

PUBLIC HEARING #2

Upper Clements Secondary Planning Strategy and Land Use Bylaw AGENDA

Time: 2:00 p.m.

Date: Tuesday, September 17, 2024

Place: Municipal Administration Building, 752 St. George Street, Annapolis Royal, NS

Welcoming Remarks – Warden Alex Morrison

The purpose of a Public Hearing is to permit members of the public to make their views known to Council, concerning, solely, the application before Council.

This second Public Hearing concerns the Upper Clements Secondary Planning Strategy and Land Use Bylaw.

All questions and comments throughout the public hearing are required to be addressed to the Chair. The Chair will provide an opportunity for public input and will ask that persons speaking identify themselves so that their comments may be recorded in the minutes of these proceedings and that the person speaking identify if they are speaking in favour or against the application.

Questions and comments from Council members are asked to be held until all public comment is heard.

All questions and comments throughout the public hearing are to be addressed to the Chair.

Re: Upper Clements Secondary Planning Strategy (SPS) and Land Use Bylaw (LUB)

Information Report – L. Bent

Call for Oral Presentations (open discussion from the floor – public)

- 1st call for comments against the application
- 2nd call for comments against the application
- 3rd call for comments against the application
- 1st call for comments in support of the application
- 2nd call for comments in support of the application
- 3rd call for comments in support of the application

Call for questions or comments from Council Members

Next Steps – L Bent

Closing Comments

Adjournment (Warden)



INFORMATION REPORT

Report To: Municipal Council
Meeting Date: September 17, 2024
Prepared By: Linda Bent, Director of Planning & Inspection Services
Subject: Adoption of Upper Clements Area Secondary Municipal Planning Strategy & Land Use Bylaw

LEGISLATIVE AUTHORITY:

Part VIII, Sections 190, 204, 205 and 206 of the *Municipal Government Act*.

BACKGROUND

The effective date of the current Upper Clements Area Secondary Planning Strategy and Land Use Bylaw was November 25, 1998. Under the current *Municipal Government Act*, the provincial Minimum Planning Requirements Regulations section 3(2) (c) states that a municipal planning strategy and its implementing land use bylaw must be reviewed no later than 10 years after its effective date.

The first Upper Clements Area SPS was adopted in 1988 at the time of the development of the Upper Clements Theme Park. It recognized the influence of the new development and the new opportunities for the area but also sought to preserve, protect, and enhance existing development patterns and looked to minimize potential conflicts between the two.

Two updates to the original plan were adopted on January 28, 1993, and November 25, 1998, based on a 5-year periodic review requirement.

The current update considers the redevelopment of the former Upper Clements Theme Park after its closure in 2019 as well as the introduction of a new County-Wide Municipal Planning Strategy and Land Use Bylaw.

The Upper Clements Area Advisory Committee commenced the plan review in late 2021 with final draft documents being prepared in May 2024. A Public Information Meeting was held on May 15, 2024, at the Clementsport Legion Hall to review changes to the planning documents and respond to public questions. Forty members of the public attended the event with several other members public reaching out to staff via phone and email.

Leading up to this stage, the Upper Clements Area Advisory Committee (UCAAC), at its May 22, 2024, meeting recommended to PAC that the draft Upper Clements SPS and LUB documents be approved and a PAC Public Meeting be held. UCAAC reviewed public comments at this meeting with a copy of the comments provided.

July 10, 2024 – a Planning Advisory Committee sponsored public meeting was held at the Upper Clements Community Hall. Members of the community were invited to provide oral reports, stating their support or opposition regarding the planning documents. PAC voted unanimously to recommend that Municipal Council give first reading of their intention to adopt the Upper Clements Area Secondary Planning Strategy and Land Use Bylaw.

DISCUSSION

As stated above, UCAAC reviewed all comments and concerns with staff which resulted in amendments that are outlined below and highlighted in the Secondary Planning Strategy & Land Use Bylaw.

Amendments from Provincial Representative

Agricultural Land: Lands in the planning area were zoned Agricultural if they were identified as agricultural marshlands or if the parcel contained greater than 50% Class 3 soils and were 20 acres or more in area. SPS Policy 4.17 provides language and direction for the Agricultural Marshlands with development requirements included under Section 4.28 of the LUB.

Final Amendments following Upper Clements Area Advisory Committee Meeting of May 22, 2024

- Updated Upper Clements Residential Zone (UCR1) policy to permit two-unit residential dwellings to facilitate density but also to establish the UCR1 zone in areas that are on existing private roads, rights-of-way, or lots that lack road frontage (by definition) (1998 Policy 5.1.3) (Proposed Policy 4.1)
- Elimination of the Residential Protected (R4) Designation & Zone (1998 Policies 5.1.5 and 5.1.6)
- Creating mobile home parks by development permit has been eliminated and updated language has been added to 'land leased communities' with approval via a site plan approval process (1998 Policy 5.1.8) (Proposed Policy 4.3)
- Added an Open Space Zone (UCOS) to accommodate parks, trails & open space areas (Proposed Policy 4.10)
- Added an Agricultural Zone (UCAG) to protect agricultural lands. This is a requirement of the Provincial Statements of Interest. (Proposed Policy 4.15)
- Similar to the County-Wide Plan, a limited variety of permitted uses were allowed for in the UCAG zone for future development while still providing for protection of the AG zones.
- Development by development agreement is now restricted to the Upper Clements Comprehensive Development District (UCCDD) zone. This opens up development for already well-established businesses that have long proven themselves for good development in the area. The development agreement process will allow for public participation and council approval of any proposal. (Proposed SPS Policies 4.21, 4.22, and 4.23; LUB Section 5.4.3.2)
- New documents speak to wind power (Proposed SPS Section 4.5.1). Large scale in the County-Wide Plan in the identified areas and mini and small-scale development subject to LUB regulations (Proposed LUB Section 4.26).
- Provisions have been included to increase the setback from coastal watercourses from 15 metres to 30 metres (SPS Policy 4.25; LUB Section 4.22) (1998 SPS Policy 5.5.1)
- Old LUB did not permit accessory buildings prior to a main use, the new draft will permit this in all zones. (1998 Section 7.17(c)) (see 'Further Considerations' section below)

- Upper Clements Residential (UCR1) zone permits only one main building but does allow for secondary suites. All other zones allow for more than one main use with a 4.6 m (15-foot) setback between each main use. (Proposed LUB Section 4.2)
- Sign provisions have been simplified (Proposed LUB Section 4.14) (1998 LUB Part 8)
- Provisions for Homes for Special Care – Small Option Homes and Group Care Facilities in all residential zones. (Proposed LUB Section 4.16)
- LUB updated to permit RV parking sites (Proposed LUB Section 4.20)
- Recreational Cabins – 1 recreational cabin permitted per lot for UCR1 (Proposed LUB Section 5.4.1.4) and UCR2 (Proposed LUB Section 5.4.2.5) zones
- LUB updated to permit solar collection systems (LUB Section 4.25)

Proposed Zones Established

Land Use Category	Abbreviation	Zone
Residential	UCR1	Upper Clements Residential
	UCR2	Upper Clements Mixed-Use
	UCCDD	Upper Clements Comprehensive Development District
Institutional	UCI	Upper Clements Institutional
Open Space	UCOS	Upper Clements Open Space
Agricultural	UCAG	Upper Clements Agriculture

Further Considerations:

During the preparation of this report, staff identified two sections of the proposed Upper Clements planning documents that could benefit from additional review which are provided below.

In the current draft, SPS Policy 4.27 does not address the coastal watercourse setback distance of 30 metres (98 feet). The section on 'development and maintenance' was re-ordered for additional clarity.

SPS Policy 4.27 Watercourse Maintenance

It is the policy of Council to prohibit the alteration of land levels or the removal of vegetation within 15 metres (50 feet) of an inland watercourse or 30 metres (98 feet) of a coastal watercourse other than trimming or pruning of trees, removal of fallen or dead vegetation, and other maintenance that may be required to protect people and animals, or in the development or maintenance any of the permitted land uses identified in Policy 4.26, to ensure the preservation of natural habitat and flow within the watercourse.

A line was added to LUB Section 4.4 to provide additional clarity on the construction of accessory buildings and structures.

LUB Section 4.4 Accessory Buildings and Structures

An accessory building or structure shall be permitted in any zone in the Planning Area and may be constructed prior to the establishment of the main use and may be used for an accessory use but shall not...

It should be noted that staff discovered after the Planning Advisory Committee meeting that while it was the intention of the Area Advisory Committee to include mobile homes and Recreational Vehicle Parking Sites, it was omitted from the list of permitted uses. Staff has since added these uses to Part 5.

NEXT STEPS

After the Public Hearing, if adopted, Municipal Council is required to hold second and final reading of their intention to adopt the documents after which four certified copies of the document will be forwarded to the Department of Municipal Affairs & Housing for their approval.

Once notification is received from the Province, an advertisement will be placed in the local paper notifying the public of their adoption of the documents and they will be in effect on the date of the advertisement on the Municipality’s website.

RECOMMENDATION for COUNCIL CONSIDERATION:

Pursuant to first reading given on July 16, 2024, in accordance with the recommendation for approval from the Annapolis County Planning Advisory Committee and after holding a Public Hearing thereon, that second and final reading be given to adopt the proposed Upper Clements Area Secondary Planning Strategy and Land Use Bylaw.

Prepared by:

Linda Bent

Approved by:

Approval Date:

Chris McNeill,
Chief Administrative Officer

(Date)