

**Public Consultation Meeting Notes  
District #4 Chester Basin Fire Dept  
7 p.m. April 17th, 2018**

**Attendance:**

Council: Warden Allen Webber  
Cllr. Sharon Church  
Cllr. Danielle Barkhouse  
Cllr. Tina Connors

CPAC Art Backman  
Debbie Reeves

Staff: Tara Maguire, Director of Community Development  
Garth Sturtevant, Planner  
Heather Archibald, Development Officer  
Tammy Hamm, Admin. Coordinator

Gallery: There were 32 members of the public present.

**Summary of Comments & Questions**

**QUESTION - Will existing businesses be grandfathered?**

**ANSWER** - They will be considered non-conforming structures. If the operation was to cease for more than six months the use would no longer qualify with the grandfather clause. No expansion would be approved if it did not comply with the zoning regulations.

**QUESTION - How do we register this?**

**ANSWER** - We review any existing approvals we may have or will accept a sworn affidavit to state the use as well.

**QUESTION - Are there rules around electrical facilities such as windmills?**

**ANSWER** – Yes, the rules depend on the size. Hamlet and Gateway zones cannot exceed 5 kilowatts. Which will permit a very small personal windmill. Other zones will permit 100 kilowatts with height restrictions and property line setback to ensure if there were to be a failure and the windmill was to fall it will fall within the owner's property.

**QUESTION - Would this be permitted on Marvins Island as well?**

**ANSWER** - A 5 kilowatt wind turbine would be permitted.

**QUESTION - Are solar panels permitted?**

**ANSWER** - They are permitted in all zones with similar production capacity limits to wind turbine. Some zones (Single Unit, Gateway & Hamlet) are limited to a maximum of 5 kW production capacity, all other zones allow up to 100kW. Anything beyond 100 kW requires a Development Agreement. Off building solar collectors are viewed as an accessory structure.

**Question - Would this be combined kilowatts or per panel kilowatts?**

**ANSWER** - Combined capacity on the lot.

**QUESTION - Does this apply to solar hot water?**

**ANSWER** - No it does not, this only applies to solar photovoltaic panels which produce electricity.

**QUESTION - Currently West Chester Village is zoned Single Unit Residential. Are there any changes?**

**ANSWER** - We have proposed to leave that zoning as it exists.

**QUESTION - Will this create a tax increase in commercial?**

**ANSWER** - It should not have an effect. Municipality sets the tax rate but we do not assess the property value this is done by PVSC and is based on market value therefore zoning should not affect the property values.

**QUESTION - Does this mean the values could go down and not up?**

**ANSWER** - There should be no effect.

**COMMENT - Concerned the zoning regulations are coming from Village requests.**

**RESPONSE** - We are legislated to review the zoning requirements. We are proposing low level zoning to requirements to keep the character of the communities. Zoning currently has not been reviewed since 1997.

**COMMENT - Earlier today I asked who required the change to zoning and was told provincial government requested the review. We pay taxes why can someone say when documents have to be reviewed and no taxes will increase.**

**QUESTION - What are the people saying when they come out? I suspect this has been the largest turnout. In the past the province has said we had a say with school board issues but this has not been the case. Can my say make a difference?**

**ANSWER** - Council has the final decision. A group of citizens formed the Citizens Planning Advisory Committee. Each district was equally represented by this group. There were public consultations in each district where input could be provided. We are conducting these public engagement sessions and once this process has been complete a recommendation will be made to Council and the decision will be theirs.

**COMMENT - Suggestion made that things appear to working "If it aint broke don't fix it".**

**QUESTION - Are other Municipalities undergoing the same process?**

**ANSWER -** Municipality of Kings is as well. Some Municipalities have comprehensive zoning and some have much less restrictive rules.

**QUESTION - What type of zoning is within the red zone? Can multi units be constructed. For example a four unit complex.**

**ANSWER -** Currently this area would be in General Basic Zoning. No development permit is required for 1 – 4 units, 5 – 11 units required a site plan approval and there is criteria that is required to be met.

The new zoning a development permit is required. No public notification is required. The permit approval process generally would take 7 – 14 days.

**QUESTION - Would my neighbours need to be notified?**

**ANSWER -** Neighbours would not have to be notified if the development only requires a Development Permit.

**QUESTION - What about Parking?**

**ANSWER -** Once space per unit is required.

**QUESTION - Currently if you were to build a garage on your property only a building permit would be required, under the new zoning a development will be require**

**ANSWER -** Yes, that is correct.

**QUESTION - Currently the set backs are determined by the building code but now they will be determined by development controls as well. If the property is narrow this could restrict building.**

**ANSWER -** Each side is required a 1.2 metre setback and the front requires 1.5 metres.

**QUESTION - What benefits are there to the proposal?**

**ANSWER -** We are attempting to strike a balance for permitted uses. Minimize conflict between neighbours and property use. Land Use regulations allow us to encourage developments in areas of the municipality with compatible developments, maintain the character of the community as well as provide areas for specific developments.

**QUESTION - Do staff spend a lot of time on neighbor conflicts?**

**ANSWER -** Complaints are received. Occasionally there are no by-law regulations if it is a land use complaint. We can address unsightly and dangerous but with new zoning regulations we may have the tools to help with these complaints.

When complaints are received and there are no regulations to address the complaint often creates larger problems. This is a starting point to try and strike a balance within the communities.

**QUESTION - What is the proposed goal for completion?**

**ANSWER -** No hard date at this time but hopefully fall 2018.

**QUESTION - If I were to buy a Tim Hortons franchise where could I put it?**

**ANSWER -** In this area there are very few areas you couldn't put it depending on size except for Single Unit Residential Zone.

**QUESTION - Will there be architectural restrictions?**

**ANSWER -** No we heard loud and clear this was not the desire although there are some height restrictions in the gateway zone. Height restrictions are measured differently in the gateway zone and roof pitch is not regulated.

**QUESTION - Has the zoning in Marriots Cove changed?**

**ANSWER -** No. There are some general provision changes which could affect the area, but the zoning for Marriotts Cove, while it has a new name, is meant to directly mirror the current zone.

**QUESTION - Is there a flow chart to identify requirements and changes?**

**ANSWER -** No. The requirements can be very different with many different factors. We have handouts about proposed changes and existing zoning.

**QUESTION - Will there be zoning for buildings on wharves.**

**ANSWER -** Currently we will not be dealing with wharves outside of the village. DNR does deal with that.

**QUESTION - Will this be looked at in the future?**

**ANSWER -** We can revisit but the Committee has not had a lot of requests for this zoning. IF this is something you would like to see please add to the comment form provided. The Municipalities authority stops at highwater mark.

**QUESTION - Will you be addressing floating cottages?**

**ANSWER -** We have no plans nor jurisdiction beyond high water mark.

**QUESTION - What about wharves on lakes?**

**ANSWER -** We are not proposing to regulate this.

**QUESTION - If I were to apply for a building permit now would I be reviewed under current regulations or proposed regulations?**

**ANSWER** - Currently the existing regulations apply. After Council gives first reading to the draft documents, any applications from that time forward would have to meet the new regulations.

**QUESTION** - **How did you advertise for feedback from the communities.**

**ANSWER** - We advertised with a newsletter insert, newspaper advertisements, posters put up in each Council district at businesses, through the Municipal Website, Municipal Social Media and will be conducting two meetings in each district.

**COMMENT** - *Single Unit Zoning yard setback have been changed. It used to be distances between buildings.*

**RESPONSE** - This has been changed. We were potentially creating an unfair situation because of existing structures. Potentially a neighbor could have a structure that did not comply with the regulations and this could create future construction to have to be further from the property line due to existing nonconforming structures. Therefore, property line set backs will be used.

**QUESTION** - **If an appeal process is two weeks for site plan approval. Notification is sent by regular mail appeal times time could be up before letter is received.**

**ANSWER** - the appeal process is regulated by the Nova Scotia Utility Review Board and they mandate two weeks, regular mail is an approved method. We do not have access to other means of contacting people.

**QUESTION** - **Habitation of RV's should be reconsidered. Will tiny homes be considered an RV?**

**ANSWER** - RV habitation is approved for up to six months with a DP. There are people that feel this is to relaxed. Tiny homes on wheels and registered as a vehicle would be looked at like an RV.

**QUESTION** - **Why can't they be permitted in GB zone?**

**ANSWER** - In the GB zone and where it is not specified RV's are permitted. Permits are required for 6 months use in some areas but not in the General Basic Zone.

**QUESTION** - **What about motor vehicle act. They govern RV's no land use regulations.**

**ANSWER** - RV's are permitted to be habituated in specific zones of the municipality.

**COMMENT** - *I work with the film industry and I have 9 trailers stored on my property.*

**RESPONSE** - This would be currently permitted in your zone. We can review specific cases in the proposed zone.

**QUESTION** - **Is there a definition of RV's? In Yarmouth tiny homes are considered RV's.**

**ANSWER** - RV's are described as vehicles. If the tiny home was on a chassis it would be considered a RV.

**QUESTION - What about RV's, boats stored on property?**

**ANSWER -** Permits are not required for personal storage.

**QUESTION - RV's are controlled under the motor vehicle act. How can you govern what we do with RV's on our property?**

**ANSWER -** Under land use by-law were permitted to regulate the use of the land. We have conducted a lot of researched to determine how other municipalities handle these uses.

**QUESTION - Are you telling my you are going to control my land?**

**ANSWER -** We have the authority and ability to implement land use controls.

**QUESTION - Did you say you are going to control my land. Did I hear you right?**

**ANSWER -** We have the ability to implement land use controls.

**COMMENT - Technically none of us own our land. Our lands are owned by her Majesty the Queen and we have deeded access to this land.**

**RESPONSE -** We will not be conducting a plebiscite. We are encouraging public engagement to express concerns and feedback. It is your opportunity to tell us what you like, don't like and how we could do things better.

**QUESTION - How many to say we do not want this?**

**ANSWER -** We have a series of public engagement meetings. We will then make any necessary changes and provide a draft document to council for first reading hopefully fall 2018. At this time council will review the proposed changes and vote.

**QUESTION - Is signage being reviewed?**

**ANSWER -** For developments that require DP signage will be reviewed. However, highway signage will not be.

**COMMENT - Property rights might be limited. However it is a small concession to make ensure slaughter house, and intrusive uses do not become neighbors in residential areas.**

**REPONSE -** Our goal is to limit intrusive uses and strike balance within the community.