



# Municipality of the District of St. Mary's

Special Council Meeting  
Wednesday, October 18, 2022

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*We acknowledge that we are gathering in Mi'kma'ki the traditional unceded territory of the Mi'kmaq people.*

## 1. Meeting, Date & Time:

The Special Council Meeting of the St. Mary's Municipal Council was called to order on Wednesday, October 18, 2022, at 7:04 pm in Council Chambers, Sherbrooke, NS.

## 2. Attending:

Warden Wier	Councillor Mailman
Deputy Warden Fuller	Councillor Malloy
Councillor Baker	Councillor Zinck
Councillor Harpell	

## Also Attending:

Marian Fraser, Director of Finance (DOF)  
Mallory Fraser, Municipal Clerk  
Denise Dunn, Economic Development Officer (EDO)  
Ian Watson, Senior Planner - Upland Planning and Design Studios

## Absent with Regrets

Marissa Jordan, Chief Administrative Officer (CAO)

## 2. Approval of Agenda

*On motion of Councillor Baker and seconded by Councillor Zinck, Council approved the agenda as presented*

***Motion approved.***

## 3. Other Matters of Business

### Municipal Planning Strategy (MPS) and Land Use Bylaw (LUB) – Second Reading

- The Senior Planner provided context for the process of the Public Hearing and Second Reading. The second reading is intentionally set after the Public Hearing to ensure that only submissions from the hearing are considered and nothing from outside of the meetings. Following the Public Hearing there are three options. Option one is to conduct a Second Reading of the documents as drafted, this would approve the documents and they would be sent to the province for review and approval. The second option is to approve the documents with non-substantive changes. Non-substantive changes are changes that do not change the intent of the document but make clarifications, these changes would not impact people's rights on their land. The third option if substantial changes are desired which would impact people's rights on their land, such as changing zoning or changes to the permitted uses of land, then the documents would have to go through another First Reading and Public Hearing.
- The Senior Planner reviewed the concerns brought forward by the public during the Public Hearing.
- There was a question about the maximum size of accessory buildings and why there is a cap on the size. The Senior Planner clarified that in section 2.5 Accessory Buildings of the LUB speaks to accessory buildings under 9.2 square meters. This section is specifically for developments that don't require a permit. This is not a cap on the size of accessory buildings permitted, but a cap of the size that may

be built without a development permit. The only limit is height which is zone specific and that the accessory buildings are considered in the maximum lot coverage.

- It was suggested that shipping containers should not be limited in where they are located on a lot. The Senior Planner advised that this topic had been discussed in depth previously and that this was the result and that if Council makes the change, it would be substantive.
- There was a concern about the Habitation of Vehicle Bodies and concerns that it would impact the ability to stay in a tiny home. The Senior Planner advised that the section doesn't limit habitation, it limits that it can't be a dwelling. No automobile, truck, bus, coach, car body or recreational vehicle with or without wheels shall be used as a dwelling. A tiny home is defined as a dwelling and are permitted anywhere where a dwelling is permitted provided it is not installed on a permanent foundation and that it has required approvals for year-round human habitation.
- Concern was raised about section 5.1 Watercourse, Coastal and Wetlands and the requirement for buildings on coastal fronting properties to be built at a minimum elevation of 5 metres. The Senior Planner advised that this was taken directly from the existing LUB as a place holder until the Coastal Protection Act is enacted. The Senior Planner advised that once the legislation has been enacted for Council to revise the LUB to refer to the province's requirements.
- There was a concern about the possibility of building structures like Maple Manor under the new LUB. The Senior Planner advised that anything that legally exists now, will continue to legally exist. It is called a nonconforming use or nonconforming structure. In the future to build a structure such as Maple Manor there are land-use categories for residential care facilities and nursing homes. There is no enabling for grouped dwellings or multiple dwellings on a lot unless the property can be subdivided in the future.
- There was the question why the Dangerous and Unsightly section was removed from the new LUB. The Senior Planner advised that it was removed from the LUB because the MGA has a section dedicated to dangerous & unsightly and it would be duplication.
- There was the suggestion to change section 4.21 - Derelict Vehicles to remove the maximum number of derelict vehicles permitted on a property and to include a time limit for derelict vehicles to be removed. The Senior Planner advised that it would be a substantive change.
- There was the comment about the dates that needed to be updated. The Senior Planner advised that this was a non-substantive change and that the dates would be updated.
- There was the question if development agreements are applicable to section 8.2 – Development Agreement Policies. The Senior Planner advised that making the clarification would be a non-substantive change.
- There was the question if long term rentals apply to tourist cottages. The Senior Planner advised that there is a specific definition for short term rentals and that there is a separate land use category, and they are permitted wherever dwellings are permitted.
- There was the question asking if tiny home communities may be permitted in other zones or by development agreement in other zones. The Senior Planner advised that they could be permitted by

development agreement in other zones. The Senior Planner advised that this would be a substantive change. Another option would be for a request to rezone for the property.

- There was a comment about wind turbines and increasing the size that's permitted to align with the same size as solar panels. The Senior Planner advised that the current limit in the LUB for solar panels is one megawatt and the limit for small scale wind turbines is 100 kilowatts. These thresholds were used to align with provincial programs and Nova Scotia Power to differentiate between small scale and commercial scale. Land use impacts must also be considered.
- Council asked the Senior Planner if it would be a substantial change to reword hobby farm to small scale farming. The Senior Planner advised that it would not be a substantive change.
- The Senior Planner advised that the LUB currently enforced does make provisions for limited agricultural livestock for personal use. Under the current LUB, a property owner should have a development permit to do so.
- The Senior Planner clarified that section 4.29 Fowl & Rabbits is not meant to be to an exclusion of anything. No development permit is required if the minimum provisions are not exceeded. A development permit is required when the minimum thresholds are exceeded.
- There was the question about animal units and what are they. The Senior Planner advised that the table at the back of the document in the definitions section will be moved to make it easier to find for the reader.
- Council asked if the LUB aligns with the Municipality of the District of Guysborough. The Senior Planner advised that the LUB is aligned with Guysborough because of the shared Development Officer and geographical proximity.
- Council asked for clarification on section 5.1.4 the Minimum Coastal Elevation. The Senior Planner advised that this was included from the last LUB to fill the gap until the Coastal Protection Act is enacted.
- The Senior Planner advised that substantive changes included changes to shipping containers, limits on derelict vehicles, where tiny home communities are permitted, size of wind turbine, and the rabbits and fowl.
- Council asked if section 4.29 is not changed, would it limit people with approximately 70 fowl to conduct business as normal. The Senior Planner advised that any operation that legally exists now, would become a non-conforming use. If there was a new operation after the new LUB is enacted, they would have to follow the provisions in the LUB. If they do not meet the provisions in the LUB, they can apply for a variance. They could also request an amendment to the LUB.
- Council asked if it would be a substantive to change reword section 4.5 to permanent dwelling opposed to dwelling. The Senior Planner advised that this would not be a substantive change.
- Council agreed to use the term 'homestead agriculture' instead of Hobby Farm.

- The Senior Planner requested a five-minute recess to compose a motion reflecting the changes to the MPS & LUB Council agreed upon for Councils consideration.

*On motion of Councillor Malloy, and seconded by Councillor Baker, Council agreed to hold a five-minute recess.*

**Motion approved.**

(Council recessed at 7:45 pm)

(Council reconvened at 7:51 pm)

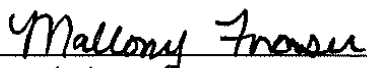
*On motion of Warden Wier, and seconded by Councillor Baker, be it resolved that Council give Second Reading and approve the draft Municipal Planning Strategy and Land Use Bylaw as considered on October 18<sup>th</sup>, 2022, with the following non-substantive amendments: renaming 'hobby livestock' to 'homestead livestock'; inserting the word 'permanent' before the word 'dwelling' in section 4.5; adding a definition for fowl and; minor edits in content and form.*

**Motion approved.**

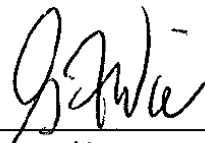
## **Adjournment**

*On motion of Councillor Baker, and seconded by Councillor Mailman, there being no further matters of business, Council adjourned at 7:52 pm.*

**Motion approved.**



Recorded By  
Mallory Fraser, Municipal Clerk



Approved By  
Deputy Warden Fuller