

# MUNICIPALITY OF THE DISTRICT OF LUNENBURG



## Blockhouse

# Secondary Planning Strategy and Land Use By-law

Adopted by Municipal Council on September 9, 2008

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This CONSOLIDATED EDITION is prepared for convenience only. For complete reference, please consult the original documents. This CONSODLIDATED EDITION has the following history:

1. Adoption                      Secondary Planning Strategy and Land Use By-law adopted by Municipal Council on September 9, 2008. Effective date: October 14, 2008.
2. May 10, 2011                Amendment to the Land Use By-law respecting Fees.
3. April 1, 2015                Amendments to the Secondary Planning Strategy, SPS Policy 8.1.6 re-drafted, in reference to Municipality's Public Participation Program on Planning Matters policy (MDL-66) and repeal of Part 9, Procedure.
4. July 1, 2015                Amendments to the Secondary Planning Strategy and Land Use By-law, affecting policy found in Part 4 of the Secondary Planning Strategy, and regulations found in Section 5.2 and Part 8 of the Land Use By-law, regarding Restricted Developments and Prohibited Uses.
5. June 8, 2016                Amendments to the Secondary Planning Strategy and Land Use By-law, affecting policy found in Part 4 and Part 8 of the Secondary Planning Strategy, and Schedule "B" of the Land Use By-law, regarding Existing Uses permitted to Expand by Site Plan.
6. September 16, 2020        Amendments to the Secondary Planning Strategy, Subsections 8.1.1 and 8.1.6 to move references from the Area Advisory Committee to the Planning Advisory Committee.
7. March 8 2023                Amendments to the Secondary Planning Strategy, Subsection 3.1.1 (b), Subsection 3.3 and Subsection 4.1 to include Small Option Homes. Amendments to the Land use By-law Subsection 5.2.3 and Subsection 8 to include and define Small Option Homes.
8. May 31, 2023                Amendments to the Secondary Planning Strategy, Schedule "B", to include Boulangerie La Vendéenne Incorporee in Schedule "B", existing uses permitted to expand by Site Plan Approval.

FIRST READING BY COUNCIL – JULY 8, 2008

SECOND READING BY COUNCIL – SEPTEMBER 9, 2008

EFFECTIVE DATE: OCTOBER 14, 2008

LAST AMENDMENT: MAY 31, 2023

# **Municipality of the District of Lunenburg**



# **Blockhouse Secondary Planning Strategy (MODL By-law 023)**

**Adopted by Council: 2008-10-14**

**Last Amended: 2023-03-08**

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## **PART 1 INTRODUCTION**

### **1.1 BACKGROUND**

In 1993 an asphalt plant was constructed in Blockhouse at the intersection of Highway 103 and the Cornwall Road. This development generated a lot of discussion about development control and land use planning in the community, as many residents were concerned about the possible negative effect on their properties and the community in general.

The asphalt plant met all existing Provincial and Municipal regulations and guidelines, and in spite of the concerns voiced by many residents, construction went ahead. This experience with a major industrial development raised awareness within the community of the planning issues that surround some types of developments. It also showed that the community is lacking a process and procedures for dealing with land use and development issues of this kind. Without such a process, there is nothing to ensure that all of the issues are discussed, information presented, and alternatives considered.

In the wake of this major land use issue, a number of concerned residents petitioned Lunenburg Municipal Council to start a planning program in the community. They asked Council to set up an Area Advisory Committee and authorize District Planning Commission staff to work with the Committee on land use controls. The request was granted and the Committee was formed in February of 1993.

In March of 1993, the Area Advisory Committee circulated a detailed proposal for a Land Use By-law with a survey questionnaire. Of three hundred twenty-four survey forms delivered, one hundred fifteen were returned.

Sixty-six percent of the respondents expressed a concern about land development in the area, and the majority agreed that the Area Advisory Committee should go on to develop a Land Use By-law. Thus the Secondary Planning Strategy and its accompanying Land Use By-law for Blockhouse was adopted by Council on February 11, 1997.

It is important to periodically review planning documents to evaluate any changes or trends that have taken place in the area and to adopt new documents to reflect the current goals and objectives of the community. Planning staff began a review of the Blockhouse Secondary Planning Strategy and Land Use By-law in 2005. Working with the Area Advisory Committee, new goals and objectives were identified and a number of existing ones were reaffirmed. Staff prepared a Background Report which provided valuable information to assist in the preparation of a new Secondary Planning Strategy and Land Use By-law.

During the course of the review the question arose as to whether the residents of Blockhouse still supported having planning controls in their community. The Area Planning Committee decided to address this question by holding a public meeting. At the meeting, following a presentation by planning staff, the majority of those present voted in favour of continuing the planning process in Blockhouse.

## 1.2 COMMUNITY PROFILE

The Planning Area is centered on the community of Blockhouse. It extends south to a point approximately 200 metres north of the Fauxburg Road, north to Hamms Hill and the Sweetland Road, west to the Big Lots Road and east to the Town of Mahone Bay.

Existing land uses in the area are shown on Map 1, the Existing Land Use Map. There are upwards of three dozen small commercial and industrial operations in the Planning Area. These cover a wide range of activities. Examples include a regional cable television studio, a building supplies centre and finishing mill, excavation and landscaping businesses, convenience stores, antiques stores, cleaning services, kennels, auto sales, salvage yards, gravel pits, clothing manufacturers and hobby supplies. This variety of business is not unusual for a rural community which includes a major road intersection and functions as a service centre for an extensive area.

Institutional land uses in the area include an elementary school, a large fire hall and two smaller meeting halls.

Extensive areas of land are inactive or in low intensity resource uses. This category includes forested land, fields, and pasture land. During the era when the homestead farm was a dominant land use in rural areas of the county, there was an abundance of cultivated land, hay fields, and pasture. Remnants of this once dominant land use activity remain today in the form of barns, grassland and regenerating old fields. The farming tradition is carried on by several active farms in the area, and there is ample opportunity for an increase in farming if the economy permits it in the future.

Like many other areas of rural Nova Scotia, early occupation of the land in this area was primarily resource based. A dramatic shift away from this form of tenancy has occurred over the past fifty years. Current occupation of the land is generally unrelated to its potential for production of trees and agricultural crops. The prevailing residential use of land is a function of location with respect to goods and services and other attributes such as family ties and quality of the living environment.

The current mix of residential and non residential uses in this planning area is a comfortable one. Given the scale and nature of these existing non-residential developments, this harmonious relationship is not surprising. Responses to the survey that was carried out in 1993 indicate that property owners are not confident that the existing level of development control will protect them from developments that could affect the enjoyment and value of their properties and the quality of the living environment. Residents have expressed a strong interest in controlling development but not prohibiting it. This suggests that the policies and by-law requirements of this Planning Strategy and Land Use By-law should provide a development control system that will allow a compatible mix of land uses throughout the planning area.

## **PART 2      AUTHORITY AND SCOPE**

This Secondary Planning Strategy and Land Use By-law was adopted by Municipal Council on September 9, 2008. The Strategy and By-law were prepared and adopted in accordance with the *Municipal Government Act* (Chapter 18, Acts of 1998), which replaced the Planning Act as of April 1, 1999. The *Municipal Government Act* states that Council may prepare a Planning Strategy for all or part of a Municipality.

The *Municipal Government Act* enables Council to adopt a Secondary Planning Strategy for the purpose of providing statements of policy for the management of a specific area of the Municipality. The *Municipal Government Act* also outlines a broad range of matters related to the physical, social or economic environment of the planning area that may be addressed in policies by the Municipality. These include: the goals and objectives of the planning area; the improvement of the physical, economic and social environment; the use, protection, and development of lands; the provision of municipal services and facilities; environmental protection; land subdivision; use and conservation of energy; and public involvement in planning. The *Municipal Government Act* is the legislative basis for the preparation and adoption of these planning documents.

The *Municipal Government Act* states that a Council shall include policies in the Planning Strategy on how and when it intends to review the Strategy and Land Use By-law and enables the Strategy to be amended by Council at any time during this period. This Secondary Planning Strategy consists of policy statements and maps that express Council's wishes and intentions with respect to development and land-use in the planning area during the next 10 years. While the Strategy focuses primarily on development and land-use issues, matters such as municipal services, recreation and infrastructure are also addressed.

The Land Use By-law, which has been prepared and adopted in conjunction with this Planning Strategy, is the primary regulatory mechanism through which the Planning Strategy is implemented. The Land Use By-law contains standards, requirements and zoning designations that control the type and characteristics of developments. Amendments to the By-law that involve rezoning of land for a new or a different use from that permitted by the By-law are provided for in the Planning Strategy policies.

Policies also govern the circumstances under which a Development Agreement, Site Plan, or a rezoning may be considered and approved.

### **2.1      GENERAL POLICIES**

- 2.1.1 It shall be the policy of Council that this Secondary Planning Strategy shall be the primary policy document through which the future growth and development of the planning area shall be guided, encouraged and controlled.

- 2.1.2 It shall be the policy of Council that the Land Use By-law, prepared and adopted by Council in conjunction with the Secondary Planning Strategy, shall provide the primary regulatory mechanism for land use and development control, through which the intent of this Planning Strategy shall be implemented.
- 2.1.3 The maps and schedules appended to this Secondary Planning Strategy shall form part of the Secondary Planning Strategy.
- 2.1.4 The Generalized Future Land Use Map, Map 1, which is attached to this Secondary Planning Strategy, shall be regarded as a generalized representation of the intended pattern of future land use in the planning area.
- 2.1.5 This Secondary Planning Strategy applies to the Blockhouse Planning Area as shown as an area of land on Map 1, the Existing Land-use Map.
- 2.1.6 Throughout this Secondary Planning Strategy and throughout the Land Use By-law, the metric measurement system is used to indicate the required standards. Imperial measurements are approximate only and are inserted only for convenience.

## **PART 3 GOALS AND OBJECTIVES**

### **3.1 GOALS**

There is heightened awareness of the quality of Blockhouse's living environment and a growing concern that some types of development could have a negative impact on the community. Residents and landowners are concerned that without appropriate planning and development controls, individual properties or the entire community could be adversely affected. These planning and development controls will be put in place without placing undue restrictions on the other forms of development considered compatible with rural uses.

Municipal Council has set three (3) goals for Blockhouse, an Environmental goal, a Social goal, and an Economic Goal.

3.1.1 The goals of Council shall be:

- a) Environmental - to preserve Blockhouse's environmental resources for present and future generations;
- b) Social - to provide an attractive rural residential environment for all ages and needs;
- c) Economic - to provide a sustainable economic base.

Municipal Council has developed a number of objectives to provide further detail and structure in guiding the community to meet the stated goals.

### **3.2 ENVIRONMENTAL – OBJECTIVES**

Council's Environmental goal is to preserve Blockhouse's Environmental Resources for present and future generations. Council adopts the following policies to achieve the Environmental goal:

- 3.2.1 It shall be the policy of Council to protect the water resources of the planning area - surface water, lakes and rivers, wetlands, and drinking water.
- 3.2.2 It shall be the policy of Council to take steps to control development activity having emissions that can negatively impact air quality to the extent that an environmental or a health hazard is created.
- 3.2.3 It shall be the policy of Council to encourage responsible and sustainable development.

### **3.3 SOCIAL – OBJECTIVES**

Council's goal is to provide an attractive rural residential environment for all ages and needs. Council adopts the following policies to achieve the Social goal:

- 3.3.1 It shall be the policy of Council to encourage efforts to maintain and improve existing open space and to acquire and develop land in strategic locations to meet recreational needs.
- 3.3.2 It shall be the policy of Council to enhance and preserve the rural aesthetics of Blockhouse's living environment.
- 3.3.3 It shall be the policy of Council to take all possible steps to see that schools remain in the area.
- 3.3.4 It shall be the policy of Council to provide for a variety of housing options for all ages and needs.
- 3.3.5 It shall be a policy of Council to encourage initiatives for public transportation and improvements to the transportation network.
- 3.3.6 It shall be a policy of Council to promote health care services.

### **3.4 ECONOMIC – OBJECTIVES**

Council's goal is to provide a sustainable economic base. Council adopts the following policies to achieve the Social goal.

- 3.4.1 It shall be a policy of Council to encourage the provision of amenities such as education opportunities, health care, recreational opportunities, public transportation, a variety of housing options and an aesthetically pleasing living environment to attract new industries and business to Blockhouse.
- 3.4.2 It shall be a policy of Council to encourage industrial and commercial activity.

## **PART 4 LAND USE CONTROLS**

The Federal, Provincial and Municipal governments all have regulations affecting land use, although most of these address issues of health, safety and environmental protection. The Municipal Building By-law, the Municipal Subdivision By-law, and the N.S. Regulations Respecting On-site Sewage Disposal Systems have a direct impact on the location and the nature of land uses, but they do not affect the main issue which the community wishes to address through this Secondary Planning Strategy: the need to set up a loose and general framework for dealing with large sudden changes in land use.

More specifically, Council wishes to address:

- 1) a need for Council, the public and potential developers of "problem" developments to have a clear and orderly process for making decisions;
- 2) a need for Council and the public to have clear policies and public procedures to follow when any area asks for a more restrictive zoning;
- 3) the lack of any existing zoning in most of the District and the resulting perception that any general zoning should have a low impact on ordinary land use, affecting only the largest problems;
- 4) *that until such time that a comprehensive planning strategy is adopted, affecting the entirety of the Municipality, the need in this Secondary Planning Strategy, in outlining the prohibition of identified land uses within the Blockhouse Plan Area.*

**Amended July 1, 2015**

### **4.1 RURAL LAND USES**

A land use inventory was conducted in the planning area in November 2004 and is reflected in the "Existing Land Use Map". The Map reveals the dominant form of land use in Blockhouse to be residential, primarily in the form of detached single-unit dwellings (87%), but with the occasional duplex and small apartment building. Small-scale rural businesses intermittently line the main roads within the planning area, especially Highway 325 and Northwest Road, which is called Cornwall Road north of Highway 325. A number of these commercial land uses are associated with residential development. There are also several industrial and institutional uses in the planning area.

The land use inventory revealed a scattering of diverse small-scale businesses; some associated with residential use, concentrated along Highway 325 and Northwest Road. Many of these businesses are characteristic of the rural, low-density nature of Blockhouse.

Council recognizes that a rural setting consists of a mix of compatible land uses. Through this Planning Strategy and accompanying Land Use By-law Council will ensure that this form of development continues in the planning area. To do this Council will establish a Rural designation which provides for a variety of land uses consistent with the existing pattern of development in the planning area.

4.1.1 In recognition as being a rural community and the need to accommodate the mix of land uses in the Blockhouse planning area, it shall be the policy of Council to establish a Rural Designation and to apply this designation to the entire planning area. The Rural Designation is shown on Map 1, Generalized Future Land Use. Within this designation a wide variety of residential, agricultural, recreational, industrial, commercial, institutional, and forestry uses of land will be permitted.

4.1.1(a) Council must permit the operation and implementation of Small Options Homes within the rural zone under Blockhouse's Rural Land Uses

## **RURAL (RU) ZONE**

The Rural designation allows for a mix of land uses, however, Council recognizes the need to control the scale of uses permitted to minimize the potential for land use conflicts. Council will do this by establishing a “Rural” (RU) Zone within the Rural designation and permit a range of land uses up to a maximum size deemed to be compatible with a rural setting, subject to zone standards. Land uses that exceed the thresholds established in the Land Use By-law will be subject to a Development Agreement. A Development Agreement will give Council and the community greater flexibility and input into how larger scale developments fit into the planning area.

However Council recognizes that the existing residential, commercial, industrial, and non-municipal institutional uses exceeding the threshold have already been established in the Plan Area need not be treated in the same manner as new uses of this kind. Where such uses are listed on Schedule “B” of the Land Use By-law, these existing uses will be considered permitted uses in the RU Zone, and may expand beyond the established thresholds, subject to approval of a Site Plan. Following a review of Schedule “B” in 2016, the Municipality identified where listed Existing Uses can be associated with descriptions linked to the North American Industry Classification System [2012 Edition].

**Amended June 8, 2016**

*Some uses have the potential to negatively impact on the community, regardless of size. These types of uses will be listed in the Land Use By-law, and will only be allowed by Development Agreement. Certain uses permitted by Development Agreement must also comply with setback requirements, specifically identified in the Land Use By-law, which will provide for the separation of such proposed uses from the existing settlement pattern found in Blockhouse.*

*Further, Council considers that certain commercial and/or intensive industrial land uses would not integrate successfully with existing residential developments in the Blockhouse Plan Area. Such uses can be best directed towards unplanned areas of the Municipality. With the majority of the Municipality having no land use regulations in place, Council considers there to be many opportunities for such uses to develop. Uses prohibited from developing in the Blockhouse Plan Area will be listed in the Land Use By-law.*

*The intention of Council is to provide property owners in the Blockhouse Plan Area with a clear indication of both the size and the type of land uses considered to be complimentary with existing development. Through the adoption of a Development Agreement process for certain developments, it is Council’s intent to inform the community of any larger-scaled proposals, as*

well as those proposed developments that have a greater potential to impact the broader community.

**Amended July 1, 2015**

- 4.1.2 To provide for a mix of land uses within the Rural Designation, it shall be Council's policy to establish, within the Rural Designation, a Rural (RU) Zone, as shown on Schedule "A", Zoning Map, of the Land Use By-law.
- 4.1.3 Pursuant to Policy 4.1.2, it shall be Council's policy to permit the following developments in the Rural Zone, to a threshold as specified in the Land Use By-law and subject to the requirements of the Land Use By-law.
- a) Residential developments to a threshold established in the Land Use By-law;
  - b) Small-scale commercial, industrial, and institutional uses to a threshold size as established in the Land Use By-law;
  - c) Fixed roof accommodation for the traveling public and their associated facilities for food preparation and serving of meals to a threshold as established in the Land Use By-law;
  - d) Non-residential uses which are not commercial or industrial such as (but not restricted to) parks, playgrounds, recreation developments, and cemeteries;
  - e) Emergency service facilities; and
  - f) Agricultural and forestry uses including the growing of agricultural products and the sale of these products by their producers as well as the primary processing of products at the farm site or harvest sites.
- 4.1.4 It shall be the policy of Council that new commercial, non-municipal institutional and industrial that exceed the thresholds established in the Land Use By-law pursuant to Policy 4.1.3 may be permitted by Development Agreement provided the development proposal satisfies the applicable requirements of Policies 8.1.3 and 8.1.4.
- 4.1.5 It shall be the policy of Council that existing commercial, institutional, and industrial uses as listed in Schedule "B" may expand beyond the established thresholds established in the Land Use By-law subject to the approval of a Site Plan.
- 4.1.6 It shall be the policy of Council that residential developments that exceed the thresholds established in the Land Use By-law may be permitted subject to the approval of a Site Plan to a maximum of 50 dwelling units per hectare (20 units/acre) and no residential building shall contain more than 12 dwelling units.
- 4.1.7 A Site Plan required pursuant to Policy 4.1.5 or 4.1.6 shall deal with the following, if applicable:
- (a) Location of structures;
  - (b) Location of off-street loading and parking;
  - (c) Location, number, and width of driveway accesses to streets;

- (d) Type, location, and height of walls, fences, hedges, trees, shrubs, ground cover, or other landscaping elements necessary to protect and minimize the land use impact on adjoining lands;
- (e) Retention of existing vegetation;
- (f) Location of walkways, including the type of surfacing material, and all other means of pedestrian access;
- (g) Type and location of outdoor lighting;
- (h) Location of facilities for the storage of solid waste;
- (i) Location of easements;
- (j) Grading or alteration in elevation or contour of the land and provision for the management of storm and surface water; and
- (k) Provision for the maintenance of any items referred to in the above list.

4.1.8 The approval of a Site Plan by the Development Officer shall be subject to the following criteria:

- (a) subject to the physical characteristics of the property, the development shall achieve optimum separation from adjacent properties which are not in Commercial or Industrial use;
- (b) screening in the form of fences, vegetation, or berms as appropriate shall be constructed or installed wherever possible in order to minimize impact on the abutting uses;
- (c) driveways, parking areas, and any areas used for the open storage of equipment or stock shall be surfaced with stable materials to prevent dust from blowing onto adjacent properties;
- (d) the site for residential development shall be landscaped with trees, shrubs, lawns, fences, and hard surfaced walkways, as necessary to create a residential living environment;

4.1.9 *Notwithstanding Policy 4.1.3 and Policy 4.1.4, it shall be the policy of Council that specific uses, considered to have the potential for creating unacceptable land use conflicts or nuisances, shall be permitted in the Rural (RU) Zone only by Development Agreement, regardless of size or scale of the operation. These uses shall be listed in the Land Use By-law. Before entering into a Development Agreement for any use addressed in this policy, Council shall be satisfied that the development proposal satisfies the conditions and the criteria contained in Policy 8.1.3 and Policy 8.1.4.*

**Amended July 1, 2015**

4.1.9A *Further to Policy 4.1.9, it shall be the policy of Council that specific uses that shall be permitted in the Rural (RU) Zone only by Development Agreement, shall also be required to meet established setback requirements identified in the Land Use By-law.*

**Amended July 1, 2015**

4.1.9B *It shall be the policy of Council that specific uses will be prohibited from the Blockhouse Plan Area, in consideration of the potential negative impacts that such uses would have on existing development, and on residents living in the community.*

**Amended July 1, 2015**

## **OUTDOOR WOOD FURNACES**

Outdoor wood furnaces heat water or air that is piped into dwellings for the use of home heating. Because of their location outside of the home, outdoor wood furnaces generally only require a very short chimney, which may cause them to produce low-lying smoke under certain atmospheric conditions. For this reason, they have the potential to become nuisances and, therefore, likely to cause unacceptable land use conflicts. Consequently, through this Secondary Planning Strategy and accompanying Land Use By-law, Council will control the location of outdoor wood furnaces throughout the Planning Area to minimize land use conflicts.

- 4.1.10 To minimize nuisances and land use conflicts, it shall be the policy of Council to establish within Rural (RU) Zone requirements for the placement, erection or alteration of outdoor wood furnaces.

## **WIND TURBINES**

Wind is caused by the uneven heating of the atmosphere by the sun, the irregularities of the earth's surface, and rotation of the earth. Wind flow patterns are modified by the earth's terrain, waterbodies, and vegetative cover. This wind flow can be "harvested" by wind turbines to generate clean non-polluting electricity.

Council realizes that wind energy is a renewable resource and it should be encouraged as an alternative energy source and as such Council will allow wind turbines in the Rural zone subject to requirements established in the Land Use By-law to reduce the possible noise and safety issues, while not discouraging the use of wind turbines within the Planning Area.

- 4.1.11 To reduce possible noise nuisances of wind turbines, it shall be the policy of Council to establish within the Rural Zone setback requirements for the erection and alteration of wind turbines and their supporting structure. Furthermore it shall be the policy of Council to, for safety reasons, require fencing or guarding specifications to discourage climbing.

## **INSTITUTIONAL ZONE**

Development and land use patterns in the Planning Area did not warrant Institutional Zoning at the time of the adoption of this Planning Strategy. Council recognizes that institutional uses of a large scale have the potential to negatively impact on the rural environment. It is for this reason that Policy 4.1.4 permits institutional uses that exceed a specified threshold by Development Agreement, so that land use conflicts may be minimized through the regulation of various aspects of the development.

Council recognizes that many municipal developments are institutional in nature and further recognizes that Development Agreements are not possible under such circumstances. This is primarily because a Municipality cannot enter into a Development Agreement with itself. It's for this reasons that Council will establish an Institutional Zone in the Rural Designation. This zone will be a floating zone, as no land on the Zoning Map, Schedule "A" of the Land Use By-law, will be zoned Institutional (I) at the time the Planning Strategy and Land Use By-law becomes effective. Council will, however, provide policy to enable rezoning to the Institutional (I) Zone where the Municipality is proposing an institutional development.

- 4.1.12 The Land Use By-law shall establish an Institutional Zone which shall provide for a range of institutional developments that will accommodate buildings owned by the Municipality of the District of Lunenburg. Furthermore, where an institutional use that would otherwise only be permitted by Development Agreement is to be developed by the Municipality of the District of Lunenburg, Council may rezone land within the Rural Designation to Institutional provided that the development proposal satisfies the conditions and criteria stated in Policies 8.1.3 and 8.1.4.

## **KEEPING OF LIVESTOCK REQUIREMENTS**

Council recognizes the importance of livestock operations to the sustainability of the municipality. However, Council also recognizes that conflicts between livestock operations and residential uses can occur. Common conflicts between residential uses and livestock operations are the nuisance of odor from manure storage facilities and livestock barns, and the concern of a potential risk to watercourses and the ground water supply from manure storage and application practices.

There are two programs in Nova Scotia that are available to livestock operations that help the operators identify environmental risks on their property, prevent nuisances and help them implement best practices. These programs are an Environmental Farm Plan and a Nutrient Management Plan. The Environmental Farm Plan is a voluntary program that helps farmers identify and assess environmental risk on their property. It allows farmers to incorporate environmental considerations into their everyday business decisions, rather than addressing environmental issues in a reactive sense. The total cost of the Environmental Farm Plan is funded by the Nova Scotia Department of Agriculture. Nutrient Management is the concept of budgeting and allocating nutrient sources, such as soil, manures, fertilizers and crop residues to meet plant requirements while avoiding environmental impact and/or degradation. Funding to complete Nutrient Management Plans is available to through the Farm Improvement Fund of the Nova Scotia Department of Agriculture. Although the existing programs are not mandatory some financial institutions require that an Environmental Farm Plan be completed to secure financing.

Council can help protect water sources by requiring livestock operators to meet best management practices when developing a new or expanding an existing building or structure used for the keeping of livestock or manure storage.

All farms are eligible to receive an Environmental Farm Plan. Small farms, with an income of less than \$10 000, are not eligible to receive funding for a Nutrient Management Plan. To minimize the cost to small farms Council will permit new or the expansion of existing buildings or structures used for the keeping of livestock or manure storage to be subject to a livestock carrying capacity requirement based on the Nova Scotia Department of Agriculture, Manure Management Guidelines, dated 2006. The Nova Scotia Department of Agriculture guidelines do not list all of the livestock animals in their guidelines. Therefore Council has added additional animals based on livestock units from other sources these are but not limited to: horse, goat, llama, alpaca, emu, and ostrich.

- 4.1.13 It shall be the policy of Council, within the Rural (RU) Zone, that new or the expansion of an existing building or structure used for the storage of manure or livestock meet one of the following best management requirements: complete a Nutrient Management Plan, have an approved Environmental Farm Plan, or meet a livestock carrying capacity requirement.

## **PART 5      GENERAL ENVIRONMENTAL PROTECTION**

Impact on the natural environment and the living environment will be a factor in decisions respecting development and land use within the Planning Area, to the extent that the Municipal Government Act permits. All human activity has some affect on the environment. The point at which irreversible damage to the environment occurs is very difficult to detect. Significant damage can be done before there is actual evidence of damage. Although some activities may not appear to pose a threat, incremental events can be damaging and the effects may be irreversible.

This Secondary Planning Strategy and Land Use By-law will include policies and requirements that will seek to prevent or reduce the impact that land use and development can have on the environment. The Land use By-law will contain provisions to ensure that development doesn't cause harm to watercourses and, in relation to a development, that the portion of the natural vegetation adjacent to watercourses is retained so that the impact on the watercourse will be minimized.

The Municipal Government Act also permits municipalities to prescribe methods for controlling erosion and sedimentation during the construction of a development. Where developments are permitted by Development Agreement or amendments to the Land Use By-law and Planning Strategy, environmental protection will be a consideration in the granting of amendments and Development Agreements. In granting approvals and agreements, they will contain provisions that address environmental concerns.

- 5.1.1 It shall be the policy of Council that where Council determines on the advice of a qualified person that there is a significant risk of environmental damage from any development which may be permitted by Development Agreement or rezoning, an environmental impact assessment shall be undertaken by the developer for the purpose of determining the nature and extent of any impact. No amendment or Development Agreement shall be approved until Council is satisfied that the proposed development will not cause or result in environmental damage.

### **WATERCOURSES**

Watercourses and the land adjacent to them are extremely important to wildlife. The plants and trees along the edges of wetlands provide food, nesting sites, shelter and concealment for wildlife moving along these natural corridors. When the trees and plants are removed or destroyed in the waterside areas and valuable wildlife habitat is lost.

In addition to affecting the wildlife habitat, land use activities and development on property near or adjacent to watercourses has potential to effect water quality through surface runoff or the damaging of the natural vegetation immediately adjacent to the watercourse or waterbody. Land use and development can increase the potential for soil erosion. The Wolfville Loam- Drumlin Phase and the Bridgewater Loam- Drumlin Phase

are the most erodable soils in the Planning Area especially in areas with steep slopes. Retaining a portion of the natural vegetation along watercourses and waterbodies achieves several functions in addition to controlling erosion and sedimentation of the watercourse. Retaining natural vegetation is aesthetically pleasing, it moderates air and water temperatures, filters noise and air pollution, reduces runoff of excess nutrients and other foreign materials and provides wildlife habitat corridors near vital water resources.

- 5.1.2 To reduce soil erosion, minimize sedimentation of watercourses and to provide a corridor of wildlife habitat along watercourses, it shall be the policy of Council that, in relation to a development, the infilling, excavation, or removal of natural vegetation shall be controlled in areas in close proximity of the ordinary high water mark of a significant watercourse, as shown on Schedule "C", Development Constraints Map of the Land Use By-law.

## **EROSION CONTROL – EXCESSIVE SLOPES**

As typified by the soil types in the area, the Blockhouse Planning Area is associated with some depressional and level ground to very gently undulating slopes to drumlin relief, some of which is associated with excessive slopes. Of primary concern are the lands within the planning area comprised of Wolfville loam – drumlin phase and Bridgewater loam – drumlin phase soils that are also associated with drumlin relief. Both of these soil types have moderately rapid to moderately slow internal drainage, and thus, have the potential to erode, especially on the steeper slopes associated with drumlin relief. Thus, these soils are a cause for concern especially when they cover steeper slopes close to significant watercourses. Council will require development control standards and requirements to prevent or minimize erosion and sedimentation. The standards will also include the retention or replanting of natural vegetation and other measures to stabilize disturbed soils. Council's objective is to minimize the impact of development on the natural environment.

- 5.1.3 It shall be the policy of Council to identify all areas with excessive slopes, as shown on Development Constraints Map, Schedule "C" of the Land use By-law. All development permitted in these areas shall be subject to erosion control standards, as specified in the Land use By-law, regardless of the zone in which the development is located. Development control standards and requirements to prevent or minimize erosion and sedimentation shall include the retention or replanting of natural vegetation and other measures to stabilize disturbed soils.

- 5.1.4 It shall be the policy of Council that wherever the Secondary Planning Strategy provides for developments by Development Agreement, that are also within areas of excessive slopes, as identified on the Development Constraints Map, Schedule “C” of the Land Use By-law, the Development Agreement shall contain provisions respecting erosion and sedimentation to minimize the impact on the natural environment.

## **WETLANDS**

To help protect wetlands in the planning area any Development Permit Applications received for a development proposed to be located within a wetland will be forwarded to the appropriate government department for their information. The source of the wetland boundaries is the Nova Scotia Department of Natural Resources “Wetlands and Coastal Habitats Inventory”. The “Wetlands and Coastal Habitats Inventory” mapping displays wetlands and salt marshes that are 0.5 of a hectare and greater in size. The boundaries of the wetlands are shown on the Development Constraints Map, Schedule “C” of the Land Use By-law.

- 5.1.5 It shall be the policy of Council to forward any Development Permit Applications for developments that are located within wetlands to Nova Scotia Environment for their information. Wetlands are identified on the Development Constraints Map, Schedule “C” of the Land Use By-law.

## **PART 6 SERVICES**

### **6.1 SEWAGE DISPOSAL**

All of the development in the planning area is serviced by on-site services. Sewage treatment is provided through the use of septic systems or drainage fields and water is provided through the use of drilled and dug wells. The use of these on-site services can have some potentially damaging impacts on the environment and, therefore, development standards are necessary to reduce the damaging impacts.

On-site sewage disposal systems usually involve drainage fields that release sewage effluent water into the soil through seepage beds. During this process, nitrogen, sodium and chlorate organic compounds may be discharged into the groundwater. Nitrogen can potentially cause health effects. If too many drainage fields are clustered together, the potential for polluting underground water supplies, as well as surface water supplies, increases. Water consumption is essential for human survival, thus polluting ground and surface water supplies with nitrogen must be avoided.

There are no standard lot sizes that can be established for on-site sewage disposals. Several factors influence the suitability of a site for on-site sewage disposal, such as the soil and slope of the land. The suitability of a site for on-site sewage disposal is best determined by a field inspection and a test pit analysis of the soil, conducted by a qualified health inspector.

- 6.1.1 It shall be the policy of Council to support the efforts of the Nova Scotia Environment in providing Environmental health services such as the controls on on-site sewage disposal.
- 6.1.2 It shall be the policy of Council to consider extending the Town of Mahone Bay sewer and water infrastructure into the planning area, as capacity and funding allows.

A successfully operating on-site sewage disposal system requires regular maintenance. This involves removal of sludge from the septic tank and relocating a drainage field every 15 to 25 years. Unfortunately, not all owners of on-site sewage disposal systems are aware of the necessity of maintenance. This obstacle can be overcome by educating the public of this need.

The proper maintenance of wells is also important in continuing to have a safe and reliable water source.

- 6.1.3 It shall be the policy of Council to educate the public on the essential maintenance of on-site sewage disposal systems and on-site wells.

## **6.2 TRANSPORTATION**

Consultation with the Municipal Engineer revealed that there is no requirement in this planning area to establish any road reserves. Nova Scotia Department of Transportation & Infrastructure Renewal indicated that although the Department representative feels that the physical infrastructure of the roads could be improved at various locations, there is no requirement at this time to upgrade the roads in terms of road capacities and service volumes. The AADT (Annual Average Daily Traffic Count) conducted in the area is well below numbers that would require upgrades to roads in terms of widening the pavement, providing extra lanes or creating new roads. Council is concerned however that roads and signage be adequately maintained.

Council also believes any initiative to establish and promote public transportation, including transportation for seniors is important for the community and would like to support any efforts to do so. Council may not be in a position to offer financial support but feels is willing to explore other ways of encouraging public transportation in the Blockhouse area.

- 6.2.1 It shall be the policy of Council to encourage the Nova Scotia Department of Transportation and Infrastructure Renewal continue to maintain the existing roads and signage to an acceptable level.
- 6.2.2 It shall be the policy of Council to support, not necessarily financially, initiatives to promote public transportation, including transportation for seniors.

## **6.3 POLICE AND FIRE PROTECTION**

The Royal Canadian Mounted Police from the Lunenburg Office, Lunenburg County Detachment provide Police protection to the section of the Blockhouse planning area south of Highway 103, while RCMP from the Bridgewater Office, Lunenburg County Detachment provide police protection for the section of the planning area north of Highway 103. The Blockhouse Fire Department provides fire protection for all of Blockhouse.

- 6.3.1 It shall be the policy of Council to co-operate with the R.C.M.P. in providing police protection.
- 6.3.2 It shall be the policy of Council to continue to co-operate with Blockhouse Fire Department to ensure the provision of adequate fire protection to the Community of Blockhouse.

## **6.4 RECREATION**

The Municipal Recreation Department focuses on areas with greater concentrations of the Municipality's population to determine where the Municipality will offer recreation programs and services. Blockhouse is not one of the focus areas, however, the area is in close proximity to the Towns of Mahone Bay and Lunenburg, so many of the residents in the planning area likely use the recreation facilities, programs and services in these towns.

There are few formal opportunities for recreation in Blockhouse. Perhaps the main outdoor recreational resource is the abandoned rail bed, which is being developed as a multi-use trail, and there is a Provincial Day Use Park along Highway 325, near the west boundary of the planning area. Other than these resources, residents must travel to other areas for formal recreational activities, such as swimming, skating and team sports. There are no parcels of Municipal Land, Municipal Common Land or Private Commons in the Blockhouse planning area.

In 2004, Municipal Council approved a Public Open Space Strategic Plan for the Municipality. Part of the research for the Open Space Plan involved a survey of the quantity, quality and location of the Municipal owned public open space within the Municipality of Lunenburg. The Open Space Strategic Plan includes recommendations for the evaluation of existing municipal lands respecting its recreational potential as well as to target locations where the acquisition of open space for recreational use is considered a priority.

- 6.4.1 It shall be the policy of Council to recognize the importance of open space and low impact recreational opportunities.
- 6.4.2 It shall be the policy of Council to acquire and develop land in strategic locations to meet recreational needs by implementing the Open Space Strategic Plan.
- 6.4.3 It shall be the policy of Council to work with the RCMP to police the multi-use trail.
- 6.4.4 It shall be the policy of Council to continue to support the local trail groups in the development and maintenance of trails.
- 6.4.5 It shall be the policy of Council to promote healthy living to the residents of Blockhouse.

## **6.5 MISCELLANEOUS SERVICES**

A number of services such as recreational programs, education, health care, garbage collection, building inspection and planning are funded by the general tax base. Sewer, water, street lighting and other services are available by way of area rates as provided for by the Municipal Government Act and subject to the agreement of ratepayers.

- 6.5.1 It shall be the policy of Council to continue to recognize the importance of historic sites, cultural sites and buildings through the Heritage By-law.
- 6.5.2 It shall be the policy of Council to continue to encourage local volunteer groups in providing a range of services.
- 6.5.3 It shall be the policy of Council to co-operate with the Nova Scotia Department of Community Services in providing housing for senior citizens within the planning area.

## **PART 7 DEVELOPMENT / REGULATORY POLICIES**

### **7.1 TEMPORARY USES, STORAGE BUILDINGS, WASTE MATERIALS, NON-CONFORMING, PARKING**

The following general policies apply to the Planning Area.

#### **TEMPORARY USES**

- 7.1.1 It shall be the policy of Council that temporary uses associated with a construction site, a special occasion, or a holiday are permitted for a time period to be regulated in the Land Use By-law, with no requirement for a development permit.

#### **STORAGE BUILDINGS**

- 7.1.2 It shall be the policy of Council that private storage buildings such as garages and boathouses are permitted within the Planning Area, subject to the requirements of the zone they are located in.

#### **WASTE DISPOSAL**

- 7.1.3 It shall be the policy of Council to maintain and improve the systems of solid waste collection and disposal, including programs for recycling materials and reducing the volume of waste.

#### **NON-CONFORMING STRUCTURES**

Structures that existed on or before the effective date of the Land Use By-law that do not satisfy the requirements of the Land Use By-law are non-conforming structures within the meaning of the *Municipal Government Act*. The *Municipal Government Act* contains provisions restricting the extension, enlargement, reconstruction or alteration of these non-conforming structures. The *Municipal Government Act* enables Council, through a Planning Strategy and Land Use By-law to provide for a relaxation of these restrictions. Council does not wish to impose undue hardship on the owners of these structures and has incorporated policy and Land Use By-law provisions to enable a non-conforming structure to be extended, enlarged, altered or reconstructed, provided that the structure shall not thereby be permitted to extend or increase any existing encroachments.

- 7.1.4 It shall be the policy of Council to incorporate within the Land Use By-law provisions enabling the extension, expansion, alteration or reconstruction of non-conforming structures subject to satisfying the requirements of the zone in which they are located.

## **NON-CONFORMING USES**

- 7.1.5 It shall be the policy of Council that land uses and associated structures in existence on February 11, 1997 and which would not otherwise be permitted shall be subject to the non-conforming use provisions of the *Municipal Government Act*.

## **PARKING**

- 7.1.6 It shall be a policy of Council to require and regulate off-street parking and loading facilities.

## **7.2 SUBDIVISION BY-LAW REQUIREMENTS**

The Subdivision By-law for the Municipality of the District of Lunenburg, effective June 14, 1999, governs the Subdivision of land throughout the Municipality. Some provisions of the Subdivision By-law that allow lots to be created, are not operative in areas that have a Planning Strategy and Land Use By-law in place unless the Planning Strategy provides for both the creation and development of these lots and the Land Use By-law allows for the development of these lots. This Planning Strategy and the accompanying Land Use By-law will contain policies that will make all provisions of the Subdivision By-law operative within the Planning Area.

- 7.2.1 It shall be the Policy of Council that all sections of the Subdivision By-law shall apply and are operative in the Planning Area, and any lot that has been created through subdivision approval may be used for a development that is permitted in the zone where the lot is located, subject to applicable requirements of the Land use By-law.

## **PART 8 IMPLEMENTATION**

### **8.1 ADMINISTRATION**

The Secondary Planning Strategy and the Land use By-law are legal documents that govern land use and development within the planning area. The Planning Strategy provides a broad policy framework for the land use and development regulation, both in the present and the future. The Land use By-law provides more detailed regulations and requirements, which are intended to express and carry out the intent of the Planning Strategy.

Council may make amendments to the Land use By-law provided that they conform to the overall policy framework imposed by the Planning Strategy. Amendments to planning strategies are subject to the review of the Director of Services Nova Scotia and Municipal Relations and must be reasonably consistent with the Municipal Government Act's Statements of Provincial Interest regarding 1) Drinking Water; 2) Flood Risk Areas; 3) Agricultural Land; 4) Infra-structure; and 5) Housing. Only when planning strategies and amendments to planning strategies are deemed to be inconsistent with the Statements of Provincial Interest, as outlined in the Municipal Government Act, are they subject to the approval of the Minister of Services Nova Scotia and Municipal Relations.

This section describes Council's specific policies with regard to the administration of the Secondary Planning Strategy and Land Use By-law and with regard to amendments to them.

8.1.1 *repealed.* **Amended September 16, 2020**

8.1.2 It shall be the policy of Council that the Land Use By-law shall be the principal means for implementing the Planning Strategy, pursuant to the Municipal Government Act.

8.1.3 It shall be the policy of Council that when considering amendments to the Land Use By-law and in considering Development Agreements, in addition to all other criteria as set out in the various policies of this Secondary Planning Strategy, Council shall be satisfied that:

**Amended June 8, 2016**

- a) the development conforms to the intent of the Municipal Planning Strategy and of the Secondary Planning Strategy;
- b) the development is not premature or inappropriate due to:
  - i. financial ability of the Municipality to absorb costs related to the development;
  - ii. adequacy of Municipal services;
  - iii. the adequacy of physical site conditions for on-site services;

- iv. creation or worsening of a pollution problem including soil erosion and siltation;
  - v. adequacy of storm drainage and effects of alteration to drainage pattern including potential for creation of a flooding problem;
  - vi. adequacy and proximity of school, recreation, emergency services, and other community facilities;
  - vii. adequacy of street networks and site access regarding congestion, traffic hazards and emergency access.
- c)** the development site is suitable regarding grades, soils, geological conditions, location of watercourses, flooding, marshes, bogs, swamps, and susceptibility to natural or man-made hazards as determined by a qualified person.
- d)** all other matters of planning concern have been addressed.

8.1.4 Pursuant to Policies 4.1.4 and 4.1.9, it shall be the policy of Council that new commercial, non-municipal institutional, industrial, and uses associated with aggregate and mineral resource extraction that exceed the thresholds established in the Land Use By-law as well as uses that are considered to be hazardous or that have the potential for creating unacceptable land use conflicts or nuisances as listed in the Land Use By-law may be permitted by Development Agreement provided Council is satisfied that:

- a) the development shall not create undue traffic hazards, traffic congestion, or pedestrian hazards;
- b) the development shall not generate emissions such as sound, dust, radiation, odours, liquids or light to the air, water, or ground so as to create a nuisance or health hazard or so as to compromise the development potential or value of properties in the vicinity;
- c) subject to the physical characteristics of the site, the development shall achieve optimum separation from adjacent properties which are not in Commercial or Industrial use.
- d) screening in the form of fences, vegetation, or berms as appropriate shall be constructed or installed wherever possible in order to minimize impact on the abutting uses and ensure public safety;

- e) all structures shall be built, repaired, and maintained with durable, weather-resistant building material, such that the appearance complements the natural surroundings and existing built environment;
  - f) no Development Agreement shall be approved until all necessary permits required by Federal, Provincial, and Municipal government agencies have been issued or Council is satisfied that the required permits will be issued;
  - g) no development shall increase traffic volume so as to have an undue negative effect on properties that are served by a residential street;
  - h) the applicant has clearly shown both that the development can be serviced with central or on-site sewer and water and that the disposal of sewage or other effluent as well as the demand on the water source will not have a negative impact on the environment or the quality and quantity of the water resources;
  - i) driveways, parking areas, and any areas used for the open storage of equipment or stock shall be surfaced with stable materials to prevent dust from blowing onto adjacent properties.
  - j) where any development includes facilities such as dance halls or entertainment facilities that have amplified or other loud music or sound, the building shall be located on the property and designed such that activities within the building or otherwise associated with the use, will not unduly disturb any abutting residential uses.
- 8.1.5 It shall be the policy of Council that a Development Agreement, approved by Council pursuant to this Planning Strategy, may contain terms with respect to any or all matters specified in the Municipal Government Act for the matters that may be addressed by Development Agreement.
- 8.1.6 It shall be the policy of Council that, pursuant to the Municipal Government Act, a Public Participation Program (MDL-66) shall be held prior to any proposed amendment to the Secondary Planning Strategy, as well as in conjunction with the review of this Planning Strategy and Land Use By-law. The purpose of the Public Participation Program shall be to hear the opinions of the public.

**Amended April 1, 2015**  
**Further amended September 16, 2020**

- 8.1.7 It shall be the policy of Council that a public hearing shall be held by Council, pursuant to the Municipal Government Act, prior to entering into any Development Agreement or prior to approving any amendment to the Land use By-law or the Subdivision By-law, and no Development Permit shall be granted until the appeal period and any appeals pursuant to the Municipal Government Act have been completed.
- 8.1.8 It shall be the policy of Council that amendments to this Planning Strategy will be required where any policy is to be changed or where any amendment to the Land use By-law would contravene Map 1, the Generalized Future Land use Map.
- 8.1.9 It shall be the policy of Council that the Development Officer for the area covered by this Secondary Planning Strategy and Land Use By-law, appointed under the Municipal Government Act, shall be responsible for the administration of the Land Use By-law and Development Agreements, and shall issue or deny permits under the terms of said By-law and Agreement.
- 8.1.10 It shall be the policy of Council that any Development Permit issued under the Land Use By-law shall specify the development and the period for implementation. Any such permit shall automatically lapse and become null and void if the development has not commenced within one year of its issuance. It shall further be Council's policy that the Development Officer may revoke a Development Permit where the permit was issued in error or on the basis of false or mistaken information.
- 8.1.11 It shall be the policy of Council that this Secondary Planning Strategy and any subsequent amendments shall be reviewed, pursuant to the Municipal Government Act, when deemed necessary by the Minister of Services Nova Scotia and Municipal Relations or by Council, but not later than 10 years from the date of its coming into force and effect.
- 8.1.12 It shall be the policy of Council that where this Secondary Planning Strategy and Land use By-law permits developments up to a threshold that is based on floor area, site area, number of rental units, number of units or on the amount of goods or materials that are processed and produced annually, this threshold shall not be exceeded on any lot as it existed February 11, 1997, regardless of the effect of any subsequent subdivision approval, except as may be permitted by Development Agreement where provided for in this Strategy and By-law.

## MISCELLANEOUS MINOR STRUCTURES

- 8.1.13 It shall be the policy of Council to establish within the Land use By-law provisions enabling miscellaneous minor structures, such as but not limited to, fences less than 2 metres in height, children's play structures, pet houses, and accessory buildings less than 20 m<sup>2</sup> (215 ft<sup>2</sup>) in floor area, to be erected, located, constructed, or altered without the necessity of obtaining a development permit.

## VARIANCE

- 8.1.14 It shall be the policy of Council to permit the Development Officer to grant a variance in one or more of the following Land use By-law requirements, pursuant to the Municipal Government Act:

- a) number of parking spaces and loading spaces required;
- b) size or other requirements related to yards

provided that a variance is not granted where the:

- c) variance violates the intent of the Land use By-law;
- d) difficulty experienced is general to properties in the area; or
- e) difficulty experienced results from an intentional disregard for the requirements of the By-law.

**PART 9      PROCEDURE**

**(Repealed by Amendment - April 1, 2015)**

**PART 10      ATTACHMENTS**

Map 1      “Generalized Future Land Use”

Map 2      “Existing Land Use”

**PART 11 REPEAL OF BLOCKHOUSE SECONDARY PLANNING STRATEGY**

The Secondary Planning Strategy for the Blockhouse Planning Area, adopted by Council on February 11, 1997 is hereby repealed and this Secondary Planning Strategy substituted therefore.

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MUNICIPAL CLERK

I, \_\_\_\_\_, Municipal Clerk of the Municipality of the District of Lunenburg, do hereby certify that the foregoing is a true copy of the Secondary Planning Strategy for the Blockhouse Planning Area which was duly passed by the Council of the Municipality of the District of Lunenburg at a meeting duly held on \_\_\_\_\_, 20\_\_.

DATED at Bridgewater, N.S.

\_\_\_\_\_, 20\_\_.

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MUNICIPAL CLERK

# **Municipality of the District of Lunenburg**



# **Blockhouse Land Use By-Law (MODL By-law 024)**

**Adopted by Council: 2008-10-14  
Last Amended: 2023-05-31**

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## **1 TITLE AND PURPOSE**

### **Title**

1.1 This By-law shall be known and may be cited as the "Blockhouse Land Use By-law", of the Municipality of the District of Lunenburg.

### **Purpose**

1.2 The purpose of this By-law is to carry out the purpose and intent of the Secondary Planning Strategy for the community of Blockhouse and the surrounding area in accordance with the provisions of the Nova Scotia Municipal Government Act (Chapter 18, Acts of 1998) as amended, by regulating the use of land as well as the character, use and location of buildings and structures within the Blockhouse planning area. This By-law shall apply to the area of land shown specifically on Schedule "A", Zoning Map consisting of the Blockhouse Planning Area.

1.3 This By-law does not exempt any person from complying with other by-laws or regulations in force within the Municipality of the District of Lunenburg or from obtaining any license, permission, permit, authority or approval required there under. Where any provisions of this By-law conflicts with those of any other Municipal, Provincial or Federal regulation, by-law or code, the more stringent requirement shall prevail.

## **2 ADMINISTRATION**

### **2.1 DEVELOPMENT OFFICER**

This By-law shall be administered by the Development Officer appointed by the Council of the Municipality of the District of Lunenburg, and the Development Officer shall issue Development Permits under this By-law.

### **2.2 ACTING DEVELOPMENT OFFICER**

In the absence or incapacity of the Development Officer, the Acting Development Officer appointed by Council shall act in the Development Officer's stead.

### **2.3 REQUIREMENT FOR DEVELOPMENT PERMIT**

No person shall undertake, or cause or permit to be undertaken, any development in the area to which this Land Use By-law applies, unless a Development Permit has been obtained in relation to such development from the Development Officer or Acting Development Officer, as appointed by Council.

### **2.4 NO PERMIT REQUIRED**

Notwithstanding Section 2.3, no Development Permit is required in relation to a particular development when such an exception is clearly stated elsewhere in this By-law.

### **2.5 REQUIREMENT FOR APPLICATION**

Every person wishing to obtain a Development Permit and/or Site Plan approval must submit an application for such Development Permit to the Development Officer in the form prescribed from time to time by Council.

### **2.6 CONTENTS OF APPLICATION**

Every application for a Development Permit shall be accompanied by a plan drawn to an appropriate scale and showing:

- 2.6.1 the true shape and dimension of the lot to be used or upon which the development is proposed;
- 2.6.2 the proposed location, height and dimensions of any building or structure for which the permit is applied and the locational information shall include measurements of the lot frontage and front, side and rear yards;
- 2.6.3 the location of every building or structure already constructed, or partly constructed, on such lot and the location of every building or structure existing upon abutting lots;
- 2.6.4 the proposed location and dimensions of parking areas, parking spaces,

- loading spaces, driveway accesses and curbs;
- 2.6.5 the location of existing and proposed landscaping, fencing and outdoor storage;
- 2.6.6 the location of any watercourse and location of any existing or proposed building or structure in relation to the watercourse; and
- 2.6.7 other such information as may be necessary to determine whether or not the proposed development conforms with the requirements of this By-law.

## 2.7 SURVEY OF LANDS

Where the Development Officer is unable to determine whether the proposed development conforms to this By-law, the Development Officer may require that the plans submitted under Section 2.6 be based upon an actual survey by a Nova Scotia Land Surveyor.

## 2.8 SIGNATURES

The application for a Development Permit shall be signed by the owner of the lot, or by his or her authorized agent, and shall set forth in detail the current and proposed use of the lot and each building or structure, or part thereof, together with all information necessary to determine whether or not the proposed development conforms to the requirements of this By-law.

## 2.9 ISSUANCE OF DEVELOPMENT PERMIT

2.9.1 The Development Officer shall not issue a Development Permit unless:

- a) the proposed development is in conformance with this By-law;
- b) a Resolution pertaining to a Development Agreement has been passed by Council, pursuant to the Municipal Government Act, and the time for appeal has elapsed or the appeal has been disposed of and the Development Agreement has been executed; or
- c) the Development Officer has granted a variance from the terms of this By-law, pursuant to the Municipal Government Act and the time for appeal has elapsed or the appeal has been disposed of and the development is otherwise consistent with the requirements of this Land Use By-law.
- d) a copy of the Development Application has been forwarded to the Department of Environment if the development is proposed to be located within the boundaries of a wetland as shown on the Schedule “C” Development Constraints Map.

**2.10 DEVIATIONS**

No developer shall deviate, or allow deviations to be made, from the description of the proposed development that is contained in the Development Permit, unless the developer has obtained a new Development Permit from the Development Officer.

**2.11 RIGHT OF ENTRY**

Pursuant to the Municipal Government Act, the Development Officer, at all reasonable times, may enter into or upon any property within the area to which this Land Use By-law applies for the purposes of any inspection necessary in connection with the administration of this By-law.

**2.12 LAPSE OF PERMITS**

Every Development Permit issued under this By-law shall automatically lapse, and become null and void, if the development to which it relates has not commenced and one year has passed since its issuance.

**2.13 DECISION IN WRITING**

Any decision of the Development Officer refusing to issue a Development Permit shall be given by written notice served by ordinary mail, whereas any decision to revoke a Development Permit shall be given by written notice served by registered mail, and such revocation shall become effective on the third business day after it was sent.

**2.14 REVOCATION OF DEVELOPMENT PERMIT**

The Development Officer may revoke a Development Permit where the development permit was issued based upon false or mistaken information.

**2.15 VIOLATIONS**

In the event of any alleged contravention of the provisions of this By-law, the Municipality of Lunenburg may take action as outlined in the Municipal Government Act, as amended from time to time.

**2.16 EFFECTIVE DATE**

Pursuant to the Municipal Government Act, this By-law shall take effect on the date a notice is published in a newspaper, circulating in the Municipality, informing the public that the Planning Strategy and its implementing Land Use By-law are in effect.

**2.17 SERVICE OF NOTICE OF LAND USE BY-LAW AMENDMENT OR DEVELOPMENT AGREEMENT**

Pursuant to the Municipal Government Act, where Council has given notice of its intention to adopt an amendment to Schedule A, Zoning Map of this By-law, which is not general in scope but which is in direct response to a specific development proposal, or has given notice of its intention to enter into a Development Agreement or to amend a Development Agreement, Council shall serve notice of the proposed amendment, Development Agreement or amendment thereto, upon affected property owners whose property lies within 305 m (1000 ft.) of the property which is the subject of the proposed amendment, Development Agreement or amendment thereto. Such notice shall:

- a. set forth a synopsis of the proposed amendment, Development Agreement or amendment thereto;
- b. state the date, time, and place set for the public hearing on the amendment, Development Agreement or amendment thereto; and
- c. be served by ordinary mail.

A suitable notice, containing the above-mentioned information, shall also be erected upon the property that is the subject of the proposed amendment or Development Agreement or amendment thereto.

**2.18 COST OF ADVERTISING AND NOTICE FOR AMENDMENTS OR DEVELOPMENT AGREEMENTS**

Pursuant to the Municipal Government Act, an applicant for an amendment to this By-law or for a Development Agreement or amendment thereto shall deposit with the Clerk of the Municipality of the District of Lunenburg an amount estimated by the Clerk to be sufficient to pay the cost of advertising and notices required by the Municipal Government Act and, after the advertising has been completed and the notice served, the applicant shall pay to the Clerk any additional amount required to defray the cost of advertising and notice or, if there is a surplus, the Clerk shall refund it to the applicant.

**2.19 NOTICE FOR A VARIANCE AND FOR SITE PLAN APPROVAL**

Pursuant to the Municipal Government Act, where a variance from the requirements of this By-law or a site plan has been granted or refused, the Development Officer shall give notice to the persons required and in the manner prescribed by the Municipal Government Act, such notice to be served by ordinary mail, and the Municipality of the District of Lunenburg may recover from the applicant the cost of giving such notice.

**2.20 FEES** [Amended May 10, 2011]

An application for a development permit, a variance, a development agreement, or an amendment to the Land Use Bylaw or an amendment to a Planning Strategy, shall include payment of fees prescribed by Council from time to time, by policy.

### **3 INTERPRETATION OF ZONES, MAPS, SYMBOLS AND WORDS**

#### **3.1 ZONES**

For the purpose of this By-law, the Blockhouse Planning Area is covered by only one zone, referred to by a symbol as follows:

Rural .....RU

#### **3.2 ZONING MAP**

The attached Schedule "A" is titled "Zoning Map" and forms a part of this By-law.

#### **3.3 INTERPRETATION OF ZONE BOUNDARIES**

For greater certainty, the boundaries of zones shall be as shown on Schedule "A" and shall be more precisely located as follows:

- 3.3.1 where a zone boundary is shown as following a street, the boundary shall be the centre line of such street as shown;
- 3.3.2 where a zone boundary approximately follows lot lines, the boundary shall follow such lot lines;
- 3.3.3 where a street, railroad or railway right-of-way or watercourse is shown on Schedule A, it shall, unless otherwise indicated, be included in the zone of the adjoining property on either side thereof;
- 3.3.4 where a railroad or railway right-of-way, electrical transmission line right-of-way or watercourse (other than a lake) is included on the zoning map and serves as a boundary between two or more different zones, a line midway on such right-of-way or watercourse and extending in the general direction of the long axis thereof shall be considered the boundary between zones unless specifically indicated otherwise;
- 3.3.5 where a zone boundary is indicated as following the shoreline of a lake, ocean or harbour, the boundary shall follow the actual Ordinary High Water Line, including wharves and piers; but where the zone boundary is indicated as extending seaward of the Ordinary High Water Line, the zone boundary shall follow the actual Ordinary High Water Line included between the extensions indicated on the Zoning Map.
- 3.3.6 where none of these above provisions apply, and where appropriate, the zone boundary shall be scaled from the attached Schedule "A".

### **3.4 ZONES NOT ON ZONING MAP**

Schedule “A”, Zoning Map of this By-law, may be amended in conformance with the Secondary Planning Strategy to any zone in this By-law, regardless of whether or not such zone had previously appeared on Schedule “A”.

### **3.5 INTERPRETATION OF CERTAIN WORDS**

In this by-law, words used in the present tense include the future; words in the singular number include the plural; words in the plural include the singular number; the word “used” includes “arranged”, “designed” or “intended to be used”; the word "shall" is mandatory and not permissive. All other words and phrases carry their customary meaning except for those defined in Part 8 of this By-law, entitled "Definitions".

### **3.6 STANDARDS OF MEASUREMENT**

The Metric System of Measurement is used throughout this By-law and in all cases represents the required standard. Imperial measurements are approximate only, for convenience only, and are not to be regarded as precise.

## **4 GENERAL PROVISIONS**

### **4.1. APPLICATION**

The provisions of PART 4 GENERAL PROVISIONS shall apply to the Rural (RU) Zone.

### **4.2. SCOPE**

No person shall undertake a development, nor shall a Development Permit be issued unless the proposed development conforms to all of the provisions of this Land Use By-law.

### **4.3. STRUCTURE TO BE MOVED**

No structure, residential or otherwise, shall be moved within or into the area covered by this by-law without obtaining a Development Permit from the Development Officer except for those developments for which a Development Permit is not required.

### **4.4. PERMITTED USES OR PROHIBITED USES**

For the purposes of this By-law, if a development is not listed as permitted in any zone or if it is not an accessory to a permitted development in a particular zone, it shall be deemed to be prohibited in that zone, subject to the non-conforming use provisions of the Municipal Government Act.

### **4.5. HABITATION OF VEHICLES**

4.5.1 No automobile, truck, bus, coach, streetcar, shipping container, recreational vehicle, camper, or other motor vehicle, with or without wheels, shall be used for human habitation within the area regulated by this By-law.

4.5.2 Notwithstanding Subsection 4.5.1, recreational vehicles or campers may be used for the temporary accommodation of private guests, with no requirement for a Development Permit, provided that such use does not occur for longer than a 4 month period within a calendar year.

**4.6. NON-CONFORMING STRUCTURES**

A structure that existed prior to the effective date of this By-law, which is located on a lot such that the minimum yard setbacks, frontage and area requirements required by this By-law are not satisfied, is deemed to be a Non-Conforming Structure. Pursuant to the Secondary Planning Strategy y 7.1.4, within any zone, Non-Conforming Structures may be extended, expanded, altered, or reconstructed, provided that the structure shall not further reduce the minimum yard setbacks required in that zone, and all other requirements of the Land Use By-law are satisfied, except by the operation of Section 4.15.

**4.7. NON-CONFORMING USE OF LAND OR IN A STRUCTURE**

A use of land or a use in a structure, or both, that existed prior to February 11, 1997, and is not permitted in the zone in which the use is located, is deemed to be a non-conforming use of land or a non-conforming use in a structure, or both. A non-conforming use of land and a non-conforming use in a structure are subject to the non-conforming use of land and non-conforming use in a structure requirements of the zone in which they are located.

**4.8. DEVELOPMENT NEAR A WATERCOURSE****4.8.1 Removal of Natural Vegetation, Filling or Excavation Near a Watercourse**

In accordance with Planning Strategy Policy 5.1.2, in relation to a development, the

- a) infilling
- b) excavation; or
- c) removal of natural vegetation, including trees, shrubs and ground vegetation,

within 10 m (33 ft) of the ordinary high water mark of a significant watercourse as shown on Schedule “C”, Development Constraints Map, of the Land Use By-law, shall be subject to the following erosion control standards:

- i. where works on the bank of a watercourse are to occur and the approval of the Nova Scotia Department of Environment and Labour, the Department of Fisheries and Ocean or the Nova Scotia

Department of Natural Resources is required, the Development Officer shall be provided with a copy of this approval; or

- ii. where an approval is not required from the Nova Scotia Department of Environment and Labour, but siltation of a watercourse could result from exposing or placing uncovered soil:
  - A. the fill or exposed soil shall be temporarily covered by a suitable material consisting of straw matting, or similar material composed of interlocking, non-leaching natural, and or synthetic fibres, within 48 hours of the placement of the fill or disturbance of the soil;
  - B. erosion control structures, such as but not limited to, silt fences and silt dams shall be placed within the pathway of runoff. The erosion control structures shall be designed, constructed and maintained in accordance with the “Erosion and Sedimentation Control Handbook for Construction Sites”, 1988, Province of Nova Scotia, as amended;
  - C. permanent soil cover shall be placed, upon temporarily covered disturbed soil areas, within 18 weeks from the date the fill was placed or the soil disturbed; and
- iii. other than as required by an approval referred to in subclause i, erosion control structures and any accumulated silt shall be removed from the areas of work within 30 days of the placement of permanent ground cover, except where the removal of these structures would produce a negative impact.

#### 4.9. STEEP SLOPES

- 4.9.1 In accordance with Secondary Planning Strategy Policy 5.1.3, in relation to a development, any development within an area in excess of 20 percent slopes, as identified on Schedule “C”, Development Constraints Map, of the Land Use By-law, shall be subject to site preparation and landscaping requirements, to prevent or minimize erosion, as follows:

- a) driveways shall be covered with gravel or hard-surfaced within 14 days of the start of the construction or excavation of the driveway;
- b) back slopes of driveways shall be sodded, seeded or covered with alternate forms of ground cover suitable to prevent erosion within 3 days of the start of construction or excavation of the driveway, or otherwise covered with material which will prevent soil erosion until such time as the sodding or seeding is complete or the alternate forms of ground cover are in place. Sodding, seeding, or placement of alternate forms of ground cover suitable to prevent erosion shall be completed within 18 weeks of the start of construction or excavation of the driveway;
- c) excavated soil awaiting to be back filled shall be covered, within 3 days of excavation, with material that will prevent soil erosion until such time as the soil is back filled or removed;
- d) areas of back filling around the foundation shall be sodded, seeded or covered with alternate forms of ground cover suitable to prevent erosion within 3 days after the back fill is in place, or otherwise covered with material which will prevent soil erosion until such time as the sodding or seeding is complete or the alternate forms of ground cover are in place. Sodding, seeding, or placement of alternate forms of ground cover suitable to prevent erosion shall be completed within 18 weeks of the start of construction or excavation of the foundation; and
- e) excavated soil material shall be either removed from the lot, or graded and shall be either sodded, seeded or covered with alternate forms of ground cover suitable to prevent erosion, as appropriate and within 18 weeks of the start of excavation. Graded soil material shall be covered with material that will prevent soil erosion until such time as the sodding or seeding is complete or alternate forms of ground cover suitable to prevent erosion is in place. Materials awaiting removal shall be covered with material that will prevent soil erosion until such time as the soil is removed.

4.10. **ACCESSORY USES**

No development permit shall be required for any use which is accessory to a permitted use, provided, however, that this exemption shall not apply to parking areas where more than 2 spaces are required by this By-law.

4.11. **CONSTRUCTION ACCESSORIES**

Nothing in this By-law shall prevent the use of land or the use or erection of temporary structures incidental to construction, such as but not limited to, a construction camp, tool shed, scaffold, sales office or rental office incidental to construction and no development permit for such temporary uses or structures shall be required. Such temporary use shall be terminated no more than 60 days after the completion of the construction of the main structure.

4.12. **SPECIAL OCCASIONS**

Nothing in this By-law shall prevent the use of land or the erection of temporary buildings, structures or signs for special occasions and holidays and no development permit shall be required for such temporary uses, provided that such uses or structures remain in place for no more than 10 days following the termination of the special occasion or holiday.

4.13. **LOTS CREATED BY A PLAN OF SUBDIVISION**

Pursuant to Planning Strategy Policy 7.2.1, all sections of the Subdivision By-law shall apply within all zones of this By-law, and any lot created by a Plan of Subdivision approved in accordance with the Subdivision By-law, may be used for a purpose permitted in the zone in which the lot is located, and a structure may be erected, placed or altered on the lot, provided that all other applicable provisions of this By-law are satisfied.

4.14. **RESTORATION TO A SAFE CONDITION**

Nothing in this by-law shall prevent the strengthening or restoring to a safe condition of any structure, provided in the case of a non-conforming use the provisions of the Municipal Government Act shall prevail.

4.15. **VARIANCE FROM MINIMUM REQUIREMENTS**

4.15.1 Pursuant to Secondary Planning Strategy Policy 8.1.14, and in accordance with the requirements of the Municipal Government Act, the Development

Officer may grant a variance for one or more of the following Land Use By-law requirements:

- a) number of parking spaces required; and
- b) size of yards.

provided that a variance is not granted where the:

- i. variance violates the intent of this Land Use By-law;
- ii. difficulty experienced is general to properties in the area; or
- iii. difficulty experienced results from an intentional disregard for the requirements of this Land Use By-law.

#### 4.16. **OUTDOOR WOOD FURNACES / WATER STOVES**

Outdoor wood furnaces and the "storage" buildings in which they are housed, shall not be considered as accessory buildings or structures within the definition of accessory building or structures in this Land Use By-law, and therefore, their use will require a Development Permit. Outdoor wood furnaces shall be located a minimum of 60 m (197 ft) from any structure on an adjacent lot greater than 20 m<sup>2</sup> (215 ft<sup>2</sup>).

#### 4.17. **SPECIAL REQUIREMENTS FOR KEEPING OF LIVESTOCK AND MANURE STORAGE**

A lot containing a building or structure used for the keeping of livestock or for the storage of manure shall meet one of the following requirements:

- a) have an approved Nutrient Management Plan completed by a qualified person;
- b) have an Environmental Farm Plan, as delivered by the Nova Scotia Federation of Agriculture; or
- c) the land base requirement of 1 livestock unit per 1 hectare (2.5 acres) of land.

#### 4.18 **EXISTING LOT DEVELOPMENT LIMITATION**

Pursuant to Secondary Planning Strategy Policy 8.1.4, where any Rural zone permits commercial, institutional, or industrial developments as-of-right up to a threshold that is based on floor area, site area, number of rental units, number of units, or on the amount of goods or materials that are processed and produced annually, this threshold shall not be exceeded on any lot as it existed on February

11, 1997, regardless of the effect of any subsequent subdivision approval, except as may be permitted by development agreement in accordance with this By-law.

**4.19 MISCELLANEOUS MINOR ACCESSORY STRUCTURES**

Within any Rural Zone, No Development Permit shall be required for miscellaneous minor accessory structures such as, but not to limit the generality of the foregoing, open fences, fences less than 2 m (6.5 ft) in height, retaining walls, children’s play structures, cold frames, garden trellises, clothesline poles, pet houses, monuments, interpretive displays and accessory buildings of less than 20 m<sup>2</sup> (215 ft<sup>2</sup>) in floor area.

**4.20 PRIVATE STORAGE BUILDINGS**

Where there is no other main building on the lot, private storage buildings shall be permitted provided that the applicable zone requirements of the Rural (RU) Zone are satisfied, as if the private storage building were regarded as the main building on the lot.

**4.21 PARKING AND LOADING**

Parking and loading areas shall be provided in accordance with the applicable requirements of Part 7 of this By-law.

## **5 RURAL (RU) ZONE**

### **5.1 GENERAL REQUIREMENTS FOR RURAL ZONE**

#### **5.1.1 Application**

The provisions of this Part shall apply to the RURAL (RU) Zone.

### **5.2 RURAL (RU) ZONE**

#### **5.2.1 Special Requirements – Commercial, Industrial and Institutional Developments.**

Subject to clause 5.2.3c), *and to sub-section 5.2.5*, Commercial, Industrial and Institutional uses are permitted in the Rural (RU) Zone provided that, on each lot so used:

- a) The maximum total indoor floor area occupied by such uses is 375 m<sup>2</sup> (4,037 ft<sup>2</sup>);
- b) The maximum total area devoted to the use (including indoor and outdoor areas) is 1858 m<sup>2</sup> (20,000 ft<sup>2</sup>); and
- c) Notwithstanding clauses a) and b), fixed roof accommodation shall not exceed 15 rental units with associated dining facilities.

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#### **5.2.2 Special Requirements – Wind Turbines**

Wind Turbines are permitted in the Rural (RU) Zone provided that:

- a) the sound level generated by the wind turbine at an adjacent property line shall not exceed 45dB(A) (decibels), determined using the manufactures peak acoustical emission documentation and the “Sound Level by Distance from Source”, Table 1, below:

Table 1: Sound Level by Distance from Source

Distance m	Sound Level Change dB(A)	Distance m	Sound Level Change dB(A)	Distance m	Sound Level Change dB(A)
4.5	-24	100	-52	355	-63
9	-30	112	-53	398	-64
16	-35	126	-54	447	-65
28	-40	141	-55	502	-66
40	-43	159	-56	563	-67
50	-45	178	-57	632	-68
56	-46	200	-58	709	-69
63	-47	224	-59	795	-70
71	-49	251	-60	892	-71
80	-50	282	-61		
89	-51	317	-62		

- b)** Notwithstanding clause a) where more than one wind turbine is located on a lot, the sound level generated by the wind turbines at an adjacent property line shall not exceed 45dB(A) (decibels), determined by calculating the sound level from multiple sources using the manufactures peak acoustical emission documentation.
- c)** One of the following measures shall be employed to prevent climbing of the structures. The support structure shall be:
- i.** enclosed by fencing, or
  - ii.** enwrapped with sufficient guarding around the bottom of the structure to prevent climbing;
- d)** Where fencing forms an enclosure or part thereof, the fencing shall:
- i.** completely enclose the structure;
  - ii.** have a minimum height of 1.8 m (6 ft);
  - iii.** have no opening greater than 38 mm (1.5 in) in any part of the fencing;
  - iv.** not be electrified or incorporate barbed wire or other sharp dangerous materials unless they are situated more than 2 m (6 ft) above grade, and
  - v.** gates that form part of the fencing shall be self-closing and securely locked, and be located:

- A. at least 1.2 m (4 ft) from any condition that would facilitate the structure from being climbed from the outside; and
  - B. so that the bottom of the fence is elevated by no more than 10 cm (4 in) above grade; and
- e) Guards shall be designed so that no member, attachment or opening located between 10 cm (4 in) and 1.5 m (5 ft) above the ground, will facilitate climbing. Guards shall be constructed of thin metal sheeting form-fitted around the bottom of a tower from ground level to at least 2.5 m (8 ft) above the ground. An opening referred to here shall be no greater than 5 cm (2 in) in width.

**Calculation Example:**

A wind turbine with a manufactures maximum acoustical emission of 85dB(A) will require a 28 m setback to reduce the noise level to 45dB(A) at the property line.

$$\begin{array}{rclcl}
 \text{Maximum Sound Level} & - & \text{Wind Turbine Peak} & = & \text{Change in Sound Level} \\
 \text{at Property Line} & & \text{Emission} & & \\
 \\ 
 45\text{dB(A)} & - & 85\text{dB(A)} & = & -40\text{dB(A)}
 \end{array}$$

The “Change in Sound Level” value (-40) can be entered into the “Sound Level by Distance from Source” table to determine the **distance required** (28 m) to reduce the sound level to **45dB(A) at the property line**. The distance value read in the table is the setback value (28 m from adjacent property lines).

Sound Level by Distance from Source.

Distance m	Sound Level Change dB(A)	Distance m	Sound Level Change dB(A)	Distance m	Sound Level Change dB(A)
4.5	-24	100	-52	355	-63
9	-30	112	-53	398	-64
16	-35	126	-54	447	-65
28	-40	141	-55	502	-66
40	-43	159	-56	563	-67
50	-45	178	-57	632	-68
56	-46	200	-58	709	-69
63	-47	224	-59	795	-70
71	-49	251	-60	892	-71
80	-50	282	-61		
89	-51	317	-62		

**The above calculation example is intended for clarification and convenience and does not form part of this by-law**

**5.2.3 Permitted Developments** In the Rural (RU) Zone, no development permit shall be issued except for one or more of the following uses:

**a) Developments permitted in the Rural (RU) Zone:**

- i.** Residential uses to a maximum of 4 dwelling units per lot;
- ii.** Non-commercial recreational uses;
- iii.** Agricultural, Forestry and Fishery;
- iv.** Cemeteries;
- v.** Outdoor wood furnaces / water stoves in accordance with Section 4.16;
- vi.** Sawmills and Planer Mills having an annual capacity of less than 100 Mfbm (100,000 board feet);
- vii.** Roundwood processing having an annual production of less than 1812.3 m<sup>3</sup> (500 cords);
- viii.** emergency service facilities;
- ix.** *Subject to sub-section 5.2.1, all commercial, industrial, and institutional uses which are not listed in clause 5.2.3(c), or in sub-section 5.2.5, and*

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- x.** The erection, construction, alteration, replacement, relocation of or addition to any structure associated with Permitted Developments listed above, and
- xi.** *community collection depots as defined by this By-law not to exceed 375 square metres devoted to the use.*
- xii.** *Small Option Homes*

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**b) Developments Permitted by Development Agreement**

- i.** Pursuant to Secondary Planning Strategy Policy 4.1.4, Commercial, Institutional and Industrial developments that exceed the maximum size requirements of Section 5.2.1;
- ii.** Pursuant to Secondary Planning Strategy Policy 4.1.4, Saw mills and planer mills having an annual capacity in excess of 100 Mfbm (100,000 board feet); and,
- iii.** Pursuant to Secondary Planning Strategy Policy 4.1.4, Roundwood processing having an annual production in excess of 1812.3 m<sup>3</sup> (500 cords).

**c) Restricted Developments permitted only by Development Agreement.**

- i. Notwithstanding any other provisions of the By-law and pursuant to Secondary Planning Strategy Policy 4.1.9 & Policy 4.1.9A, the following commercial and industrial developments are permitted only by Development Agreement regardless of the size of the uses:*
- A. Beverage rooms, lounges, clubs, cabarets, taverns;*
  - B. Breeding or boarding of animals, except within a dwelling unit or animal hospital;*
  - C. Land Leased Communities (Commonly known as mobile home parks);*
  - D. Lead and battery production;*
  - E. Metal corrosion treatment facilities, where products are produced for wholesale;*
  - F. Power generating plants;*
  - G. Wood debarking and chipping, except for activities associated with harvesting operations; and*
  - H. Wood preserving by pressure treatment.*
- ii. Notwithstanding any other provisions of this by-law and pursuant to Secondary Planning Strategy Policy 4.1.9 & Policy 4.1.9A, the following commercial and industrial uses are permitted only by Development Agreement, regardless of the size of the use, and are only permitted to be considered by Council where such uses are proposed to be more than 400m from existing residences identified in the Blockhouse Plan Area:*
- A. Bulk storage of petroleum products;*
  - B. Commercial or recreational racing of motorized vehicles;*
  - C. Commercial or recreational racing of animals;*
  - D. Outdoor shooting ranges;*
  - E. Ready-mix concrete production for off-site sales and use;*
  - F. Salvage operations;*
  - G. Slaughtering and butchering of animals for wholesale;*
  - H. Tanning; and*
  - I. Uses associated with aggregate and mineral resource extraction.*

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- d) Developments Permitted by Site Plan Approval**
- i. Expansion of Existing Developments by Site Plan**  
Existing Commercial, Industrial and Non-Municipal Institutional uses as listed in Schedule “B” that exceed the threshold in clause a) may expand by Site Plan Approval in accordance with the criteria set out in Subsection 5.2.4.
- ii.** Residential uses that exceed the threshold in subclause a)i subject to:
- A.** a maximum of 50 dwelling units per hectare (20 units/acre); and,
- B.** no residential building shall contain more than 12 dwelling units,  
in accordance with the criteria set out in clause 5.2.4a).

#### **5.2.4 Site Plan Approval**

- a) Site Plan Approval Criteria**
- i.** the development shall be located on the lot so as to reduce impacts and nuisances on adjacent properties;
- ii.** off-street parking and loading areas shall be located on the lot in a manner that minimizes traffic hazards, congestion, nuisances or other impacts on the surrounding properties;
- iii.** the location, width and number of driveway accesses shall be constructed in such a manner as to avoid traffic hazards and congestion;
- iv.** the lot shall have direct access onto a street;
- v.** Type, location, and height of walls, fences, hedges, trees, shrubs, ground cover, or other landscaping elements necessary to protect and minimize the land use impact on adjoining lands;
- vi.** Retention of existing vegetation;
- vii.** any walkways or driveways to be used for pedestrian traffic shall be hard-surfaced with stable materials to minimize dust blowing onto neighbouring properties;
- viii.** outdoor pedestrian walkways shall be adequately lit and lighting shall be directed away from the street to eliminate traffic hazards;
- ix.** waste, compost and recycling receptacles and other outdoor storage shall be located in the rear or side yard of the property and screened from adjacent properties so as to reduce visual impacts;

- x. Location of easements;
  - i. stormwater management plans for the development shall be provided; and
  - ii. the criteria listed in the above clauses shall be maintained in a manner that is acceptable to the surrounding properties.

b) **Approval of a Site Plan**

The approval of a Site Plan by the Development Officer shall be subject to the following criteria:

- i. the physical characteristics of the property, the development shall achieve optimum separation from adjacent properties which are not in Commercial or Industrial use;
- ii. screening in the form of fences, vegetation, or berms as appropriate shall be constructed or installed wherever possible in order to minimize impact on the abutting uses;
- iii. driveways, parking areas, and any areas used for the open storage of equipment or stock shall be surfaced with stable materials to prevent dust from blowing onto adjacent properties;
- iv. the site for residential development shall be landscaped with trees, shrubs, lawns, fences, and hard surfaced walkways, as necessary to create a residential living environment.

**5.2.5 Prohibited Uses**

No development permit shall be issued for any of the following land uses, which are prohibited from developing in the Blockhouse Plan Area:

- (a) *Animal by-product rendering plants;*
- (b) *Asphalt concrete production for off-site sales and use;*
- (c) *Biosolid spreading and storage, to include sludge processing;*
- (d) *Correctional centres;*
- (e) *Incineration for the reclamation of metals or other materials;*
- (f) *Manufacturing of biochemistry products, chemicals, and/or paint;*
- (g) *Petrochemical plants;*
- (h) *Pulp and paper mills;*
- (i) *Refining of hydrocarbons;*
- (j) *Smelting and ore refining;*
- (k) *Solid waste management facilities;*

- (l) *Tire recycling facilities.*
- (m) *Uses or facilities associated with the growing, processing, packaging, storage, or wholesale distribution of fish, shellfish, or other fishery or aquaculture products, to include fish meal production; and*
- (n) *Warehousing, manufacturing, and/or wholesaling of explosives, pesticides, herbicides, fungicides, biocides, and other poisonous or hazardous substances;*

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## **6 INSTITUTIONAL (I) ZONE**

### **6.1 GENERAL REQUIREMENTS FOR INSTITUTIONAL (I) ZONE**

#### **6.1.1 APPLICATION**

The provisions of this Part shall apply to the INSTITUTIONAL (I) Zone.

### **6.2 INSTITUTIONAL (I) ZONE**

#### **6.2.1 Permitted Developments**

No development permit shall be issued except for municipal public buildings and uses.

## 7 REQUIREMENTS FOR PARKING AND LOADING AREAS

### 7.1 GENERAL REQUIREMENTS FOR PARKING AND LOADING AREAS

#### 7.1.1 Application

The requirements of this part shall apply to all zones unless otherwise specified.

### 7.2 STANDARDS FOR PARKING AREAS

#### 7.2.1 Parking Exemption

The requirements of Section 7.2 shall not apply to any existing land use but shall apply to the expansion of any existing land use.

#### 7.2.2 Parking Space Requirements

An Off-Street Parking Space shall have an area of 16.5 m<sup>2</sup> (178 ft<sup>2</sup>), measuring 5.5 m (18 ft) in length and 3 m (10 ft.) in width, exclusive of aisles or driveways thereto.

#### 7.2.3 Number of Parking Spaces Required

No Development Permit shall be issued for any development unless off-street parking, having unobstructed access to a street, shall be provided and maintained in conformity with the following schedule:

Type of Use	Required Parking
a. Residential buildings containing not more than 3 dwelling units	1 parking space for each dwelling unit.
b. Residential buildings with 4 or more dwelling units	1.25 spaces for each dwelling unit
c. Hotels and motels, and other accommodations for travellers	1.1 space per suite or rental unit
d. Churches, funeral homes, theatres, halls, private clubs, restaurants, lounges, other places of assembly	Where there are fixed seats, 1 parking space for every 5 seats or 3m (10 ft) of bench space. Where there are not fixed seats, 1 parking space for each 9 m <sup>2</sup> (100 ft <sup>2</sup> ) of floor area devoted to public use.
e. Offices	1 space for every 28 m <sup>2</sup> (300 ft <sup>2</sup> ) of floor area
f. Hospitals / Nursing Homes / Residential Care Facilities	1 space for every 37 m <sup>2</sup> (400 ft <sup>2</sup> ) of floor area
g. Industries	1 space for every 93 m <sup>2</sup> (1 000 ft <sup>2</sup> ) of floor area
h. Warehouses	1 space for every 278 m <sup>2</sup> (3 000 ft <sup>2</sup> ) of floor area

i. All other commercial uses	1 space for every 19 m <sup>2</sup> (200 ft <sup>2</sup> ) of commercial floor area
j. Elementary and Junior High Schools	1.5 space for each teaching classroom
k. High Schools	4 spaces for each teaching classroom
l. Marinas / Wharves	1 space for every berth or anchorage
m. Bowling Alleys / Curling Rinks	3 parking spaces per bowling lane or curling sheet. In parts of the building not devoted to lanes or sheets, 1 space for every 19 m <sup>2</sup> (200 ft <sup>2</sup> ) of floor area open to the public shall be provided.

- 7.2.4 Layout of Parking Areas** Where off-street parking is required and more than 2 spaces are provided, no Development Permit shall be issued except in conformity with the following requirements:
- a) the parking area shall be treated or surfaced to prevent the raising of dust or loose particles;
  - b) any illumination shall be directed away from streets, adjacent lots, and buildings;
  - c) the parking lot shall be within a distance of 90 m (300 ft) of the building which it serves and shall be located within the same zone as the use which it serves;
  - d) each parking space and the direction of travel in each aisle shall be clearly marked and maintained where a permanent hard surface is provided;
  - e) except for automobile service stations, no gasoline pump or other automobile service station equipment shall be located or maintained on the parking lot;
  - f) no street access shall be within 15 m (50 ft) of the limits of the right-of-way of the nearest street intersection; and,
  - g) the width of any access to a parking area and of any aisle in a parking area, shall be a minimum width of 4.3 m (14 ft) if for one-way traffic, and a minimum width of 6 m (20 ft) if for two-way traffic.

## **7.3 STANDARDS FOR LOADING AREAS**

### **7.3.1 Loading Space Exemption**

The requirements of Section 7.3 shall not apply to:

- a)** any building with less than 140 m<sup>2</sup> (1500 ft<sup>2</sup>) of floor area; and
- b)** any existing land use, but shall apply to the expansion of any existing land use.

### **7.3.2 Number and Layout of Loading Spaces**

No person shall erect or use any building or structure for manufacturing, warehousing, storage, a department store, retail store, wholesale store or outlet, market, freight or passenger terminal, hotel, hospital, or other use involving the frequent shipping, loading or unloading of persons, animals, or goods unless:

- a)** there is maintained on the same lot, 1 off-street space for standing, loading, and unloading for every 2,700 m<sup>2</sup> (29,000 ft<sup>2</sup>) or fraction thereof of floor area used for any such purpose;
- b)** each loading space measures at least 4 m (13 ft) in width by 12 m (40 ft) in length with a minimum height clearance of 4.3 m (14 ft);
- c)** each loading space is located in the rear or side yard of the lot;
- d)** loading spaces, including driveways leading thereto, shall be treated or surfaced to prevent the raising of dust or loose particles; and
- e)** the width of any access road to a loading space shall be a minimum of 3.5 m (12 ft) for one-way traffic or 7.5 m (25 ft) for two-way traffic.

## 8 DEFINITIONS

For the purposes of this By-law all words shall carry their customary meaning except for those words and phrases defined in this Part.

**8.1 ACCESSORY BUILDING** - See BUILDING

**8.2 ACCESSORY USE** – See USE

**8.3 AGGREGATE** means gravel, clay, earth shale, stone, limestone, dolostone, sandstone, marble, granite, rock.

**8.4 AGGREGATE RESOURCE EXTRACTION OPERATION** means the use of land and structures associated with the extraction of aggregates such as the storage of extracted aggregates, the crushing, screening or washing of extracted aggregates, the storage and maintenance of trucks, heavy equipment related to the aggregated extraction activity.

**8.5 AGRICULTURAL USE** – See USE

**8.6 ALTER** means to make any change in the structural components of a building or structure, any increase or decrease in the volume of a building or structure, or any change made in the use of land or structures.

**8.6a ANIMAL BY-PRODUCT RENDERING PLANT** means a plant in which meat, animal or poultry products is rendered (cooked or melted down), with or without oil refining.  
**Amended July 1, 2015**

**8.7 ANIMAL HOSPITAL** means the premises where animals, birds or household pets are treated or kept during treatment and may include boarding facilities as an accessory use.

**8.7a ASPHALT CONCRETE PRODUCTION** means a paving plant in which asphalt is manufactured for off-site sales and use through the mixing of aggregate and asphalt oil, or recycled asphalt material.  
**Amended July 1, 2015**

**8.8 ATTACHED BUILDING** - See BUILDING

**8.9 AUTOBODY REPAIR SHOP** means a building or part of a building or a clearly defined space on a lot where motor vehicle bodies are repaired and does not include a service station or automobile sales.

**8.10 BEVERAGE ROOM** means premises licensed as a beverage room by the Liquor License Board of Nova Scotia.

**8.10a BIOSOLID SPREADING AND STORAGE**, to include **SLUDGE PROCESSING**, means a treatment or processing facility for wastewater sludges. Includes the application to land of any non-livestock generated wastes, wastewater and wastewater sludges, and/or a bio-remediation treatment operation for the removal or reduction of hydrocarbon products in soils and sludges. **SLUDGE** means the accumulated wet or dry solids that are separated from wastewater during treatment including the precipitate resulting from chemical or biological treatment of wastewater.

Amended July 1, 2015

**8.11 BOARD FOOT** means a unit of cubic measure for lumber, equal to one foot square by one inch thick.

**8.12 BOARDING / ROOMING HOUSE** means a dwelling in which the proprietor supplies either room or room and board for monetary gain, to persons exclusive of the lessee or owner thereof, or members of the household unit and which is not open to the general public.

**8.13 BUILDING** means a structure, whether permanent or temporary, which is roofed and which is used for the shelter or accommodation of persons, animals, materials or equipment and includes all additions, porches and decks attached thereto, and for greater certainty:

(a) **ACCESSORY BUILDING** means a subordinate building or structure located on the same lot as the main building and devoted exclusively to an accessory use. Outdoor wood furnaces shall not be considered as accessory buildings or structures.

(b) **ATTACHED BUILDING** means a building otherwise complete in itself, which depends for structural support, or complete enclosure, upon a division wall or walls shared in common with an adjacent building or buildings.

**8.13a BULK STORAGE OF PETROEUM PRODUCTS** means a facility consisting of one or more petroleum tanks and associated piping, where petroleum products are stored for off-site distribution.

Amended July 1, 2015

- 8.14 CABARET** means a premise licensed as a cabaret by the Liquor License Board of Nova Scotia.
- 8.15 CEMETERY** means land that is set apart or used as a place for the interment of the dead or in which human bodies have been buried and may include facilities for storing human remains in sealed crypts or compartments.
- 8.16 CHANGE IN USE** – See: USE
- 8.17 CLUB** means a premise licensed as a club by the Liquor License Board of Nova Scotia.
- 8.18 COMMERCIAL USE** – See USE
- 8.18a *COMMERCIAL OR RECREATIONAL RACING OF MOTORIZED VEHICLES OR ANIMALS*** means a facility or course where animals or motorized vehicles compete or train, against time or one another.
- Amended July 1, 2015**
- 8.18b *COMMUNITY COLLECTIONS DEPOT*** means a facility for the collection of glass, beverage containers, paper products, or household electronics, not exceeding 375 square metres devoted to the use. Any development above 375 square metres in size is considered a Solid Waste Management Facility.
- Amended July 1, 2015**
- 8.19 CORNER LOT** - See LOT, CORNER.
- 8.20 CORRECTIONAL CENTRE** means a government operated or funded facility to house youth or adults in the custody of or sentenced by a Court of Law.
- 8.21 COUNCIL** means the Council of the Municipality of the District of Lunenburg.
- 8.22 CRAFT**
- (a) **CRAFT PRODUCTS** means products made by hand or small custom production processes by potters, pewterers, goldsmiths, silversmiths, jewellers, toymakers, leatherworkers, upholsterers, woodworkers, furniture makers, musical instrument makers, clothing designers and makers, shoemakers, antique refinishers, glass or stained glass workers, sailmakers, and similar skilled craftspersons.

- (b) **CRAFT WORKSHOP** means a building or part of a building where craft products are made by hand or small production processes.
- 8.23 DEVELOPMENT** includes any erection, construction, alteration, replacement or relocation of or addition to any structure and any change or alteration in the use made of land or structures.
- 8.24 DEVELOPMENT OFFICER** means the person appointed by Council under the authority of the Municipal Government Act to administer the provisions of the Land Use By-law.
- 8.25 DEVELOPMENT PERMIT** means the permit issued by the Development Officer certifying that a proposed development complies with the provisions of the Land Use By-law.
- 8.26 DWELLING** means a building, occupied or capable of being occupied as a home, residence or sleeping place by one or more persons, containing one or more dwelling units and shall not include a hotel, a motel or apartment hotel.
- 8.27 DWELLING UNIT** means one or more habitable rooms designed or intended for use by one or more individuals as an independent and separate housekeeping establishment in which separate kitchen and sanitary facilities are provided for the exclusive use of such individual or individuals, with a private entrance from outside the building or from a common hallway or stairway inside the building.
- 8.28 DWELLING, MULTI-UNIT** means any dwelling containing 3 or more dwelling units.
- 8.29 EMERGENCY SERVICE FACILITY** means the use of land, buildings or structures or portions thereof to provide an emergency service to the public, and without limiting the generality of the foregoing may include uses such as Fire Protection, Police Protection, Emergency Measures Organizations, Ground Search and Rescue Operations and Ambulances but does not include uses accessory to an Emergency Service Facility, such as but not limited to places of assembly and entertainment. For greater clarity, only that portion of land, buildings or structures used for a purpose essential to the provision of an emergency service shall be considered an Emergency Service Facility.

- 8.30 ENVIRONMENTAL FARM PLAN** means the Environmental Farm Plan funded by the Nova Scotia Department of Agriculture.
- 8.31 ERECT** means to build, construct, reconstruct, alter or relocate and without limiting the generality of the foregoing shall be taken to include any preliminary physical operation such as excavating, grading, piling, cribbing, filling or draining, structurally altering any existing building or structure by an addition, deletion, enlargement or extension.
- 8.32 EXISTING** means existing on the effective date of this By-law unless otherwise noted.
- 8.33 FIXED ROOF ACCOMMODATION** means a building or part thereof, used to accommodate the travelling or vacationing public for gain or profit, by supplying them with sleeping accommodations, with or without meals or kitchen facilities.
- 8.34 FLANKAGE LOT LINE** – See LOT LINE, FLANKAGE
- 8.35 FLANKAGE YARD** - See YARD, FLANKAGE
- 8.36 FLOOR AREA** means the total area of all floors of a building, above and below grade, measured between the exterior faces of the exterior walls of the building or from the centreline of a wall separating two buildings.
- 8.37 FORESTRY USE** – See USE
- 8.38 FRONT LOT LINE** – See LOT LINE, FRONT
- 8.39 FRONT YARD** – See YARD, FRONT
- 8.40 GUEST HOUSE** means a part of a dwelling where the resident owner or resident occupant provides accommodation, with or without meals, to the traveling public for financial remuneration and does not include facilities open to the general public such as meeting rooms, restaurants, or entertainment facilities.
- 8.40a INCENERATION** for the **RECLAMATION OF METALS OR OTHER MATERIALS** means a foundry, or related facility, in which metal products are produced through thermal melting and casting or moulding of metals, including reclaimed metals.  
Amended July 1, 2015
- 8.41 INDUSTRIAL USE** – See: USE, INDUSTRIAL

- 8.42 INSTITUTION** means a building or part of a building used by an organized body or society for promoting a particular purpose with no intent of profit, such as churches, community centres, hospitals, and homes for special care, but not including private clubs.
- 8.43 INSTITUTIONAL USE** –See: USE
- 8.44 INTERIOR LOT** – See LOT, INTERIOR
- 8.45 LAND-LEASED COMMUNITY** (commonly known as Mobile Home Park) means an establishment comprising land or premises under single ownership, designed and intended for residential use, where residence is in 3 or more mobile homes, but does not include any camping establishment under the Camping Establishments Regulation Act.
- 8.46 LIVESTOCK UNIT** means one or more farm animals as specified in the following table:

<b>Livestock Type</b>	<b>Number of Animals equivalent to one Livestock Unit / Hectare</b>
Dairy Cow	1.5
Dairy Heifers	2
Beef Cow	2
Beef Feeders 150-500 kgs.	4
Sheep	10
Sows Breeding/Gestation	5
Sows (Farrow to Finish includes all feeder pigs belonging to sow)	1
Sows (Farrow to Wean)	4
Weaners	50
Hogs (Feeders)	10
Laying Hens	500
Broiler Chickens - barn capacity	1000
Turkey Broilers (5 kg) - barn capacity	300
Mink	200
Veal Calves	25
Horse	1.9
Goat	17.5
Emu	40
Ostrich	17.5
Llamas	24.9
Alpaca	24.9

- 8.47 LOADING SPACE** means an area of land for the temporary parking of commercial motor vehicles while merchandise or materials are being loaded or unloaded and which has adequate access to permit ingress and egress by means of driveways, aisles, manoeuvring areas or similar areas, but which is not used for sales or display.
- 8.48 LOT** means any parcel of land as described in a deed or as shown on a registered plan of subdivision.
- 8.49 LOT, CORNER** means a lot situated at the intersection of and abutting on 2 or more streets.
- 8.50 LOT, INTERIOR** means a lot situated between two lots and having access to one street.
- 8.51 LOT, THROUGH** means a lot bounded on two opposite sides by streets or highways provided, however, that if any lot qualifies as being both a Corner Lot and a Through Lot as defined above, such lot shall be deemed to be a Corner Lot for the purpose of this By-law.
- 8.52 LOT LINE** means a boundary line of a lot.
- 8.53 LOT LINE, FRONT** means the line dividing the lot from the street or other means of access; and
- a) in the case of a corner lot, the shorter boundary line abutting the street shall be deemed to be the front lot line and the longer boundary line abutting the street shall be deemed to be the flankage lot line; and where such lot lines are of equal length, the front lot line shall be either of the lot lines and the other lot line shall be the flankage lot line; boundaries dividing the lot from a street shall be deemed to be the front lot line;
  - b) in the case of a lot which abuts an access road and which has another of its boundaries adjoining the shoreline of a lake, river or stream, the lot line facing the access road shall be deemed to be the front lot line; or
  - c) in the case of a through lot, the lot line abutting the street providing the primary access shall be regarded as the front lot line.

- 8.54 LOT LINE, REAR** means the lot line furthest from or opposite to the front lot line.
- 8.55 LOT LINE, SIDE** means a lot line other than a front or rear lot line.
- 8.56 LOT LINE, FLANKAGE** means a side lot line that abuts the street on a corner lot.
- 8.57 LOUNGE** means premises licensed as a lounge by the Liquor License Board of Nova Scotia.
- 8.57a *MANUFACTURING OF BIOCHEMISTRY PRODUCTS, CHEMICALS, AND/OR PAINT*** means a plant in which organic or inorganic chemicals are manufactured; including but not limited to: pharmaceutical manufacturing, in which a medical drug for sale or distribution is processed; paint manufacturing in which paints, lacquers, primers or enamels are produced; and/or industrial cleaners manufacturing, in which materials including but not limited to degreasers, strippers or bleaches are produced.  
**Amended July 1, 2015**
- 8.58 Mfbm** means thousand board feet measure.
- 8.59 MINERAL** means a mineral as defined under the Mineral Resources Act of Nova Scotia, Chapter 18 of the Acts of 1990, and as be amended from time to time.
- 8.60 MINERAL RESOURCE EXTRACTION** means the use of land and structures associated with the extraction of minerals such as the storage of extracted mineral, the crushing, screening or washing of extracted minerals, the storage and maintenance of trucks, heavy equipment related to mineral extraction activity.
- 8.61 MOBILE HOME** means a non-motorized prefabricated detached dwelling designed for transportation on its own chassis and wheels, to a site where it is to be occupied as a dwelling complete and ready for occupancy (except for minor and incidental unpacking or assembling operations), and where it may be located on wheels, jacks, posts, piers, blocks, or permanent foundation, and which may be connected to utilities and sanitary services. This definition includes the single wide and expandable single wide types of mobile home, but excludes the double wide type and modular type of prefabricated dwelling where separate units are joined together to form the complete dwelling unit. A mobile home shall be considered to be a mobile home whether or not the chassis or wheels are removed.
- 8.62 MULTI UNIT DWELLING** – See DWELLING, MULTI-UNIT

- 8.63 MUNICIPAL GOVERNMENT ACT** means the Act Respecting Municipal Government, Chapter 18, ACTS of 1998, as amended from time to time.
- 8.64 MUNICIPAL PLANNING STRATEGY** means the Municipal Planning Strategy of the Municipality of the District of Lunenburg.
- 8.65 NON-CONFORMING USE** – See USE
- 8.66 NUTRIENT MANAGEMENT PLAN** means a Nutrient Management Plan developed by a registered nutrient management planner.
- 8.67 OFFICE** means a room or rooms where business may be transacted, a service performed or consultation given, and includes, but is not limited to the following: physicians, surgeons, dentists, lawyers, architects, engineers, accountants, real estate agents, insurance agents, photographers, optometrists, chiropractors, eye specialists and similar uses, and may include retail sales or dispensing of goods associated with and incidental to the main use.
- 8.67a OUTDOOR SHOOTING RANGES** *means a place that is designed or intended for the safe discharge, on a regular and structured basis, of firearms for the purpose of target practice or target shooting competitions.*
- Amended July 1, 2015**
- 8.68 OUTDOOR WOOD FURNACE / WATER STOVE** means any individual furnace designed to burn untreated wood and wood products and used for the purpose of heating liquid or air where the furnace is located outside the structure into which the hot liquid or air produced is piped.
- 8.69 PARK** means an open area devoted to recreational uses or conservation uses and which may include ornamental gardens and lawns, outdoor furniture and accessory structures and which may include a children's playground.
- 8.70 PERSON** includes an individual, association, firm, partnership, corporation, trust, incorporated company, organization, trustee or agent, and the heirs, executors or other legal representatives of a person to whom the context can apply according to law.
- 8.71 PERSONAL SERVICE SHOP** means 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 other persons, and without limiting the generality of the foregoing may include such establishments as barber shops, beauty parlours, hairdressing shops, shoe repair and shoe shining shops, but excludes any manufacturing or fabrication of goods for sale.
- 8.71a** ***PETROCHEMICAL PLANTS** means a manufacturing plant in which organic chemical substances produced from natural organic or petroleum-based materials are produced, processed or handled.*
- Amended July 1, 2015**
- 8.72** **PRIVATE STORAGE BUILDING** means an enclosed or partially enclosed structure for the storage of materials or goods in which no business, occupation, or service is conducted for profit.
- 8.73** **PUBLIC BUILDING** means a building of the Public Authority of the Government of Canada, Province of Nova Scotia, Town of Mahone Bay or Municipality of the District of Lunenburg, including any agency or commission or corporation of the Town or Municipality.
- 8.73a** ***PULP AND PAPER MILLS** means a plant in which pulp and paper products are manufactured. PULP means processed cellulose fibres derived from wood, other plant materials or recycled paper products. PAPER PRODUCT means paper, newsprint, coated paper, paperboard, hardboard, boxboard, linerboard, insulating board, building board, corrugating medium, tissue, moulded cellulose products and any other product directly derived from pulp, but does not include viscose, rayon, cellophane or any other cellulose derivative.*
- Amended July 1, 2015**
- 8.73b** ***READY-MIX CONCRETE PRODUCTION** means a plant that manufactures ready-mix concrete.*
- Amended July 1, 2015**
- 8.74** **REAR LOT LINE** – See LOT LINE, REAR
- 8.75** **REAR YARD** – See YARD, REAR
- 8.76** **RECONSTRUCT** when used with reference to a building or structure means to build a wholly or substantially new structure in the same location as an original or existing structure, where the original or existing structure has been wholly or partially removed or destroyed and the resulting structure is of substantially the same dimensions and volume as the original structure as demonstrated by photographs or measured drawings of the original structure.

**8.77 RECREATIONAL USE** – See USE

**8.78 RECREATION VEHICLE** means a vehicle which provides sleeping or other facilities for short periods of time, while traveling or vacationing, designed to be towed behind a motor vehicle or self-propelled, and includes such vehicles commonly known as travel trailers, camper trailers, campers, motorized campers, motorized homes or similar vehicles.

**8.78a *REFINING OF HYDROCARBONS*** means a facility used for manufacturing hydrocarbon products from condensate, crude oil, synthetic crude oil or other hydrocarbon feedstock, and facilities capable of utilizing used oil for the production of useable hydrocarbon products.

Amended July 1, 2015

**8.79 REPAIR SHOP** means any building or part thereof used for the repair of household articles and shall include radio, television, and appliance repair shops, plumbing repair shops, electrical repair shops, furniture repair shops, shoe repair shops but shall not include industrial or manufacturing, motor vehicle repair shops or auto body repair shops.

**8.80 REPLACE** when used with reference to a building or structure, means to build a completely or substantially new structure on a lot where the original structure has been partially or completely demolished.

**8.81 RESIDENTIAL DAY CARE** means a part of a dwelling where the owner or occupier of the dwelling provides accommodation and care, for financial remuneration, to 6 or fewer children, without providing overnight accommodation

**8.82 SALVAGE OPERATION** means land or buildings used for the storage or handling of scrap materials such as, but not limited to, auto bodies and automobile parts, used building products and old metal where such materials are bought, sold, exchanged, baled, packed, disassembled, handled or processed for further use.

**8.83 SECONDARY PLANNING STRATEGY** means the Secondary Planning Strategy of the Municipality of the District of Lunenburg for Blockhouse.

**8.83a *SLAUGHTERING AND BUTCHERING OF ANIMALS FOR WHOLESALE*** means a plant, in which animals, including poultry, is slaughtered and dressed in preparation for sale or distribution.

Amended July 1, 2015

**8.84 SIDE LOT LINE** – See LOT LINE, SIDE

**8.85 SIDE YARD** – See YARD, SIDE

**8.85a** ***SMELTING** and **ORE REFINING** means a furnace used to obtain metals from metal concentrates, and/or a processing plant in which concentrates are produced from mineral bearing ore, including lead, zinc, tin and copper.*

**Amended July 1, 2015**

**8.85b** *Small option homes are a type of community residential placement licensed under the Homes for Special Care Act. They house three to four residents with developmental, mental health or physical disabilities. Residents live independently in community homes and receive support services from staff. Small Option Homes are permitted in a residential zone and treated consistent with their residential nature.*

**Amended February 8, 2023**

**8.86 SOLID WASTE MANAGEMENT FACILITY** means a sanitary landfill licensed pursuant to the Environment Act, or a similar location not required to be licensed pursuant to that Act, a recycling facility, a tire recycling facility, a transfer station, a waste separation facility, a household hazardous waste facility, an incinerator, a composting site, or any other facility for the management of solid waste including collection, recycling, processing, treatment and disposal. A solid waste management facility does not include:

- the backyard composting of residential waste in which the annual volume of organic waste processed does not exceed 10 cubic metres.
- A community collections depot.

**Amended July 1, 2015**

**8.87 STREET** means the whole or entire right-of-way of every highway, road or road allowance, vested in the Province of Nova Scotia or rights-of-way vested in the Municipality of the District of Lunenburg or the Town of Mahone Bay, excluding any controlled access highway designated pursuant to the Public Highways Act; a right-of-way listed in Schedule “B” of the Subdivision By-law or a "Designed Road" as defined in the Subdivision By-law.

**8.88 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. "Structure" shall include buildings, walls, signs, and solid fences exceeding 2 m (6.5ft) in height, but for the purposes of determining yard requirements “structures” shall not include signs.

**8.88a TANNING** means a facility in which animal hides or skins are received and processed into leather or related products.

**Amended July 1, 2015**

**8.89 TAVERN** means a premise licensed as a Tavern by the Liquor License Board of Nova Scotia.

**8.89a TIRE RECYCLING FACILITIES** are identified as a **SOLID WASTE MANAGEMENT FACILITY**.

**Amended July 1, 2015**

**8.90 THROUGH LOT** – See LOT, THROUGH

**8.91 USE** means the purpose for which any land, building or structure is utilized, and also means the purpose for which any land, building or structure is designed, arranged, or intended or the purpose for which any land, building or structure is occupied or maintained or leased, and for further certainty:

(a) **ACCESSORY USE** means a use subordinate and naturally, customarily and normally incidental to, and exclusively devoted to, a main use of land or building located on the same lot.

(b) **AGRICULTURAL USE** means the utilizing of land, buildings or structures to raise crops or animals or fowl and includes the harbouring or keeping of any one or more of the following livestock regardless of its stage of development: horse, pony, pig, cow, bull, goose, duck, hen, rooster, sheep, goat, deer, mink, fox or similar livestock or fur bearing animals, and may include shipping. “Agricultural Use” shall include the accessory production, processing, treatment, storage and sale of the products on-site, but shall not include industrial uses such as slaughter houses.

(c) **CHANGE IN USE** means any alteration in the use made of the whole or any part of a parcel of land, a building or a structure.

(d) **COMMERCIAL USE** means the use of land, buildings or structures for the sale of goods or services carried out for profit.

(e) **EXISTING USE** means a use in existence on the effective date of this By-law unless otherwise noted.

- (f) **FORESTRY USE** means the use of land, buildings, or structures to raise trees, and may include shipping, storage and sale of the products on-site, but does not include processing.
- (g) **INDUSTRIAL USE** means the use of land, buildings or structures for the manufacturing, processing, fabricating or assembly of raw materials or goods, warehousing or bulk storage of goods and related accessory uses.
- (h) **INSTITUTIONAL USE** means the use of land, buildings or structures for religious, educational, health or charitable purposes but does not include an emergency service facility.
- (i) **NON-COMMERCIAL RECREATIONAL USE** means the use of land, owned and operated by a public or private non-profit organization, for parks, playgrounds, tennis courts, lawn bowling greens, indoor and outdoor skating rinks, athletic fields, golf courses, picnic areas, swimming pools, day camps, community centres and uses similar to the foregoing, together with necessary and accessory buildings and structures, but not including a track for the racing of animals or any form of motorized vehicles, recreational vehicle parks or campgrounds.
- (j) **NON-CONFORMING USE** means a use as described in the Municipal Government Act.

**8.92 ZONE** means a specified area of land as shown on Schedule "A" of this By-law and more particularly referred to in Part 3 of this By-law.

**8.93 WAREHOUSING, MANUFACTURING AND/OR WHOLESALING OF EXPLOSIVES, PESTICIDES, HERBICIDES, FUNGICIDES, BIOCIDES, AND/OR OTHER POISONOUS OR HAZARDOUS SUBSTANCES** means any of the following:

- *A plant in which a substance or mixture of substances is manufactured or processed to create the materials cited.*
- *The operation of a warehouse facility devoted to the storage of any of the above products.*
- *The operation of a facility intended solely for the purposes of wholesale distribution.*
- *A facility for the production or handling of dangerous goods, or waste dangerous goods, as defined in the NS Dangerous Goods Management Regulations.*

- *A facility for the handling of soils containing a chemical or petroleum product which is located in a place other than where the soil originated or became contaminated.*

**Amended July 1, 2015**

**9 REPEAL OF BLOCKHOUSE LAND USE BY-LAW**

The Land Use By-law for Blockhouse, adopted by Council on February 11, 1997, is hereby repealed and this Land Use By-law substituted therefore.

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MUNICIPAL CLERK

I, \_\_\_\_\_, Municipal Clerk of the Municipality of the District of Lunenburg, do hereby certify that the foregoing is a true copy of the Land Use By-law for the Blockhouse which was duly passed by the Council of the Municipality of the District of Lunenburg at a meeting duly held on \_\_\_\_\_, 20\_\_.

DATED at Bridgewater, N.S.

\_\_\_\_\_, 20\_\_.

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MUNICIPAL CLERK

**SCHEDULE "B" EXISTING USES PERMITTED TO EXPAND BY SITE PLAN**

Parcel ID	Civic Address	Owner Name	Current Existing Use
60217940	503 Cornwall Rd / 46 Hamms Hill Rd	Corey / Carman Rhodenizer	411 Farm product wholesale 1114 Greenhouse, nursery production
60218567	249 Cornwall Rd	3285090 Nova Scotia Limited	441 Motor vehicle & parts dealers 8111 Automotive repair & maintenance
60218617	261 Cornwall Rd	Eisnor's Forestry Ltd.	1133 Logging 4931 Warehousing & storage 8113 Machinery & equipment repair & maintenance
60218625	204 Cornwall Rd	Municipal Enterprises Ltd.	23891 Site preparation contractors
60218658 60591864	120-124-130-140 Cornwall Rd	Bragg Communications Inc	517 Telecommunications 515 Broadcasting
60218732	66 Cornwall Rd	Blane / Brenda Knickle	441 Motor vehicle & parts dealers 8111 Automotive repair & maintenance
60218807	30 Cornwall Rd	The Regional Group	491 Postal services
60218849	18 Cornwall Rd	Colleen / Richard Welsford	3152 Cut and Sew manufacturing
60218971 60421385	64 School Rd	South Shore Waldorf School Association	6111 Elementary/secondary school
60219011	104 School Rd	Brenda / Darren Langille	8111 Automotive repair & maintenance
60219292	64 Cemetery Rd	Langille's Excavation (2003) Ltd	23891 Site preparation contractors
60220084	510 Highway 325	Blockhouse Fire Department	71 Arts, entertainment and recreation 9131 Protective services
60220175	2064 Northwest Rd	Hossine Ali	56143 Business service centres
60220233	566 Highway 325	Hossine Ali	4451 Grocery stores 71394 Fitness/recreation centre
60220415	652 Highway 325	Patricia McGill	62134 Physical, occupational & speech therapists
60220696	839 Highway 325	Trevor Naas / Andrea Rudolf	44122 Motorcycle, boat & other m/v dealers 8114 Personal & household goods repair & maintenance.
60221108	858 Highway 325	Douglas / Lamechelen Barry	238 Specialty trade contractors 332 Fabricated metal product manufacturing
60221181	936 Highway 325	Mahone Auto Real Estate Holdings Ltd	452 General merchandise stores 4541 Electronic shopping 493 Warehousing & storage
60221231	943 Highway 325	3269555 Nova Scotia Limited	32191 Millwork 493 Warehousing & storage
60224425	1924 Northwest Rd	Kathleen Noblet Trust	6216 Home health care services
60421237	705 Highway 325	Paul Young	238 Specialty trade contractors
60421435	Northwest Rd (no civic address)	Garden of Rest Cemetery	81222 Cemeteries
60421526	199 Cornwall Rd	Happy Landings Holdings Limited	44711 Gas station with convenience store 7225 Restaurants
60421591	Cemetery Rd (no civic address)	Garden of Rest Cemetery	81222 Cemeteries
60527991 60666864	944 Highway 325	Logs to Lumber Co. Limited	32191 Millwork 4441 Building material & supplies dealers 493 Warehousing & storage
60587870	459 Highway 325	Harpro Limited	416 Building material & supplies wholesale 4441 Building materials & supplies dealers
60649894	41 Ernst Rd	Inside-Out Holdings Inc	5617 Services to buildings & dwellings 5311 Lessors of real estate
60220076	500 Highway 325	Boulangerie La Vendéenne Incorporee	3118 Bakeries and tortilla manufacturing 31142 Fruit and vegetable canning, pickling and drying 445299 All other specialty food stores 722512 Limited service eating places

**Statements identified with the interpretation of Schedule "B" Table**

[1] The List of Existing Uses does not include, or permit for, the proposed development of any Prohibited Uses or Restricted Developments, identified in the Blockhouse Land Use By-law.

[2] Descriptions associated with the *North American Industry Classification System* [2012 Edition] are for reference purposes to assist in the Development Officer's interpretation of Existing Uses in administration of the By-law.

**Amended May 31, 2023**