



MUNICIPALITY OF THE DISTRICT OF LUNENBURG

Hemford Forest Secondary Planning Strategy & Land Use By-law PUBLIC HEARING

**Facebook Page – Municipality of the District of Lunenburg (MODL)
Tuesday, April 13, 2021 at 8:00 a.m.**

PUBLIC HEARING AGENDA

- 1. CALL TO ORDER at 8:00 a.m.**
- 2. OPENING REMARKS by MAYOR BOLIVAR-GETSON**
 - (a) Introductions
 - (b) Review of Agenda and Rules of Conduct
- 3. REPORT AND PRESENTATION from Planning Staff**
- 4. WRITTEN AND VERBAL PRESENTATIONS from the Public**
 - (a) Review of Written Submissions (if any)
 - (b) Verbal Presentations by the Public (if any)
- 5. REVIEW OF APPROVAL PROCESS**

Municipal Council may make a decision at the Council meeting after the close of this Public Hearing. If Council deems it advisable to adopt the planning documents of Hemford Forest, Council will conduct Second Reading. Once Council has approved the documents, they are forwarded to the Department of Municipal Affairs for review.

Upon confirmation from Municipal Affairs that the documents do not conflict with any provincial interest, a Notice of Approval is inserted into the local newspaper advising of the adoption of these documents. The date that the Public Notice appears in the paper is the date the documents become effective.

- 6. CLOSING OF THE PUBLIC HEARING**

RULES OF CONDUCT

Persons who wish to speak at the Public Hearing are asked to note the following:

- [a] State your name and address;
- [b] Direct all statements to the Chairperson;
- [c] Try to limit presentations to 10 minutes;
- [d] Speakers may address Council twice, but before addressing Municipal Council for a second time, speakers will be requested to wait until all others have had the opportunity to speak, before they can then address Council for a second time.

Municipality of the District of Lunenburg

BY-LAW

Title: Amendments to the Municipal Planning Strategy (2021)	
By-Law No. 035A	Legislative Authority: Municipal Government Act , subsection 216(1)
Effective Date: May 26, 2021	Amended Date: N/A

Hemford Forest Plan Area

- 1 By-law 035, the Municipal Planning Strategy, is amended by adding immediately after Section 12.8 the following Section:

12.9 HEMFORD FOREST

On April 13, 2021 Municipal Council approved a Secondary Planning Strategy and Land Use By-law for Hemford Forest Plan Area, following a plebiscite conducted on September 22, 2018 to regulate land use planning.

- 12.9.1 It is the policy of Council that the Secondary Planning Strategy for Hemford Forest as approved by Municipal Council is incorporated into this Municipal Planning Strategy for the Municipality as a Secondary Planning Strategy.

Plan area map

- 2 By-law 035 is further amended by striking out Map 1 created in January 2018 and substituting the map in Schedule A.

Annotation for Official By-law Book

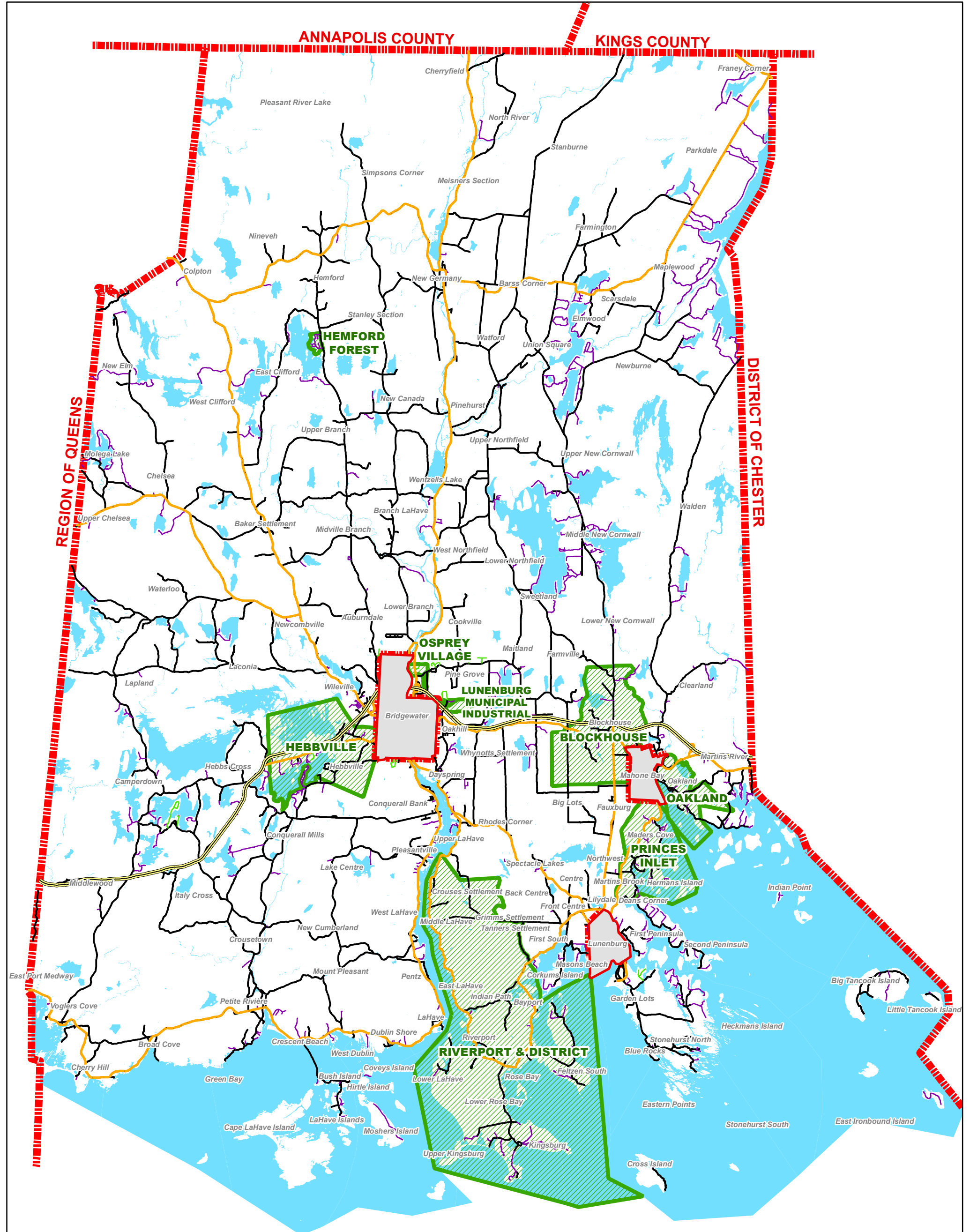
Date of Adoption	April 13, 2021
Date of First Reading	March 9, 2021
Date of Advertisement of Notice of Intent to Consider	March 17, 2021
Date of Second Reading	April 13, 2021
Date of mailing to Minister a Certified copy of By-law	April 16, 2021
*Date of advertisement of Passage of By-law	May 26, 2021

*Effective Date of the By-law unless otherwise specified in the text of this By-law

I certify that this “Municipal Planning Strategy” was adopted by Council and published as indicated above.

Sherry Conrad, Municipal Clerk

Date

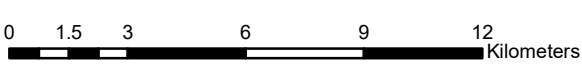


MUNICIPALITY OF THE DISTRICT OF LUNENBURG

**Municipal Planning Strategy
MAP 1: Land Use Control**

- Towns Not Within the Municipality
- Areas With Zoning

- Highway 103 (Provincial)
- Collector Road (Provincial)
- Provincial Road
- Municipal Road
- Private Road
- Municipal Line
- Waterbody



1:192,000



Sources: Municipality of the District of Lunenburg, Service Nova Scotia & Municipal Relations
October 2019

Municipality of the District of Lunenburg



**Hemford Forest
Secondary Planning Strategy
(MODL By-law 044)**

**DRAFT version 11.0
2021-01-15**

**Municipality of the District of Lunenburg
BY-LAW**

Title: Hemford Forest Secondary Planning Strategy	
By-Law No. 044	Legislative Authority: subsection 216(2) of the Municipal Government Act
Effective Date: May 26, 2021	Amended Date: N/A

Annotation for Official By-law Book

Date of Adoption	April 13, 2021
Date of First Reading	March 9, 2021
Date of Advertisement of Notice of Intent to Consider	March 17, 2021
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*Effective Date of the By-law unless otherwise specified in the text of this By-law

I certify that this “Hemford Forest Secondary Planning Strategy” was adopted by Council and published as indicated above.

Sherry Conrad, Municipal Clerk

Date

Acknowledgements

The Council of the Municipality of the District of Lunenburg (“Municipality”) recognizes the many residents and stakeholders who shared their visions and thoughts for Hemford Forest throughout the community engagement process of developing this Planning Strategy.

Municipal Council would also like to recognize the input of the following members of the Hemford Forest Area Advisory Committee devoted to the development of the Hemford Forest Secondary Planning Strategy and Land Use By-law:

- George Bell, Chair
- Bruce Dickinson, Vice Chair
- Alan Tippett, Secretary
- Steve Gendron, Member
- Cathy Moore, District 5 Councillor
- Bill MacDonald, Honorary Member

Planning Staff:

- Jeff Merrill, Director of Planning & Development Services
- Byung Jun Kang, Planner
- Norma Schiefer, Development Officer
- Melissa Deveau, Planning Technician

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Map 1 – Generalized Future Land Use Map	
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Hemford Forest Secondary Planning Strategy

Part 1 Vision

In February 2018, the Municipal Council received a petition from residents of the Hemford Forest subdivision, requesting the Municipality to conduct a plebiscite on land use planning in their community. After two public information sessions, the Plebiscite was held on September 22, 2018. The result was in favour of land use planning.

Because Hemford Forest is the only plan area in the Municipality formed by plebiscite, municipal staff focused on reflecting common desires of the residents. The first step of drafting this Secondary Planning Strategy is to have a clear vision of the community. All policy statements and by-law provisions are drafted based on the community vision and its intention, so that they are functional and applicable at the local setting.

The last plan area created in the Municipality was in 1997. Since a new provincial regulation on the mandatory planning is in effect as of December 2019, a new standard was followed so that this Secondary Planning Strategy is future-oriented and innovative. The work dedicated to this planning process may also be used as a foundation to developing first-ever municipal-wide planning documents in the future.

1-1 Community profile

Hemford Forest is a residential subdivision built in 1971 on the eastern shore of Hirtle Lake. 50 of the 104 lots are developed, 35 of which are deemed as dwelling units occupied by full-time residents. Statistics Canada's 2016 [Census of Disseminations Area 12060081](#), which contains Hemford Forest, shows that the majority of the community is occupied by one- or two-person households with the median age of 52.9 years, who are living in a two- or three-bedroom house. For more than half of those commuting, their destination is either the Town of Bridgewater or Osprey Village.

1-2 Vision

A workshop was held on June 24, 2019 for the public to come up with its own vision of the community. The following vision statement serves as a guide for the next 20 years.

- 1 (1) Hemford Forest will continue to be a community that welcomes development consistent with residential use while addressing concerns and considering impacts to all residents.
- (2) Development and land use planning will work to maintain the area's rural character as a quiet escape from the urban environment, while aiming to preserve the quality of life for future generations of Hemford Forest residents.

1-3 Objectives

A vision must be accompanied by objectives, so its implementation is measurable once the community conducts a plan review in the future and evaluates its achievement level.

2 The objectives of the Municipality in respect of its

- (a) **physical environment** is to control proposed developments in a manner that will protect or enhance the natural environment;
- (b) **economic environment** is to allow for the development of a range of residential and commercial uses that are consistent with the existing rural aesthetics and local economic development; and
- (c) **social environment** is to control land use that will minimize conflicts, to provide for an attractive rural residential environment, and to hear public input on large-scale developments.

Furthermore, one of the goals of these planning documents is for any person, regardless of their knowledge of law, should be able to understand the provisions stated in this Secondary Planning Strategy and its implementing Land Use By-law.

1-4 Statement of Provincial interest

Subsection 198(1) of the **Municipal Government Act** states that all planning documents must be reasonably consistent with the statements of provincial interest. The statements include drinking water, flood risk areas, agricultural land, infrastructure, and housing. Because there are no municipal water supply or wastewater service to the Plan Area, this Planning Strategy considered the following Statements of Interest.

Flood risk area. Environmental requirements such as watercourse buffer, erosion control measures, and wetland protection provisions are in place in relation to the development of land. Developments in a flood risk area, once identified, are to be regulated.

Agricultural land. Although most of the Plan Area is comprised of existing residential areas, this Planning Strategy provides alternative options for growing food. Allowing the raising of residentially compatible animals, such as hens and bees, promotes urban agriculture, food security, and social aspects of the community.

Housing. With the limited number of developments in this Plan Area, providing the housing opportunity may be challenging. However, this Planning Strategy permits additional dwelling units in low-density residential buildings, such as secondary suites and backyard suites, as stated in Part 5, so that the increase in density is possible without disrupting the existing residential environment. Group homes are also permitted in a residential zone and treated consistent with their residential nature. Manufactured housing and tiny homes are also treated equally as site-built homes.

Part 2 Designations & Zones

Land use designations indicate the general direction of development in an area.

2-1 Residential designation

A residential designation encompasses an area that requires the protection of residential neighbourhoods and healthy living environment. The designation may be comprised of low-rise, mid-rise, and high-rise residential uses, as well as the uses that are supportive of residential uses. Residential development is the most prominent land use in the Plan Area.

3 The Land Use By-law must establish the development regulations in the Residential Designation.

2-2 Low density residential zone

This zone is applied to protect the living environment of an area comprised of detached houses.

- 4**
- (1)** The Land Use By-law must establish a “low density residential” (hereinafter referred to as “R-1”) zone within the residential designation.
 - (2)** Subject to subsection (3), the Land Use By-law must, in the R-1 zone, permit low density residential use, such as a detached dwelling unit and its accessory structures and uses.
 - (3)** The Land Use By-law must, in the R-1 zone, permit additional dwelling units.
 - (4)** The Land Use By-law must, in the R-1 zone, permit park, open space, recreational, horticultural, and urban agriculture uses.
 - (5)** The Land Use By-law must, in the R-1 zone, permit home-based businesses and other commercial uses that are supportive of, and at a scale compatible with, residential neighbourhoods.

2-3 Public designation

A public designation encompasses an area that includes institutional buildings, public service buildings, recreational facilities, and public open spaces.

5 The Land Use By-law must establish the development regulations in the public designation.

2-4 Park and open space zone

This zone is applied to an area required for the acquisition of open spaces in urban areas, the prevention of urban sprawl, and the future consideration of urban reserves.

6 **(1)** The Land Use By-law must establish a “park and open space” (hereinafter referred to as “P”) zone within the public designation.

- (2) The Land Use By-law must, in the P zone, permit park, open space, and recreation uses and their accessory structures.

2-5 Transportation and utility zone

This zone is applied to reserve a space for a right-of-way, an access point to landlocked or water properties, or the placement of infrastructure for the transportation of people, goods, and services.

- 7 (1) The Land Use By-law must establish a “transportation and utility” (hereinafter referred to as “T”) Zone within the public designation.
- (2) The Land Use By-law must, in the T zone, must permit public and private utilities, transportation uses, and outdoor recreational uses.

Part 3 Land Development

3-1 Development permit exemption

Unless exempted by this Section, all development within the plan area requires a development permit before it is allowed to commence. If the development meets all the applicable requirements of a land use by-law, it is considered as an as-of-right development.

8 The Land Use By-law may exempt the development permit requirement for the following developments:

- (a) minor accessory structures under a certain size or height;
- (b) short-term rentals and temporary uses;
- (c) minor signs;
- (d) public infrastructure of government agencies and utility companies.

3-2 Variance

A development officer may allow for minor exceptions to the development permit process due to a specific situation of certain properties. This is to mitigate difficulties experienced from unintentional consequences of policy statements. However, variances are limited to those mandated by the **Municipal Government Act** in order to keep consistency throughout the Land Use By-law.

9 The Land Use By-law must grant a variance in one or more of the terms stated under subsection 235(1) of the **Municipal Government Act** in land use by-law requirements.

3-3 Site-plan approval

Site-plan approval is a development tool used to regulate site and building design. All or part of Plan Area may be designated as a Site-Plan Approval District, and a permit is not issued for a development in the district unless the class of use is exempt from site-plan approval, or the development conforms to the design requirements set out in a land use by-law.

Site-plan approvals are relevant in certain locations and for certain uses. This tool is used to control designs of structures in heritage districts, downtown business districts, and land-leased communities, where aesthetics is one of the most important considerations to the approval of development. However, low-density dwellings are typically exempted from a site-plan approval process.

10 The Land Use By-law must not designate a site-plan approval district.

3-4 Development agreement

A development agreement is a contract between a landowner and the Municipality regarding land development. Similar to a site-plan approval, a development agreement is used to ensure that a site is developed in a particular manner. Municipality imposes restrictions on land use using a development agreement, such as parking, landscaping, operating hours, fencing, tree preservation, and other amenities to ensure that the potential conflict with adjacent land use is addressed adequately. Due to its power to impose restrictions on certain land uses, a development agreement is mainly used for permitting uses that may not be compatible with the Land Use By-law.

A development agreement may be mandated based on location by designating a Comprehensive Development District or based on land use by listing a certain use as “permitted under development agreement” in a zone.

Before approval, the Municipality must consider different aspects of the proposed development stated in the Municipal Planning Strategy, such as its impact on traffic, noise, light, environment, drainage, pollution, and adequacy of municipal services.

- 11** The Land Use By-law must not designate Comprehensive Development Districts or land uses requiring a development agreement.

3-5 Rezoning

Rezoning is a change of land use in a lot. Rezoning may change the permitted density or the type of land use. Similar to a development agreement, the Municipality must consider different aspects of the proposed development stated in the Municipal Planning Strategy before rezoning approval by Council. The process of rezoning is the same as adopting a planning document, which requires a public participation process under MODL Policy 066.

- 12** After considering planning matters and the impact of a proposed development on the community as set out in Section 14, the Municipality may, by amending the Generalized Future Land Use Map in this Planning Strategy or the Zoning Map in the Land Use By-law, permit the rezoning of land designated as
 - (a) the R-1 zone into the P and the T zones;
 - (b) the P zone into the T zone; or
 - (c) the T zone into the P zone.

3-6 Site-specific amendment

A special clause around a certain lot may be included in the Planning Strategy and in the Land Use By-law. Typically, a site-specific amendment is used to make exemptions to the certain lot due to extraordinary conditions. Therefore, policies and provisions created through the site-specific amendment process only apply to the lot in question.

Because new clauses are added to the Planning Strategy and in the Land Use By-law, a site-specific amendment follows the same process as adopting a planning document. Like development agreement and rezoning processes, a site-specific amendment process also involves a public participation process.

- 13** After considering planning matters and the impact of a proposed development on the community as set out in Section 14 of this Planning Strategy, a policy statement and its provision may be written specific to a lot by indicating its parcel identifier (PID) in this Planning Strategy, the Land Use By-law, and their applicable maps identifying land use designations and zones.

3-7 Amendment considerations

As required by the **Municipal Government Act**, the processes of development agreement, rezoning, and site-specific amendments require considerations of planning matters and the impact of proposed development to the community.

- 14** Before the approval of a development agreement, rezoning, and an amendment to this Planning Strategy or to the Land Use By-law, the Municipality must consider the following matters:
- (a) the proposal is consistent with all applicable policies and the intention of this Planning Strategy and the municipal Subdivision By-law;
 - (b) the proposal is listed as a permitted use subject to a development agreement, allowed to be rezoned, or requested as a site-specific amendment;
 - (c) for rezoning,
 - (i) the planning implications of the proposed use, and other uses that are permitted in the requested zone, and
 - (ii) the proposal meets the identified requirements of the Land Use By-law for the zone that is being sought;
 - (d) the proposal conforms with specific policies regarding natural environment in Part 4 of this Planning Strategy, such as

- (i) its suitability regarding grades, soils, geological conditions, location of watercourses, flood risk areas, wetlands, and susceptibility to natural or artificial hazards that could present a health risk, as determined by a qualified person,
 - (ii) its generation of pollution in the forms of noise, dust, radiation, odours, liquids or light to the air, water, or ground, so as to create an excessive nuisance or health hazard for adjacent properties or for residents in the immediate vicinity,
 - (iii) its structural integrity against weather and climate, such that the appearance of structures complements the natural surroundings or is consistent with the existing built environment found in the community,
 - (iv) any other policies considering the natural environment;
- (e) the proposal conforms with specific policies regarding the Land Use By-law implementation in Part 8 of this Planning Strategy, such as yard requirements, signage, parking, landscaping, outdoor storage, and lighting;
 - (f) the proposal conforms with specific policies regarding financial matters, such as the financial ability of the Municipality to absorb costs related to the development;
 - (g) the proposal conforms with specific policies regarding infrastructure in Part 7 of this Planning Strategy, such as the adequacy, increase in demand, and decrease in supply or quality of municipal services, including water, sewer, transportation, emergency response, and recreation;
 - (h) the proposal does not have a negative impact on adjacent properties due to hours of operation;
 - (i) the proposal includes parking areas, loading areas and driveways that are hard surfaced or otherwise surfaced with stable materials to prevent dust from blowing into adjacent properties, and allow for adequate drainage and snow removal;
 - (j) all other matters of planning concerns are addressed.

3-8 Subdivision of land

A landowner may have to subdivide a lot, consolidate multiple lots, or adjust the lot boundaries before development. All matters in relation to changes in lot boundaries are regulated by the Municipal Subdivision By-law, instead of the Land Use By-law.

- 15 [The municipal Subdivision By-law](#) applies in the Plan Area and, subject to applicable requirements in the Land-Use By-law, 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.

3-9 Non-conforming uses and structures

All buildings in Hemford Forest built before 2021 were built without zoning provisions and may not conform to the Land Use By-law. Since a substantial built environment exists in the Plan Area, special provisions shall be made to allow for the relaxation of the restrictions for the extension, enlargement, and alteration of non-conforming structures, as permitted under subsection 242(1) of the **Municipal Government Act**.

- 16 The Land Use By-law may relax the restriction, as stated in the **Municipal Government Act**, in all zones to allow the extension, enlargement, alteration or reconstruction of a non-conforming structure if the extension, enlargement, alteration or reconstruction does not further worsen any nonconformity with the Land Use By-law.

Part 4 Natural Environment

4-1 Wetland ecosystem protection

Wetlands act as nature's water purifiers by effectively absorbing and breaking down contaminants and preventing contaminants from entering surface water and groundwater supply. Wetlands can stabilize surface water levels and reduce soil erosion and sedimentation.

To be consistent with the Nova Scotia [Wetlands Conservation Policy](#), Municipality recognizes that the development permit process may be linked with relevant provincial departments, where any proposed development in the Plan Area may be in a wetland.

The information regarding wetland location within the Municipality is identified in the Nova Scotia [Wetlands Vegetation and Classification Inventory](#). This Inventory is maintained by the provincial Department of Lands and Forestry. Municipality also recognizes that Nova Scotia Environment officials are identified as the principal agents in determining the specific location of local wetlands, and their regional offices oversee any proposed wetlands alterations approval process.

- 17 (1)** The Land Use By-law must regulate development within
- (a) those wetlands identified by the Nova Scotia Department of Lands and Forestry on the Wetlands Vegetation and Classification Inventory; and
 - (b) the land on the wetland boundary lying to landward immediately adjacent to the land described in clause (a).
- (2)** The Land Use By-law must prohibit any proposed development activities within the lands in subsection (1) until confirmed by the Province that the proposed development is consistent with the provincial enactments and any approval process if necessary.

4-2 Flood risk reduction

This subpart may be added in the future once the flood risk areas have been identified and ready for public consultation.

4-3 Watercourse buffer

Municipality recognizes that a development near or on watercourses has the potential to impact water quality through surface runoff, and to alter the soils and vegetation found immediately adjacent. A riparian buffer, which is an area near streams, rivers, or lakes, needs to stay in its natural state so the community can be provided with environmental benefits. By restricting where a proposed development may be located with respect to a significant watercourse, the Municipality improves the chances of such lands remaining in a natural state.

Retaining a portion of natural vegetation along identified watercourses achieves several functions, on top of controlling the potential impacts of erosion and sedimentation. Vegetated buffers are aesthetically pleasing, can help moderate air and water temperatures, filter noise and air pollution, reduce runoff, and provide wildlife habitat corridors near to water resources.

However, this policy statement must be balanced with the development rights of individual landowners and the existing settlement pattern in the Plan Area. While the restrictive covenant for the Hemford Forest subdivision in 1970s stated that the lake front lots shall have a minimum setback from the lakeshore of 50 feet (15¼ metres), this provision was not enforced. Also, some of the lots are irregularly shaped to the point where a development is not feasible after applying all setback and buffer requirements, effectively preventing the use of those lots. For these reasons, the Land Use By-law contains provisions to ensure that proposed developments are set back horizontally from the watercourses in the Plan Area.

- 18** **(1)** Subject to subsections (2) and (3), the Land Use By-law must regulate development in the watercourse buffer, which is the prescribed area of land, including land covered by water, on the shore
- (a) lying to the waterward of the ordinary high-water mark; and
 - (b) lying to landward immediately next to the land described in clause (a).
- (2)** Within the watercourse buffer, the Land Use By-law may permit development to
- (a) the uses dependent on the accessibility to water;
 - (b) those exempted from applying for a development permit; and
 - (c) minor uses for transportation and utilities.
- (3)** Within the watercourse buffer, development must be subject to erosion control standards, including the infilling, excavation, and removal of vegetation.

4-4 Stormwater management and erosion control

In general, soil is susceptible to erosion, especially when found in areas of steep slopes. The Municipality requires development control standards, including the retention or replantation of natural vegetation, to minimize erosion and sedimentation from development in identified areas of steep slope.

- 19** **(1)** The Land Use By-law must regulate development in the land with excessive slope.
- (2)** Within the land in subsection (1), development must be subject to erosion control standards and landscaping requirements to minimize erosion.

Part 5 Social Aspects

5-1 Urban agriculture

Healthy dietary choices are associated with a higher life expectancy and a lower chance of chronic diseases. Access to healthy food is receiving higher interest as a way of improving nutrition, and those areas with lack of access to healthy food are referred to as food deserts. Typically, a 30-minute one-way drive to a supermarket is used as a threshold distance for rural food deserts. While rural dwellers are expected to have access to transport, some may not.

Hemford Forest is located 22 km (a 21-minute drive) from the nearest supermarket in Bridgewater, and 18 km (a 17-minute drive) from the nearest grocery store in New Germany. Although the Plan Area does not meet the definition of food deserts, obtaining affordable, good-quality, fresh food without a vehicle may be challenging. One method of enhancing food security is to permit a microscale agricultural use as an accessory use. The Municipality wishes to allow growing food in non-rural zones at a compatible scale to adjacent properties.

- 20** The Land Use By-law must permit the production, processing, and distribution of food at a scale appropriate to the nearby land uses, including
- (a) accessory keeping of bees and hens in the R-1 zone;
 - (b) horticultural uses in the R-1 and P zones;
 - (c) processing of urban agricultural products as an accessory use to an urban agricultural use; and
 - (d) the sale of urban agricultural products grown or produced on-site as an accessory use to an urban agricultural use.

5-2 Additional dwelling units

Additional dwelling units to low density residential buildings, such as secondary suites and backyard suites, provide an efficient method of promoting hidden density, affordable housing, and intergenerational living with privacy. Typically, they are constructed as residential units for aging parents, adult children, or rentals to the general public.

A secondary suite is a self-contained living accommodation for additional persons living together as a separate single housekeeping unit, in which both food preparation and sanitary facilities are provided for the exclusive use of the occupants of the suite, located in and subordinate to a dwelling unit.

A backyard suite is a second residence that is in a building located behind or beside the primary residence. They are sometimes referred to as laneway houses, carriage houses, garden suites, garage suites, granny suites, and Bunkie.

- 21** The Land Use By-law must enable a mix of housing opportunities for a range of social and economic needs in the local housing market and promote aging in place by permitting additional dwelling units.

5-3 Out-of-home care

Out-of-home care such as childcare, elderly care, and special care is critical for long-lasting social and economic benefits for the members of a community. While out-of-home care may be classified as institutional uses, they are relatively compatible to residential uses. Some facilities are essentially single detached homes, and this Planning Strategy must treat these facilities consistent with their residential nature, as mandated by the Province.

- 22** The Land Use By-law must permit, in the R-1 zone, daycares as defined in the [Day Care Act](#) and its [Regulations](#).
- 23** The Land Use By-law must permit, in the R-1 zone, homes for special care as defined in the [Homes for Special Care Act](#) and its [Regulations](#).

Part 6 Economic Development

The Municipality intends to grow the local economy by promoting entrepreneurship, fostering innovative industry, and diversifying business types. Job creations are important in population growth, as well as the retention of the youth with opportunities to prosper in our community. With the introduction of a Hybrid Fibre network in Hemford Forest, the community is more attractive to those desiring to work remotely.

6-1 Home-based businesses

With the COVID-19 Pandemic affecting the traditional way of living for people around the world in 2020, remote working became more important. The benefits of working from home include reducing the burden of small business owners from high commercial rent, and also reducing traffic congestion by providing an alternative to commuting to employment centres.

Other municipalities in Canada limit home-based businesses as a secondary use to the residential use in a dwelling unit or accessory structure, and the use may not change the character of the residential structures. Considering that, the Land Use By-law includes a list of home-based businesses for which a development permit is required.

- 24** The Land Use By-law may permit business developments that are compatible with the residential use in the R-1 zone.

6-2 Short-term rentals

Typically, the vacationing and travelling public stays in a tourist accommodation, such as hotels, motels, bed-and-breakfasts, inns, resorts, overnight cottages, and cabins. Province repealed the **Tourist Accommodations Act** and replaced it with the [Tourist Accommodations Registration Act](#) on April 1, 2020. The purpose of the new Act is to reduce red tape by replacing licensing requirements with registration requirements. The registration is exempted for those who host accommodations in their primary residence – where you live as an owner or tenant, and receive bills, identification, taxes, and insurance.

While the intention is to grow the tourism sector, the increasing number of short-term rental accommodations may have a negative impact on the long-term rental market and adjacent properties. Municipality wishes to balance economic growth and maintenance of residential characteristics for existing residents. Under the new Act, municipalities may adopt separate by-laws or zoning controls to regulate or prohibit short-term rentals in their jurisdictions.

- 25** The Land Use By-law must prohibit short-term rentals in all zones, unless the host lives in proximity to the short-term rentals for effective management and prompt responses.

Part 7 Infrastructure

7-1 Wind energy

To be consistent with the [Provincial Renewable Energy Standard 2020](#), which sets a goal of increasing the share of renewable electricity to 40% of total electricity produced, the Municipality encourages the installation of alternative energy source. In Nova Scotia, wind already produces 19% of the electricity.

Considering the dominant low-density residential use in the plan area, Municipality also wishes to reduce any possible land use conflicts. Under the [Environmental Assessment Regulations](#), all wind energy projects over two megawatts in size must undertake a provincial Environmental Assessment with the Department of Environment. Municipality considers those wind energy projects below the size threshold as a small-scale project that is compatible to residential uses.

- 26** Subject to Section 27, the Land Use By-law must permit renewable energy production in all zones.
- 27** The Land Use By-law must establish, in the R-1 and P zones, wind energy requirements to control height, scale, access, setback, and separation distances of such energy generating facilities, subject to the generation capacity, thereby addressing operational needs, safety concerns, and the mitigation of impacts to adjacent properties.

7-2 Outdoor wood furnace

Wood burning is a significant source of domestic heat in rural communities, as wood is traditional, renewable, and affordable. However, incomplete combustion emits air pollutants, which has serious health and environmental impacts. In other Canadian municipalities, an outdoor wood furnace has a setback requirement of 40 metres from lot lines, which prohibits the placement of furnace in a typical urban area.

- 28** The Land Use By-law must prohibit the placement, location, or alteration of an outdoor wood furnace to minimize nuisances and conflicts with nearby uses.

Part 8 Implementation & Administration

Policy statements require implementing provisions, so that they are enforceable.

8-1 Periodic review

A new regulation is enforced as of December 2019 mandating all municipalities to review its planning strategies and land use by-laws every 10 years, and to include a policy statement as stated under clause 214(1)(c) of the **Municipal Government Act**. As the implementation of new municipal-wide planning is likely to occur before the first periodic review, this secondary planning strategy considered for future integration.

29 The Council must review this Secondary Planning Strategy and its implementing Land Use By-law within 10 years of its adoption or last review.

30 Council must integrate this Secondary Planning Strategy with a municipal planning strategy, written under the **Municipal Government Act** amended in 2019, and repeal this planning document on the adoption of the new municipal planning strategy.

8-2 Signs

Signs are useful in terms of displaying information to the public, especially to visitors who may have lesser knowledge of a local area. Residents were concerned with signs that may create hazards or nuisance, especially signs with a commercial purpose. Municipality has the authority to regulate signs and sign structures under clause 220(5)(b) of the **Municipal Government Act**.

31 The Land Use By-law may regulate or prohibit the type, number, size, and location of signs and sign structure.

8-3 Landscaping

Fences provide visual barriers by screening unsightly structures or uses. Residents wish to ensure the fences themselves do not become unsightly. Municipality has the authority to regulate fences under clauses 220(5)(c) and (d) of the **Municipal Government Act**.

32 The Land Use By-law may regulate, require, or prohibit fences, walks, outdoor lighting, planting or retention of trees and vegetation, and landscaping in the Land Use By-law.

8-4 Outdoor storage of goods

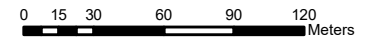
Municipality has the authority to regulate outdoor storage and to require such sites to be screened by landscaping or structures under clause 220(5)(e) of the **Municipal Government Act**.

33 The Land Use By-law may regulate the outdoor storage of goods, machinery, vehicles, building materials, waste materials, aggregates and other items and require outdoor storage sites to be screened by landscaping or structures in the Land Use By-law.

HEMFORD FOREST PLAN AREA

Generalized Future Land Use

- Provincial Road
- Private Road
- Hemford Forest Plan Area
- Properties (Sept 2019)
- Designation**
 - Public
 - Residential
 - Road Right-of-Way
 - Watercourse (NSGC, 2016)
 - Waterbody (NSGC, 2016)



MUNICIPALITY OF THE DISTRICT OF LUNENBURG

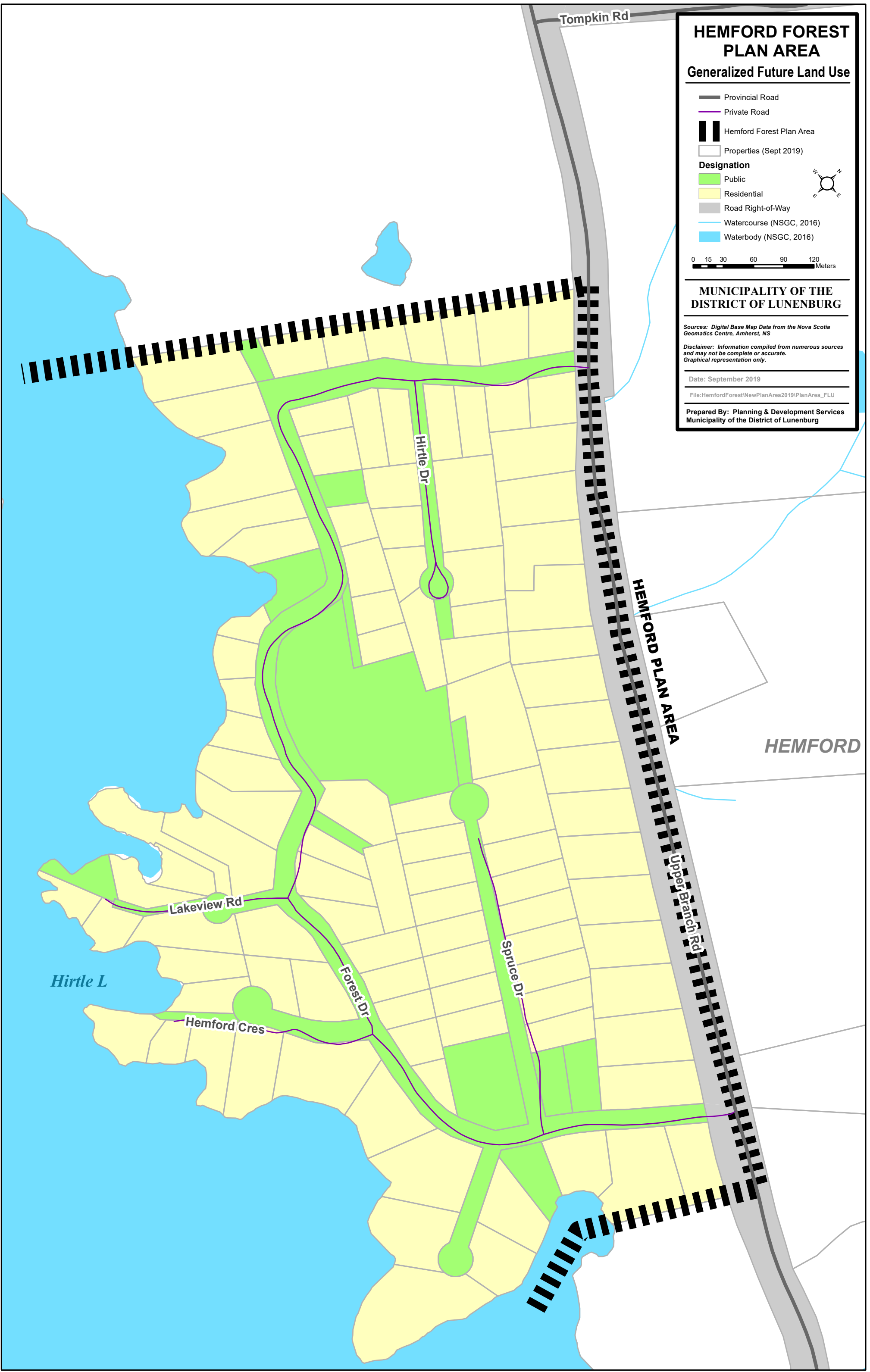
Sources: Digital Base Map Data from the Nova Scotia Geomatics Centre, Amherst, NS

Disclaimer: Information compiled from numerous sources and may not be complete or accurate. Graphical representation only.

Date: September 2019

File: HemfordForest\NewPlanArea2019\PlanArea_FLU

Prepared By: Planning & Development Services
Municipality of the District of Lunenburg



Municipality of the District of Lunenburg



Hemford Forest Land Use By-law (MODL By-law 045)

DRAFT version 8.0
2021-01-15

**Municipality of the District of Lunenburg
BY-LAW**

Title: Hemford Forest Land Use By-law	
By-Law No. 045	Legislative Authority: subsection 219(1) of the Municipal Government Act
Effective Date: May 26, 2021	Amended Date: N/A

Annotation for Official By-law Book

Date of Adoption – April 13, 2021

Date of First Reading	March 9, 2021
Date of Advertisement of Notice of Intent to Consider	March 17, 2021
Date of Second Reading	April 13, 2021
Date of mailing to Minister a Certified copy of By-law	April 16, 2021
*Date of advertisement of Passage of By-law	May 26, 2021

*Effective Date of the By-law unless otherwise specified in the text of this By-law

I certify that this “Hemford Forest Land Use By-law” was adopted by Council and published as indicated above.

Sherry Conrad, Municipal Clerk

Date

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Hemford Forest Land Use By-law

Part 1 Interpretation

Title

1 This By-law is entitled the **Hemford Forest Land Use By-law**.

Purpose

2 This By-law regulates the use of land, as well as the dimension, height, location, spacing, character and use of structures in the Hemford Forest Plan Area to implement the Hemford Forest Secondary Planning Strategy.

Plan area

3 This By-law applies to all the lands in the Plan Area as defined in the Zoning Map.

Definitions

4 In this By-law,

- (a) “abutting lot” means a lot having one or more boundaries coincident with one or more lots or zone boundaries;
- (b) “accessory structure” means a structure that is
 - (i) subordinate, incidental, and devoted to a main use or structure,
 - (ii) not attached to any main structure, and
 - (iii) not used for human habitation, except if used as an additional dwelling unit;
- (c) “accessory surface parking lot” means a parking lot, not contained within a structure, that supports the main use of a lot;
- (d) “additional dwelling unit” means a self-contained, subordinate dwelling unit located within either a low density residential main building or an accessory structure;
- (f) “building” means every enclosed area within exterior walls, built, erected, and framed of a combination of materials, whether portable or fixed, having a roof, to form a structure for the shelter of persons, animals, or property;
- (g) “car sharing space” means a parking space for vehicles that is marked and registered for use by a car sharing service;
- (h) “club recreation use” means premises operated for recreational purposes, by membership, such as golf courses, country clubs, curling clubs, tennis clubs,

swimming clubs, lawn bowling clubs, yacht or boating clubs, marinas, and equine facilities;

- (i) “commercial recreation use” means a recreational facility operated for commercial purposes, such as go-kart tracks, paintball facilities, shooting ranges, racetracks, bingo halls, and miniature golf courses, excluding club recreation and community recreation uses;
- (j) “community recreation use” means a publicly owned or operated recreation facility, such as a park, recreation centre, pool, skating rink, picnic area, community oven, dog park, playground, splash pad, skateboard park, boating facility and ramps, sports court, field, and trail, excluding a convention centre use, cultural use, minor spectator venue use, and major spectator venue use;
- (k) “crafting use” means a premise in which an artisan makes products by hand or small production processes;
- (l) “daycare” means as defined in the **Day Care Act** and the **Day Care Regulations**;
- (m) “development” means the erection, construction, alteration, placement, location, replacement, or relocation of, or addition to, a structure and a change or alteration in the use made of land or structures;
- (n) “dwelling” means a residential premise as defined in the **Residential Tenancies Act** and contains a dwelling unit as defined in the **Municipal Government Act**;
- (o) “electric vehicle charging station” means infrastructure that supplies energy for the charging of electric vehicles such as plug-in electric and hybrid vehicles;
- (p) “flanking lot line” means a streetline that is not the front lot line;
- (q) “flanking yard” means a yard between any wall of the main building and a flanking lot line, excluding any area of the lot that is a front yard;
- (r) “floor area” means the horizontal area of all floors in a building, measured from the interior faces of any exterior or fire walls and including interior staircases, and excluding the following:
 - (i) unenclosed space outside any exterior walls or located on a rooftop, such as balconies and patios,
 - (ii) any floor area below the lowest ground floor of a building,
 - (iii) elevator shafts,
 - (iv) accessory structures,
 - (v) rooftop greenhouses,

- (vi) any space open to a floor below;
- (s) “front lot line” means a streetline, or where a registered access easement crosses a lot line, where
 - (i) in the case of a corner lot, the shortest streetline is the front lot line, and the longer streetline or streetlines are the flanking lot lines, and
 - (ii) where a corner lot has streetlines of equal length, any streetline may be deemed the front lot line, and the remaining streetlines shall be deemed flanking lot lines;
- (t) “front yard” means the yard extending across the full lot width, between the front lot line and the nearest wall of any main structure on the lot;
- (u) “hard landscaping” means covered by hard or impermeable material such as outdoor furniture, planters, decorative concrete, stonework, bricks, gravel, tiles, pavers, boardwalks, or wood decking, but does not include parking lot surfaces or areas used for access to parking areas;
- (v) “height” means the vertical distance between a structure’s average finished grade and the structure’s highest point;
- (w) “hen” means an egg-laying, domesticated female chicken that is at least 4 months old;
- (x) “home for special care” means as defined in the **Homes for Special Care Regulations**;
- (y) “home-based business” means the use of a portion of dwelling or an accessory building for gainful employment;
- (z) “horticultural use” means the breeding, planting, cultivation, or harvesting of plants, such as vegetables, fruits, herbs, sprouts, ornamental plants, and flowers;
- (aa) “landowner” means the registered owner as defined in the **Land Registration Act**;
- (ab) “landscaping” means hard landscaping or soft landscaping;
- (ac) “lot area” means the total plane horizontal area within the lot lines of a lot;
- (ad) “lot coverage” means the percentage of a lot that is covered by roofed structures at least 0.6 metres high, including any area over which a roofed structure projects, but excluding up to 1.0 metre of projecting roof eaves;
- (ae) “lot frontage” means the horizontal distance between the side lot lines as measured along the front lot line, but where the front lot line is not a straight

line, or where the side lot lines are not parallel, the lot frontage shall be measured at a line setback the required applicable minimum front yard and parallel to the front lot line;

- (af) “lot” means any parcel of land as described in a deed or as shown on a registered plan of subdivision;
- (ag) “main structure” means a structure that contains the primary use on a lot;
- (ah) “micro-scale wind energy facility” means a wind energy facility consisting of a single turbine, designed to supplement other electricity sources as an accessory use to existing buildings or facilities, and has a total rated capacity of 10 kW or less, and is not more than 23 metres high;
- (ai) “non-conforming” means as defined in the **Municipal Government Act**;
- (aj) “office use” means premises in which a person transacts the affairs of a business, profession, service, industry, or government;
- (ak) “ordinary high water mark” means as defined in the **Land Surveyors Regulations**;
- (al) “outdoor storage” means the storage of merchandise, inventory, materials, or equipment external to a building, including where a building is not located on a lot.
- (am) “outdoor wood furnace” means any individual furnace designed to burn untreated wood and wood products and use for the purpose of heating liquid or air where the furnace is located outside the structure into which the hot liquid or air is piped;
- (an) “park use” means land that is owned or operated by a government entity or property owners association and primarily used for outdoor recreational purposes, either active or passive, but does not include commercial recreation or club recreation uses;
- (ao) “parking lot” means a surface parking area, not contained within a structure, for five or more motor vehicles;
- (ap) “parking structure” means an aboveground, underground, or attached structure that contains motor vehicle parking spaces on one or more levels, including on an open rooftop, but excluding any garage associated with a low-density dwelling;
- (aq) “personal service use” means services for the needs of individuals or animals, such as grooming and haircutting, tailoring and shoe repair, tattooing, depots for collecting dry cleaning and laundry, laundromats, and the retail sale of products

accessory to any service provided, but excluding veterinary facilities, kennels, pet daycares, and crematoria;

- (ar) “professional service use” means services for individuals or groups in an office setting, such as financial, legal, medical, architectural, engineering, design, real estate, and travel services;
- (as) “private storage” 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;
- (at) “Province” or “provincial” means the Province of Nova Scotia in Canada;
- (au) “rear lot line” means the lot line farthest from or opposite to the front lot line, and which is not a flanking lot line on a through lot;
- (av) “rear yard” means the yard extending across the full lot width, between the rear lot line and the nearest wall of any main structure on the lot, excluding any area of the lot that is a flanking yard;
- (aw) “recreational vehicle” means a motor vehicle or travel trailer designed, constructed or reconstructed, equipped and used, or intended to be used primarily for sleeping, eating, and living quarters, such as a motorized home or a bus converted for such purposes;
- (ax) “renewable energy” means energy obtained from solar energy, wind energy, or geo-energy;
- (ay) “retail use” means premises used for the selling or renting of merchandise directly to consumers, including the servicing and repair of items like those being sold, such as shopping centres, retail post offices, vehicle rental offices, and butcher shops;
- (az) “short-term rental” means as defined in the **Tourist Accommodations Registration Act**;
- (ba) “side lot line” means a lot line that is not a front, flanking, or rear lot line;
- (bb) “side yard” means a yard between the front yard and the rear yard, and between the side lot line and the nearest wall of any main structure on the lot;
- (bc) “sign” means any structure, medium, or device designed or intended to convey information using words, images, symbols, pictures, logos, or any combination thereof for the purpose of providing direction, information, identification, advertisement, business promotion, or the promotion of a product, activity, service, or idea;

- (bd) “soft landscaping” means covered by soft or water-permeable material and vegetation such as trees, hedges, shrubs, flowers, grass, fruit and vegetable plants, sod, or other vegetative groundcover, including a water feature;
- (be) “structure” means everything that is erected, built, or constructed of parts joined together, and includes a building;
- (bf) “studio use” means the commercial use of space for artistic purposes with or without instruction, such as artists’ studios and musical conservatories;
- (bg) “temporary use” means a use that is 30 cumulative days or less within a calendar year, and in which it is
 - (i) associated with a holiday or special event, or
 - (ii) accessory to a permitted main use, excluding the construction or alteration of any permanent structure;
- (bh) “urban agricultural use” means the use of a structure or land for
 - (i) the keeping of bees as an accessory use,
 - (ii) the keeping of egg-laying hens as an accessory use, or
 - (iii) horticultural uses;
- (bi) “utility use” means structures, equipment, and materials used to install and maintain energy, gas, water, or communication systems, including district energy systems;
- (bj) “variance” means as regulated under Sections 235 to 237 of the **Municipal Government Act**;
- (bk) “vehicle” means as defined in the **Motor Vehicle Act**;
- (bl) “watercourse” means a lake, river, stream, ocean, wetland, or other natural body of water;
- (bm) “wind energy facility” means a wind energy conversion system, to produce electricity, consisting of one or more roof mounted turbines or turbine towers, with rotor blades, associated control or conversion electronics, and other accessory structures including substations, meteorological towers, electrical infrastructure, and transmission lines; and
- (bn) “wind turbine” means a wind energy conversion system that produces electricity, consisting of rotor blades, associated control or conversion electronics, and other accessory structures.

Interpretation of land uses

- 5**
- (1)** A reference made to a land use designation includes all zones within the land use designation.
 - (2)** If a use or structure is not listed as permitted, it is prohibited in a zone.
 - (3)** Subject to subsections (4) and (5), in case of conflicts, the more stringent provision applies.
 - (4)** Regulations in a district may alter, add, or remove some of the regulations in a zone within the district boundary.
 - (5)** Regulations in an area may alter, add, or remove some of the regulations in a zone and in a district within the area boundary.
 - (6)** If a lot is in more than one zone, the regulations for each zone apply to the portion of the lot within the respective zone.

Interpretation of boundaries

- 6** The location of a zone, district or area boundary shown on a map of this By-law is determined as follows:
- (a)** where a zone, district or area boundary follows rights-of-way or easement, the boundary shall be the centreline of the rights-of-way;
 - (b)** where a zone, district or area boundary follows lot lines, the boundary follows lot lines, and if those lot lines are modified by subdivision approval after the effective date of this By-law, the boundary remains as shown in the appendices;
 - (c)** where a zone, district or area boundary follows shorelines and where infill occurs, the boundary is interpreted to follow the new ordinary high-water marks, and where a portion of a watercourse is filled in beyond the boundary of a zone, district or area boundary, or where a building is constructed over water beyond the limits of such a boundary, the in-filled land or any portion of a building constructed over water shall be included in the same zone, district, or area as the onshore portion of the same lot;
 - (d)** where clauses (a) to (c) do not apply, the boundary is as shown on the Zoning Map, the District Map, and the Area Map.

Severability

- 7** The provisions of this By-law are severable from one another, and the invalidity or unenforceability of one provision does not affect the validity or enforceability of any other provision.

Other enactments

- 8 (1)** This By-law does not exempt any person from any other enactment of the Municipality, the Province of Nova Scotia, or the Government of Canada, including the requirement to obtain any license, permission, permit, authority, or approval.
- (2)** In case of a conflict with the other enactments, the more stringent requirement applies.

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Part 2 Administration

Development officer

- 9** Under subsection 243(1) of the **Municipal Government Act**, a development officer administers this By-law.

Development permit

- 10** (1) Under subsection 244(1) of the **Municipal Government Act**, and subject to Section 11, a development permit must be obtained before any development begins.
- (2) Despite a development permit not being required, a development must comply with all applicable provisions in this By-law.
- (3) A development must not be deviated from the description that is contained in the development permit.

Development permit exemption

- 11** Under subsection 244(2) of the **Municipal Government Act**, the following developments do not require a development permit:
- (a) accessory structures with less than 20.0 square metres of floor area, unless used as a backyard suite;
 - (b) structures less than 0.6 metres high, such as uncovered decks, patios, planters, wharves, and slipways on a shoreline;
 - (c) fences less than 1.8 metres high;
 - (d) short-term rentals;
 - (e) temporary uses;
 - (f) any signs listed under Section 31;
 - (g) construction, replacement, or repair of infrastructure by utility companies or municipal, provincial, or federal governments.

Development permit application

- 12** (1) Under clause 220(4)(k) of the **Municipal Government Act**, a development permit application must include documents and plans that clearly show the existing and proposed uses of the lot and structure, such as
- (a) the true shape, dimension, land contour, and grading of the lot to be used or upon which the development is proposed;

- (b) the proposed location, height, elevations, and dimensions of any structure or area for which the permit is applied, and the locational information must include measurements of the lot frontage and front, side, and rear yards;
 - (c) the location of every structure already constructed, or partly constructed, on such lot and the location of every structure existing upon abutting lots;
 - (d) the proposed location and dimensions of parking areas, parking spaces, loading spaces, driveway accesses and curbs;
 - (e) the location of existing and proposed landscaping, vegetation limits, fencing and outdoor storage;
 - (f) the location of all watercourses, including wetlands, and the required watercourse buffer, within and adjacent to the lot where a development is being proposed; and
 - (g) any other information that a development officer requires to determine if the development complies with this By-law.
- (2) A development officer may require that the plans in subsection (1) are based on an actual survey or a location certificate by a Nova Scotia Land Surveyor.

Application fees and advertising deposit

- 13** (1) Under clauses 211(1)(b) and 220(4)(l) of the **Municipal Government Act**, the fees for planning applications under this By-law are subject to [MODL Policy 058](#).
- (2) Under subsections 221(2) and 237(3) of the **Municipal Government Act**, any person applying for a variance or an amendment to this Land Use By-law must pay the Municipality the cost of
- (a) any required advertising;
 - (b) notifying affected landowners; and
 - (c) posting a sign.
- (3) A development officer may collect a deposit, in anticipation of the cost incurred by subsection (2), at the time of application, and
- (a) if there is a surplus, the Municipality must return the remaining deposit after satisfying the advertisement requirements; or
 - (b) if there is a shortage, the Municipality must charge any additional amount to offset the advertising cost.

Service time standards

- 14** **(1)** Under subsection 245(1) of the **Municipal Government Act**, if the application is incomplete, a development officer must notify the applicant in writing advising what is required to complete a development permit application within 14 days after receiving the application.
- (2)** Under subsection 245(2) of the **Municipal Government Act**, within 30 days after receiving a completed application for a development permit, a development officer must grant the development permit or inform the applicant in writing of the reasons for not granting the permit.

Development permit approval

- 15** **(1)** Under subsection 246(1) of the **Municipal Government Act**, a development officer must issue a development permit for a proposed development if the development meets the requirements of this By-law.
- (2)** Under subsection 237(2) of the **Municipal Government Act**, a development officer must issue a development permit for any development for which a variance has been granted and which otherwise complies with the terms of this By-law, if
- (a) the appeal period has elapsed, and no appeal has been commenced; or
- (b) all appeals have been abandoned or disposed of or the variance has been affirmed by the Council.
- (3)** Under subsection 246(2) of the **Municipal Government Act**, where this By-law is amended, a development permit for a development pursuant to the amendment must not be issued until
- (a) the appeal period has elapsed; or
- (b) all appeals have been abandoned or disposed of or the decision of Council has been affirmed by the Nova Scotia Utility and Review Board.

Development permit expiry

- 16** Under clause 220(4)(k) of the **Municipal Government Act**, a development permit expires if the construction was not commenced within 12 months after the date of the issuance of the permit.

Development permit revocation

- 17** Under clause 220(4)(k) of the **Municipal Government Act**, a development officer may revoke a development permit in writing, if

- (a) the requirements of this By-law are not met;
- (b) the permit was issued based on incorrect information provided by the applicant when applying for a development permit; or
- (c) the permit was issued in error.

Penalties on land use by-law violations

- 18** The identification, notification, remedial and other related issues of violation of any provision in this By-law are subject to [MODL Policy 015](#).

Right of entry

- 19** (1) Under subsection 267(2) of the **Municipal Government Act**, and subject to subsection (2), a person authorized by the Council has the right to enter at all reasonable times in or upon any property within the Municipality, without a warrant, for the purposes of an inspection necessary to administer this By-law, an order, development agreement or statement of provincial interest.
- (2) Under subsection 267(3) of the **Municipal Government Act**, the authorized person must not enter any place actually being used as a dwelling without the consent of the occupier, unless the entry is made in daylight hours and written notice of the time of the entry has been given to the occupier at least 24 hours in advance of the entry.

Variance

- 20** (1) Under subsections 235(1) of the **Municipal Government Act**, a development officer may grant a variance in the following terms:
- (a) percentage of land that may be built upon;
 - (b) size or other requirements relating to yards;
 - (c) lot frontage or lot area, or both, if the lot existed on the effective date of the By-law, or a variance was granted for the lot at the time of subdivision approval.
- (2) Under subsection 235(3) of the **Municipal Government Act**, a variance may not be granted where the
- (a) variance violates the intent of this By-law;
 - (b) difficulty experienced is general to properties in the area; or
 - (c) difficulty experienced results from an intentional disregard for the requirements of this By-law.

By-law amendment

- 21** Subject to Sections 12 to 14 of the Hemford Forest Secondary Planning Strategy, an amendment to this By-law, such as rezoning and site-specific amendment, must follow the process in Sections 205 and 210 of the **Municipal Government Act**.

Notice of amendment

- 22** Under subsection 221(1) of the **Municipal Government Act**, when the Council conducts a first reading to adopt an amendment to this By-law without a concurrent amendment to the Hemford Forest Secondary Planning Strategy, on application, Municipality must
- (a) notify affected landowners within 300 metres of the lot boundary of the proposed site by ordinary mail, including
 - (i) a description of the proposed amendment,
 - (ii) the date, time, and place of the public hearing on the proposed amendment, and
 - (iii) a method of submitting a written letter prior to the public hearing regarding the proposed amendment; and
 - (b) post a sign on the affected property describing the requested by-law amendment.

Periodic review

- 23** Municipality must review this By-law within 10 years of its adoption or last review, concurrently with the review of the Hemford Forest Secondary Planning Strategy.

Municipal Planning Strategy

- 24** Municipality must integrate this By-law with the municipal-wide Land Use By-law, written under the **Municipal Government Act** amended in 2019, and repeal this By-law after the adoption of the new Land Use By-law.

Part 3 General Provisions

Municipal Subdivision By-law

- 25** In addition to the requirements of this By-law, the subdivision of land is regulated by the [Municipal Subdivision By-law](#).

Non-conforming uses and structures

- 26** In addition to Sections 238 to 241 of the **Municipal Government Act**, the extension, enlargement, alteration, or reconstruction of a non-conforming structure is permitted if the extension, enlargement, alteration, or reconstruction does not further worsen any nonconformity with this By-law.

Wetlands

- 27** A development officer must not issue a development permit for any development within any wetland, unless the Province confirms that
- (a) appropriate approvals permitting the alteration or infill of a wetland have been received from Nova Scotia Environment or its designate;
 - (b) the development is consistent with the Provincial acts, regulations, departmental policies, and any approval process; or
 - (c) the identified wetland does not exist.

Watercourse buffer

- 28** **(1)** Subject to subsections (2) to (5), a development officer must not issue a development permit for any development within 10 metres of the ordinary high water mark of any watercourse.
- (2)** Within the buffer, only the following uses are permitted:
- (a) water-access structures, boat ramps, private boathouses, fishing gear sheds, marine-related uses, parks on public land, and monuments;
 - (b) developments exempted from development permits under Section 11;
 - (c) streets, boardwalks, walkways, trails, and driveways that are no wider than 3.0 metres.
- (3)** If a main building that existed on the effective date of this By-law is located within a required watercourse buffer, accessory structures permitted in clause (2)(b) must not be located any closer to the watercourse than any main building that existed on the effective date of this By-law.

- (4) The buffer distance required in subsections (1) may be reduced in a manner that would provide the greatest possible separation from a watercourse, if other yard and setback requirements are met, where the configuration of a lot is such that no main building can be located on the lot, for lots that
- (a) existed before January 1, 2021; or
 - (b) were approved as a result of a tentative or final subdivision application on file before January 1, 2021.
- (5) Within the watercourse buffer, all developments are subject to the provincial guidelines for erosion control, such as the [Erosion and Sedimentation Control Handbook for Construction Sites](#).

Excessive slope

- 29 Any development within the land in excess of 20% slope are subject to the provincial requirement for erosion control, such as the [Erosion and Sedimentation Control Handbook for Construction Sites](#).

Outdoor wood furnaces

- 30 A person must not place, install, operate, or use an outdoor wood furnace.

Permit-exempted signs

- 31 The following signs do not require a development permit:
- (a) signs giving the name of a building or its civic address;
 - (b) signs regulating activities that are not related to traffic, such as “No Trespassing” or “Beware of Dog” signs, if the signs do not exceed 0.2 square metres in area;
 - (c) signs that pertain to the sale, rental, or lease of real property on a lot where the sign is displayed, if the signs
 - (i) are non-illuminated,
 - (ii) do not exceed 1.0 square metre,
 - (iii) are limited in number to a maximum of one sign for every side of the lot that fronts on a street, and
 - (iv) are removed within 14 days following the sale, rental, or lease;
 - (d) signs regulating traffic on a lot, including directional and drive-through signage, if the signs do not exceed 0.5 square metres in area;
 - (e) signs erected by any government;

- (f) signs interior to a structure;
- (g) commemorative signs, if the signs do not exceed 0.5 square metres in area;
- (h) neighbourhood signs;
- (i) signs that are incidental to a construction in progress if the signs
 - (i) are non-illuminated,
 - (ii) are located on the same lot as the construction in progress,
 - (iii) do not exceed 1.0 square metre in area, and
 - (iv) are removed within 14 days following the conclusion of construction.

Prohibited signs

32 The following signs are prohibited in all zones:

- (a) signs that create a hazard to public safety;
- (b) signs that are a source of danger to traffic on the street, or that obstruct or interfere with the vision of road users because of their location, appearance, or illumination;
- (c) signs that obscure or interfere with
 - (i) any traffic control sign or device,
 - (ii) warning or instructional sign,
 - (iii) any ventilation device, emergency exit, required exit, window, door opening, or any wall opening intended as a means of ingress or egress,
 - (iv) access to any fire hydrant or firefighting hose connection;
- (d) signs that advertise a product or service that is no longer available on the premises, or a business that is no longer in operation, except for signs on a registered heritage property;
- (e) signs on public property, unless erected by a government;
- (f) signs located on the roof of any structure;
- (g) signs that project above a roof edge;
- (h) signs that use fluorescent colours;
- (i) internally-illuminated awning signs;
- (j) signs that incorporate a strobe light or flashing light;

- (k) signs that interfere with any utility, conduit, or line used for water, sewage, gas, electricity, or communication;
- (l) canopy or awning signs made of stretched skin plastics.

Fascia Signs

- 33 (1)** A fascia sign must not extend beyond the edges of any wall to which it is affixed.
- (2)** A fascia sign must not exceed 1.0 square metre.

Accessory uses and structures

- 34** Uses that are accessory to a permitted use on the same lot are permitted, if they comply with the regulations of the applicable specific provisions, and of the zone in which the lot is located.

Accessory structure setbacks and height

- 35** An accessory structure must meet the minimum setback and height requirements as the zone in which the structure is located.

Private storage

- 36 (1)** A private storage structure on a lot, for the development on the lot, where there are no other buildings located on the lot, is permitted.
- (2)** A private storage structure built under subsection (1) is considered as, and subject to zoning requirements applicable to, a main structure.

Habitation in a vehicle

- 37 (1)** Subject to subsections (2) and (3), a vehicle must not be used for living accommodation or business purpose.
- (2)** A recreational vehicle and a camper may be used for living accommodation, if
 - (a) the vehicle is not directly connected to on-site services;
 - (b) the use does not extend for longer than 28 consecutive days within a calendar year; and
 - (c) the use occurs only on a lot with a main building with an occupancy permit.
- (3)** A recreational vehicle and a camper may be used for living accommodation before, during, or up to 30 days after the construction of a main building of the property.

General parking requirements

- 38** **(1)** All accessory surface parking lots and parking spaces must be located on the same lot as the main use.
- (2)** A change of use in an existing structure does not require any additional parking beyond what is already provided.
- (3)** Required parking must be located on the same lot as the use it is intended to serve.

Rounding regulation

- 39** Where the calculation of any parking requirement results in a portion of a parking space, the fraction is rounded down to the nearest whole number.

Parking space and driving aisle dimensions

- 40** **(1)** For any accessory surface parking lot, for a parking structure, or for parking internal to a building,
- (a)** any required motor vehicle parking space must be at least 2.4 metres wide and 5.5 metres long; and
- (b)** in the case of parking parallel to an internal driveway, any required motor vehicle parking space must be at least 6.1 metres long.
- (2)** Driving aisles between rows of parking spaces in an accessory surface parking lot, in a parking structure, or for parking internal to a building must be 3.0 metres wide for each lane of traffic.

Car sharing

- 41** Any required parking space may be used as a car sharing space.

Electric vehicle charging stations

- 42** Electric vehicle charging stations are permitted in all parking areas.

Part 4 Zones

Zones permitted

43 This By-law establishes the following zones:

- (a) Low density residential (R-1);
- (b) Park and open space (P);
- (c) Transportation and utility (T).

Low density residential (R-1) zone

44 **(1)** The following uses are permitted in the R-1 zone:

- (a) dwelling unit in a detached house;
- (b) home for special care;
- (c) park and outdoor recreational use.

(2) The following uses are permitted in the R-1 zone, subject to specific conditions associated with each use:

- (a) additional dwelling units, subject to Section 50;
- (b) daycare, in which a children's play area must be fenced;
- (c) home-based businesses, subject to Section 51;
- (d) renewable energy production, which must
 - (i) be used in combination with another permitted use on the lot, and
 - (ii) comply with all Municipal, Provincial and Federal enactments;
- (e) short-term rentals, subject to Section 52;
- (f) urban agriculture, subject to Sections 47 to 49;
- (g) wind energy generating facility, subject to Section 53;
- (h) yard sales, subject to Section 54.

(3) In the R-1 zone,

- (a) the minimum lot frontage is 12.0 metres;
- (b) the minimum lot area is 360 square metres; and
- (c) the maximum lot coverage is 33.3%.

- (4) In the R-1 zone, the maximum of one main building is permitted on a lot.
- (5) In the R-1 zone, the maximum height for a structure on a lot is 10.0 metres.
- (6) In the R-1 zone, the maximum of 1 fascia sign is permitted on a lot.

Park and open space (P) zone

- 45** (1) The following uses are permitted in the P zone:
- (a) park and outdoor recreational use;
 - (b) renewable energy production, which must comply with all Municipal, Provincial and Federal enactments.
- (2) The following uses are permitted in the P zone, subject to specific conditions associated with each use:
- (a) urban agricultural use, subject to Sections 47 to 49.

Transportation and utility (T) zone

- 46** The following uses are permitted in the T zone:
- (a) transportation use;
 - (b) public and private utility;
 - (c) outdoor recreational uses.

Part 5 Specific Provisions

Urban agriculture

- 47** **(1)** The processing of urban agricultural products, such as chopping, packaging, pickling, or preserving, is permitted as an accessory use to an urban agriculture use.
- (2)** The sale of urban agricultural products grown or produced on-site, including processed urban agricultural products, is permitted as an accessory use to an urban agricultural use.
- (3)** Subject to Sections 48 and 49, the keeping of horses, cattle, swine, roosters, other poultry, ruminants, and camelids is prohibited as an urban agricultural use.
- (4)** A greenhouse, including a rooftop greenhouse, may be used to contain all or part of a horticultural use.
- (5)** An urban agricultural use must meet the signage requirements stated under Sections 31 to 33.
- (6)** Excluding any beehive, an accessory structure associated with an urban agriculture use must meet the accessory structure requirements of stated under Sections 34 and 35.

Keeping of bees as an accessory use

- 48** The keeping of bees as an accessory use is permitted.

Keeping of hens as an accessory use

- 49** **(1)** The keeping of hens as an accessory use is limited to a maximum of 6 hens a lot.
- (2)** All hens must be kept within a fenced area or structure that meets the accessory structure requirements of Sections 34 and 35.

Additional dwelling units

- 50** **(1)** In the R-1 Zone, a lot may have 1 additional dwelling unit.
- (2)** An additional dwelling unit is not considered a separate main building.

Home-based businesses

- 51** (1) The principal operator of a home-based business must reside in the lot where the business is located.
- (2) The following uses are permitted as a home-based business:
- (a) personal service uses;
 - (b) professional service uses;
 - (c) crafting uses;
 - (d) studio uses;
 - (e) office uses;
 - (f) the retail of products produced on the premises, or associated with a service provided on the premises.
- (3) Outdoor display associated with the business is prohibited.
- (4) The maximum floor area for a home-based business is, if within a dwelling, one-third of the building floor area.
- (5) A home-based business must not produce offensive noise, odour, vibration, smoke, heat, or other objectionable effect that would be a nuisance or is uncustomary in a residential neighbourhood.

Short-term rentals

- 52** A short-term rental is permitted, if
- (a) a short-term rental offered by a host is the host's primary residence; or
 - (b) the host is a full-time resident of the Plan Area.

Wind energy generating facility

- 53** (1) Only a micro-scale wind energy facility is permitted as a wind energy facility.
- (2) Wind turbine towers must be separated from each other by a minimum distance equal to the tallest tower height.
- (3) Wind turbine towers must have a minimum setback from any adjacent lot line of 1.0 times the tower height.
- (4) Wind turbine towers must be separated from any dwelling on an adjacent lot by at least 3.0 times the tower height.
- (5) Wind turbine towers are permitted on buildings.

Yard sales











- 54** Retail sales events accessory to residential uses are permitted, if
- (a) the goods for sale include only the tangible personal property of the residents conducting the events;
 - (b) the events occur no more than 4 times in a calendar year;
 - (c) the events do not last for more than 4 consecutive days; and
 - (d) the events occur only between sunrise and sunset.

DRAFT

HEMFORD FOREST PLAN AREA

Zoning

Zones

-  Park and Open Space (P)
-  One-Unit Residential (R-1)
-  Transportation and Utility (T)
-  Provincial Road
-  Private Road
-  Hemford Forest Plan Area
-  Properties (Sept 2019)
-  Road Right-of-Way
-  Watercourse (NSGC, 2016)
-  Waterbody (NSGC, 2016)



0 15 30 60 90 120 Meters

MUNICIPALITY OF THE DISTRICT OF LUNENBURG

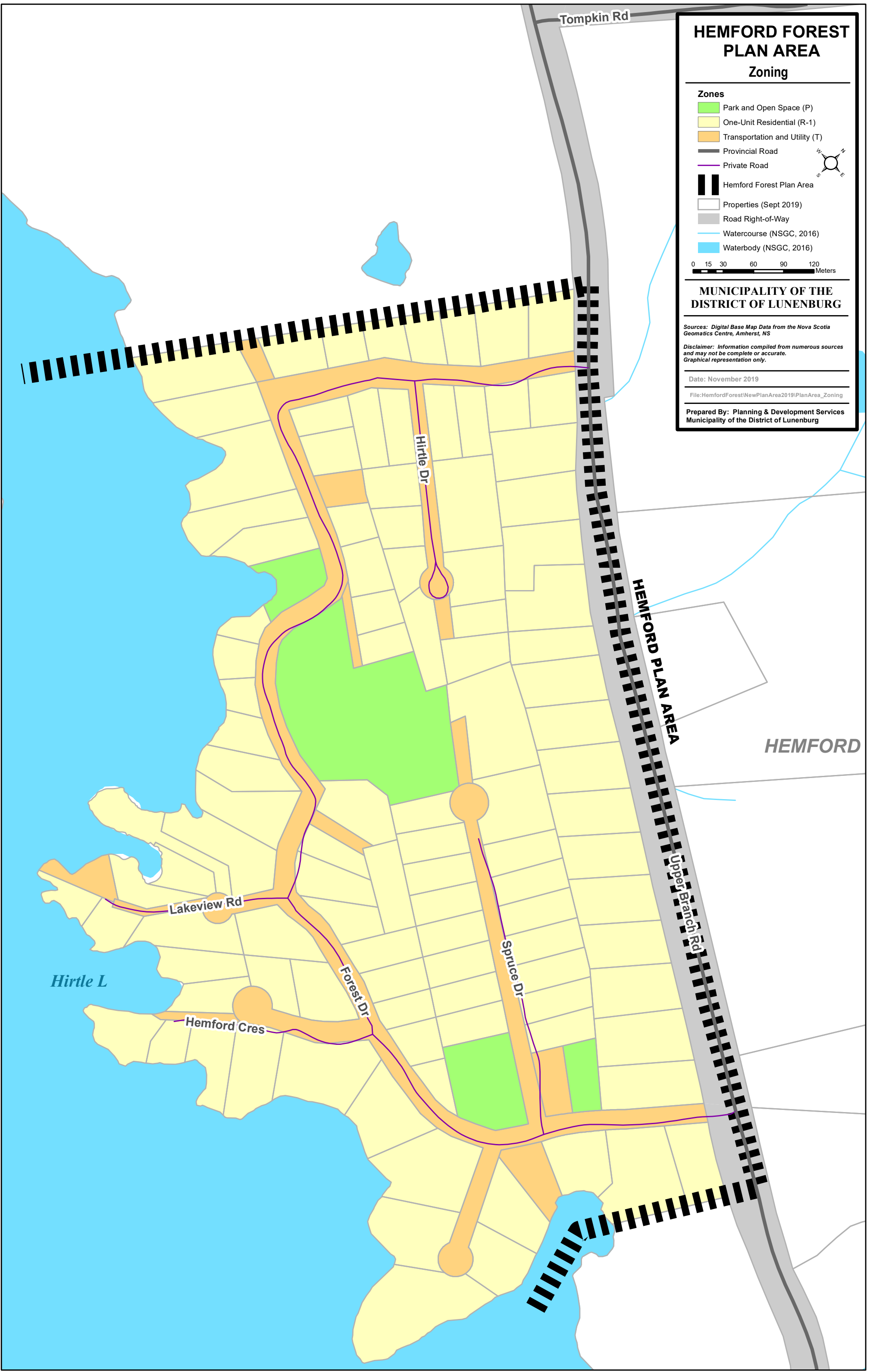
Sources: Digital Base Map Data from the Nova Scotia Geomatics Centre, Amherst, NS

Disclaimer: Information compiled from numerous sources and may not be complete or accurate. Graphical representation only.

Date: November 2019

File: HemfordForest\NewPlanArea2019\PlanArea_Zoning

Prepared By: Planning & Development Services
Municipality of the District of Lunenburg



HEMFORD PLAN AREA

HEMFORD

Upper Branch Rd

Hirtle L

Lakeview Rd

Hemford Cres

Forest Dr

Spruce Dr

Tompkin Rd

Hirtle Dr

HEMFORD FOREST Map 2 Development Constraints

- Provincial Road
- Private Road
- Hemford Forest Plan Area
- Properties (Sept 2020)
- Watercourse (NSHN 2020)
- Road Right-of-Way
- Waterbody (NSGC, 2016)
- Less than 20% slope
- More than 20% slope
- Wetlands (MODL)
- 10m Wetland Setback
- 10m Watercourse Setback



0 15 30 60 90 120 Meters

MUNICIPALITY OF THE
DISTRICT OF LUNENBURG

Sources: Digital Base Map Data from the Nova Scotia Geomatics Centre, Amherst, NS.

Disclaimer: Information compiled from numerous sources and may not be complete or accurate. Graphical representation only.

Date: January 2021

File: HemfordForestNewPlanArea2019\ConstraintsJan2021

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