



Peggy's Cove Commission Meeting  
**Special Meeting Minutes-Draft LUB Vote**

October 13, 2023

3:00 p.m.

Via Teams/Conference Call

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**Members in Attendance:**

Nicole Campbell – Chair	David Mitchell, Dept. of Economic Development – non-voting member
Maria Bartholomew – Vice Chair	
Judy Dauphinee	
Karren Fader	Guests:
Jeannie Chow – Dept. of Economic Development	Geoff Leung, Dept. of Justice – Guest
Christina Lovitt – Dept. of Municipal Affairs and Housing	Ian Watson – UPLAND

Regrets: Graham Fisher – Dept. of Municipal Affairs and Housing – non-voting member  
Pam Lovelace, HRM Councillor

**Agenda Items:**

1. **Call to Order** – Chair Campbell called the meeting to order at 3:07 p.m. quorum achieved. It was confirmed that Dept. of Justice representative will provide advice on substantive and non-substantive changes as required through discussion.

2. **Agenda**

- A. Discussion about Public Hearing of Objections of October 12, 2023
- B. Review of October 12, 2023, Draft Public Hearing of Objections Minutes containing oral and written submissions
- C. Vote to accept the Draft LUB and forward to Minister of Economic Development

**A. Public Hearing of Objections meeting discussion**

- 5 written submissions were received, 25 people attended and 11 people provided oral statements.
- It was noted that there were a few non-substantive items such as property lines, terminology, typos.
- It was noted that specific themes arose, and should be bundled for discussion

**B. Review of Draft Public Hearing of Objection Minutes containing oral and written submissions**

- 1. Concern raised on intent being changed from “world class fishing village” to “authentic, traditional fishing village.”
  - Discussion took place - “Worldclass” vs “Traditional” wording in the Intent section of the draft LUB
    - Reviewed the connotation of each term worldclass and traditional
    - Reviewed intent of the overall LUB under the context of the legislation
    - How does the public/tourists view the Cove and why do they visit the Cove?

**Motion** to retain authentic traditional fishing village. *Upon motion and duly seconded*, the Commission majority approves. **Motion carried.**

2. Concern raised related to expansion of the Conservation Zone and structures not being permitted on the rocks.

- Discussion took place - Conservation Zone – increased area
  - Increased area with the intent to provide more clarity on the zoning lines defining the white rocks
  - Expanding the zone is not the same as expropriating lands from private landowners since landowners are still able to enjoy the use of their land
  - The Conservation zone expansion is to protect the white rocks against future potential development to preserve the current beauty

**Motion** not to amend the Conservation Zone. ***Upon motion and duly seconded***, the Commission majority approves. ***Motion carried.***

3. Concern raised on the total permitted square footage of accessory buildings on a lot.

- Discussion took place - Reduction in the square footage of accessory buildings
  - There was a reduction in the overall square footage of accessory buildings since it was felt that if all accessory buildings were built to the maximum square footage permitted in a previous draft, it would be excessive and the current square footage was sufficient
  - A request was made to increase the square footage of accessory buildings

**Motion** not to amend. ***Upon motion and duly seconded***, the Commission majority approves. ***Motion carried.***

4. Concern raised regarding the maximum floor space of commercial permitted on a lot in the Core Zone.

- Discussion took place - Maximum Commercial floor space
  - A request was made to increase the square footage of overall commercial floor space
  - The square footage was again discussed but it was felt that the square footage in the draft LUB was appropriate for uses permitted in the zoning
  - Discussion on what the Cove would look like if all Core zoned properties maximized permitted commercial floor space

**Motion** not to amend. ***Upon motion and duly seconded***, the Commission majority approves. ***Motion carried.***

5. Concern raised on why properties were not Core Zone, including 173 Peggy's Point Road.

- Discussion took place - 173 Peggys Point Rd zoning
  - Discussion of the difference between the current zoning of Residential and the possible zoning of Core
  - Reviewed how much max development/uses could occur on these properties if they were re-zoned to Core
  - To balance the amount of Core in the Cove, there were 6 PIDs which remained the original residential zoning which could affect 4 property owners

**Motion** not to amend. ***Upon motion and duly seconded***, the Commission majority approves. ***Motion carried.***

6. Concern raised related to Core Zone requiring a dwelling unit to permit additional commercial density.
- Discussion took place - Requirement for a dwelling to access additional commercial space
    - A request was made to eliminate the requirement for a dwelling to access additional commercial floor space
    - Since the PCC acknowledged that an authentic fishing village and residents were important to the attraction of Peggys Cove as a tourism icon, the requirement for additional dwellings was considered a novel way to encourage additional residents in the Cove
    - Discussion on the importance of this clause as an effort to balance residential and commercial uses of properties in the Cove, and encourage new residents given the dwindling population in the Cove

**Motion** not to amend and to leave in the requirement. *Upon motion and duly seconded*, the Commission majority approves. **Motion carried.**

7. Concern raised related to the Fishing Zone on a portion of 6 Rocky Road.
- Discussions took place - 6 Rocky Rd – current Fishing Zone designation
    - Currently property is a split zone of residential and fishing
    - Discussion on why preserving the fishing zone was important and aligns with the What We Heard Report from the community
    - Continuity of the fishing zone along the laneway was discussed as support to fishing uses
    - Discussion on whether the current use of the property is permitted under the current draft LUB

**Motion** not to amend and leave Fishing Zone on the portion of 6 Rocky Road. *Upon motion and duly seconded*, the Commission majority approves. **Motion carried.**

8. Concern raised related to not having an overall maximum percentage of Core zone stipulated in the LUB.
- Discussion took place - Defining a limit on CORE vs Residential Zoning
    - A request to define and limit the amount of Core use in the Cove
    - Discussion that it would be too prescriptive and complex to define since there are mixed use and split zone properties
    - It may cause landowners to claim Core use to lock up their portion of any limit imposed

**Motion** not to amend to include a maximum percentage. *Upon motion and duly seconded*, the Commission majority approves. **Motion carried.**

9. Concern raised related to permitting signage in the Conservation zone.
- Discussion took place - Signage clauses in the draft LUB
    - Feedback indicated that perhaps some of the signage clauses were redundant
    - Discussion on the importance of the signage clauses in the various zones

**Motion** not to amend. *Upon motion and duly seconded*, the Commission majority approves. **Motion carried.**

10. Concern raised that Peggy's Cove Preservation Area not defined in definitions section of bylaw, and rather points to the *Peggy's Cove Commission Act*.
- Discussion took place - Definition for Preservation Area
    - Request to have the Preservation Area defined in the LUB
    - Discussion that the Preservation area is already defined in the Act and that the LUB refers to the Act
    - Reference to the Act is common to ensure a consistent definition
- Motion** not to amend. **Upon motion and duly seconded**, the Commission majority approves. **Motion carried.**
11. Concern related to no definition of 'community' in the bylaw.
- Discussion took place - Definition for Community
    - The draft LUB was reviewed to determine when the term community was referred to and if there was a consistent definition
    - There were many references to community and the uses were too varied to provide one definition
- Motion** to not place a definition in bylaw. **Upon motion and duly seconded**, the Commission majority approves. **Motion carried.**
12. Concern raised that Development Officer should be noted in the LUB as a third party separate from all existing parties.
- Discussion took place - Development Officer role
    - Discussion on a job description but that it is not usually included in a LUB
    - It was suggested that the development officer should be a third party not related to anyone in the Cove and it was agreed that this would be something explored in a job posting/interview but not appropriate for the LUB
- Motion** not to amend. **Upon motion and duly seconded**, the Commission majority approves. **Motion carried.**
13. Concern raised about busking not being explicitly prohibited on open air decks.
- Discussion took place - Busking – not permitted in open patios/decks
    - Busking is already included in the definitions within the LUB.
    - When and where it is permitted is clear.
- Motion** not to amend. **Upon motion and duly seconded**, the Commission majority approves. **Motion carried.**
14. Concerned raised regarding the note on the zoning map.
- Discussion took place on clarification on zoning maps - Accuracy clause in draft LUB
    - The zones are considered "authoritative" while property lines are based on deeds and are representations and based on base data
    - Discussion that not all people will understand the distinction
    - Clarity on note on zoning map would help
- Motion** to add a notation on zoning maps indicating zone boundaries are authoritative and subject to Section 3.5. **Upon motion and duly seconded**, the Commission majority approves. **Motion carried.**

15. Concerns raised regarding 6 Rocky Road not being Core Zone.
- Discussion took place - 6 Rocky Rd – Residential Zoning change to Core
    - Request was to change the current zoning of residential to commercial
    - Discussion to give consideration to adjacent uses to the property
    - Discussion on the difference between a laneway and main road and the potential traffic
    - Discussion on the impact to the fishing zone and its activities
- Motion** not to amend. **Upon motion and duly seconded**, the Commission majority approves. **Motion carried.**

16. **Motion** to approve UPLAND's Public Hearing of Objections Minutes of October 12, 2023, with changes to include the questions and answers regarding next steps that occurred at the end of the meeting. **Upon motion and duly seconded**, the Commission majority approves. **Motion carried.**

### C. Vote to Accept Draft LUB and Next Steps discussion

- Discussion took place on next steps to advise community on process.
  - Decision made to send a notice to community advising that the PCC has accepted the draft LUB with minor edit on map and then they will put forward a package to the Minister for approval.
17. **Motion** to approve September 18, 2023 draft Land Use Bylaw with one amendment on zone map as discussed and submit to Minister for approval. **Upon motion and duly seconded**, the Commission majority approves. **Motion carried.**

#### Action:

- Commissioner Lovitt to draft a notice in letter format from PCC Chair to the community and Secretariat to send on Oct 16, 2023 and post on PPC website.
  - Discussion on Minister's package – include August draft LUB and written and oral submissions and approved October draft LUB and written and oral submissions.
18. **Motion** that the Minister's package to include Public Hearing of Objections of August 23, 2023 draft LUB and written and oral submissions as context; and Public Hearing of Objections of October 12, 2023 draft LUB and written and oral submissions. **Upon motion and duly seconded**, the Commission majority approves. **Motion carried.**

Adjourned 5:11 p.m.