignia.

Single-hung Window means a window with two sashes, the top of which is fixed in place and the bottom of which can slide up and down.

Street means the whole and entire right-of-way of every highway, road, or road allowance vested in the Province of Nova Scotia or Halifax Regional Municipality, but does not include a controlled-access highway.

Structure means anything that is erected, built, or constructed of parts joined together or any such erection fixed to or supported by the soil or by any other structure, and includes buildings, walls, decks, signs, and fences but does not include a vehicle.



Trails and Conservation Uses means the use of land for recreational trails, land conservation, and/or the study of local ecosystems.

Utility Room means a room or portion of a room where facilities and infrastructure for the operation of the building are contained, such as, but not limited to, water heaters, furnaces,

electrical panels, hydronic pumps, meters, well pumps, water treatment systems, alarm panels, and heating fuel tanks. Where a room contains other uses, only the floor area dedicated to the utility infrastructure may be considered as the “utility room”.

Vending means the sale, offering for sale, or provision for promotional purposes, outside of an enclosed building, on public or private property, of food, beverages, or merchandise, but does not include such uses when part of a market or when meeting the definition and requirements of this Bylaw for outdoor commercial display.

Water Access means the use of land or structures to provide watercraft access to marine or fresh water bodies and includes, but is not limited to, wharves, docks, slipways, ramps, quays, and marine railroads.

Workshop means the use of a building or part thereof for the creation of craft products. This definition also includes “maker spaces”.

Yard Sale means the sale of household goods, craft products, or baked goods on a temporary basis from residential or institutional premises and includes any such sale traditionally known as “garage sale”, “rummage sale”, or “tea and sale”.

SCHEDULE 'A' – ZONING MAP



MAP

Peggy's Cove Zoning

SCHEDULE A
 LAST UPDATED 2023.10.13
 DATA SOURCE Prov. of NS

SCALE 0 150 300 m
 PROJ. NAD83 CSRS UTM 20 N
 NORTH ↑

LEGEND

	R	Residential Zone
	COR	Core Zone
	S	Service and Facilities Zone
	F	Fishing Industry Zone
	CON	Conservation Zone

*Basemap data such as property lines, road lines, and the boundary of the Peggy's Cove Preservation Area are graphical representations and not authoritative sources for the location of such features. The accuracy of such representations is not guaranteed. For greater clarity, this map is the authoritative source for zone boundaries, subject to the interpretation criteria of Section 3.5 of this Bylaw.



MAP
**Peggy's Cove
 Zoning - Cove Inset**

SCHEDULE A
 LAST UPDATED 2023.10.13
 DATA SOURCE Prov. of NS

SCALE 0 25 50 m
 PROJ. NAD83 CSRS UTM 20 N
 NORTH ↑

LEGEND

 R	Residential Zone
 COR	Core Zone
 S	Service and Facilities Zone
 F	Fishing Industry Zone
 CON	Conservation Zone

*Basemap data such as property lines, road lines, and the boundary of the Peggy's Cove Preservation Area are graphical representations and not authoritative sources for the location of such features. The accuracy of such representations is not guaranteed. For greater clarity, this map is the authoritative source for zone boundaries, subject to the interpretation criteria of Section 3.5 of this Bylaw.

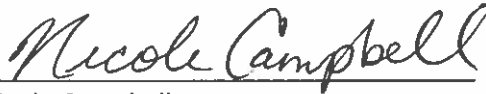


PEGGY'S COVE LAND USE BYLAW

PEGGY'S COVE COMMISSION

THIS IS TO CERTIFY that this Peggy's Cove Land Use Bylaw, of which the attached is a true copy, was made by the Peggy's Cove Commission at a duly called meeting of the Commission on the 13th day of October, 2023.

GIVEN UNDER THE HAND of the Chair of the Peggy's Cove Commission this 1st day of November, 2023.



Nicole Campbell
Chair, Peggy's Cove Commission

THIS IS TO CERTIFY that the Peggy's Cove Land Use By-Law as made by the Peggy's Cove Commission is hereby approved by the Minister of Economic Development, in accordance with the *Peggy's Cove Commission Act*.

THIS IS TO FURTHER CERTIFY that this Peggy's Cove Land Use By-law replaces the Peggy's Cove Land Use By-law approved in 1993 and amended in 2003, which is hereby repealed.

GIVEN UNDER THE HAND of the Minister of Economic Development this _____ day of _____, 2023.

DEPARTMENT OF ECONOMIC DEVELOPMENT

Honourable Susan Corkum-Greek
Minister of Economic Development

ATTACHMENT 3 – REPORT OF OBJECTIONS

As per the Peggy's Cove Commission Act,

- 9 (3) The Commission shall make suitable provision for inspection of the proposed by-law by interested persons and shall, before making, amending, or repealing the by-law, consider all objections thereto made at such hearing.

- 10 The application to the Minister for his approval of a by-law, or the amendment or repeal of a by-law, shall be accompanied by
 - (b) a report of all objections to the by-law submitted to the Commission by interested persons.

The Peggy's Cove Commission provided two hearing opportunities:

- August 23, 2023 – Initial draft
- October 12, 2023 – Updated draft

Objections are recorded as part of the hearing minutes or as written submissions from individuals.



Public Hearing Minutes

August 23, 2023

ATTENDANCE

The meeting was chaired by Nicole Campbell.

The Peggy's Cove Commission was represented by Nicole Campbell, Maria Bartholomew, Karren Fader, Judy Dauphinee, Christina Lovitt, and Jeannie Chow. Commission member Councillor Pam Lovelace was in attendance but elected to sit in the gallery.

Staff support was provided by Ian Watson and Lydia Broderick of UPLAND Planning + Design, Graham Fisher, Lorraine Boyd, and David Mitchell.

Approximately 35 members of the public attended.

OPENING

The Chair opened the Hearing at 6:33 pm. The Chair welcomed attendees and outlined the procedures for the Hearing.

PRESENTATION

Ian Watson presented the approved draft of the Peggy's Cove Land Use Bylaw. His presentation included an overview of the legislative authority for a Land Use Bylaw, the process to-date to develop the new Land Use Bylaw, a summary of supporting material developed as part of the project, key highlights of the draft Land Use Bylaw, and an overview of the potential next steps in the project. Key highlights of the proposed Land Use Bylaw include refined and expanded administrative sections to focus on clarity and ease of administration; refinement of zones, including the creation of a new "Core Zone" that permits both commercial and residential uses; provisions around building form and size; updated architectural requirements; and refinements around other topics such as home-based businesses, special events, vending, signage, hours of operation, and solar panels.

PUBLIC COMMENTS

The Chair thanked Ian and opened the public comment period, starting with those names on the registration list.

Julia Manuel noted that Peggy's Cove is famous for its setting of fishing sheds and homes. Julia raised a concern that development at the point of the Cove could impact this setting, and suggested this area should not be included in the Core Zone.

Julia also noted that a busker is someone selling skills and should therefore be included in the definition vending.

Julia also raised the concern of the potential for development on the white rocks, even if this seems unlikely. Julia thought it would be important to include the white rocks in the Conservation Zone.

Eleanor McCain noted that passing a new Land Use Bylaw is just one aspect of regulating development in Peggy's Cove, and the role of the Development Officer needs to be established to ensure it is enforced. Eleanor thought this should be actioned immediately and that it should be a paid role. Eleanor raised questions of who will fund this, will it be a planner, what is the timeline, is Halifax Regional Municipality filling this role, and has the process to establish the role begun?

Eleanor also raised significant concerns about how the hotdog cart is being treated. Eleanor noted that she is not taking sides, but has concerns about a sense of fairness. Eleanor noted that there have been many non-conforming businesses during the time of her involvement with Peggy's Cove, and wondered why the hotdog cart is being singled out. Eleanor noted that previous drafts showed zoning that supported the hotdog cart and was concerned that the most recent proposed zoning map does not have such zoning. Eleanor wondered if this was related to issues of road status.

Eleanor noted a feeling that there are rules for some and not for others, and that it is important for everyone in this community to have a chance to exist. Eleanor emphasized a need to find a way to keep businesses afloat.

Brian Fralick raised a concern that the lower road known as Lobster Lane has been removed from the zoning map. Brian noted personally using the road since 30-35 years ago for fishing purposes, and that it has always been used by heavy trucks and trailers in support of the fishery. Brian wondered why this road was no longer recognized.

Claire Paruch identified herself as running the hotdog cart and owning 6 Rocky Road. Claire noted she and Paul Paruch bought in 2011 and were very excited to be part of the community, but that immediately a neighbour was not friendly.

Claire noted she always wanted to run a business, so initially ran the cart at the top of the hill. Claire noted the great success of the business, and feelings of resentment in the community at this success.

Claire noted that other non-conforming businesses were operated in Peggy's Cove. Claire questioned why they were not a problem, but the hotdog cart was. Claire noted feeling bullied by members of the community, and the feeling that this long-term resentment has ended up in the new Bylaws as a way to shut down the hotdog cart.

Claire also highlighted the Develop NS Master Plan process, and how the plan ended up feeling like a lie. Claire recounted how the proposed Master Plan showed public washrooms on lands adjacent to their property, and how they initially said "no" to concessions they needed to make to enable the washrooms. Claire noted that Develop NS's consultant suggested the washrooms would help Claire get a bistro on her property, and as a result they allowed a wetland adjustment on their property to enable construction of the washrooms. Claire recounted later conversations with a health inspector who said the washrooms were for the public and that they would still need to build their own washrooms if they wanted to open a bistro. Claire noted that she still has plans for a bistro and feels the promises of the Master Plan should be kept.

Claire noted serious concern that the proposed Core Zone on their land has shrunk over time with each iteration of the draft Land Use Bylaw, and then was removed entirely in the approved draft. Claire noted feeling this is not good business ethics.

Claire asked that the hot dog cart, which provides happy memories to people all around the world, be included in the new Bylaw, and that promises of the Master Plan be kept.

Paul Paruch thanked the Commission, UPLAND, and provincial and municipal representatives for their work to-date.

Paul noted that he and Claire Paruch are "new" residents – 13 years. Paul noted having the longest-run short-term accommodations in Peggy's Cove as well as the hotdog cart. Paul noted that these are provincially- and municipally-registered and meet all health standards. Paul suggested that they were in some ways the "original disrupters".

Paul noted that the process of thinking about development in Peggy's Cove actually started before the current Land Use Bylaw project, and for them started in 2018 or 2019 with Develop NS's Master Plan. Paul noted the belief that the Master Plan was a promise to the community, to Canada, to the province, and himself and Claire. Paul noted that this Plan guided new infrastructure that was built in the Cove, that the Plan exists and that it was used. Paul noted that Section 3.3, "the Vision", and Section 4.2, "Activating the Cove" of the Master Plan are of critical importance. Paul noted

feeling UPLAND did a good job of carrying that intent into the proposed Land Use Bylaw. Paul noted the goal in the Master Plan and proposed Land Use Bylaw stating that residents should be able to participate in benefitting from hosting the world.

Paul described how their property was key in implementing the Master Plan. Paul stated that the public washrooms would not be there without their concessions, and that those concessions changed their property drastically.

Paul questioned why the extent of the Core Zoning changed in in the approved draft Land Use Bylaw. Paul noted feeling like this is a negotiation in bad faith and that it reeks of undue process. Paul noted that all other non-conforming businesses he could identify have been addressed through application of the Core Zone, and wondered why their property was treated differently.

Paul raised concerns that the changes in the proposed Bylaw help corporations more than they help residents, and suggested that people check land titles to see this.

Paul noted how they had started a small online petition the previous day, which at last look had gained over 1,000 signatures. Paul noted that they could not present it at the Hearing, but wanted to communicate the fact that people are voicing support for small business.

Paul closed with the suggestion to create good policy, not politics, and to follow through in the spirit of the engagement and concessions that were made.

Marylynne Milledge identified herself as a painter in Peggy's Cove that would fall within the proposed definition of "vendor". Marylynne noted painting in Peggy's Cove, for over 9 years, previously as part of the Hags on the Hill co-operative. Marylynne described how for the last 3 years she has been freelancing on the boardwalk, engaging with visitors. Marylynne noted that perhaps 90 percent of her paintings have contributions from children.

Marylynne raised concerns about the impact of the proposed prohibition of vending on musicians, painters, etc. Marylynne noted the joys in past travels of engaging with vendors of food, art, etc. Marylynne noted the lovely environment of Peggy's Cove that enables artisans to give back to the community. Marylynne noted not being able to give any examples of people who did not enjoy a music event or art event.

Marylynne expressed opposition to the one item in the draft Bylaw that says vendors are not allowed.

Marylynne noted that many people come to Peggy's Cove and vendors enrich the conversation and the arts in the Cove, and that people go home with good memories as a result.

Marylynne requested that the Commission not erase musicians, artisans, and writers from participating in the beauty of Peggy's Cove.

Thomas Young identified himself as a former planner for West Dover.

Thomas noted the proposed Conservation Zone in the draft Bylaw includes lands within the West Dover conservation lands. Thomas stated that Peggy's Cove ends at the District 3 boundary. Thomas noted that the West Dover Parks Reserve already achieves conservation on these lands.

Thomas requested the Commission remove the Preservation Area sign from West Dover parking area and move it back to the District 3 boundary at the bridge.

Thomas suggested there is legal liability to expanding Peggy's Cove to West Dover and Indian Harbour.

Thomas suggested that if the Minister wants to change the extent of Peggy's Cove she will be blamed. Thomas stated that his community is District 4 and do not want to be part of Peggy's Cove.

Thomas stated the West Dover community is already dealing with protecting its preservation site.

Janice Steeles noted owning Bubba Magoos.

Janice stated that if one goes back 61 years to when the Peggy's Cove Commission was created, and think about the intent, that one should be very thankful for the forethought so that this small, amazing community could be what it is today. Janice noted those residents at the time saw the beauty and magnificent gift they had in their community.

Janice noted that we are at a crucial point now and we are failing. Janice noted that past residents protected something we have enjoyed. Janice raised the concern that this proposed Bylaw as it stands will mean the future is not the same as it has for the last 60 years. Janice raised the concern that residents will not be able to just be residents, and live and enjoy the community.

Janice noted the Commission mandate in the Act is to preserve rocks, sea, and the atmosphere of community. Janice stated the proposed Bylaw has gone way too far to the other side of commercial activity. Janice noted not knowing how to stop it, but the feeling that the proposed Bylaw as it is now is too much.

Janice highlighted the Intent of "world class fishing village" in the proposed Bylaw and suggested that someone in 10 years may not know what this means. Janice suggested inclusion of words like "authentic" and "traditional".

Janice noted not having all the answers, but suggested the way the proposed Bylaw is written now is too much on the side of economic development, and that it needs to be focused on community and residents.

Janice suggested the proposed Bylaw does not align with the Intent. Janice provided the example of home-based businesses in accessory buildings as something that is not going to look good.

Janice noted that 60 years ago the Act was for us to enjoy and that we need to pass this on to the future.

Shelley Webb provided thanks for the opportunity to speak.

Shelley addressed the area that is commonly thought of as the "Preservation Area", and raised concern that the draft Bylaw permits up to seven parking lots in this area. Shelley wondered what this will do to the landscape.

Shelley stated alarm at the proposed section on utilities that would permit facilities for distribution of electrical power and telecommunications in the Conservation Zone.

Shelley noted that the document uses the term "Preservation Area" to include both the Conservation Zone and the "village" of Peggy's Cove and is not clear when distinguishing between the two. Shelley suggested exact wording must be used. Shelley suggested that when referring to village itself, the words "excluding the Conservation Zone" should be used as this would provide a clear distinction between the village portion and Conservation Zone. Shelley noted that people want to protect the conservation area.

Shelley thanked the Commission for the work and time that has been put in, and expressed hope the final document is satisfactory to residents.

Judith Morash raised a concern that a "COR" label remains on the proposed Zoning Map at the north end of Peggy's Point Road, despite the fact that the colour of the zoning has changed here in the most recent draft. Judith wondered if this means people can still do commercial here.

Judith expressed concern over the removal of Lobster Lane from the proposed Zoning Map. Judith noted expressions in the draft Bylaw about the value of fishermen and year-round residents. Judith contrasted this to the feeling of living in a theme park. Judith noted an example of Clam Pond not being publicly accessible anymore.

Judith noted living on Church Road, and the fact that 27 Church Road is for sale. Judith recounted seeing a representative from the Department of Natural Resources on the site because someone wants to put up a wharf or float. Judith wondered what the regulations for that are.

Aonghus Garrison raised concern about the future of residential living in Peggy's Cove. Aonghus noted that the Bylaw as proposed has the possibility for erosion of the fishery, over commercialization of Peggy's Cove, and the end result that a community that has lived there for 200 years would not live in Peggy's Cove anymore.

Aonghus suggested he does not have a crystal ball, but does see these outcomes as a possibility.

Aonghus asked the Commission and Minister, in making their final decision, to ask themselves, "is this a place where I would want to live? Raise a family?".

Pam Lovelace noted she is the municipal Councillor for District 13.

Pam stated she is not here as a Commissioner, that she has resigned her Commissioner seat, and that she has the full support of the Halifax Regional Municipality Chief Administrative Officer and lawyers in this matter.

Pam noted being fortunate as Councillor to receive training and have resources from the Municipality, and recounted how she had offered these to the Department of Economic Development in the past but was turned down.

Pam expressed concern about a lack of fair process, transparency, and intent in the Bylaw process. Pam further expressed concern that the Commission would not consider substantive changes to the draft Bylaw.

Pam recounted how Halifax Regional Municipality was obligated to name Lobster Lane for civic addressing purposes because it is a shared access providing emergency access to multiple properties. Pam stated that removing Lobster Lane from the proposed Zoning Map is a direct conflict with provincial regulation. Pam suggested this is a slap in the face and that one cannot just remove a lane that has been there. Pam questioned why the Commission has done this. Pam noted that Halifax Regional Municipality works with civic address professionals, EMO, and first responder partners, to build, support, and maintain an accurate database that supports emergency response measures. Pam wondered why the proposed zoning map would conflict with this and suggested that this is irresponsible. Pam stated that a substantive change needed.

Pam highlighted the 2019 Develop NS Master Plan as a project that was done with community, for the community, to ensure everyone is on the same page. Pam noted the Master Plan contains red flags on wastewater services and capacity limits and suggested the proposed Bylaw conflicts with this. Pam noted the proposed Bylaw does not include anything about wastewater and does not include provisions for a wastewater district. Pam expressed outrage that the Master Plan was not included in the Bylaw.

Tobias Beale stated he was transplanted to Peggy's Cove in 1975. Tobias recounted how it was a shock, with a very different culture compared to Ottawa. Tobias noted it was frightening, exciting, and welcoming. Tobias recounted how the families of Peggy's Cove treated his family with open arms, and how Peggy's Cove is a very generous community that puts on its best face regardless of the circumstances.

Tobias noted that the current Bylaw project is not the first attempt at guidance for the community and noted previous work by Robert Barker. Tobias recounted a time when trucks started work to accommodate parking and how the community knew there was trouble brewing. Tobias stated the community was not sure how it would be dealt with, and how the Peggy's Cove Preservation Society tried different things.

Tobias noted his age and the time this has given for reflection. Tobias suggested community members are all pawns to cruise ship industry. Tobias noted the community gives them whatever they want, such as smooth passage for buses so they can sell Peggy's Cove, but the community does not benefit.

Tobias also noted how Peggy's Cove's status as an "iconic tourist destination" affects communities far beyond the Cove itself. Tobias noted how all the money and development goes to Peggy's Cove, but all along the roads out to Tantallon and West Dover are affected. Tobias noted how the success of Peggy's Cove means West Dover and elsewhere get ignored.

Tobias stated concern about busking. Tobias suggested that, as drafted, he could show up in a kilt with a saxophone and play it all day every day and that would take the community down a notch.

Tobias wondered who would tell the busses to stop idling, or would tell someone they needed to do something about their stinky septic system when the wind blows the wrong way.

Tobias noted that the draft Bylaw document makes him feel small and stupid. Tobias wondered who is protecting the residents and the culture of Peggy's Cove.

Michael Covey noted he is not a resident of Peggy's Cove but has lived in the area all his life.

Michael noted that when driving through Peggy's Cove it was not the Peggy's Cove he once knew. Michael raised the concern that there have been a lot of changes, and some do not really feel like what Peggy's Cove was and should be.

Michael thanked the room.

The Chair called three times for any further speakers.

CLOSING

The Chair thanked everyone for coming and noted that eight written submissions had been received and would form part of the Public Hearing record.

The Chair closed the Public Hearing at 7:45 pm.

Judy Morash
25 Church Road, Peggy's Cove, Nova Scotia



August 10, 2023

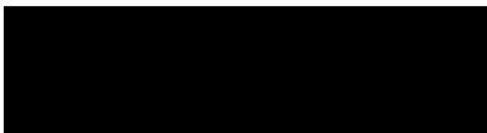
To: Peggy's Cove Commission

I recently had a professional survey done of my property. Attached you will find a PDF of that survey.

On your latest Land Use Bylaw map, the boundaries of my property are not accurate. I would like to request that your map be updated with the correct information for my property prior to your community engagement meeting on August 23rd, 2023.

I do not have an email address, so going forward please call my home phone at 905-823-2562 to discuss this matter. If you are not able to call, please reply to this email to confirm receipt and provide details on how my property boundaries will be resolved.

Thanks very much.



Judy Morash

From: 'Eliza Manuel' via Consultation consultation@uplandstudio.ca 
Subject: PC LUB feedback
Date: August 19, 2023 at 6:03 PM
To: consultation@uplandstudio.ca



To whom it may concern:

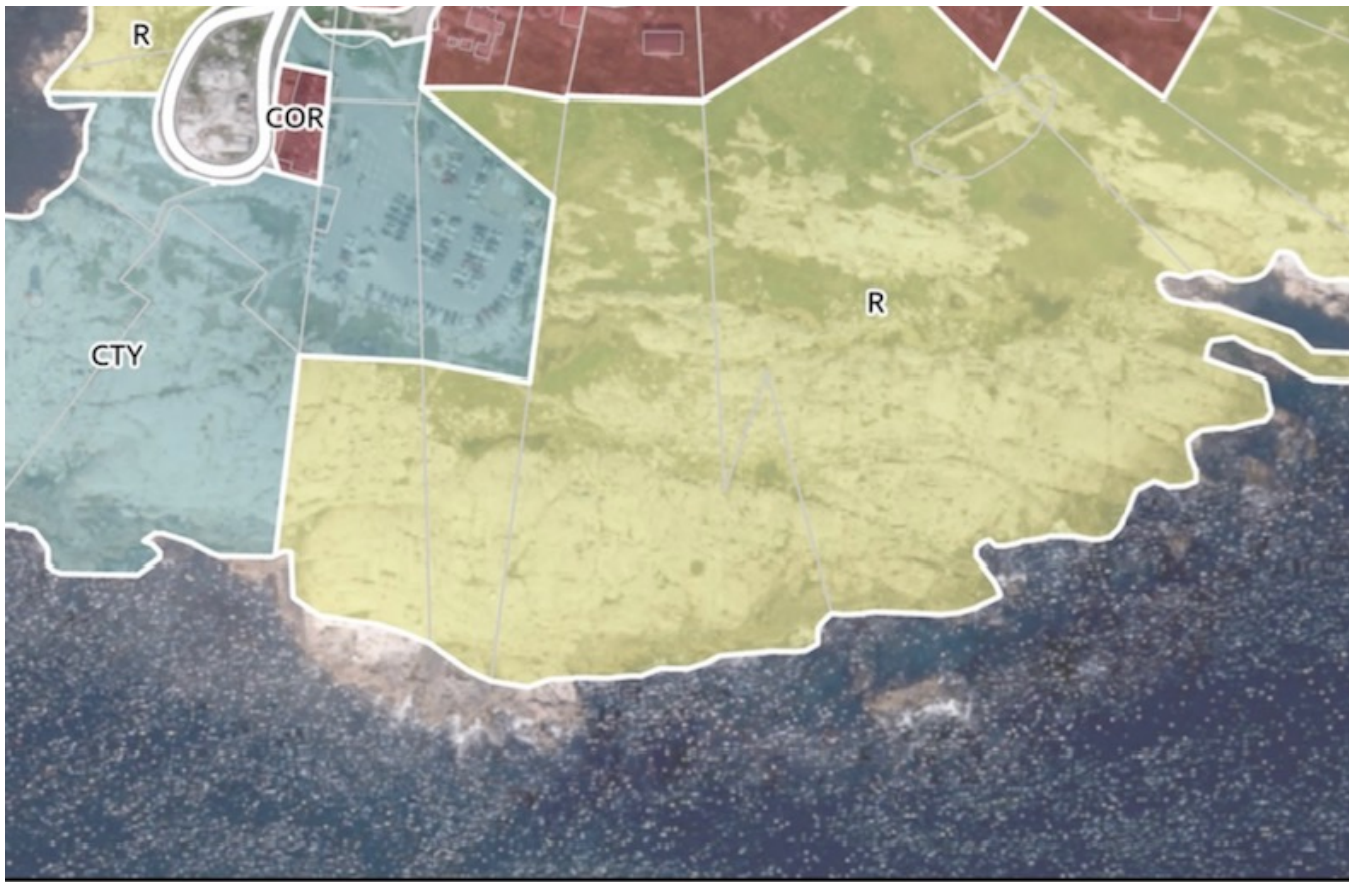
After residents concerns were voiced about the proposed expanded Core Zone in the previous draft, it makes sense to reduce some of that Core Zoning. I am surprised to see the newly proposed Core Zone remaining on the western point near the mouth of the Cove and on land between the viewing platform and the ocean. Considering view planes is so important in planning and preserving the atmosphere of an iconic place like Peggys Cove. These areas should be returned to Residential Zone as shown on zoning map from Nov 9, 2022 draft LUB version (attached). To risk loosing the famous fishing village cove view or the lighthouse view to excess commercial activity, signage and congestion would be a shame.

I would like to see all non-conforming structures and uses documented as part of a complete LUB. The building size or non-conforming aspect should be quantified. As we have learned it is difficult to establish if or when a change has been made. The Fishing Zone should be of a width from the shore to be practical for access and use in the fishery.

Thank you for considering my feedback on this draft LUB.

Sincerely,
Eliza Manuel





Sent from my iPhone

To: Peggy's Cove Commission

CC: Uplands

August 22, 2023

The following are our thoughts/opinions regarding the Land-Use Bylaw:

- Lobster Lane should NOT be removed. It is a vital part of Peggy's Cove history and provides access to the fishing zone on that side of the Cove. DNS/Build changed Lobster Lane during their construction. This should never have been done and is exacerbating the current access situation.
- The current and the new Bylaw needs to be enforced. This has been an on-going issue.
- We do not want further commercialization of the Cove. Currently there are 5 full commercial properties. That is sufficient for such a small space. Monetizing the Cove will damage its' value as a unique fishing village/historic site. The Cove should not be turned into a replica of Halifax boardwalk.
- We do not believe that the McCain properties should be allowed to serve as a "community within a community" according to their proposal. The current McCain residential properties should be maintained as is and the designation not changed. People come to Peggy's Cove for the natural beauty and serenity that cannot be found in most places. Turning a huge chunk of the Cove into an Artists Centre, will open the door for loud music and other entertainment in open-air events.
- We are against the number of outbuildings that Uplands has proposed. The beauty of the Cove will be littered with buildings and highly unpleasant esthetically. Also, it will turn the Cove into a place where people are peddling their wares everywhere. It will be difficult to stop residents from leasing out these buildings, and patrolling this will be a nightmare.
- The bylaw is not doing enough to ensure that Peggy's Cove is a thriving community to live. There needs to be more protection of residential properties.
- NO mobile vending. This is in the current bylaw and needs to be enforced immediately.
- We feel that Uplands is rushing this bylaw through and is heavily in favour of commercializing the Cove, despite the initial community engagement that proved the majority were not in favour of more commercialization. It seems that Uplands tried to accommodate every property owner who wanted to run a business and is not thinking of preserving this beautiful residential/fishing village.

Scott & Janice Steeles (48 Peggy's Point Road, Peggy's Cove)

Dear Commissioners, UPLAND, and the Minister,

I would like to begin by saying that, at this time, I support the decision the Commission and UPLAND have made to remove core zoning in its entirety along Lobster Lane. The decision in question was whether or not all properties or no properties received core zoning. I agree that removing core zoning was the correct approach. Although I personally lost an opportunity, removing the core zoning along Lobster Lane was the right decision for the community as a whole. I always do my best to support decisions that better a community rather than an individual. At this time, the existence of Lobster Lane is being contested. Once the contention surrounding Lobster Lane and its use have been resolved, a follow-up conversation around zoning change would be appropriate.

Due to the disputed existence of Lobster Lane, a property owner has recently blocked Lobster Lane using a large pile of earth; this has blocked access to multiple properties. The blocking of Lobster Lane has caused a strain on the community and has rattled the confidence we have in the Government to support the community through commercial growth. I feel that as a whole, in its conception and development, the draft bylaw as presented today disproportionately favours economic development while complicating residential life. I understand that Peggy's Cove is a critical piece of the tourism economy of Nova Scotia and that the Department of Economic Development has a mandate to grow businesses that forward the goals of tourism in this province. However, Peggy's Cove is a sensitive place and small changes can cause large impacts. The presented bylaw is a massive shift in the use of space in Peggy's Cove. The change and scale of core zoning will have colossal impacts on the lives of the people who make this place their home. Going forward, it will continue to be the responsibility of the Government and their consultants to protect the residents of Peggy's Cove from an over-commercialized community that will become unlivable, if not monitored closely and carefully.

I thank everyone involved for the immense amount of work that has been poured into this project. The draft bylaw as it stands has my support. In order to protect the intent and spirit set forth by this bylaw, there must be continued work on enforcement. This could include revising the Peggy's Cove Act to align repercussions with impactful compliance. I also believe that a Development Officer must be hired and supported by the Commission and the Province as soon as possible, or all the work done by UPLAND and Peggy's Cove Commission will have been in vain. We no longer live in a society and community where everyone operates on good faith and for the common good, which means we need compelling enforcement in Peggy's Cove. I thank you for your consideration.

Yours truly,

Aonghus Garrison

Claire Paruch – [REDACTED]

As a proud immigrant to Canada, I obtained my first Canadian passport less than 10 years ago, symbolizing my commitment and dedication to becoming a true Canadian citizen.

This decision was not taken lightly but after starting up my seasonal accommodation and hot dog BBQ business in Peggy's Cove, I realized that I wanted to be a Canadian.

Then we bought the house in the Cove. We loved the area and were very excited to be part of the community! However, on the first day when we actually had the key in our hands one of the neighbours came over and was not too friendly..it even started then!

I have always wanted my own business and being a 'new Canadian' in a great tourist area, decided to try my hand at running a hot dog BBQ!

I was initially up on the 'hill'.... I did very well and resentment started to grow because the locals could see how busy I was! Other food businesses started operating in non-conforming zones within the village...Lobster Rolls were permitted in a residential building, U cook Lobster Boil out of a food truck by the previous commission chair, no issue with everyone, My hot dog cart!!!! A different story! Why?

I have been bullied by a few members of the community.... especially men... makes me laugh!! They could not talk to me but felt as 'men' they should talk to my husband!!!!!!!!!!!!!!

So now this long-term resentment and jealousy in the Cove have shown up in these new bylaws as a way of trying to shut me down.

The Develop Nova Scotia MASTERPLAN is crucial as it made promises to us as property owners and has a key fit into the by-law review. We feel we were lied to and misrepresented. Initially when the master plan was being developed, Margot Young and Matt Neville came to Paul's office to show us the plans. Margot slowly unrolled the plan and presented it to us. I noticed the public bathrooms straight away..... next to our residential property and we said a firm 'no'. Margot in a conniving manipulating way mentioned if we wanted to have a

Bistro we would need bathrooms. She then mentioned the proximity of the bathrooms would be sufficient for our business. and said Develop would be building them basically for us which of course would have saved us money and time. With this in mind, we were encouraged along with the promises of help from the various Ministries....we signed an agreement with Develop/Build NS for them to work on our wetlands.....lying tactics....if we had not done that the bathrooms would not be there today.....imagine my disgust when a Health Inspector mentioned to me when I asked her about a business and the bathrooms she said 'no' those are for public use only..we would have to build our own....lies lies and more lies....corruption all around!! Commercial zoning showed up in the new by-laws on our property on the Plan..twice..second time reduced in size!! Third time removed...these are definitely NOT good business ethicsWe have prime waterfront land which must be quite a concern for businesses in the Cove. We plan to have a bistro and we have not given up the idea as ideas are still in our future to do it!

I am asking for my hot dog BBQ to be permitted to operate. I ask that promises made in the masterplan be allowed for Paul and I....it leaves us speechless as to the favouritism in the village. I have not found Peggy's Cove or the Commission to be very friendly to new residents, and definitely to people like me that speak differently and that aren't "from here"

Boyd, Lorraine

From: consultation@uplandstudio.ca on behalf of julia manuel [REDACTED]
Sent: August 22, 2023 9:46 PM
To: consultation@uplandstudio.ca
Subject: Peggy's Cove Land Use Bi-law comments & concerns for final draft

To whom it may concern,

I would like to take this opportunity to address a few concerns and comments for the land use land use bi-law of Peggy's cove.

The famous setting of Peggy's cove includes; the fishing sheds around the waters edge with the homes nestled in behind them. It's important not to let the commercial activity overwhelm or take over that scene. The pointe at the mouth of the cove that is in all of the famous photos should not be included in the core zoning. It's essential that we protect the fishing zone and protect access for the fishery.

Busker issues; a busker is someone who is selling their performance and should be considered a vendor. Please add busking to the definition of vending in the land use bi- law, which is currently prohibited.

The white rocks are a big attraction in this area and should be protected within the land use bi-law. During our workshops we discussed protecting the coastal areas from development. Even though it seems unlikely that development would happen in this area, I believe that it's important to protect them by including them in the conservation area zoning.

Thank you for your continuous efforts in creating this bi-law that protects the land use of Peggy's cove.

Sincerely,

Julia Manuel
Sent from my iPhone

Paul Paruch - [REDACTED]

We are the longest-tenured “new residents” in the Village of 13 + years. We have the longest-established short-term accommodations and sole-proprietor food services business in the Village. All are properly provincially & and municipally registered and comply with health standards. We are the original disruptors. This process started for is in 2018-2019 through the Province of Nova Scotia commissioning Develop Nova Scotia to co-create with the community the production of a plan named the “Comprehensive Master Plan” for Peggy’s Cove. This Master Plan was promised to our community, The Province, Canada, worldwide visitors, and Claire & I. This plan guided the new infrastructure the community enjoys today. Of Critical importance are Section 3.3 the Vision, and 4.2 Activating the Cove.

- Section 3.3: Vision: Residents would participate in the economics of the village.
- Section 4.2 Activating the Cove Two bistro buildings on the Paruch Property are the central focus of activating the community hub on the Paruch waterfront of their property.

CRITICAL:

For public washrooms in the village to be built, The Paruchs agreed to the conversion of the wetland which changed the property forever but agreed to as we were told the bathroom placement supported our business Aspirations of operating a Bistro. (see Activating the Cove). Today visitor traffic /and the washroom building adjacent to our property have destroyed its value as a residence.

The By-Law Process

The Intent of the by-laws reflects the Vision created in 2019 but is reflected in the final version of these bylaws being recommended. Since November 11, 2022, commercial zoning was planned for the Paruch property in each draft of the bylaws. To our shock, the version, being commended to the Minister removed all commercial zoning privileges from the Paruch’s.

One could say this looks like the process was one of negotiating in bad faith and an “Undo of Process”. For clarity, commercial rezoning has been used to correct all other non-compliance issues of business operating and in existence for far less time than the Paruch’s. Most of those properties are not owned by individual residents like the Paruchs but are commercial enterprises and numbered companies. These changes suggest the All-Business Committee of the Province of NS, favours enterprises more than individual residents like us. The impact – we will potentially lose our long-standing businesses and have to close, impacting our livelihood and enjoyment of life and

retirement and the experiences many have come to love as a tradition in Cove.

In 3 days we have garnered over 870 signatures, most are Nova Scotians, on a petition that supports the need for our businesses to continue. The Hot Dog BBQ has become a tradition for many coming to the cove and necessary to continue to operate. We ask the Commission, the Provincial and Municipal experts, and the Minister to keep the promises made in the Masterplan and demonstrate your support for small business ownership and competition.

Create good policy, not politics and be guided by fairness, and not favouritism, Grant the zoning promised in the Masterplan and respect we donated our property for the benefit of the community, and visitors on the strength of that Plan, that would help them with fulfill their vision.

Wayne Manuel
12 Rocky Road
Peggy's Cove NS, B3Z 3R9

August 22, 2023

Peggy's Cove Commission
P.O. Box 2311
Halifax NS, B3J 3C8

Dear Commissioners:

I have lived in Peggys Cove for 65 years and worked here as a fisherman for my whole life. The house that I live in and the fish shed I work from on Lobster Lane have been in my family for over 150 years. The careful balance of tourism and the fishing industries in our community is becoming skewed. Recently someone has put barriers on their land that restricts access for the community to fishing properties with long standing access.. We need effective enforcement of our LUB to support the community and regain a workable balance.

The fishery is important to Peggy's Cove. In recent reports by Develop Nova Scotia and Upland Consultants, prioritizing and supporting the working fishing village has been identified as key to the success of Peggys Cove as a world class tourism destination. To date there has been little done to support the fishery. The Peggy's Cove Land Use Bylaw restricts uses around the perimeter of the cove to prioritize fishing. According to the Peggy's Cove Commission Act, I believe the Commission and the Minister could go a step further and work to establish public access to the fish sheds and wharves on both sides of the cove.

Sincerely,
Wayne Manuel



Public Hearing of Objections Minutes

October 12, 2023

ATTENDANCE

The meeting was chaired by Nicole Campbell.

The Peggy's Cove Commission was represented by Nicole Campbell, Maria Bartholomew, Karren Fader, Judy Dauphinee, Christina Lovitt, and Jeannie Chow. Commission member Councillor Pam Lovelace was absent.

Staff support was provided by Ian Watson and Lydia Broderick of UPLAND Planning + Design, and Graham Fisher.

Approximately 25 members of the public attended.

OPENING

The Chair opened the Hearing of Objections at 6:30 pm. The Chair welcomed attendees and outlined the procedures for the Hearing of Objections.

PRESENTATION

Ian Watson presented the approved draft of the Peggy's Cove Land Use Bylaw. His presentation included an overview of the legislative authority for a Land Use Bylaw, the process to-date to develop the new Land Use Bylaw, a summary of supporting material developed as part of the project, key highlights of the draft Land Use Bylaw, and an overview of the potential next steps in the project. Key highlights of the proposed Land Use Bylaw include refined and expanded administrative sections to focus on clarity and ease of administration; refinement of zones, including the creation of a new "Core Zone" that permits both commercial and residential uses; provisions around building form and size; updated architectural requirements; and refinements around other topics such as home-based businesses, special events, vending, signage, hours of operation, and solar panels.

PUBLIC COMMENTS

The Chair thanked Ian and opened the public comment period, starting with those names on the registration list.

Eleanor McCain noted that this is a watershed moment for the community. Eleanor highlighted her respect for the format and structure for the evening, but stated she would use her associated parties' speaking time and speak for 18 minutes.

Eleanor noted:

- She is a proud Maritimer, but it is easy to get distracted by her family name.
- Like others in the room, is an east coaster. Her family is from Truro and New Brunswick. The family business could have been moved anywhere, but the family kept it in New Brunswick.
- She may be a “Peggy’s Cove come from away” but is not “an heiress from a distant land”; she has a home down the street and has been part of surrounding community for 30 years.
- Her work in Peggy’s Cove is investing in community and bringing jobs. She is not benefitting financially; profits will go into a non-profit.
- Her work in Peggy’s Cove began during the Land Use Bylaw review and she had faith in process and fair decisions. However, she feels this has not been the case and the Provincial Government has done little to help the community during a difficult time. She perceives a lack of transparency, and conflict of interest. The local Councillor resigned from the Commission over systemic issues she perceived. Unfortunately, these issues continue.
- The Peggy’s Cove Commission Act needs to be updated to ensure fair and transparent decisions. Past decisions have been inconsistent and appear to favour those closest to the Peggy’s Cove Commission, to the disadvantage of the village.
- Peggy’s Cove is a Canadian icon, and it is everyone’s responsibility to make sure it survives for all.
- The Provincial Government needs to pay attention and ensure a modern governance structure and processes.

Eleanor raised four specific concerns about the most recent draft Bylaw:

- The Intent has been changed from “world class fishing village” to “authentic, traditional fishing village”. Eleanor believes this goes against the EDM Master Plan report and stated a belief that it is unfortunate that one voice caused this change.
- The “casual” application of the Conservation Zone to private properties. Eleanor raised the issue that this has never been considered in previous drafts and wondered how the boundary was determined. Eleanor noted this creates split lands and effectively expropriates private land.
- The reduction in total permitted square footage of accessory buildings on a lot. She stated having expressed concern for months about floor area provisions, and that returns on investment are almost impossible as a result of limits on scale. Eleanor

noted that limits on floor area will not contribute to authenticity in Peggy's Cove, and that a better tool is architectural controls. Eleanor suggested that this limit appears to be to the benefit of Commission members. Eleanor asked that accessory go back to 200 square metres total on a lot, and that the permitted commercial floor area on a lot be increased to 400 square metres, with no requirement for a dwelling.

- The change of 173 Peggy's Point Road from Core Zone to Residential Zone. She noted that she is not the potential buyer but brings this forward as a concerned citizen.

Eleanor noted that she asked for clarification of why these changes were made, and that UPLAND identified all changes as either a response to legal review or to the previous Public Hearing feedback about the intensity of development in Peggy's Cove. Eleanor asked that if the worry is about intensification, then why was her property kept in the Core Zone. Eleanor noted that 173 Peggy's Point Road has been used commercially for years and suggested the change is not good land use planning and is punitive. She suggested this gives the impression of protectionism against competition.

Eleanor noted the Core Zone enables a mix of commercial and residential uses and does not require that commercial must go there. She noted, however, that 173 Peggy's Point Road is well suited for commercial.

Eleanor suggested the Provincial Government has an obligation to ensure fair process and same access to opportunities. Eleanor wondered how, with the makeup of the Peggy's Cove Commission, anyone can feel fairness is being achieved.

Eleanor noted people have expressed concerns to her about speaking up.

Eleanor highlighted evidence that that "the Peggy's Cove Commission has 'worked collaboratively'" with the owner of the Sou'Wester to open its outdoor deck, even when this is not allowed under the current Bylaw. Eleanor raised concern that, in contrast, "nothing could be done" to allow her properties to open during the Land Use Bylaw review process.

Eleanor stated she will support anyone who is not being treated fairly, and highlighted a belief that there are serious systemic problems in Peggy's Cove. Eleanor stated there needs to be reform to address conflict of interest, a lack of professional support staff for the Commission, and ineffective and uneven enforcement. Eleanor noted the current result is neighbour turned against neighbour. Eleanor suggested the powers-that-be have failed. Eleanor noted that the community should be dealing with "bigger fish to fry": supporting the fishery and working towards community wastewater management.

Eleanor closed by noting the community is worthy of progress and she believes the Peggy's Cove Commission is keeping progress at bay. Eleanor noted hoping the community shapes its future not out of fear of losing tradition, and builds each other up and is fair to one another.

Tim Harris identified himself as the Realtor for 173 Peggy's Point Road. Tim noted speaking on behalf of the owners. Tim identified himself as negotiating the pending sale, and noted

that the sale is contingent on a change of zoning. Tim noted the parties have had faith that the correct decision would be made.

Tim identified his interpretation that zoning was arbitrarily changed without due consideration of the owners. Tim asked for fairness.

Tim wondered how anyone reasonably expects this property to be a residential property. Tim noted the property has not been residential occupancy in 25 years. Tim noted that all the tour buses unload at the driveway entrance, and this can be up to 25 buses a day in high season. Tim noted people trespass on the property every day. Tim noted that 700-800,000 people visit Peggy's Cove every year, and that there is only one way to view the lighthouse – past the front yard of this property. Tim wondered who would want to live in the middle of that.

Tim suggested that while the property is one of the oldest homes in the community, it is not architecturally significant. Tim suggested that even if the house is worthy, it is in the wrong place. Tim noted that by all real estate standards the highest and best use of this property is commercial. Tim asked the Commission to do the right thing and make the property Core.

Paul Paruch gave thanks and gratitude for the extension of time given to Ms. McCain.

Paul noted that significant time and provincial money went into the Develop Nova Scotia Master Plan. Paul stated that promises were made in that Plan to the community, Canadians, the province, and to himself and his wife. Paul raised concerns about the changes to the Intent in the draft Bylaw. Paul stated finding this change disrespectful of hundreds of hours he gave into the Master Plan process.

Paul highlighted Section 4.2 of the Master Plan, "Activating the Cove". He noted it depicts a plan for his land, and that he and his wife made decisions based on this. He stated making sacrifices to enable this plan, like donating property to enable the public washrooms on the adjacent property.

Paul stated a belief that the Master Plan has been ignored in the Bylaw, and he and his wife are worse off as a result. Paul suggested the draft Bylaw seeks to close their two businesses that have operated for 13 years. Paul noted the draft Bylaw accommodates all other illegal businesses.

Paul noted that since November of 2022 the drafts have shown his property in the Core Zone, but that changed in August with no stated rationale.

Paul raised concern that in this draft the Conservation Zone is "being weaponized" just like the Fishing Zone. He noted that no one has objections to the fishing industry, but now if you have waterfront property you are either in the Fishing Industry Zone or the Conservation Zone, which makes it unusable. Paul noted you cannot even float a canoe in front of his property, and suggested the Bylaw is protecting something that does not exist.

Paul suggested the rationale for changes to the zoning on 173 Peggy's Point Road is flawed.

Paul asked if Graham Fisher has family connections in the area. [Graham responded that he has no family connections in the province].

Paul noted that if a person on the Commission may benefit from a decision they are in conflict, and he believes the Commission is in constant conflict.

Paul suggested people are scared to speak up, and the Province needs to look into this.

Paul suggested that if the community believes commercial uses have gone too far, then commercial zoning should be eliminated from everyone. Paul suggested that if the community does not think that is feasible, picking and choosing winners and losers is not fair either and the Bylaw should create permissive zoning for everyone.

Paul closed by giving advice: if you think Peggy's Cove is a good place for business, think again. If you think it is a place you want to live, think again. Your neighbours seem to have ownership over your property.

Eliza Manuel noted living in Peggy's Cove for 47 years. Eliza noted her husband has been a commercial fisherman and that her two children have decided to make the community home. Eliza stated the personal importance of Peggy's Cove, as well as its benefits to Nova Scotia. Eliza noted that, at the same time, the community needs protection, and support for effective enforcement of the Bylaw. Eliza suggested this might require changes to the Peggy's Cove Commission Act.

Eliza noted that elements of the Master Plan that benefit tourism have been completed but community infrastructure outlined in the Master Plan, like wastewater treatment and creating of a community space in the deGarthe property, have not been completed.

Eliza gave appreciation for the draft Bylaw changes that protect important viewplanes, protect the fishery, and prohibit buskers and vending. Eliza suggested these changes are important for tourism and for making Peggy's Cove a good place to live.

Eliza suggested a need for clear criteria for the Development Officer, in order to remove concerns about conflict of interest.

Eliza highlighted the fact that there are many lands in the Peggy's Cove Preservation Area that are owned by government departments and therefore not bound by the Bylaw. Eliza encouraged respect for the Bylaw even on those properties not bound by it.

Brian Cottam confirmed that his written submission was received and circulated, and asked if there were any questions about it.

Janice Steeles suggested it is fitting that Thanksgiving just went by. Janice noted being thankful to the Commission for hearing and listening to community members and increasing protection for conservation lands and residential uses.

Janice noted having stated all along that the Bylaw should outline an appropriate ratio of Core Zone to Residential Zone in order to guide future decisions about the Bylaw.

Janice noted that the Bylaw is an authoritative document, and raised concerns about the addition in this draft of notes on the maps that soften their authority. Janice emphasized the need for accurate maps.

Janice noted a need for a specific definition of “community” in the Bylaw, not just a deferral to the Oxford dictionary. Janice suggested there is so much more in the word “community”. Janice noted that the journey to protection for community is a difficult one, but necessary. She recounted trick-or-treating with her younger sister, and how the most memorable feature was not the candy but the conversation her mom had with each neighbour. Janice suggested the Peggy’s Cove community goes deeper than Bylaws or property lines, and that community is working together, like a family, knowing we have each other and will get through it all.

Thomas Young identified himself as the former planner for District 4, which abuts the former District 3, now 13.

Thomas wondered what has been put in the draft Bylaw to protect Peggy’s Cove from rising assessments. Thomas wondered what happens to the assessments for the little guys when big investments are made into the community. Thomas expressed concern that the community will be forced out and Peggy’s Cove will be owned by “the elite”. Thomas noted seeing this in other communities. Thomas raised concern about seeing all the ‘private property’ signs and worried about Peggy’s Cove becoming a gated community.

Thomas noted District 3 starts 500 metres from Peggy’s Cove, at the bridge, and beyond that is District 4. Thomas suggested the proposed Bylaw is infringing into the West Dover side. Thomas noted that when they created the Preservation Area they expropriated land from the community.

Thomas asked that the Peggy’s Cove Preservation Area sign be put on the right side of the line.

Thomas stated he lives on Prospect Road and wondered why his community’s kids go to Indian Harbour school. Thomas raised concern about the history of decisions.

Thomas expressed hope that the Minister will “scrap” the Peggy’s Cove Commission Act and the Commission.

Julia Manuel expressed appreciation for the Commission and how they heard and listened to the community. Julia suggested the changes in the most recent draft make the appropriate

protections for the community, and expressed hope that they will make the Commission's job easier.

Julia noted that the Development Officer needs to be a third party separate from all existing parties.

Judith Morash questioned what happened to the north end of her property. Judith noted that a recent sale of her neighbour's property caused her to commission a property survey to clarify ownership. She noted that the survey identified land that she thought was hers but was not. She noted being told these lands were expropriated by the government in 1977. Judith expressed desire for a clarification of this issue.

Shelley Webb thanked everyone for the opportunity to make comments and for the work being done. Shelley expressed hope the community will get through this. Shelley noted thinking of herself as a self-adopted member of Peggy's Cove.

Shelley expressed appreciation for the changes that clarify signage in the Conservation Zone. Shelley suggested clauses 9.1.3 (a) and (b) of the most recent draft are redundant and unneeded since buildings and premises are not permitted in the Conservation Zone.

Shelley highlighted the definitions section of the draft Bylaw, and expressed concern that 'Peggy's Cove Preservation Area' is not directly defined and instead defers to the Peggy's Cove Commission Act. Shelley noted not everyone will have the Act on hand. Shelley suggested the definition should note that the 'Preservation Area' includes two distinct areas – the conservation land and the "village".

Shelley also highlighted "some things not to do with the Bylaw". Shelley suggested the absence of road marking lines is "scandalous" and is an accident waiting to happen. Shelley stated she will volunteer to join the painting party. Shelley also highlighted the "disgraceful state" of the deGarthe property. Shelley noted you can see daylight through holes in walls. Shelley suggested the deGarthes expected these buildings to be maintained, and that their current state is "an embarrassment".

Shelley closed by expressing hope everything will be worked out satisfactorily.

Aonghus Garrison thanked the Commission and everyone who spoke. Aonghus noted it is powerful when people get to speak, and that it is abundantly clear that everyone has a passion for Peggy's Cove, each for their own reasons. Aonghus stated his reason for passion is being a resident, and that he will be in the community until he dies. Aonghus asked that people keep in their minds as they are making decisions that this is where people live.

The Chair called for any additional speakers.

Claire Paruch requested clarification of the process following the meeting.

Ian Watson reiterated the process following this Hearing of Objections:

- The Commission will meet at a later date to vote on recommending the Bylaw to the Minister.
- If the Commission makes substantive changes, or if the Minister rejects the Bylaw, the draft would be updated and another Hearing of Objections would be held.
- If the Commission recommends the Bylaw and the Minister approves, the Bylaw will go into effect when registered.

Paul Paruch asked how people would be notified.

Ian Watson responded that notification for another Hearing of Objections would be the same as previous ones, along with a summary of changes to the document.

Nicole Campbell clarified that if the documents are recommended to the Minister, the Commission would notify the community that the recommendation has been made and the recommended draft Bylaw would be made public.

CLOSING

The Chair thanked everyone for coming and closed the Hearing of Objections at 7:54 pm.

To the Peggy's Cove Commission and Uplands Planning and Design.

Tuesday, October 3, 2023

This letter has been prepared on the behalf of the current owners of the property at 173 Peggy's Point Road with the intention of providing a rebuttal to current recommendation to have the property zoned residential instead of the originally proposed C.O.R. designation.

This letter is submitted for due consideration and reference at any meeting, time or place that Peggy's Cove LUB issues are being discussed or considered, including the upcoming October 12, public meeting.

FAIR TREATMENT

It is necessary to point out the utter unfairness of changing the initial confirmed zoning recommendation many months after the fact where during this time and because of the previous assurance, the owners have moved forward with their plans to sell the property.

An offer was made and accepted on March 28, 2023, and considerable effort and expense has been put forth by the owners to prepare the property for the impending sale only have the buyers discover that the recommendation has been reversed, abruptly halted the sale where C.O.R. zoning is a necessary condition. This came as a shock to the owners as they were not consulted on the matter.

PRIVACY MATTERS

The property owners would prefer to conduct their personal dealings in private, not at open public meetings that have in the past become unruly, hostile and generate hearsay, the negative effects of which they have already felt.

Neither of the owners are good public speakers and with the consequences of this decision having life altering effects, they would prefer to debate these issues out of the public eye to avoid emotionally charged public discussions. They feel it's in everyones best interests to submit their concerns on paper in a deliberate, well prepared manner.

DUE CONSIDERATION

Due and fair consideration should be given to any zoning recommendations, especially when the impact of these recommendations carries tremendous consequences for those who are directly involved.

While there is nothing wrong with public consultation, such input needs to be duly accessed and weighted accordingly. Acting upon third party suggestions without consultation of the property owners is an imbalanced and notably flawed process.

Most of the people who speak up at public meetings have their own personal motivations and biases and are often uninformed or misinformed, pointing out one of the reasons why these type of "off the cuff" suggestions should be given limited consideration.

PRECEDENCE

This property has always had tremendous potential for tourism supportive operations and has operated intermittently in this capacity for almost 30 years now, albeit with many restrictions in place. These operations have had little to no adverse effect to the residents of Peggy's Cove where this property is removed from the more densely populated residential area.

- Peggy's Light Guest House has been registered at this property since Oct 18, 1994. (2383587)
- The "Hags on the Hill" Artist Co-op operated out of the property from 2013, up until November 2022.

RECENT DEVELOPMENTS

The new viewing deck and drop off area have drastically altered the landscape and traffic flows in the upper part of the Cove.

These new installations have greatly decreased residential property values in the immediate vicinity due to the heavy visitor foot and vehicle traffic.

Also, the viewing deck blocks most of the lighthouse view and destroyed most of the quaint village charm the property used to have before this intrusion was put in place. This is made even more succinct with additional installation of a vehicle “drop off area” and city style sidewalks.

Anyone who was familiar with the Westhaver property prior to this development, will understand what has been lost. No more wedding photos here.



The viewing deck now blocks what was a wonderful view of the lighthouse.

The plans the potential buyers have created for the property have been provided to the commission as proof that what they intend to do with the property is very complimentary to these new installations and respectful to the essence of Peggy’s Cove as a combined residential village and tourism destination. They are as respectful as any viewing deck, restaurant or gift shop that is currently in operation.

The owners did not ask for these gothic installations that bode well for the surrounding commercial establishments as they were intended, yet are detrimental when it comes to residential use, but these are the cards they have been dealt.

SUITABILITY

No one has lived at the property for close to 20 years where there are several issues that restrict it’s use as a residence, thereby making it best suited for commercial use where it can be properly maintained and will provide beneficial amenities for visitors and residents. No one likes a dilapidated eyesore located at a high volume tourist destination.

For as long as it’s been in the Westhaver family, which is almost 40 years now, the house has not been habitable during the winter, it has been a seasonal dwelling at best.



Proximity of the drop off area & viewing deck entrance in regards to the property.

LETTING GO

Even though there is great sentimental attachment to this property, the owners have little choice other than to sell it where they are both disabled. They have no physical or financial ability to live at or maintain the property especially where there is an opportunity for something new and complimentary.

SUMMARY

The new developments have made the property distinctly unsuitable for residential use as they were made to support the retail operations of the restaurant. C.O.R. zoning is now the only truly viable option, thus the homeowners ask for the same consideration that Amos Pewter and other surrounding businesses have been given for land use and for the exact same reasons.

This document is only intended to present points for necessity of C.O.R. zoning on the 173 Peggy's Point Road property which would provide the most beneficial option for the property, visitors, Peggy's Cove and the owners who ask for due consideration of these points.

Thank you for your attention in this matter.

Respectfully submitted on behalf of:

Brian G. Cottam & Kelly L.M Westhaver

File Reference: SM063135-00004

Nancy G. Rubin, K.C.
Direct Dial: [REDACTED]

October 6, 2023

Via Electronic Mail – consultation@uplandstudio.ca

UPLAND Planning + Design
1489 Hollis Street Level 2
Halifax NS B3J 3M5

Re: Peggy's Cove Land Use Bylaw Review – October draft – Public Comments

This is submitted on behalf of Eleanor McCain and Neil Raycraft. I'm addressing two specific changes that have been proposed in the most recent version of the draft Land Use By-Law (**LUB**): changes to the map to expand the Conservation Zone; and a change to the Intent in s. 2.2.

1. Conservation Zone

When the new draft LUB was introduced in November 2022, the Conservation Zone covered the area previously identified as Conservation in the 1993 mapping, i.e. the undeveloped areas of the Peggy's Cove Preservation Area. As per the Explanatory Notes, the Conservation Zone was "limited to trails and conservation uses and to parking lots". In April 2023, the revised zoning map extended this Zone onto the granite rocks on public land surrounding the lighthouse.

The mapping and scope of the Conservation Zone remained unchanged through the June and August versions until the most current draft for October 2023. The current LUB Zoning Map extends the Conservation Zone not only on public lands but across swaths of private lands all along the coast, creating multiple split zoned lots.

Application of the Conservation Zone effectively expropriates these areas and denies these landowners virtually any personal enjoyment or pleasure of this part of their property. Can they put in a small deck or patio to watch the ships and wildlife? No. Can they put in a greenhouse? No. A children's play structure? No. Doghouse? No. Can they celebrate a holiday or community event? Not on that part of their lot zoned Conservation. Surely, they can put up a flagpole and celebrate Canada Day? Not in the Conservation Zone. They can however put up a No Trespassing sign and use it for "a recreational trail, land conservation and study of the local ecosystems."

All of these permitted uses imply a public interest element, not private ownership use.

The stated purpose of the Conservation Zone in the LUB is "to strongly protect the integrity of high-value natural areas". How have Uplands and the PCC defined or scoped "high-value natural areas?" There is no definition in the LUB. And, of critical importance, where is the line drawn or where should it be drawn? It is not good planning practice to simply look at a Google map aerial view, trace a line where there are granite rocks and prohibit virtually all private enjoyment of someone's lands.

[4137-7344-6987](tel:4137-7344-6987)

What is currently shown is a line drawn on the map for this so-called Conservation Zone but it doesn't follow any lot line or any obvious delineation. How is someone supposed to tell where a property owner's Residential Zone ends and the Conservation Zone begins?

According to 3.5.1 (g) "the Development Officer will scale the zone boundary from the zoning map". The zoning map itself doesn't show a scale. Pending appointment of anyone credentialed as a Development Officer, the PCC is stated to be acting in the role of Development Officer. How is the membership of this committee - whose sole criterion for appointment is residency, not expertise in land use planning, design, architecture or engineering - supposed to "scale"? The delineation is fraught with ambiguities.

Moreover, we've not been provided with any information how this Conservation Zone boundary was created, no comfort that it is based on any scientific, or geotechnical studies and most significantly, it was not established with any input from property owners. It's not even consistently applied if the intent was to apply it to white granite rocks. There are white granite rocks in the interior of the Cove, in areas zoned Fishing Industry that have not been assigned the same restrictive Conservation zone.

I searched for why this change was made and see no Explanatory Notes as to the rationale, just that it was done, in fact. When I reviewed the Minutes from the Public Meeting in August, I see that Julia Manuel "raised the concern of the potential for development on the white rocks, even if this seems unlikely. Julia thought it would be important to include the white rocks in the Conservation Zone." The application of this Conservation Zone to private properties is not needed to discourage building a home on solid granite. Cost alone will accomplish this. Janice Steeles "noted the Commission mandate in the Act is to preserve rocks, sea, and the atmosphere of the Community". This is inaccurate. As stated in Section 7(1) of the *Peggys Cove Commission Act*, "The purpose of the Commission is to preserve the unique scenic beauty, character and atmosphere of the Area for the enjoyment of both residents and visitors." Nowhere in the Act does it mandate "preservation of the rocks".

While a municipality may validly regulate land in the public interest, as stated by the Supreme Court of Canada, "the line between a valid regulation and a constructive taking is crossed where the effect of the regulatory activity deprives a claimant of the use and enjoyment of its property in a substantial and unreasonable way, or effectively confiscates the property." (*Annapolis Group Inc. v. HRM*, 2022 SCC 36)

There is insufficient evidentiary support – beyond a public meeting suggestion by a layperson regarding "the white rocks" – to justify as a valid regulatory exercise the constructive taking of such significant areas of private land. It is clear that no scientific support was relied on given that the map itself shows it was last updated 8/28/2023 – the day of the public meeting, nor has there been adequate input from those who are directly affected by the change.

I would strongly recommend that the Conservation Zone remain as outlined in the last map and not extended to private properties. At some point in the future, after the necessary scientific studies are done and if, and only if as a result, it is demonstrated that it is ecologically or environmentally necessary to apply the Conservation Zone to private lands, then at that point the LUB Zoning Map may be amended.

2. World Class vs Traditional

Section 2 of the LUB addresses “Purpose and Intent”. In this latest version, the intent has been changed from ensuring “Peggy’s Cove is a world class fishing village...” to ensuring it is “an authentic, traditional fishing village...”

While this may seem like wordsmithing, where there is no overriding Municipal Planning Strategy and policies that apply in Peggy’s Cove, as you know, the Intent is critically important for two reasons: 1. The LUB is to be interpreted consistent with the Intent; and 2. Any proposed amendments are evaluated for consistency with the intent.

The addition of the word “traditional” to modify fishing village goes against the original Vision Statement created from the deep consultation work done in the community by EDM Planning Services Ltd., and Associates for Develop Nova Scotia, as reflected in its final report of March 2019. Nine approaches were taken by EDM to develop that vision: a project page on the Develop NS website, dedicated project email and phone contact information, Peggy’s Cove resident listening session, Peggy’s Cove resident workshop visioning session, business and tourism operators’ session, individual stakeholder meetings and stakeholder survey.

That Vision Statement has been reflected in the draft bylaw until this latest iteration of the LUB.

I’ve searched for the rationale for the change. It appears that Janice Steeles spoke at the last meeting and suggested inclusion of words like “authentic” and “traditional. With all due respect for Ms. Steeles, it would be exceedingly unfortunate if one voice could override all of the extensive consultations and engagement done so as to change the intent and vision for the community. Nowhere in the Vision Statement did people express a desire or intent to be locked in tradition – but that is what will happen if this change is approved.

I attach an extract from the EDM Comprehensive Plan Report which speaks to the public engagement that led to development of the Vision Statement as an outcome of that process:

Vision Statement:

World-class fishing village, where people feel proud to live, families thrive, residents benefit financially from hosting the world. A visually authentic and beautiful community with the appropriate physical infrastructure (i.e. roads, washrooms, garbage collection, buildings, experiences etc.) as well as effective, clear and fair rules, regulations and governance to manage visitors so that they enjoy their visits and learn about the “real” Peggy's Cove.

We are still missing the appropriate physical infrastructure and to date, still no clear and fair rules, regulations and governance. I invite you to search the record for a desire to be a “traditional fishing village”; it is not there. Let’s not step backwards and stagnate with an explicit intent to be “traditional”.

There is no lack of clarity around what is a “world class fishing village” when one reads the entirety of those sections of the Purpose and Intent. I strongly urge that the original wording be maintained.

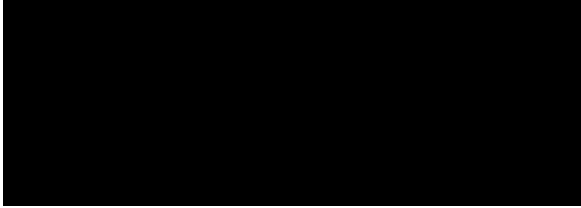
Peggy's Cove Commission

October 6, 2023

Page 4

I would ask that you consider these comments and bring them to the attention of the PCC as the decision-making body, before the draft LUB is finalized for the Minister's approval.

Yours truly



Nancy G. Rubin

Partner

NGR/lmc

cc Eleanor McCain
Neil Raycraft

SECTION 3: (CO-)CREATING THE PLAN

3.1 Community-First Approach

Stakeholder engagement was identified as central to the development of the Peggy's Cove master plan. Project sponsors, as well as EDM, were committed to gathering stakeholder input to inform the plan, beginning with the Peggy's Cove residents. An engagement plan was developed with a community-first approach, which meant that the residents were recognized as collaborators in creating the Plan. In accordance, the initial consultations started with the Peggy's Cove residents to understand their concerns and their vision for their community. Attendance at these community sessions was excellent, with 23-29 residents participating at each session.

In addition to residents, the engagement plan also included tourism and business operators connected to Peggy's Cove, as well as government departments and special interest groups. Prior to project kickoff, invitations to engage were sent to all Mi'kmaq Chiefs and Band Councils and to key organizations that represent the Mi'kmaq of Nova Scotia. The goal for stakeholder engagement was to support the development of a comprehensive master plan for Peggy's Cove. With a compressed engagement timeline and a diverse group of stakeholders to engage, nine tactics were recommended, all of which were implemented, including:

1. a project page on the Develop NS website;
2. dedicated project email and phone contact information;
3. Peggy's Cove resident listening session;
4. Peggy's Cove resident workshop visioning session;
5. Business and Tourism operators session;
6. individual stakeholder meetings;
7. stakeholder survey;

8. Peggy's Cove design week; and,
9. Community Presentation of Draft Plan.

The engagement objectives for the project were to understand the strengths, weaknesses, issues and opportunities stakeholders of Peggy's Cove see for their community and what is needed to be a sustainable community while also being host to a world of visitors. Other engagement objectives included identifying the existing public and private infrastructure needs for Peggy's Cove as well as any future public and private development opportunities for Peggy's Cove and surrounding areas. The sessions helped develop priorities for the master plan and provided opportunities throughout the development of the master plan for input from various stakeholders.

3.2 Engagement Outcomes

Overwhelmingly, all stakeholders want Peggy's Cove to remain a liveable, authentic, fishing community that continues to attract new residents and is sustainable into the future. Residents and operators alike want a safe community for themselves and for the world of visitors they host all year long. The residents appreciate why people want to visit their community and they want to be proud of it. The residents have thoughtful and realistic ideas on how they can continue to live and work there while also welcoming visitors to their community but there are matters that need to be addressed.

All stakeholders agree the issues are related to traffic control, parking, deteriorating and unsafe roads, lack of walking areas, public washrooms, garbage cans and collection, proper water and sewer, and signage to mark private and public lands as well as preservation areas. Many good ideas were shared

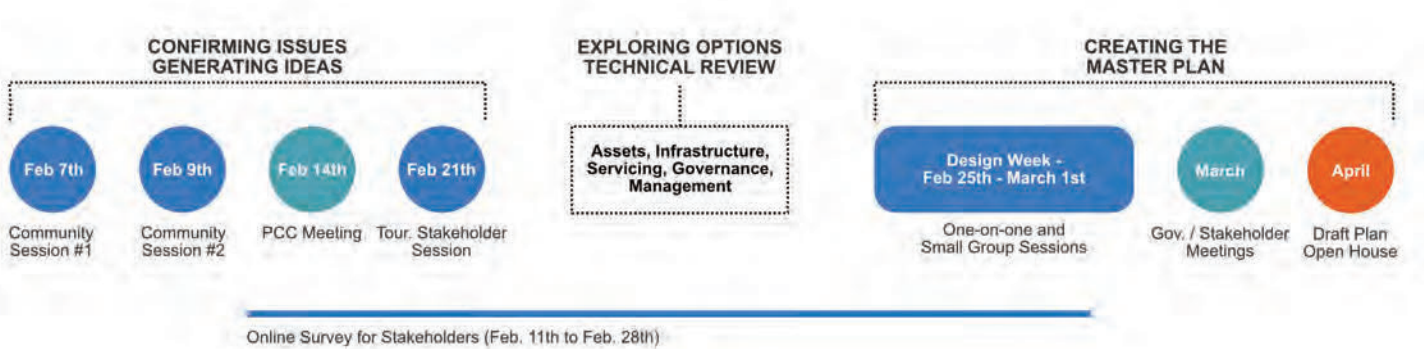


Figure 4: Consultation Schedule



Figure 5: Community Engagement Session Photos, Peggy's Cove

about unique experiences, landmarks and buildings that will tell the true Peggy's Cove story in an authentic and meaningful way. Operators also see the merit in promoting the "loop" and attractions all along Route 333. They recognize the need to disburse visitors and create more accommodation and dining experiences so that people stay longer. Survey respondents noted the beauty of Peggy's Cove and the welcoming residents. Respondents did mention the challenges of access, congestion, traffic and the deteriorating buildings and many suggestions were made on how to improve the visitor experience by offering authentic experiences, expanding the number of activities, and providing opportunities to learn about the community, its residents and their stories. **Appendix B** contains a detailed consultation report documenting the engagement outcomes.

3.3 Vision

Through community engagement a clear vision for the future of Peggy's Cove emerged, that can be summarized in three statements:

- Peggy's Cove us a world-class fishing village, where people feel proud to live, families thrive, and residents benefit financially from hosting the world. **[COMMUNITY DEVELOPMENT]**
- Peggy's Cove is a visually authentic and beautiful community, with the appropriate physical infrastructure (roads, washrooms, garbage collection, etc.). **[INFRASTRUCTURE]**
- Peggy's Cove has effective, clear and fair rules and regulations and governance to manage the community and visitors so that visitors enjoy their visits and learn about and experience the "real" Peggy's Cove. **[GOVERNANCE]**

3.4 Concept

The three statements of vision emerge into a masterplan concept as follows:

3.4.1 Community Development

Vision Statement: Peggy's Cove is a world-class fishing village, where people feel proud to live, families thrive, and residents benefit financially from hosting the world.

The community carefully considered its future. It was acknowledged that fishing is changing, there are less fisherman, and that Peggy's Cove is a difficult harbour to fish out of. Nevertheless, the community was nearly unanimous that its identity was linked to fishing, which included active fishing jobs, not just historical interpretation of past fishing.

The community also identifies with the Peggy's Point lighthouse. The community is willing to step in, if necessary, to ensure their lighthouse is protected into the future. The community also sees itself as a community of arts and crafts, identifying strongly with deGarthe, and wanting to encourage this activity as an important part of its future economy.

The community has summer residents, but it is still largely comprised of year-round residents. There is a shortage of suitable housing and options to expand existing homes or add new homes are limited. The community is seeking to increase its population in the future rather than continue the current decline.

The community should remain an attractive place for families to live.

While the lighthouse brings many visitors, opportunities for residents to benefit financially from visitors are limited. There is a desire for better opportunities for residents to capture more of the tourist revenue that is spent in the community. Residents have ideas for how they can action this, including: tour guiding, food vendors, arts and crafts sales, overnight accommodation, and boat tours. In many cases, issues of governance and infrastructure have prevented residents from carrying out these activities.

3.4.2 Infrastructure

Vision Statement: Peggy's Cove is a visually authentic and beautiful community, with the appropriate physical infrastructure (roads, washrooms, garbage collection, etc.).

The Preservation Area landscape and the built cultural heritage is special and the residents know that about their community. The rocks are revered, and residents have stories about the rocks, and orient themselves in their landscape according to the rocks. Residents understand that how they build their homes and infrastructure must be done in a way that the rocks and the associated plant communities and the existing built community form, are protected as much as possible.

The community is prepared to continue with what some would consider inadequate potable water supplies, using a combination of wells, cisterns, and water delivery. The community acknowledged that, without soil cover, many residents need help with sewage treatment in order to meet current guidelines and to expand their homes and open businesses.

Hosting visitors requires adequate public parking, washrooms, and signage as well as operations support for visitor orientation and safety, garbage collection, and traffic management. Residents are currently overwhelmed with the number of visitors who arrive and cannot find these basic necessities. All forms of traffic: buses, cars and pedestrian, needs to be managed in order for residents to carry out their daily lives with so many visitors in their midst.

The community has hosted visitors for generations and is prepared to continue to do so, however, the current situation with sub-standard public infrastructure is intolerable and residents want to feel proud of their community again.

3.4.3 Governance

Vision Statement: Peggy's Cove has effective, clear and fair rules and regulations and governance to manage the community and visitors so that visitors enjoy their visits and learn about and experience the "real" Peggy's Cove.

The community understands that it has a unique governance structure that was established to preserve the beauty of Peggy's Cove. The structure is considered to be unpredictable in its outcomes. The community is seeking a governance structure that has clear rules, fair enforcement, and transparent procedures for making decisions about the use of privately held property in the community.

Most community members are prepared to live with rules that govern the architecture of their homes, but do want some ability to expand their homes, meet practical business requirements, and have choices to meet modern building performance expectations.

The community is also seeking a government entity to manage the public realm and all of the visitors and their needs. The current structure of multiple overlapping and divergent government agencies is confusing. Without one public entity advocating within government, daily needs are overlooked and don't get the appropriate attention of the responsible department.

The community is seeking to "tell its own story". The community has an extraordinary history, parts of which are documented in photographs and historical records; and other aspects are contained in postcards, memorabilia, events, stories of famous visitors, and works of art. This part of the record is scattered. There are also gaps in the written record about how life was lived in the Cove, place names and authentic features. The community understands that it is part of the icon that is Peggy's Cove, and it wants a mechanism to collect, curate and tell its authentic story to visitors.

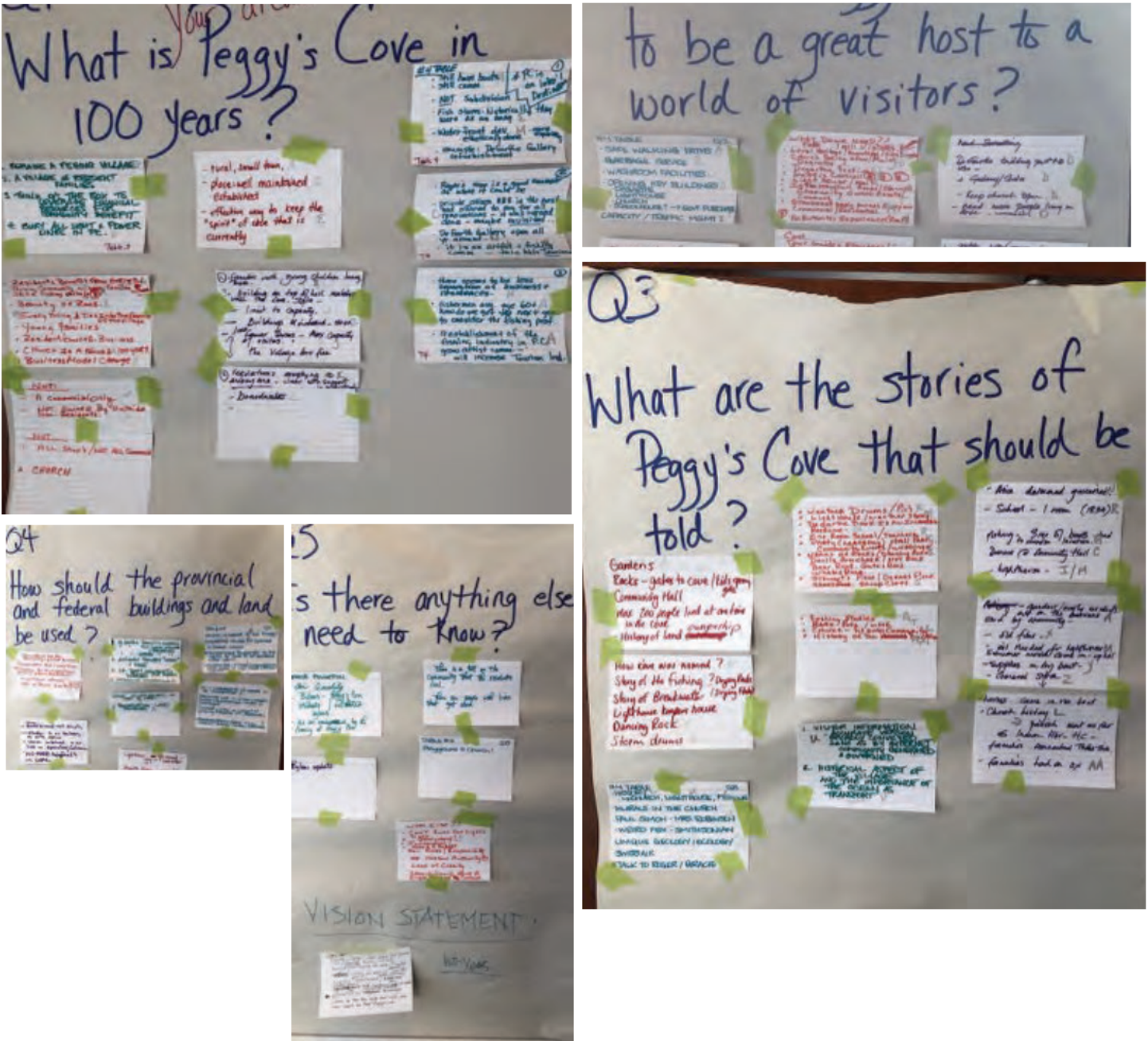


Figure 6: Community Engagement Session Photos, Peggy's Cove

WITHOUT PREJUDICE

Paul & Claire Paruch
6 Rocky Rd.
Peggys Cove, NS
B3Z -3R9

Submission
OCT 12 - 2023

To:
Peggy's Cove Commission
Re: Objection Concerns
Public Meeting Oct 12th 2023

1. Peggy's Cove Masterplan:

This by-law review process has been conducted entirely in isolation of the Peggys Cove Master Plan. A plan the province and community invested a lot of money and time building.

This Master Plan process started 2018-2019 through the Province of Nova Scotia, commissioning Develop Nova Scotia to co-create with the community the production of the "Comprehensive Master Plan" for Peggy's Cove. This Master Plan made promised to our community, The Province, Canada, worldwide visitors, and Claire & I. IT'S BEEN IGNORED .. WHY?

Of Critical importance are Section 3.3 the Vision, and 4.2, Activating the Cove.

We made many decisions to accommodate the infrastructure planned For public washrooms in the village to be built, The Paruchs agreed to the conversion of the wetland, which changed the property forever, but agreed to it as we were told the bathroom placement supported our business Aspirations of operating a Bistro. (see Activating the Cove).

Today, visitor traffic /and the washroom building adjacent to our property have destroyed its value and wholly destroyed any appeal it may have had as a residential property.

THE PROMISES MADE IN THE MASTER PLAN HAVE NOT BEEN REALIZED IN THIS BY-LAW REVIEW – AND THE PLAN HAS BEEN ESSENTIALLY IGNORED.

2. RE - Zoning

Since November 11, 2022, commercial zoning was planned for the Paruch property in each draft of the bylaws. To our shock, the August 2023 version removed all commercial zoning privileges from the Paruchs WITHOUT ANY RATIONALE OR EXPLANATION. THIS HAS EFFECTIVELY SHUT DOWN THE LONGEST-STANDING SOLE PROPRIETOR BUSINESS IN EXISTENCE for 13 years. We have a petition that was signed by over 2000 people asking for fairness not favouritism in this by-law review, and to stop shutting down these long-standing businesses. Our business is promoted on the Build Nova Scotia (formerly Develop NS) website: <https://visitpeggyscove.ca/visitor-information/>

IMPORTANT Other non-compliant businesses will be fixed by being rezoned commercial, but not ours. Current commissioners and or current or previous staff members of business run by commissionaires with similar businesses like short-term rentals will carry on as going concerns by being rezoned commercial, but not ours. IT MUST BEG THE QUESTION, WHY?

ADDITIONALLY, NOW IT SEEMS CONSERVATION ZONING IS BEING WEAPONIZED LIKE FISHING ZONING. No one is opposed to protecting the special features or uniqueness of the village. The small 2-3 boats are conducting limited fishing activities should be protected. But essentially enforcing that any property on the water in the village is fishing zoning, is unfair. My property doesn't have enough depth to float a canoe, a pleasure craft or fishing vessel. Lets us make the cove vibrant again by allowing people to to live and work in our village and create permissive zoning rights that have all properties "mixed zoned" and individuals can make decisions and put our confidence in the bylaws that they will ensure proper guidelines are in place.

The recent explanation by the consultant as a rationale to support some of the most recent zoning changes seemed to suggest that core zoning has gone too far seemed to overlook the properties with the most residential ability and usefulness are being zoned commercial and are already converted to businesses and short-term rentals. More loss of residential inventory.

3. GOVERNANCE – Conflict of interest and /or Bias

The Commission Governance guidelines state in Paragraph II of Section 11 – Conflict of Interest, and it deserves close attention... as it states.

If a Commissioner or a person connected to the Commissioner, may benefit or suffer financially from the decision, bias is presumed.

We believe that this commission is in a constant and continuance position of conflict of interest and personal bias regarding this by-law review work. Many RESIDENTS or community members will not speak for fear of reprisal either through further changes in the bylaws that might affect their property or pressure from the immediate community after speaking out.

We believe bias and conflict issues MUST be addressed. When you look closely, all most every member (with the exception of the government commissionaires) could/ would benefit or suffer financially by the rezoning work taking place. Our property in particular, is highly commercially viable with little or no changes required. This is statement is truly amplified when you look at the competitive nature of the future plans co-created by Paruch's with Development Nova Scotia and included in the 2019 Comprehensive Masterplan. One can easily surmise that this would create more competition for business in the village and you can easily assess this puts many commissionaires in conflict of interest situation again maybe with the exception of government members.

Note:

Commission/commissioners bias/conflict/ concerns:

- Two properties slated for commercial re-zoning appear are/ were either owned and/or only recently sold directly by a Commissionaire/ or an immediate family member of a voting commissionaire.

(Potential Financial Benefit)

- One property owned by a commissionaire operating a short-term accommodation business is also recommended for commercial zoning. **(Loss of Financial benefit from Competition)**

- Two commissioners are immediate family members who serve on the Commission. (stepmother and daughter) **(connected to Commission)**

- Two Commissioners (family members) own/operate/are closely affiliated with a family food services business and a short-term accommodation business being re-zoned commercial **(Loss of Financial benefit)**

- Questionable full-time resident status of a commissioner who rents out their whole home **(Connected Commissioner)**

- One commissioner's immediate family is in a property dispute with the Paruchs.

In Closing :

If we want PEGGYS COVE to remain a residential community and believe the commercial zoning has already gone too far, eliminate all commercial zoning from every property in the next by law **for all. No commercial zoning at all for anyone** and Peggys Cove will revert back to being a residential community. The province can find another area to be their premier destination, and the village can be frozen in time for everyone. If that is not feasible, then picking winners and losers on zoning, seemingly based on which properties have the loudest or most influential voices, is not practical either. Create permissive bylaws that create mixed zoning for every property owner, and the owner decides its future, and the by-laws do what they are designed to .. and that is to guide that work.

A few words of advice to others:

If you think Peggys Cove might be a good place for your business – think that through before you invest your time, resources, or capital – it doesn't seem open to many people.

If you think you may want to live in Peggys Cove, I suggest you also think about that. Your neighbors seem to have mental ownership over your property, and you must get good with that first.

Wayne Manuel
12 Rocky Road
Peggy's Cove NS, B3Z 3R9

August 22, 2023 # 08/22/23

Peggy's Cove Commission
P.O. Box 2311
Halifax NS, B3J 3C8

Dear Commissioners:

I have lived in Peggys Cove for 65 years and worked here as a fisherman for my whole life. The house that I live in and the fish shed I work from on Lobster Lane have been in my family for over 150 years. The careful balance of tourism and the fishing industries in our community is becoming skewed. Recently someone has put barriers on their land that restricts access for the community to fishing properties with long standing access.. We need effective enforcement of our LUB to support the community and regain a workable balance.

The fishery is important to Peggy's Cove. In recent reports by Develop Nova Scotia and Upland Consultants, prioritizing and supporting the working fishing village has been identified as key to the success of Peggys Cove as a world class tourism destination. To date there has been little done to support the fishery. The Peggy's Cove Land Use Bylaw restricts uses around the perimeter of the cove to prioritize fishing. According to the Peggy's Cove Commission Act, I believe the Commission and the Minister could go a step further and work to establish public access to the fish sheds and wharves on both sides of the cove.

Sincerely,
Wayne Manuel

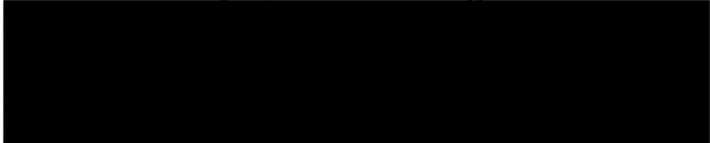
To: Peggy's Cove Commission

CC: Uplands

October 11, 2023

The following are our thoughts/opinions regarding the 2023.10.12 Draft Land-Use Bylaw:

- We are highly in favour of the changes you made to protect the white rock areas around the ocean's edge.
- We are highly in favour of the removal of Core in the areas closest to the lighthouse and adjacent to the viewing deck. This protects the iconic view and landscape.
- We are thrilled that you acknowledged Lobster Lane as an important and historical part of the village of Peggy's Cove, especially to service the fishing village.
- We are happy to see that busking is prohibited. However, it should be more specifically addressed that busking is not allowed on open air decks no matter the land-use. Also, the draft seems to indicate that busking is allowed in "cultural facility use". We are against this because it will create noise. People come to Peggy's Cove to hear the ocean waves and experience serenity. We are not the Halifax Boardwalk and should not create that vibe. All busking should be done within closed walled buildings and not allowed in any open-air space regardless of the land-use.
- This document is designed to be an authoritative by-law. However, you have added a caveat on the zoning maps to say that the "accuracy of such representations is not guaranteed". This is concerning because that statement provides no security regarding the accuracy of the actual map. For example, the conservation zone and other boundaries could be considered as only a guideline. A document like this must have accurate maps to protect future disputes.
- We are in favour of your additional verbiage regarding the absence of a Development Officer and the Commission being the authority until an Officer is in place. Please enforce the current by-law.
- We believe that there should be some hard numbers to serve as a guideline for residential vs. commercial within the community/town, for example 90% residential and 10% commercial. This will give future Commission members/Development Officer an accurate guideline when considering future applications.


Scott & Janice Steeles

(48 Peggy's Point Road, Peggy's Cove)

ATTACHMENT 4 – PROOF OF NOTICE

As per the Peggy's Cove Commission Act,

- 9** (1) The Commission, before making, amending or repealing a by-law, shall give notice of its intention so to do by advertisement inserted at least once a week for two successive weeks in a newspaper circulating in the Area, the first of such notices to be published at least three clear weeks before the date fixed for the hearing of objections.

(2) The notice shall state

 - (a) a place where, and the hours during which, the by-law may be inspected by any interested person; and
 - (b) the time and place set for hearing by the Commission of objections to the by-law.

- 10** The application to the Minister for his approval of a by-law, or the amendment or repeal of a by-law, shall be accompanied by

 - (a) proof of compliance with the requirements of Section 9

The Chronicle Herald

SALTWIRE.COM

REPARATIONS AND RECONCILIATION

N.S. recognizes annual

in crude and explicit language for aggravating damage and emotional toll of the harassment and November that she was being sued for

After receiving notice last

November that she was being sued for



PEGGY'S LAND USE COVE BYLAW

Notice of Public Hearing

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To register to speak at the Public Hearing, or for more information please visit www.peggyscoveiub.ca or contact consultation@uplandstudio.ca

and funding

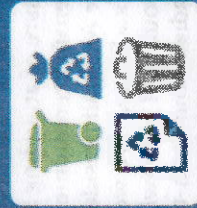
case study series looking at Canadian communities' ability to build infrastructure to withstand climate change noted that Atlantic

A5

Wednesday, August 2, 2023

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HALIFAX

HALIFAX MURDER CASE



Guard's Arctic patrol vessels will be tasked with a wide range of missions. Both ships will operate as the Canadian Coast Guard's primary platform with increased capabilities to support fisheries enforcement on Canada's east coast, support search and

Lesko. With the completion of each ship, there are significant learnings which deliver continuous improvement, efficiencies and shortened delivery schedules for the next vessel."

The first three vessels have been delivered to the Royal

Canadian Navy, with the fourth to be delivered later this summer. The mega blocks of the fifth ship will be joined in August 2023, and construction on the sixth Arctic ship is continuing with the keel laying this month. Both are on schedule for delivery in 2024 and 2025, respectively.

HMCS Harry DeWolf was the first of the new Arctic Offshore Patrol vessels built at the Irving Shipyard. The shipyard held a steel-cutting ceremony Tuesday for the seventh new AOP being built at the Halifax yard. **ERIC WYNNE ■ CHRONICLE HERALD**

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SUMMER THEATRE
ARTISTIC DIRECTOR ANDREA BOYD

MURDER for Two

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Book and Lyrics by Kellen Blair

Directed By Jeremy Webb
Featuring Scott Pietrangelo and Jackson Seib



SALTWIRE

PCC Public Hearing Ad

Chronicle Herald Aug 16, 2023

THE CHRONICLE HERALD
SALTWIRE.COM
Wednesday, August 16, 2023

TASTY TREAT

Donair costume stays in Alberta

TYLER DAWSON
OTTAWA

Judge Jill Hartlen ordered a presentence report at the request of the defence and scheduled Oake's sentencing hearing for Nov. 10.

Lawyers have not agreed on a sentence.

The identities of both girls are protected by a publication ban.

Outside court, Kennedy confirmed he will be looking for a provincial jail sentence for Oake, meaning a term of

These are the types of offences that parents are extremely concerned about – their children being exploited and victimized by people through social media," the Crown attorney said.

"The accused in this case was much

chel Notley's New Democrats when they came to power in 2015.

"Ultimately, the silly tone of the

Tuesday with her mother and stepfather. Kennedy said the teen "definitely" will be submitting an impact statement for the sentencing hearing, and there may be one from her mom as well.



PARAMEDICS

in 2018 cases requiring an ambulance over the past five years, paramedic staffing shortages that force available ambulances to sit idle, the temporary closures of community emergency

HALIFAX



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Fisheries and Oceans Canada

Pêches et Océans Canada

Consultations and Engagement on the potential listing of Lumpfish and Harbour Porpoise Under the *Species at Risk Act*

Comments from the public are being solicited on the potential listing of Lumpfish and Harbour Porpoise under the *Species at Risk Act* (SARA).

The Committee on the Status of Endangered Wildlife in Canada (COSEWIC) assessed Lumpfish as threatened in 2017, and Harbour Porpoise (Northwest Atlantic Population) as special concern in 2022.

If Lumpfish is listed as threatened under SARA, it would be subject to prohibitions and therefore, it would be illegal to kill, harm, harass, capture, possess, buy, sell or trade this species, unless permitted by the SARA. A recovery strategy and one or more action plans would be developed to support recovery. Critical habitat, necessary for Lumpfish survival and recovery, would also be protected once identified.

If Harbour Porpoise is listed as a species of special concern, prohibitions of the SARA do not apply. However, listing this species would result in the development of a management plan that would include conservation measures.

In order to better understand the impacts of listing Lumpfish and Harbour Porpoise under the SARA, we would like to hear your opinions, comments, and suggestions regarding the possible ecological, cultural, and economic impacts of listing or not listing these species under SARA. For more information and to provide comments, visit: canada.ca/species-at-risk-registry (click on consultations) or contact:

Fisheries and Oceans Canada
Species at Risk Program
Bedford Institute of Oceanography
1 Challenger Drive, PO Box 1006, Dartmouth, Nova Scotia B2Y 4A2
Email: dfo.marsara-lepmar.mpo@dfo-mpo.gc.ca

Please provide your comments by December 22, 2023.

For more information on the SARA or aquatic species at risk, please visit: canada.ca/species-at-risk-registry



Protester cleared of kicking cops

news. At the time, municipal workers were trying to remove a shelter for homeless people in front of the former

The review was scheduled to begin June 1 and a public report with findings and

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of 25,001 Ontario residents moved to New Brunswick, And while inflation on consumer goods has soared

1. New Brunswick and Labrador - 85.16 2. New Brunswick - 66.48

New Brunswick is the second-eastest place in Canada to

TITANIC ARTIFACT

Key sold for more than \$4500

devices from Wright after he was arrested on voyeurism charges in December 2020.

Looking through one of the devices, police found naked pictures of a woman who was lying face down on a couch and appeared to be passed out.

In the photos, a male's hand is shown touching the woman's thighs and squeezing her breasts.

Police contacted the victim in the spring of 2021, and she recognized herself in the photos.

The woman recalled she and Wright had returned to their friends'

Wright has been in custody since he was arrested on the latest voyeurism charge last Christmas.

In May 2021, Wright was sentenced to 230 days in jail, considered served by his time on remand, and three years' probation after pleading guilty to 11 counts of voyeurism, two counts of trespassing at night and two counts of breaching his release conditions.

Ten of the voyeurism charges involved three women who lived in the vicinity of Wright's home on Inverary Drive in Dartmouth. Wright admitted watching one of those women on 22

locations and said he recorded video on his cellphone and sometimes masturbated while watching the women. He was released on conditions to

charge against Wright in May 2021. His trial was supposed to get underway this November.



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