



## **Municipality of the District Of Lunenburg**

### **Municipal Wide Land Use Project- Repeal and Replace of the Municipal Planning Strategy (035) and land Use By-law (049)**

#### **Council Chambers District of Lunenburg**

**Thursday, June 25, 2026 at 6:00 p.m.**

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### **Public Hearing Agenda**

- 1. Call to Order**
- 2. Opening Remarks by Mayor Elspeth McLean-Wile**
  - (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
  - (b) Verbal Presentations by the Public
- 5. Review of Approval Process**
- 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.



## The Municipality of the District of Lunenburg Request for Decision

**Report to:** Mayor McLean-Wile and Municipal Council

**Submitted by:** Planning Staff

**Date:** June 25, 2026

**Re:** Municipal Wide Land Use Project - Public hearing and Second Reading

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### Recommendation

If Municipal Council wishes to proceed with Second Reading of the proposed Municipal Planning Strategy and Municipal-Wide Land Use By-law, the following motions are in order:

**“That Municipal Council conduct Second Reading and adopt the proposed Municipal Planning Strategy (attached as Appendix 1) and Municipal-Wide Land Use By-law (attached as Appendix 2), thereby repealing and replacing the existing Municipal Planning Strategy (By-law 035) and Municipal-Wide Land Use By-law (By-law 049), including all subsequent amendments thereto, as presented at the June 25, 2026 Public Hearing.”**

### Discussion

The Municipal-Wide Land Use Planning Project has been ongoing since 2020 and is now in its final stages. On June 9, 2026, Municipal Council conducted First Reading of the proposed Municipal Planning Strategy and Municipal-Wide Land Use By-law.

For further information regarding the project and previous work completed to date, please refer to the June 9, 2026, staff report attached to this report.

Following First Reading, staff held two public information sessions to inform the public about the upcoming changes and communicate the opportunity to share formal input on the documents via email or at the Public Hearing on June 25, 2026. The first information session

was held in person in Council Chambers on June 16, 2026, with five residents in attendance. The second information session is scheduled virtually for June 18, 2026. The session was recorded and posted to the project’s Engage MODL webpage. The public has been provided with the opportunity to submit written submissions to staff by June 23, 2026, at 5:00 p.m. In addition, members of the public have been advised of their opportunity to provide oral feedback at the Public Hearing. Input received via email will be compiled and circulated on June 24th for Council’s consideration.

Council may choose to conduct Second Reading of the documents after the Public Hearing concludes on June 25, 2026.

### **Work plan**

If Council passes Second Reading by passing the motion outlined above, Planning Staff will proceed with the work plan identified below to finalize the land use planning documents and conclude the project, subject to Council’s direction.

<b>Timing</b>	<b>Deliverable</b>
June 25	Public Hearing and Second Reading
June 30 (Tentative)	Documents sent to Province
July-August (Tentative)	Provincial review period

### **Alternatives**

Municipal council may choose not to conduct second reading and direct staff to conduct further revisions to the proposed Municipal planning strategy and Land Use by Law. The Municipal Government Act states:

“A development permit that is inconsistent with a proposed land-use by-law or a proposed amendment to a land-use by-law may not be issued for one hundred and fifty days from the publication or posting of the first notice advertising the council's intention to adopt or amend the by-law”.

If Council does not pass Second Reading after 150 days of June 9<sup>th</sup>, 2026, development permits may be issued in alignment with the existing Municipal Planning Strategy and Municipal Wide Land Use By-law.

### **Conclusion**

The proposed third draft of the Municipal Planning Strategy and Land Use By-law reflects Council direction, public feedback, and revisions identified through the review process. Subject to Second Reading approval, Planning Staff will proceed with the remaining adoption process and finalize the planning documents in accordance with the proposed work plan.

<b>Report Preparation</b>	
<b>Department</b>	Planning and Development Services
<b>Report Prepared by</b>	Ella R. Gindi, Planner II and Rosemary Young, Planner I
<b>Report Approved by</b>	Jeff Merrill, LPP, MCIP, Director
<b>Date Reviewed by C.A.O.</b>	



## **The Municipality of the District of Lunenburg Request for Decision**

**Report to: Mayor McLean-Wile and Municipal Council**

**Submitted by: Planning Staff**

**Date: June 9, 2026**

**Re: Municipal Wide Land Use Project – First Reading**

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### **Recommendation**

If Municipal Council wishes to proceed with First Reading of the proposed Municipal Planning Strategy and Municipal-Wide Land Use By-law, the following motions are in order:

- 1. That Municipal Council give notice of its intention to repeal the existing Municipal Planning Strategy (bylaw 035) and Municipal Wide Land Use By-law (049), including all subsequent amendments thereto, and replace them with the proposed new Municipal Planning Strategy, dated June 2, 2026 (Appendix A) and Municipal-Wide Land Use By-law, dated June 2, 2026 (Appendix B), and further conduct First Reading of the proposed planning documents.**
- 2. That Municipal Council set a date and time for a Public Hearing regarding the adoption of the new Municipal Planning Strategy and Municipal-Wide Land Use By-law on June 24, 2026, at 6:00 p.m. in Council Chambers, and further direct Planning Staff to undertake additional public information sessions prior to the Public Hearing to help inform residents about the proposed regulations and how they may apply to properties throughout the Municipality.**

## **Executive summary**

The Municipal-Wide Land Use Planning Project has been ongoing since 2020 and is now nearing its final stages. Following the release of Draft #2 of the proposed Municipal Planning Strategy (MPS) and Land Use By-law (LUB) in February 2026, public engagement was carried out between March and April 2026, providing residents with multiple opportunities to review the proposed documents and share feedback.

At its May 5, 2026, meeting, the Planning Advisory Committee provided a positive recommendation to Council to approve staff's proposed revisions to the draft planning documents. The Committee also recommended two additional amendments: prohibiting cluster developments in the Rural Agricultural Potential (RU-2) Zone and removing the two-per-year subdivision limit in the Agricultural Potential Zone to allow the total number of permitted subdivisions to occur at any time.

At a Special Council meeting on May 12, 2026, Council considered the Planning Advisory Committee's recommendations regarding the direction of the third draft of the Municipal Planning Strategy and Land Use By-law. Following discussion, Council passed a motion approving the recommendations of the Planning Advisory Committee, including the proposed amendments to the Rural Agricultural Potential (RU-2) Zone.

## **Background**

Launched in 2020, the Municipal-Wide Land Use Planning Project aims to create new planning documents, including a Municipal Planning Strategy (MPS) and Land Use By-law (LUB), and introduce municipal-wide zoning to guide development and meet the province's land use planning requirements. Existing planning regulations in MODL currently include seven Secondary Planning Strategies and Land Use By-laws, Coastal Protection regulations, Cluster Development regulations, and the Subdivision By-law.

## **Public Engagement**

The project began with an initial round of public engagement and workshops with Council. Research and writing led to the creation of the first draft, which was released in March 2025. Public engagement activities held in the spring and summer of 2025 sought to understand the priorities and concerns of MODL residents and learn from the community's reaction to the first draft of the Municipal Planning Strategy and Land Use By-law. Many residents expressed strong opposition to the proposed land use regulations, viewing them as an example of government overreach. Following public feedback, Council directed staff to revise the documents to better

reflect a minimum planning approach. Additional public engagement and Council workshops were held throughout 2025 to guide the development of Draft #2.

The second draft of the Municipal Planning Strategy and Land Use By-law was released on February 17, 2026, followed by a broad public engagement campaign that included Council discussions, online resources, social media outreach, and eight public information sessions across the Municipality. The engagement process reached a large audience through Facebook, generating nearly 40,000 impressions and close to 1,000 link clicks, while approximately 194 residents attended the public sessions. Residents were able to review proposed zoning maps, speak directly with planning staff, and provide feedback through email, online comments, and physical submissions.

Overall, feedback indicated that residents viewed Draft #2 more positively than the first draft. Comments focused on environmental protections, agricultural policies, livestock regulations, hobby farming, mapping clarity, and the implementation of coastal protection regulations. Participants expressed both support and concern regarding how proposed policies may affect land use, farming practices, and development opportunities within the Municipality.

Engagement on the Tancook Islands followed a more tailored approach in response to community interest in regulations that reflect the Islands' unique character. Residents emphasized the importance of preserving privacy, natural landscapes, low levels of development, and the close-knit community atmosphere. Feedback also highlighted preferences for future engagement through email, in-person discussions, surveys, and walking tours, with early and late summer identified as the preferred times for consultation.

### **Discussion**

Following the completion of the Draft #2 public engagement process, Planning Staff prepared a report summarizing engagement results and outlining proposed revisions to the draft Municipal Planning Strategy (MPS) and Land Use By-law (LUB). The report was considered by the Planning Advisory Committee (PAC) at its May 5, 2026, meeting. During the meeting, the PAC carried motions recommending that cluster developments be prohibited within the Rural Agricultural Potential (RU-2) Zone and that the limit restricting subdivisions to two lots per year in the Agricultural Potential Zone be removed to allow up to six permitted lots to be created at one time. The Planning Advisory Committee also carried a motion recommending approval of the revisions proposed by Planning Staff for inclusion in the third and final draft of the planning documents.

On May 12, 2026, Municipal Council considered the recommendations of the Planning Advisory Committee regarding the direction of the third and final draft of the Municipal Planning Strategy and Land Use By-law. Following discussion, Council passed a motion accepting the recommendation of the Planning Advisory Committee, including amendments to the Rural Agricultural Potential (RU-2) Zone to permit up to six lots to be created at one time, to a maximum of six lots total per parcel, and to prohibit cluster developments within the zone.

Council's direction, on May 12, 2026, was informed by feedback received throughout the Draft #2 engagement process from the public, Planning Staff, and the Planning Advisory Committee (PAC).

Key changes include updates to definitions and terminology, adjustments to development regulations, clarification of environmental and agricultural policies, revisions to recreational vehicle and tiny house provisions, updates to mapping and notification requirements, and amendments related to cluster developments and subdivision provisions within agricultural areas.

### **Summary of Revisions**

The following sections summarize the revisions incorporated into the third draft of the Municipal Planning Strategy (MPS) and Land Use By-law (LUB) for Council's consideration at First Reading. Minor grammatical, formatting, and administrative edits are not included in this summary but will be incorporated into the final draft documents.

To review all revisions made between Draft #2 and Draft #3, please refer to the tracked-change versions of the Municipal Planning Strategy (MPS) and Land Use By-law (LUB). Alternatively, these documents can be accessed through the MODL2040 Engage page by selecting Important Documents in the top-right corner and opening the Draft #3 MPS and LUB with tracked changes.

It should be noted that the proposed Municipal Planning Strategy and Municipal-Wide Land Use By-law do not repeal or replace the Secondary Planning Strategies and Land Use By-laws contained in Schedules B through H of the proposed Municipal Planning Strategy. These documents will remain in effect and continue to apply within their respective secondary planning areas.

### **Definitions**

- Clarified definitions for dwellings, recreational vehicles, tiny houses, and short-term rentals.
- Added definitions for places of assembly.

- Replaced “Farm Supportive Use” with “Agriculture Use” to better reflect permitted agricultural activities.
- Updated the definition of “Heavy Equipment Sale and Rentals” to include repair and maintenance activities.

### Land Use and Development Regulations

- Added flexibility for redevelopment projects in the Mixed Use Serviced Zone.
- Expanded flexibility provisions for undersized lots within the Protected Watershed Overlay.
- Increased the number of days a recreational vehicle may be occupied before requiring a development permit from 90 to 180 days.
- Clarified provisions related to setbacks, non-conforming structures, fencing, and home-based businesses.
- Legal non-conforming provisions - clarified allowances for adding side extensions to existing structures located near inland watercourses and inland wetlands.
- Established a minimum setback of seven (7) metres for existing undersized lots near inland watercourses and wetlands.

### Agricultural and Rural Policies

- Prohibited cluster developments in the Rural Agricultural Potential (RU-2) Zone.
- Removed the phased timing restriction on permitted subdivisions within the Rural Agricultural Potential Zone.

### Mapping and Administrative Updates

- Improved clarity of environmental mapping labels and inset map numbering.
- Updated population projections using the Fall 2025 Housing Market Study.

### Osprey Village Growth Centre and Servicing Capacity

Following the May 12, 2026, Special Council meeting, Planning Staff continued reviewing the proposed zoning framework and supporting servicing information for the Osprey Village Growth Centre. Based on a newer water servicing analysis and further review of the long-term growth potential of the area, Planning Staff identified the need for revisions to portions of the proposed Growth Centre designation and zoning framework surrounding Osprey Village. As a result, some lands previously proposed as Rural Agricultural Potential (RU-2) were redesignated and rezoned to the Mixed Use Serviced Zone or Rural General Zone to better reflect the long-term growth potential and municipal servicing capacity of the area, while discouraging fragmentation of rural and agricultural lands. These revisions also support the

Statements of Provincial Interest related to Housing and Infrastructure, particularly in Osprey Village, where significant capital and infrastructure investments have already been made.

Planning Staff also added a policy to the Municipal Planning Strategy that would allow Council to consider future redesignation and rezoning applications for lands within the Rural Agricultural Potential (RU-2) Zone where a property owner demonstrates that the lands can be partially or fully serviced by municipal water and/or sewer services. The policy is intended to provide flexibility for future growth opportunities in areas where municipal servicing currently exists or may reasonably be expanded in the future.

**Work plan**

If Council passes First Reading and the motion outlined below, Planning Staff will proceed with the work plan identified below to finalize the land use planning documents and conclude the project, subject to Council’s direction.

Timing	Deliverable
June 9	First Reading
June 16	Information Session in-person
June 18	Virtual Information Session
June 24 (Tentative)	Public Hearing and Second Reading
June 30 (Tentative)	Documents sent to Province
July-August (Tentative)	Provincial review period

**Alternatives**

Municipal council may choose not to conduct first reading and direct staff to conduct further revisions to the proposed Municipal planning strategy and Land Use by Law.

**Conclusion**

The proposed third draft of the Municipal Planning Strategy and Land Use By-law reflects Council direction, public feedback, and revisions identified through the review process. If Council approves First Reading, Planning Staff will move forward with the remaining steps in the adoption process.

Report Preparation	
Department	Planning and Development Services
Report Prepared by	Ella R. Gindi, Planner II
Report Approved by	Jeff Merrill, Director of Planning and Development Services

<b>Date Reviewed by C.A.O.</b>	
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**Appendix A: Municipal Planning Strategy**

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# Municipality of the District of Lunenburg

## Municipal Planning Strategy

DRAFT #3

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DRAFT #3

# LAND ACKNOWLEDGEMENT

We acknowledge that we live and work in Mi'kma'ki, the traditional and unceded territory of the Mi'kmaq People. This land is covered by the Peace and Friendship Treaties. We also recognize that planning in Canada has historically been used as a colonial tool, shaping land and communities in ways that disregarded Indigenous rights and knowledge. In carrying out our work, we commit to reflecting on this history and to practicing planning with humility, respect, and a dedication to more just and sustainable futures.



## Table of Contents

<b>PART A Introduction</b> .....	1
1 Introduction .....	2
2 History and Background.....	2
2.1 Geographic Context .....	2
2.2 Demographics.....	2
2.3 Settlement History.....	3
2.4 Planning History .....	5
3 Vision .....	6
3.1 Vision .....	6
4 Plan Origin and Development.....	6
4.1 Initial Public Engagement .....	<b>Error! Bookmark not defined.</b>
4.2 Draft Plan Engagement.....	<b>Error! Bookmark not defined.</b>
5 How to Use This Plan .....	7
6 Statements of Provincial Interest .....	8
<b>PART B Topic-Specific Policies</b> .....	11
7. Environment and Climate Change.....	12
7.1 Introduction .....	12
7.2 Inland Watercourse Protection and Stormwater Management .....	13
7.3 Coastal Protection (ALREADY IN EFFECT) .....	15
7.4 Coastal Flooding (ALREADY IN EFFECT) .....	16
7.6 Coastal Flooding Area Policies (ALREADY IN EFFECT).....	17
7.7 Coastal Erosion (ALREADY IN EFFECT) .....	18
7.8 Coastal Erosion Risk Area (ALREADY IN EFFECT) .....	19
7.9 Vegetative Buffer Area Policies (ALREADY IN EFFECT) .....	20
7.10 Sensitive Coastal Ecosystems (ALREADY IN EFFECT).....	21
7.11 Coastal Wetland Protection Policies (ALREADY IN EFFECT).....	22
7.12 Inland Wetlands.....	23
7.13 Conservation.....	25

7.14	Drought .....	26
7.15	Wildfires.....	27
7.16	Inland Flood Risk .....	28
8	Housing .....	30
8.1	Introduction .....	30
8.2	Overview of Housing in MODL .....	30
8.3	Housing Options .....	33
8.4	Supportive Housing.....	33
8.5	Accessory Dwellings .....	34
9	Infrastructure.....	35
9.1	Introduction .....	35
9.2	Water and Wastewater .....	35
9.3	Renewable Energy .....	39
9.4	Public Services .....	42
10	Agriculture.....	45
10.1	Introduction .....	45
10.2	Land Uses and Agriculture .....	46
10.3	Agriculture and the Economy.....	48
10.4	Agriculture and the Environment .....	48
10.5	Food Security and Food Sovereignty .....	49
11	Natural Resources.....	51
11.1	Introduction .....	51
12	Transportation.....	53
12.1	Public and Private Roads .....	53
12.2	Active Transportation.....	55
12.3	Public Transportation.....	56
12.4	Parking.....	57
13	Parks and Public Spaces .....	58
13.1	Introduction .....	58

13.2	Open Spaces and Community Gathering Spots .....	59
13.3	Parks and Open Space Dedication.....	60
13.4	Open Space and Park Design .....	63
13.5	Public Waterfront Access .....	64
14	Heritage and Culture.....	66
14.1	Introduction .....	66
14.2	Register Maintenance and Preservation Standards .....	67
14.3	Enhancing Heritage Preservation .....	68
14.4	Collaboration and Awareness .....	69
14.5	Cemetery Regulation and Preservation .....	71
15	Economic Development.....	72
15.1	Introduction .....	72
15.2	Home-based Businesses.....	73
15.3	Industrial and Commercial Uses.....	74
15.4	Tourist Accommodations.....	75
15.5	Short-term Rentals .....	76
15.6	Recreational Vehicles .....	77
<b>PART C</b>	<b>Land Use Designations.....</b>	<b>79</b>
16.	Land Use Designations .....	80
16.1	Introduction .....	80
16.2	Growth Centres.....	80
16.3	Rural Areas .....	82
16.4	Environmental.....	90
16.5	Watershed .....	91
16.6	Zones Throughout the Plan Area .....	96
<b>PART D</b>	<b>Secondary Planning Strategies .....</b>	<b>98</b>
17	Secondary Plans .....	99
17.1	Background .....	99
17.2	Village of Hebbville Municipal Planning Strategy .....	99

17.3	Oakland Municipal Planning Strategy .....	100
17.4	Riverport and District Municipal Planning Strategy .....	100
17.5	Princes Inlet and Area Municipal Planning Strategy .....	101
17.6	Blockhouse Municipal Planning Strategy .....	101
17.7	Osprey Village Municipal Planning Strategy .....	102
17.8	Hemford Forest Municipal Planning Strategy.....	103
<b>PART E</b>	<b>Implementation</b> .....	<b>104</b>
18	Implementation.....	105
18.1	Inter-Municipal Cooperation .....	105
18.2	Land Use By-law and Subdivision By-law.....	105
18.3	Site Plan Approval.....	107
18.4	Development Agreements.....	107
18.5	Content of a Development Agreement .....	108
18.6	Amending the Land Use By-law & Adopting Development Agreements.....	110
18.7	Specific Evaluation Criteria of a Development Agreement .....	111
18.8	New Public Roads Criteria .....	112
18.9	Variances .....	113
18.10	Cluster Developments.....	113
18.11	Cluster Developments by Development Agreement .....	114
18.12	Non-Conforming Allowances for Cluster Developments.....	115
18.13	Notification .....	115
18.14	Monitoring, Reviewing, and Updating this Plan.....	116
<b>Schedules</b>	.....	<b>118</b>
Schedule 'A'	Future Land Use Map.....	118
Schedule 'B'	Village of Hebbville Secondary Planning Strategy and Land Use By-law.....	118
Schedule 'C'	Oakland Secondary Planning Strategy and Land Use By-law...	118
Schedule 'D'	Riverport and District Secondary Planning Strategy and Land Use By-law.....	118

Schedule 'E'	Princes Inlet and Area Secondary Planning Strategy and Land Use By-law .....	118
Schedule 'G'	Osprey Village Secondary Planning Strategy and Land Use By-law.....	118
Schedule 'H'	Hemford Forest Secondary Planning Strategy and Land Use By-law.....	118

DRAFT #3

# PART A

## Introduction

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## **1 Introduction**

This document (the Plan) is the culmination of more than five years of effort to produce the Municipality of the District of Lunenburg's (MODL) first comprehensive Municipal Planning Strategy. Planning is ultimately both a process and an outcome, and this document outlines the methods and intentions behind the policies and projects outlined within it, as well as high-level policies which are intended to guide MODL as it grows and evolves over the coming decades. This plan provides the direction needed to implement policies through the associated Land Use By-law and Subdivision By-law – documents which regulate development throughout MODL.

## **2 History and Background**

### **2.1 Geographic Context**

MODL spans approximately 1,759 square kilometres, making it one of Nova Scotia's largest rural municipalities. It includes a mix of coastal and inland landscapes, encompassing numerous small communities, forests, lakes, and agricultural areas. The Towns of Bridgewater, Mahone Bay, and Lunenburg are situated within MODL's boundaries but exist as separate municipal units. However, they do share some resources such as drinking water from regional watersheds in addition to collaborating on emergency management through the Regional Emergency Management Organization (REMO).

Bordered by the Atlantic Ocean, MODL features picturesque coves, sandy beaches, and vibrant communities with maritime history. Many of these communities are close to scenic trails such as Hirtle's Beach and the Gaff Point hiking trails, and Provincial Parks such as Risser's Beach. Inland, MODL contains over 135 lakes, including notable ones like Fancy Lake, Sherbrooke Lake, and Big Mushamush Lake. The combination of the area's many natural features and cultural heritage makes the Municipality a significant and captivating area on Nova Scotia's South Shore.

### **2.2 Demographics**

While MODL is a rural municipality, its population grew by 6% from 24,863 in 2016 to 26,805 in 2024. MODL has an aging population, with the most

significant increases seen in residents aged 65–84 (21%) and 85+ (10%) between 2016 and 2024.

While migration data is not available at the municipal level, the Lunenburg Census Division recorded a two-decade high in net migration in 2021/2022, with 1,147 newcomers since 2016. MODL's population density in 2021 was 14.5 people per square kilometre, slightly below the provincial average of 17.4. The distribution of MODL's population density is differentiated largely between communities north or south of Highway 103, also known as the Fisherman's Memorial Highway. Driven by historic coastal development and proximity to nearby towns, communities that run along or are south of the 103 tend to be denser, with some serviced communities like Cookville and Hebbville linked to Bridgewater's utilities. Except for New Germany, communities north of the 103 tend to have less densely populated settlement patterns, with resource industries like forestry and agriculture being more prevalent land uses, as well as lakeshore cottages and homes that host seasonal and permanent residents.

A recent study conducted in 2025 established population and household projections for the region of Lunenburg County, including Chester, Mahone Bay, Lunenburg, Bridgewater, and MODL. In the absence of MODL-specific projections, it can be assumed that MODL's population growth will align with that of the broader region.

By 2034, the population of Lunenburg County is projected to reach between 51,485 to 56,000, representing a change ranging between -1% to 7% over the decade. By 2044, the range may widen to 50,530 to 59,150, or a -3% to 13% change from 2024. Under a moderate scenario, the population may grow 4% by 2034 (to 54,140) and 4% by 2044 (to 54,450).

By 2034, total households in Lunenburg County are projected to reach between 24,830 and 26,650, representing growth of 3% to 10% over the decade. By 2044, the range may widen to 25,080 to 29,050, or 4% to 20% growth since 2024.

## **2.3 Settlement History**

Since the late Pleistocene period, the area now known as the Municipality of the District of Lunenburg became part of Mi'kma'ki, the ancestral and unceded territory of the Mi'kmaq people. Specifically, MODL is located in

Kespukwitk (1) and Sipene’katik (2), in which the two sovereign districts of Mi’kma’ki were divided by Pijinuiskaq (3). Because of the unsuitability of agricultural activity in the area, hunting and fishing were the predominant way of living for the Mi’kmaq in the district. Most of the communities lived in villages close to the sea, as they were the main source of food, trade, and transport.

The Mi’kmaq people that originally resided within what is now known as MODL are survived by the Wasoqopa’q First Nation, whose unique geographical composition spreads through the Southwestern regions of Nova Scotia, spanning five counties from Yarmouth to Halifax and encompasses six reserves in Yarmouth, Ponthook, Medway, Wildcat, Gold River, and Hammonds Plains, with separate land holdings in Gardner's Mill and Shelburne.

- (1) This means “land’s end”, present-day western Nova Scotia.
- (2) This means “wild potato area”, present-day Halifax, Hants and Colchester Counties.
- (3) This means “having long branches”, present-day LaHave River.

European settlers began to appear in the early 16th century in Mi’kma’ki for cod fishing, which expanded to fur trading with the Mi’kmaq in the following decades.

Following the Scottish occupation of Port-Royal, LaHave served as the capital of Acadia from 1632 to 1636, housing 300 residents and centered around Fort Sainte-Marie-de-Grace. In the late 17th century, British forces began engaging in frequent conflicts with the Mi’kmaq and Acadians which intensified after Halifax was established in 1749 by Edward Cornwallis. Following the Expulsion of the Acadians in 1755, Mi’kmaw and Acadian militias responded by launching raids on British fortifications. The militias halted settlement expansion for a time, however despite the resistance, the British ultimately defeated the French and signed Peace and Friendship Treaties with the Mi’kmaq, including one with the LaHave Mi’kmaq Tribe in 1760.

The County of Lunenburg was established in 1759, originally encompassing the entire South Shore region. In 1761, the County was reorganized when Queens County was separated, leaving Lunenburg County with three

townships: Lunenburg, New Dublin, and Chester. By the early 19th century, the County experienced significant growth and development, marked by the construction of key infrastructure such as the LaHave River bridge in 1825 and a railway connecting Middleton to Bridgewater in 1889. By 1827, the population had reached 7,313, supported by a range of industries including gold mining, shipbuilding, trading, rum running, lumbering, and farming. In 1863, Lunenburg County was divided into two districts, Lunenburg and Chester, for court sessional purposes. These districts became municipalities in 1879 under the County Incorporation Act, which abolished the previous township system.

## **2.4 Planning History**

In 1971, Michelin opened a tire factory in Bridgewater. The population growth in MODL from employment triggered an attempt to write a Municipal Planning Strategy for the entire Municipality in the mid-1970s but was rejected due to the resistance toward development control. However, some residents were concerned as major industrial development was happening close to traditional settlements, and without land use by-laws, there was no process to ensure compatible land uses. Concerned residents petitioned MODL to implement planning regulations in their communities starting in the late-1980s. In some cases, the Municipal Council imposed planning regulations on the land owned by MODL. These plan areas include the Village of Hebbville (1991), Oakland (1992), Riverport and District (1994), Princes Inlet and Area (1996), Blockhouse (1997), Osprey Village (2007), and Hemford Forest (2021). The first Municipal Planning Strategy was written in 1993 to provide a framework for secondary planning strategies in each of these communities. The planning strategy also included policies relating to the Subdivision By-law (adopted in 1975). The planning documents, however, did not address municipal-wide planning.

In 2019, the Province of Nova Scotia amended the Municipal Government Act to establish minimum planning requirements, promoting consistency, sustainability, and comprehensive land use planning across all municipalities while addressing key provincial priorities such as housing, economic development, and environmental protection. In response to these emerging intergovernmental planning principles and the increasing demand for

development and housing, MODL adopted its first Municipal-wide Planning Strategy in 2026.

### **3 Vision**

Council created draft mission, vision, and values statements over two workshops held in the spring of 2021. During that summer, a public engagement campaign was held to gather feedback prior to results presented to Council. The final vision statement was adopted by Council on October 26, 2021, and provided a framework for the creation of policies and projects that are included within this Plan.

#### **3.1 Vision**

The breathtaking, natural beauty of the Municipality is home to thriving communities with unique cultural identities. Growth centres support our diversified economies, driven by our residents' passion for the place they call home.

With our strong economy, we can live, work, and raise families here. We are a destination for visitors, attracted to our vibrant parks, beaches and hiking trails. As leaders in sustainability, we passionately protect our natural environment.

### **4 Plan Origin and Development**

MODL's Municipal Planning Strategy and Land Use By-law were created through the Municipal-Wide Land Use Planning project (originally called "MODL 2040") that sought to establish a long-term vision for MODL's communities that enshrines community values, reduces land use conflicts, and pursues strategic opportunities for community growth and improvement. Through Bill 58, the Province of Nova Scotia mandated that all municipalities in Nova Scotia establish municipal-wide zoning with regulations in line with the statements of provincial interest.

Previously, MODL had been largely without zoning, with the exception of seven local planning areas which still exist. The Municipal-Wide Land Use Planning project involved significant background research, public consultation, and policy and regulatory development.

## 5 How to Use This Plan

This Municipal Planning Strategy, or “Plan”, of MODL outlines the policies that will direct growth and guide MODL during the planning period through to 2040. The policies contained within this Plan are implemented through the Land Use By-law and the Subdivision By-law, which are accompanying documents that include requirements and regulations for development and land uses.

This Plan is divided into five parts (A-E), which are further divided into several sections. Each part includes a brief overview to set the context of the topic and outlines the approach for MODL related to each topic through the policy objectives and policy statements that follow.

**Part A: Introduction** sets the context of the Plan, provides a historical background and demographic profile, identifies the purpose, objectives, and general vision of the plan, describes how the Plan was developed, and explains the role of the Plan in relation to other policies and by-laws.

**Part B: Topic-Specific Policies** establishes the Plan’s goals for MODL as a whole. This section has nine parts: Environment and Climate Change, Housing, Infrastructure, Agriculture, Natural Resources, Transportation, Parks and Public Spaces, Heritage and Culture, and Economic Development. Each part includes an introduction explaining the topic context, policy objectives, and policy statements. Some policies provide direction for Council, while others enable the regulations of the Land Use By-law or Subdivision By-law.

**Part C: Land Use Designations** outlines the land use designations of this Plan and the zones of the Land Use By-law, as well as provides context and policy statements for each designation and zone.

**Part D: Secondary Planning Strategies** provides context for the Secondary Planning Areas within MODL and contains policies that relate to the Secondary Planning Strategies.

**Part E: Implementation** includes the policies related to the adoption and administration of the Plan, policies that relate to different types of agreements such as development agreements and site plan approvals, as well as frameworks for monitoring, reviewing, and amending the Plan.

**Schedules** includes the Generalized Future Land Use Map and Secondary Planning Strategies.

## **6 Statements of Provincial Interest**

Planning in Nova Scotia is enabled and guided by Part VIII and Part IX of the Municipal Government Act. The act contains a list of criteria required for responsible planning. It also includes five Statements of Provincial Interest that apply to all planning documents in the province. Municipal planning documents must align with these Statements of Provincial Interest as they are related to issues that impact all Nova Scotians.

The table below provides an overview of each of the Statements of Provincial Interest and describes how this Municipal Planning Strategy and the accompanying Land Use By-law address each statement.

<b>Statement of Provincial Interest</b>	
<p><b>Statement 1: Drinking Water</b></p> <p>Goal: To protect the quality of drinking water within municipal water supply watersheds.</p>	<p>MODL contains three primary watershed drinking water supply areas. These areas are protected from development and land use activities that may contaminate drinking water supplies through the Protected Watershed One (PW-1) and Protected Watershed Two (PW-2) Zones, and a Protected Watershed (PW-3) Overlay under the Protected Watershed Designation of this Plan.</p> <p>Applicable MPS Policies:                      ENV-44, ENV-45, ENV-46, NAT-2, LUD-29, LUD-30, LUD-31, LUD-32, LUD-33, LUD-34, LUD-35, LUD-36, LUD-37, LUD-38, LUD-39, LUD-40, LUD-41, LUD-42, LUD-43, LUD-44, LUD-45, LUD-46</p>
<p><b>Statement 2: Flood Risk Areas</b></p>	<p>The Statement of Provincial Interest regarding Flood Risk Areas applies to areas identified under the Canada-Nova Scotia Flood Damage Program and other</p>

<p>Goal: To protect public safety and property and to reduce the requirement for flood control works and flood damage restoration in floodplains.</p>	<p>locally-known floodplains. MODL has not yet identified any of these floodplains in inland areas; however, Council still recognizes the presence of flood risk within MODL. Therefore, this Plan addresses flood risk through watercourse setbacks and vegetated buffer requirements along all watercourses and waterbodies throughout MODL as well as coastal flooding regulations. Council is also working towards identifying inland flood risk areas through the Municipal Flood Line Mapping Project. Once this work is completed, this Plan will be amended to reflect the findings and introduce appropriate policies regarding flood risk.</p> <p>Applicable MPS Policies: ENV-5, ENV-6, ENV-7, ENV-8, ENV-9, ENV-12, ENV-13, ENV-14, ENV-15, ENV-16, ENV-17, ENV-18</p>
<p><b>Statement 3: Agricultural Land</b></p> <p>Goal: To protect agricultural land for the development of a viable and sustainable agriculture and food industry.</p>	<p>The Statement of Provincial Interest regarding Agricultural Land specifically applies to lands with significant agricultural potential. MODL contains some Class 3 soils, that are valuable for agriculture. Council has identified and zoned lands that contain large parcels of Class 3 soils as the Rural Agricultural Potential (RU-2) Zone. This zone protects agricultural land by limiting subdivisions, prohibiting the creation of private roads, and flag lot developments. The Plan also protects existing livestock farms by requiring setbacks for new developments near large-scale livestock operations.</p> <p>Applicable MPS Policies: AGR-1, AGR-2, AGR-3, AGR-4, AGR-5, AGR-6, AGR-7, LUD-14, LUD-15, LUD-16, LUD-17, LUD-18, LUD-19, LUD-20</p>
<p><b>Statement 4: Infrastructure</b></p>	<p>MODL is serviced by on-site well and septic systems, with some communities providing centralized services.</p>

<p>Goal: To make efficient use of municipal water supply and municipal wastewater disposal systems.</p>	<p>As future capacity of these services is limited, the Plan encourages the efficient use of existing services and focuses higher density development where these services exist. As the area around Cookville is the only part of MODL with both municipal water and wastewater, this Plan has zoned these lands as the Mixed Use Serviced (MS) Zone under the Growth Centre Designation. This Zone prioritizes high density development and requires new development to connect to central services.</p> <p>Applicable MPS Policies: INF-1, INF-2, INF-3, INF-4, LUD-1, LUD-2, LUD-4, LUD-5, LUD-6, LUD-7</p>
<p><b>Statement 5: Housing</b></p> <p>Goal: To provide housing opportunities to meet the needs of all Nova Scotians.</p>	<p>Housing is a fundamental need for all residents of MODL and beyond. While most of the housing stock in MODL is single-unit detached dwellings, local housing needs are not being met as MODL is experiencing a housing shortage similar to other places in the province and in Canada. This Plan supports increasing housing supply by encouraging housing diversity and permitting a range of housing types and densities throughout many of its zones. Through this Plan, Council is also committed to supporting affordable housing initiatives and supportive housing types to help meet the needs of all residents.</p> <p>Applicable MPS Policies: HOU-1, HOU-2, HOU-3, HOU-4, HOU-5, HOU-6, HOU-7, HOU-8, HOU-9, HOU-10, HOU-11</p>

# PART B

## Topic-Specific Policies

DRAFT #3

## **7. Environment and Climate Change**

### **7.1 Introduction**

The Municipality of the District of Lunenburg (MODL) is home to a diverse range of scenic natural landscapes that attract both residents and visitors. These areas are not only visually stunning but also provide critical habitats for species unique to a few select places in Nova Scotia such as the Piping Plover and the Atlantic Whitefish, a fish which exists only in the Petite Rivière watershed. The growing desire to live near these scenic areas, along with access to parks and recreational spaces, presents an opportunity to enhance these sensitive habitats through thoughtful environmental stewardship and responsible management.

As we face the realities of a changing climate, rising sea levels, more intense storms, erosion, droughts, wildfires, and flooding, mitigating infrastructure damage and ensuring public safety have become pressing concerns. As a response, in 2019, MODL declared a climate emergency and developed the Local Climate Change Action Plan (LCCAP2030) as part of its commitment to act on climate change. In addition, many of MODL's natural features, such as wetlands, sand dunes, old-growth forests, and riparian habitats offer protection from these impacts through what are known as ecosystem services. These services, including water sequestration, carbon storage, and erosion protection, are essential for both environmental health and community resilience.

Council recognizes that protecting the natural environment is foundational to effective climate resilience, promoting public health and safety, preserving cultural identity, and shaping long-term sustainable development. This framework aims to ensure responsible stewardship of natural resources and foster a resilient and thriving community for future generations.

#### **Policy Objectives**

- (a)** To ensure environmental protection from development that could risk the degradation of biodiversity and sensitive habitats.

- (b) To promote sustainable development that meets present needs without compromising the ability of future generations to enjoy and benefit from the natural environment.
- (c) To increase education and awareness of environmental protection both for the ecological benefits it provides for the public, as well as its inherent value.
- (d) To build resilience against environmental challenges such as natural hazards and extreme weather events.

## **7.2 Inland Watercourse Protection and Stormwater Management**

MODL's communities possess a unique and cherished character, shaped by their natural landscapes. MODL has an abundance of inland watercourses including many lakes, rivers, and wetlands. In MODL, lakes and rivers span 14,841 hectares, while wetlands cover 10,080 hectares, collectively accounting for 24,921 hectares. This is approximately 14% of MODL's total landmass.

The areas bordering watercourses are crucial habitats that support a diverse array of native plants and animals, some extremely rare. Watercourses also function as corridors for species to travel through to ensure connectivity between habitats and improve biodiversity. Inland watercourses act as natural filters that capture silt, erosion, and pollutants and are highly influenced by water draining from nearby areas, including developed areas with surfaces that cannot absorb runoff from rain events. Disturbing these sensitive areas can exacerbate the impacts of flooding and erosion, compromising the resilience of these ecosystems and the communities that rely on them.

Recognizing the vital role that watercourses play in shaping MODL's landscape, economy, and cultural identity, Council will prioritize protecting these habitats to ensure the long-term resilience and sustainability of inland waterfront communities in the face of increasing climate-related challenges.

Considering these issues, general policies regarding inland shoreline protection and stormwater management are as follows:

### **Policy ENV-1**

Council may build public awareness about inland shoreline protection regarding erosion and flooding, and the regulations intended to deal with them. Council may also promote natural-based solutions such as vegetative buffers and living shorelines.

### **Policy ENV-2**

Council may collaborate with governmental, non-governmental agencies, and community conservation groups to implement effective shoreline protection measures and awareness programs.

### **Policy ENV-3**

Council may develop stormwater management standards to establish requirements to manage the impacts of development on stormwater runoff within MODL.

### **Policy ENV-4**

Council may establish land use regulations for the purposes of environmental protection around undeveloped lakes in the future.

### **Policy ENV-5**

Through the Land Use By-law, Council will establish horizontal setbacks and vegetative buffers from watercourses, guided by scientific findings on nutrient, contaminant, and sediment attenuation.

- (a)** Through the Land Use By-law, Council will require a 20 metre (65 foot) horizontal watercourse setback to protect water quality by preventing runoff carrying sediment and contaminants.
- (b)** Through the Land Use By-law, Council will require a 15 metre (49 foot) vegetative buffer from watercourses to help mitigate erosion, runoff carrying sedimentation and contamination, and protection of sensitive habitats.
- (c)** Council will, through the Land Use By-law, provide flexibility from inland watercourse setback and vegetative buffer requirements for existing undersized lots. For new development or building relocation, buildings must be sited at

a minimum of 7 m from the ordinary high-water mark, while maintaining buffers to the greatest extent practicable.

#### **Policy ENV-6**

Despite Policy ENV-5, the Land Use By-law will include exemptions for non-habitable accessory and shoreline-related uses to allow a portion of the vegetative buffer to be cleared to provide water views, water access, and accessory use provisions.

#### **Policy ENV-7**

Through the Land Use By-law, Council will authorize limited expansions to existing structures which are located within an inland water setback, to extend beyond existing footprints, provided such expansions are made in alignment with the non-conforming clauses of the Land Use By-law.

#### **Policy ENV-8**

Council may implement tools and management strategies to ensure proper functioning of septic systems, aiming to maintain the water quality of significant watercourses.

### **7.3 Coastal Protection (ALREADY IN EFFECT)**

In response to the dynamic challenges posed by climate change and our coastal environment, Council has introduced a comprehensive set of coastal protection policies. In the face of sea-level rise, erosion, and the potential loss of critical ecosystems, these policies stand as a guide for responsible coastal development, fostering environmental sustainability, and safeguarding both our communities and the natural beauty of our coast.

These policies outline a framework addressing coastal flooding, erosion control, and the preservation of sensitive coastal ecosystems. At its core, they are a commitment to striking a harmonious balance between development and the natural environment. By guiding responsible land use and incorporating climate change resilience, these policies are in place to safeguard human developments from the coast and, equally crucial, to protect the coast from the adverse impacts of human development. These policies signify Council's commitment to the well-being of our communities

and the preservation of the unique ecological diversity inherent to our coastal region.

Considering these issues, the following general policies regarding coastal protection are as follows:

**Policy ENV-9**

Council will build public awareness about coastal flooding, erosion issues, the protection of coastal ecosystems, and the regulations intended to deal with them. Council will also promote utilizing natural-based solutions such as vegetative buffers and living shorelines.

**Policy ENV-10**

Council will conduct periodic reviews of the coastal protection regulations outlined in the Land Use By-law every five years, with a commitment to updating them in alignment with the most current information on erosion and climate change models and projections.

**Policy ENV-11**

The Land Use By-law will include boundaries of areas requiring development permits and where specific coastal protection regulations apply.

**7.4 Coastal Flooding (ALREADY IN EFFECT)**

MODL is facing sea level rise, erosion, and the loss of sensitive ecosystems along its coastline. If measures to combat the effects of climate change are not put in place, local sea levels are projected to rise by 1.57 metres (5 feet) by the year 2100. When combined with a significant storm surge and Higher High Water Large Tides, areas with elevations of up to 3.97 metres (13 feet) could be periodically inundated with sea water. New development along the coast must consider the risks associated with climate change, and existing structures below the Higher High Water Large Tide must be prepared to either adapt or retreat from the coast over time.

Of particular concern in MODL are dense coastal communities, where a substantial amount of existing development lies within areas known to be at risk of the effects of sea level rise and climate change. Implementing policies and strategies to regulate development along the coast is vital to ensure the

resilience and sustainability of MODL’s coastal communities. These policies outline key actions that will help manage the risks imposed by rising sea levels and protect current and future development in the face of climate change uncertainties.

**Policy Objectives:**

- (a) To reduce the risk and impact of coastal flooding on communities.
- (b) To effectively manage land use and development along the coast.
- (c) To safeguard public health, safety, and welfare by minimizing exposure to coastal inundation and storm surge risks.
- (d) To promote sustainable land use practices that consider the long-term resilience of the community in the face of rising sea levels and increased storm events.
- (e) To balance economic and environmental sustainability.

**7.6 Coastal Flooding Area Policies (ALREADY IN EFFECT)**

The Flood Risk Area delineates areas along the coastline which are most at risk of coastal flooding due to tide levels, sea level rise and storm surges. It shows areas that may be either permanently or temporarily inundated by water by the year 2100. Policies that apply to these areas are designed to help safeguard residents and developments from the risks posed by coastal flooding. The following policies apply to this area:

**Policy ENV-12**

The Land Use By-law will include a Coastal Flood Risk Area to protect development from flooding in areas that are projected to be vulnerable to flooding by 2100.

**Policy ENV-13**

Council, through the Municipal-Wide Land Use By-law, will prohibit the construction of habitable floor space below an elevation of 3.97 metres (13 feet) with reference to the Canadian Geodetic Vertical Datum of 2013.

#### **Policy ENV-14**

Council recognizes the critical importance of safeguarding vulnerable communities and will protect them from the threats of flooding and potential emergency evacuations by prohibiting institutional uses within the Coastal Flood Risk Area, regardless of elevation.

#### **Policy ENV-15**

Within the Land Use By-law, Council will grant exemptions for non-habitable accessory structures and marine related uses.

#### **Policy ENV-16**

Despite Policy ENV-13, Council will, through the Land Use By-law, authorize non-conforming structures to undergo renovations, rebuilding, or relocation.

#### **Policy ENV-17**

Despite Policy ENV-13, Council may, through the Land Use By-law, authorize limited additions to non-conforming structures that do not meet the elevation requirements.

#### **Policy ENV-18**

Council, through the Land Use By-law, may grant property owners the authority to relocate existing developments, so long as the relocation does not reduce the elevation requirement, by relaxing development standards, including property lines setbacks.

### **7.7 Coastal Erosion (ALREADY IN EFFECT)**

Coastal shoreline erosion is an inherent and continuous process, that can pose adverse impacts on shoreline developments. The extent of erosion within MODL varies along the coastline due to distinct surficial geological conditions and differing exposure levels to wind, waves, runoff, and storm events. Erosion rates range from as high as 0.7 metres (2 feet) per year in some areas to a much slower pace in others. Consequently, certain erosion control methods, like seawalls, can contribute to adverse environmental effects, disrupting natural coastal processes, reducing marine life habitat, and exacerbating erosion in neighbouring areas.

Recognizing these challenges, Council acknowledges the wealth of academic research supporting natural-based solutions for erosion mitigation. These solutions include initiatives such as coastal salt marsh restoration and the creation of ‘living shorelines.’ These strategies employ grading techniques and meticulous vegetation selection to provide adequate stabilization.

Council will implement land use controls governing shoreline development in response to erosion risk concerns. These regulations involve the establishment of a Coastal Erosion Risk Area and Vegetative Buffers. These measures aim to safeguard development and human life from potential erosion threats while preserving the natural environment from harmful human development.

**Policy Objectives:**

- (a) To safeguard human health, safety, and welfare by minimizing the risks to public safety associated with coastal erosion.
- (b) To effectively manage development along the coast.
- (c) To preserve and protect coastal ecosystems by implementing measures to mitigate the impact of human development.
- (d) To increase public awareness on the options that exist for reducing erosion on their property.
- (e) To increase public awareness and understanding of the benefits of soft barriers such as living shorelines.

**7.8 Coastal Erosion Risk Area (ALREADY IN EFFECT)**

The Coastal Erosion Risk Area represents an area within 30 horizontal metres (98 feet) from the coast. This area is designed to safeguard properties within the structure’s lifetime from risks associated with erosion and preserve coastal ecosystems. It is designed as an overlay approach where some areas experience higher or lower erosion rates. The following policies apply to this area:

**Policy ENV-19**

Council, through the Land Use By-law, will establish a Coastal Erosion Risk Area and prohibit development within a 30 metre (98 foot) horizontal setback area along the coastal shoreline.

### **Policy ENV-20**

Despite Policy ENV-19, the Land Use By-law will include exemptions for marine-related non-habitable accessory and marine related uses.

### **Policy ENV-21**

Through the Municipal-Wide Land Use By-law, Council will establish a structured process that allows property owners seeking to build within the Coastal Erosion Risk Area, the ability to submit a site-specific erosion study conducted by a qualified professional. The study must demonstrate that building within the Erosion Risk Area does not pose any hazards to the proposed development.

### **Policy ENV-22**

Under the provisions outlined in the Land Use By-law, Council will authorize property owners with existing structures to undertake expansions that extend beyond their current footprints, provided such expansions are situated away from the Coastal Erosion Risk Area.

- (a)** Despite Policy ENV-19, additions to existing structures within the Erosion Risk Area that consist of habitable space, and which are proposed to be closer to the coastal shoreline will require a study done by a qualified professional in line with the requirements outlined in Policy ENV-21.

### **Policy ENV-23**

The Land Use By-law will include regulations allowing flexibility in certain lot requirements for property owners to relocate existing structures away from eroding banks on undersized lots and improve compliance with buffer requirements when moving existing buildings.

## **7.9 Vegetative Buffer Area Policies (ALREADY IN EFFECT)**

The vegetative buffer represents a strip of land situated between the edge of the coastline and areas further inland that is intended to serve as a naturalized buffer that protects the natural functions of the coast and shoreline from potential impacts of development. This area is important because it helps prevent erosion along the coast, filters run-off and provides key habitat for wildlife. The following policies apply to this area:

**Policy ENV-24**

Through the Land Use By-law, Council will require a 15 metre (49 foot) vegetative buffer to help mitigate erosion, reduce flood risk, and safeguard sensitive coastal ecosystems.

**Policy ENV-25**

Despite Policy ENV-24, the Land Use By-law will allow a portion of the vegetative buffer to be cleared to provide water views, water access and accessory use provisions.

**Policy ENV-26**

Despite Policy ENV- 24, the Land Use By-law will specify certain marine-related uses that require direct access to the coastline, and which are exempt from the buffer requirements.

**7.10 Sensitive Coastal Ecosystems (ALREADY IN EFFECT)**

Sensitive Coastal Ecosystems form an interdependent and intricate system, including salt marshes, dunes, and beaches. Their sensitivity to development pressure is notable, as they collectively contribute to a multifaceted ecosystem. These environments provide essential functions such as coastal protection and serve as habitats for diverse plant and animal species. However, human actions like development can disrupt wetland habitats and hinder their crucial ecological roles.

**Policy Objectives:**

- (a) To protect existing coastal ecosystems such as wetlands, dunes, and beaches from disruption caused by development.
- (b) To encourage the maintenance of vegetation along the coast to help prevent erosion and avoid disrupting coastal ecosystems.
- (c) To increase public awareness around the importance of coastal ecosystems to biodiversity and our natural landscape, and ways to protect them. As it relates to the protection of beaches and dunes, the following general policy applies:

**Policy ENV-27**

Council recognizes the invaluable role that ecosystems, including beaches and dunes, play in ensuring the health and well-being of our coastline. The regulations addressing flooding and erosion mitigation are recognized as helping to safeguard these sensitive coastal environments by directing development away from the coast.

**7.11 Coastal Wetland Protection Policies (ALREADY IN EFFECT)**

The Sensitive Coastal Ecosystems policies that pertain to coastal wetlands have been primarily identified by the province. These policies aim to protect and conserve these areas from the negative impacts of development through prohibiting development within the wetlands and extending the prohibition to areas surrounding the wetlands by employing a vegetative buffer. The vegetative buffer is intended to help with filtration of contaminants and provide crucial habitat for wildlife and aquatic life. The following policies apply to this area:

**Policy ENV-28**

Through the Land Use By-law, coastal wetlands will be recognized in Schedule B (the Environmental Features Map) which is based on the provincial Wetlands, Vegetation, and Classification Inventory Map.

**Policy ENV-29**

Under the provisions outlined in the Municipal-Wide Land Use By-law, Council will establish a 30 metre (98 foot) horizontal development setback and vegetative buffer around identified coastal wetlands as identified on Schedule B of the Land Use By-Law.

**Policy ENV-30**

Council acknowledges there are potential inaccuracies in the provincial mapping which guides the development setback requirements. Property owners may request revisions to Schedule B of the Land Use By-Law by submitting a study conducted by a qualified professional, with the purpose of either incorporating or excluding specific wetland areas from the map.

- (a) MODL may require confirmation from the Department of Environment and Climate Change prior to accepting changes to wetland protection boundaries shown on Schedule B of the Land Use By-Law.

#### **Policy ENV-31**

At its sole discretion, Council may modify Schedule B of the Land Use By-Law by including additional wetlands that have been properly documented by qualified professionals. This may be achieved through accepting documentation provided or collaborating with environmental organizations to obtain wetland delineation documentation.

#### **Policy ENV-32**

Council will foster collaboration and partnerships with environmental groups and organizations to aid in facilitating scientific knowledge pertaining to coastal ecosystems and therefore promoting an understanding of coastal ecosystems and encouraging informed decisions for their conservation and effective management.

### **7.12 Inland Wetlands**

Wetlands are one of the most prominent natural assets that exist in MODL, with an estimated 4,000 sites within MODL. Maintaining wetlands is especially important when facing natural hazards like flooding and drought, as they can absorb and store excess water. They are also a natural mechanism for carbon sequestration and are increasingly recognized as a climate change mitigation tool.

Wetlands are among the most productive and diverse ecosystems on Earth. Conserving them can also be a more cost-effective solution than building water treatment systems, as wetlands naturally filter contaminants from water. At the same time, altering these valuable water features can lead to the loss of local populations of fish, wildlife, and plants that depend on them for habitat and food, as well as degrade water quality for human use. Council recognizes the many benefits wetlands uniquely provide, as well as their higher risk of alteration due to development pressures compared to other more scenic or recreationally accessible water features such as lakes and

beaches. Identification of wetlands within MODL is largely contingent on provincial data, mostly based on aerial photo analysis. This can limit accurate delineations of wetlands, especially forested wetlands, which are often overlooked in environmental protection efforts due to tree canopies covering their locations from satellite imagery. Wetland boundaries can also fluctuate greatly based on the time of year and precipitation levels. Considering these conditions, the policies regarding wetland protection are as follows:

**Policy ENV-33**

Council recognizes wetlands as significant and important habitats in MODL, and through the Land Use By-law, Council will establish a 20 metre (65 foot) horizontal development setback and vegetative buffer where wetlands have been identified.

**Policy ENV-34**

Council will, through the Land Use By-law, provide flexibility from inland wetland setback and vegetative buffer requirements for existing undersized lots. For new development or building relocation, buildings must be sited at a minimum of 7 m from the ordinary high-water mark, while maintaining buffers to the greatest extent practicable.

**Policy ENV-35**

Council acknowledges there are potential inaccuracies in the provincial mapping. Property owners may request revisions to mapped wetlands by submitting a study conducted by a qualified professional, with the purpose of either incorporating or excluding specific wetland areas from the map.

**Policy ENV-36**

MODL may require confirmation from the province prior to accepting changes to wetland protection boundaries.

**Policy ENV-37**

Council may enhance wetland mapping by including additional wetlands that have been properly documented by qualified professionals. This may be achieved through accepting

documentation provided or collaborating with environmental organizations to obtain wetland delineation documentation.

#### **Policy ENV-38**

In collaboration with environmental groups, Council will promote opportunities for education and research for residents and local organizations to identify wetlands and their functions, as well as learn restoration and enhancement methods for wetlands that may be in poor condition.

### **7.13 Conservation**

To safeguard MODL's sensitive ecosystems and promote long-term environmental sustainability, a comprehensive approach to conservation is essential. In addition to identifying and protecting ecologically valuable features through tools such as setbacks, environmental conservation can be strengthened by improving public understanding of these features and the incentives of taking part in their protection. While the Environmental Conservation Designation will help protect areas in MODL deemed suitable for very limited uses including research and recreation, Council also wishes to implement tools to encourage environmental stewardship practices that will empower residents and landowners to actively participate in conservation efforts beyond public lands. Education and awareness about land conservation also informs long-term sustainable land use management and allows for future generations to enjoy and benefit from the various natural features of MODL as well.

#### **Policy ENV-39**

Council will support mechanisms for private land protection such as conservation easements that private property owners can voluntarily enter with MODL in alignment with MODL's Land Conservation Policy, or with other conservation organizations.

#### **Policy ENV-40**

Council will support the efforts of land trusts and environmental groups to encourage the stewardship of sensitive ecosystems by private property owners through conservation easements as outlined in MODL's Land Conservation Policy.

**Policy ENV-41**

Council will support efforts to conduct mapping of ecologically sensitive areas such as wetlands, hazardous lands, drumlins, and public shorelines, to identify core areas that require protection.

**Policy ENV-42**

Council will require existing vegetative buffers to be maintained and encourage any new developments to incorporate green spaces or vegetative buffers where these sensitive areas have been identified.

**Policy ENV-43**

Council will support the efforts of, and collaborate with, land trusts and environmental groups to educate residents and visitors on proper stewardship practices when accessing lands identified as ecologically sensitive.

**7.14 Drought**

In alignment with the Statement of Provincial Interest Regarding Drinking Water, MODL prioritizes drinking water protection and drought management in its land use planning documents. Most of MODL's residents rely on wells for potable water, and an issue that has increased in recent years is the occurrence of dry wells. Dry wells occur for a variety of reasons but higher temperatures throughout the summer and fall are a major contributor. In 2022, a total of 72 residences in MODL reported dry wells, all of which were reported during the months of August and September. In 2025, participation in the Water Coupon Program increased significantly, with 505 residences applying for assistance. While the number of households experiencing dry wells exceeded this figure, only 505 households formally applied to the program. In addition, MODL provided a free water-filling station for residents from July through December to support households affected by water shortages. Drought conditions not only impact the wellbeing of MODL residents but also local industries and the natural environment. While MODL has emergency dry well supports in place such as a coupon program for residents, long-range planning of land use patterns and diversifying service provisions must also be considered to reduce the impact of drought on communities.

#### **Policy ENV-44**

Through the development review process, Council will review the adequacy of the water supply by requiring water quantity and quality studies in cases where the scale of development, location, or other factors requires it.

#### **Policy ENV-45**

Council recognizes that long-term water conservation efforts can make water supplies more resilient and cost-effective to operate during times of drought. Council may promote innovative alternatives for conserving water in addition to emergency dry well support.

#### **Policy ENV-46**

Council may support efforts to better understand the current groundwater resources that exist in MODL and may implement community-based solutions in areas where such resources are limited.

### **7.15 Wildfires**

Wildfire risk is an emerging and growing concern in Nova Scotia as climate change contributes to hotter, drier, and more variable weather conditions.

MODL may be particularly vulnerable due to the significant number of coniferous trees throughout MODL, which burn faster and more intensely than deciduous trees. There are approximately 111,018 hectares of coniferous trees and only 42,593 hectares of deciduous trees in MODL. Red spruce, black spruce, red maple, white pine, and balsam fir are the five most pervasive species. MODL's landscape is also characterized by drumlins, which may increase vulnerability since wildfires burn faster uphill.

More annual wildfires will require more frequent responses from MODL's volunteer fire departments, ultimately raising operational costs and putting pressure on community resources. MODL can help to lessen emergency response burnout for fire departments and overall risk to the community in several ways, such as considering wildfire in the planning process and educating residents on wildfire prevention.

**Policy ENV-47**

Council may conduct a wildfire risk study. This may include, but is not limited to, identifying the communities that are near fire-prone wildland, determining where improvements to access and exit routes are necessary, and addressing inequities related to local wildfire risk.

**Policy ENV-48**

Council may implement regulations based on the findings of a wildfire risk study which may include, but are not limited to, vegetation management, dry hydrant installation, and the consideration of wildfire risk in the planning processes such as development agreements and zoning amendments.

**Policy ENV-49**

Council may encourage the application of equity principles to all wildfire risk management efforts, such as supporting residents with mobility challenges or low-income in managing vegetation on their properties to reduce the ignition potential of buildings.

**Policy ENV-50**

Council may encourage and support efforts to enhance staff and public awareness of wildfire risk through training and educational events.

**7.16 Inland Flood Risk**

Flood risk mapping is vital for assessing potential hazards and planning effective flood management strategies to minimize damage and protect lives. It can inform the design and placement of critical infrastructure, such as roads, bridges, and utilities, ensuring that new construction is less likely to be affected by flooding. The mapping can also help identify natural features such as wetlands and floodplains, which play a role in flood mitigation. Protective regulations for these areas will be effective in preserving and maintaining their ecological benefits.

MODL is currently participating in the first stage of the federally-funded Municipal Flood Line Mapping project which seeks to identify inland portions of MODL that will be considered as known flood risk areas. When final

mapping and public engagement has been completed, this section of the plan will be amended to introduce policies that align with the Statement of Provincial Interest on flooding.

DRAFT #3

## **8 Housing**

### **8.1 Introduction**

Housing is one of the five Statements of Provincial Interest and has become increasingly significant to the residents of MODL amid ongoing affordable housing shortages, which have led to a rise in homelessness and other challenging living conditions.

While municipalities do not typically construct new housing directly, they play a key role by setting initiatives and establishing land use regulations that ultimately shape development. The zones and designations assembled in this Plan are intended to shape growth in a way that reflects these ever-changing community needs and values to ensure that everyone in MODL has access to suitable housing.

#### **Policy Objectives**

- (a)** To establish a better understanding of housing needs in MODL.
- (b)** To help meet the housing needs of MODL residents by supporting a diverse range of housing types and housing densities.
- (c)** To help ensure access to affordable and accessible housing for all income levels and various demographic groups.

### **8.2 Overview of Housing in MODL**

MODL is experiencing a housing shortage. According to a 2023 municipal housing needs assessment, there was a gap between housing demand and available supply of about 645 units in 2022 (including both market and non-market housing), potentially growing to a 1,195-unit gap by 2027. The study identified that, in 2021, 27% of renter households and 20% of lone parent households were living in housing that was unaffordable and did not meet their needs.

MODL's housing stock is primarily composed of single detached housing, which has not been able to meet the needs of all residents, including the growing number of seniors in search of rental options that are accessible, require less maintenance, or provide supportive services. A 2025 rental housing market study found that the rural areas of MODL have a low supply

of purpose-built rental units, and that there is low availability in the existing rental stock.

The rental market supply is generally concentrated along the HWY-103 corridor, along with pockets of smaller multi-unit properties along HWY-3, and immediately outside the boundaries of Lunenburg and Mahone Bay. New Germany also sees a relatively small concentration of older-stock primary market rental buildings.

To meet the evolving housing needs of residents, Council wants to promote a variety of housing typologies. Through land use planning, Council will encourage new residential development in MODL that supports a variety of lifestyles and includes a range of housing choices and household types.

#### **Policy HOU-1**

Through the Land Use By-law and the provision of central services, Council will facilitate the development of denser dwelling types that accommodate the needs of MODL's communities, including but not limited to housing for varied household sizes, renters, seniors, those with special housing needs, and those seeking affordable housing.

In 2026, Council finalized a Housing Strategy outlining specific actions to address the housing needs across MODL. The Strategy will be updated as new data becomes available, since effective housing action depends on up-to-date information such as vacancy rates and average rental costs. This data helps paint a clearer picture of what housing challenges MODL residents are facing. Moreover, actors within the housing sector rely on these statistics to apply for grants that can financially support affordable housing projects.

#### **Policy HOU-2**

Council will continue to collect housing market data to support efforts to address MODL's housing needs.

#### **Policy HOU-3**

Council will update the Affordable Housing Strategy as needed to reflect recent market data.

While taking new steps to accommodate MODL’s housing needs, there is also a need to consider all the tools available to municipal governments through the Municipal Government Act and other legislation. Examples of these tools include incentives and grants intended to support affordable and below-market housing projects, policies focused on surplus municipal land, inclusionary zoning, and other tools that facilitate housing affordability.

#### **Policy HOU-4**

Council may implement tools, initiatives, or incentives to encourage housing affordability including, but not limited to, density bonusing, pre-approved housing designs, grant programs, development navigation services, or tax incentive programs.

#### **Policy HOU-5**

Council may adopt a policy regarding the leveraging of surplus land for innovative housing developments such as affordable, special, or specific needs housing.

Homelessness is not solely an issue within urban centres but is a challenge across Nova Scotia. A count conducted by the South Shore Open Doors Association in the fall of 2024 found that 506 individuals aged 16 years or older were living in situations of homelessness across the Western region of the province at that time. In the Southshore, 46 individuals were provisionally accommodated, representing the most prominent type of homelessness in the region. This means that individuals may be staying temporarily with others (often called couch-surfing), living in transitional housing, or staying in institutions without long-term housing arrangements. It can be difficult to characterize the overall state of homelessness in MODL specifically, as precarious living conditions are harder to identify until residents access shelters and other supportive services in neighbouring centres such as the Town of Bridgewater. In recognition of the important safety net these organizations provide to MODL’s communities, Council wants to cooperate with other municipalities in matters related to addressing homelessness and undertake initiatives to combat the causes of homelessness where possible.

**Policy HOU-6**

Council will collaborate with other municipalities and organizations throughout Lunenburg County in efforts to address homelessness in the region.

**Policy HOU-7**

Council may undertake initiatives to combat the causes of homelessness.

**8.3 Housing Options**

Some housing options, such as backyard suites or homes that provide supportive care, require special consideration in how land use planning regulations are applied. Council recognizes the value of accommodating a variety of these housing options and wants to permit their use while ensuring they are safe and take precautions against certain impacts to the physical and human environment.

**Policy HOU-8**

Council will treat tiny houses as dwellings and permit them as of right in zones that permit residential uses.

**Policy HOU-9**

Council will allow recreational vehicles as of right in most zones that permit residential uses, subject to Policy ECD-15.

**8.4 Supportive Housing**

Supportive housing provides residents with varying levels of care and supervision. This may range from a small options home in which adults with disabilities share a collective living arrangement supplemented by visits from support workers, all the way up to residential care facilities offering 24/7 care. Council believes that all residents of MODL deserve housing arrangements that meet their needs in a location that is convenient to them.

**Policy HOU-10**

Council will permit supportive housing options through the Land Use By-law, such as residential care facilities and small option homes, in all

zones that permit residential uses to a similar scale to other residential uses permitted in those zones.

## **8.5 Accessory Dwellings**

Accessory dwellings, sometimes called secondary suites, encompass a wide range of dwellings that are located on a lot alongside another dwelling. Accessory dwellings are one approach to enabling housing diversity and affordability by making use of existing services and land with minimal impact on the character of existing neighbourhoods. To promote their use, Council wishes to regulate these structures like any other dwelling, allowing multiple accessory dwellings to be located on a single lot as of right.

### **Policy HOU-11**

Through the Land Use By-Law, Council will permit multiple dwellings, including accessory dwellings, per lot as of right in zones that permit residential uses.

## **9 Infrastructure**

### **9.1 Introduction**

Infrastructure, whether public or private, forms the basis of MODL’s communities by providing our drinking water, safely treating wastewater, powering our homes and businesses, and providing a variety of other necessary services. Central services also constitute one of the largest public costs for municipalities, meaning long-term planning is required to ensure the growth and quality of living that infrastructure enables is cost-effective and meets both current and future community needs.

#### **Policy Objectives**

- (a)** To prioritize the use of existing infrastructure by encouraging intensification of development where services are underutilized and discourage sprawling development in areas intended for residential growth.
- (b)** To provide infrastructure services in a way that is sustainable and environmentally friendly.
- (c)** To coordinate with other municipal units and levels of government on the provision of infrastructure services.

### **9.2 Water and Wastewater**

While most of MODL is serviced by on-site well and septic systems, some communities support more urban forms of development through centralized municipal water and sewer systems. Within and beyond the boundaries of existing serviced areas, there has been an increased interest in large housing developments in recent years. Council wants to foster this density while recognizing opportunities to direct growth toward established communities, encourage development patterns that minimize land use conflict, create spaces that are people-oriented, provide increased housing options, and reduce development pressure on rural environments and local groundwater supplies.

### **9.2.1 Central Servicing**

Centralized water and sewer treatment are critically important services that MODL provides. MODL itself provides wastewater infrastructure through systems in New Germany, Cookville, Conquerall Bank, and Hebbville. Cookville is the only area currently serviced by centralized water treatment infrastructure, which is operated by the Public Service Commission of Bridgewater.

Central services support sustainable, vibrant community development by enabling greater levels of density—but extending and maintaining new services is costly and takes time. In planning for the long-term sustainability and financial stability of MODL, Council wants to make the most out of existing infrastructure while also considering the feasibility of extending municipal infrastructure based on a given site and a proposed development.

#### **Policy INF-1**

Council will make the best use of existing municipal infrastructure to prioritize the functionality and financial stability of MODL's communities and meet the current and future needs of MODL's residents, businesses, and institutions.

#### **Policy INF-2**

Council will require that new developments connect to existing services where they are available or have the potential to be available.

#### **Policy INF-3**

Council will consider the overall viability of extending municipal sewer and water services, by considering factors including, but not limited to:

- (a)** the level of density of a proposed development;
- (b)** the overall fiscal responsibility of the proposed extension;
- (c)** the appropriateness and cost-effectiveness of alternative systems; and
- (d)** the supply of water for the purpose of firefighting.

Supporting denser forms of development by providing central servicing is an important step in addressing housing shortages and encouraging sustainable growth patterns. Given the increased amount of development connected to municipal services, Council wants to better understand the current and future capacity of MODL’s central servicing through a strategic plan that outlines where infrastructure and growth should be concentrated.

#### **Policy INF-4**

Council may conduct an Infrastructure Growth Strategy to understand servicing potential in MODL, establish boundaries that limit the sprawl of central services to peripheral areas, and identify future growth areas where future serviced growth should occur.

### **9.2.2 On-Site Well Systems**

Inadequate water quality or quantity can limit the development potential of un-serviced land and lead to competition between nearby properties for groundwater supply. In recent years, an increasing number of households have applied to the MODL dry well program either to receive water or upgrades to existing on-site wells that are unable to sufficiently draw water. With the continuation of climate change and the increasing scale of un-serviced development in MODL, further groundwater supply challenges are expected to occur. Council wants to verify that larger un-serviced development proposals have adequate access to groundwater without limiting the availability of groundwater for nearby properties.

#### **Policy INF-5**

Where groundwater availability is a known issue, and for un-serviced proposals with a moderate to large water intake, Council will require un-serviced development proposals to demonstrate, through a study, that there is adequate and safe groundwater on site to supply the proposed development without limiting the availability of groundwater for nearby developments.

There are many established, un-serviced communities in MODL that have historically seen more compact forms of development with

shorter setbacks compared to its surroundings. Council wants to enable the continuation of this development pattern while bearing in mind the constraints of groundwater availability. One way this balance can be considered is through a local groundwater study.

### **Policy INF-6**

Council may conduct local groundwater analyses where and when water availability becomes a routine concern. A study of this kind would examine the following:

- (a)** help determine zoning and other matters of the Land Use By-law;
- (b)** justify the expansion of centralized water services; and
- (c)** be used to consider individual development proposals.

### **9.2.3 On-Site Septic Systems**

There are a variety of on-site septic systems available to meet the needs of different rural developments. While a standalone septic system might be appropriate for a suitably large parcel, cluster septic systems or even locally-based centralized sewer systems may be required to continue supporting more dense forms of development in areas without existing municipal services. Municipalities have the ability to manage on-site septic use by establishing a Wastewater Management District (WMD), two of which already exist in MODL. Because many of MODL's small communities do not have existing central sewer services, Council wants to ensure that these communities can continue to grow with the same style of smaller lot size and lower building setback, as opposed to encouraging development to sprawl outside of the community.

Besides specifying the kind of on-site septic system to be used, a WMD can also establish an agreement between the developer and MODL to construct a local centralized sewer system to municipal standards that MODL then takes over.

### **Policy INF-7**

Council may enter into agreements to manage local, centralized wastewater systems that are designed and built to MODL's specifications, through a Wastewater Management District.

Another purpose of the Wastewater Management District is to enable the inspection and upgrading of existing septic systems. The LaHave River Straight Pipe Replacement Program, launched in 2017, used a WMD to replace 357 straight-pipes with on-site septic systems. While the regulation of inadequate septic systems is primarily a provincial responsibility, Council may consider establishing new WMDs where existing septic systems are environmentally problematic, when either funding is provided or the overall impact on MODL's operating expenses is low.

### **Policy INF-8**

Council may establish new Wastewater Management Districts for the purpose of managing or replacing problematic septic systems.

## **9.3 Renewable Energy**

As climate change presents a substantial threat, particularly to coastal communities like MODL, it is becoming increasingly important to invest in technologies that reduce fossil fuel emissions and mitigate climate impacts. One way to achieve this is to support the adoption and implementation of renewable energy projects.

Over the past decade, renewable electricity generation has grown significantly in Nova Scotia, partly due to the province's standards for renewable energy. The Nova Scotia Electricity Act mandates that electric utilities, such as Nova Scotia Power, source higher percentages of electricity from renewable facilities, and supply customers with at least 80% renewable energy by 2030. These regulations are driving the development of renewable electricity projects across the province.

When planning for renewable energy infrastructure, it is essential to consider other provincial objectives, such as the Statement of Provincial Interest on Agriculture, which emphasizes balancing non-agricultural uses with the need to preserve farmland. Fortunately, combining energy and food production on

the same land is often feasible and can enhance land-use efficiency. Many crops can thrive in the partial shade provided by solar panels, and grazing animals can make use of the space around energy structures. Leasing land for renewable energy can also provide farmers with an additional revenue stream during periods of lower yields.

By supporting renewable energy projects at all scales—from residential micro and small-scale systems to large-scale utility projects—MODL has the opportunity to position itself as a leader in Nova Scotia's expanding renewable energy industry.

#### **Policy INF-9**

Council will, through the Land Use By-law, encourage renewable energy development across MODL to increase access to sustainable energy sources for residents.

#### **Policy INF-10**

Council will, through the Land Use By-law, regulate the design and location of renewable energy developments to ensure they are compatible with the scale of the surrounding community and to address potential impacts of large-scale projects on nearby uses.

#### **Policy INF-11**

Council may engage with members of the agricultural community to discuss renewable energy opportunities on agricultural lands.

### **9.3.1 Solar Collector Systems**

#### **Policy INF-12**

Council will, through the Land Use By-law, define two categories of solar collector systems:

- (a)** accessory solar collector systems - intended to generate power to offset or meet the uses for on-site consumption;
- (b)** commercial solar collector systems - intended to generate power to be supplied to the grid or used for other off-site purposes.

### **9.3.2 Wind Turbine Generators**

#### **Policy INF-13**

Council will, through the Land Use By-law, define three categories of wind turbine generators:

- (a)** Micro Wind Turbines (MWT) - limited in scale and intended to generate power for on-site consumption.
- (b)** Small-scale Wind Turbines (SWT) - limited in scale and intended to generate power for on-site consumption.
- (c)** Large-scale Wind Turbines (LWT) - large in scale and intended for commercial supply of power to the grid or used for other off-site purposes.

#### **Policy INF-14**

Council will, through the Land Use By-law, permit MWT and SWT generators as-of-right in most zones, considering setback requirements, environmental concerns, and noise reduction.

#### **Policy INF-15**

Council will permit LWT generators in most zones through development agreements. Approval is dependent on meeting the regulations of the Land Use By-law and associated requirements.

#### **Policy INF-16**

Council will prioritize the construction of LWT generators on properties that would otherwise go unused.

### **9.3.3 Emerging Technologies**

MODL recognizes the importance of adapting to forthcoming renewable energy systems as part of the Local Climate Change Action Plan's (LCCAP2030) commitment to sustainability and innovation. As emerging technologies in renewable energy continue to develop, MODL is prepared to amend the Municipal Planning Strategy and Land Use By-law to incorporate these alternative energy production methods, ensuring that new systems align with the community's energy needs. These updates will be made with careful consideration

of the context in which each technology is proposed, maintaining consistency with the policy objectives identified in Section 9.1.

## **9.4 Public Services**

Public services are essential in our modern world, impacting various aspects of daily life. They can include physical infrastructure such as libraries, schools, hospitals, recreational centres, and waste management facilities, as well as providing services to residents through law enforcement, emergency services, public transportation, waste collection, telecommunications, and internet. While not all forms of public services are solely up to municipalities to provide, municipalities often play a central and visible role in the provision of public services to residents.

MODL often shares the responsibility of providing public services to residents by working with other levels of government and establishing joint service agreements or partnerships with regional municipalities or other associations. Combining funds and resources contributes to a consistent level of service being provided to residents throughout the region and improving existing services. Municipal co-ordination on public services can also help ensure that costly public infrastructure projects can be developed, maintained, and utilized by residents across municipalities.

Effective land use planning can enable the efficient use of public services, helping to reduce costs and alleviate strain on public service systems and infrastructure. In contrast, poor land use planning can contribute to the overburdening of public service infrastructure, leading to inefficiencies and a greater demand for resources to provide essential services to residents. Council will implement policies that aim to promote the efficient use of both existing and future public services and improve residents' access to a variety of public services.

### **Policy INF-17**

Council will support compact and efficient land use planning to encourage density and to maximize the use of public services.

### **Policy INF-18**

Council will, through the Land Use By-law, permit public utility infrastructure in all zones and will exempt such uses from meeting

zone requirements. For further clarification, these exemptions apply only to the public utility infrastructure itself and not associated uses.

**Policy INF-19**

Council will review new major developments so that they are designed to be accessed by emergency service vehicles and are equipped with backup water supplies reserved for emergency purposes.

**Policy INF-20**

Council will maintain, improve, and expand municipal services, programs, and facilities when financially feasible.

**Policy INF-21**

Council will support the continued education around waste reduction, recycling, and composting.

**Policy INF-22**

Council will continue to coordinate with other levels of government, regional municipalities, local fire service providers, and other relevant partners to provide improved services, programs, and infrastructure to residents.

**Policy INF-23**

Council will support and encourage volunteer groups and organizations in offering a range of services to residents.

**9.4.1 Telecommunications Towers**

Telecommunications towers are used for transmitting and receiving communication signals for radio, television, cell phones, and wireless internet. Telecommunication facilities are regulated by the Federal Government through Industry Canada. While municipalities have a limited role in the process of siting new telecommunications infrastructure, the Federal Government acknowledges that municipalities may have an interest in the location of new telecommunications towers. Therefore, municipalities can provide guidance on the siting of new telecommunication towers and citizens can contribute input at a public meeting held by the industry

proponent. Both of which may be considered during the licensing process.

MODL has an existing policy for the siting of telecommunication antennas, MODL Policy 069 “Antenna Siting Protocol”. Through this Policy, Council discourages the siting of new telecommunication facilities on environmentally sensitive lands, and registered cultural or historical landmarks. Council also supports the use of existing telecommunication infrastructure to minimize the amount of new telecommunication towers in the future.

**Policy INF-24**

Council will follow MODL Policy 069 “Antenna Siting Protocol”.

DRAFT #3

## 10 Agriculture

### 10.1 Introduction

Protecting agricultural land is important for maintaining and enhancing the social, economic, and environmental sustainability of MODL. As one of Nova Scotia's Statements of Provincial Interest is to protect agricultural lands, the province requires municipalities to identify existing and future agricultural lands and create provisions that protect and ensure appropriate use of the land.

In many places, agricultural lands face various challenges such as land loss from development, land use conflicts, impacts from climate change, and declines in soil fertility. Maintaining a stable agricultural land base is necessary for mitigating these impacts on the sector. Among the Maritime provinces, Nova Scotia has seen the most significant decrease in total farm area with a decline of 28.4% between 2001 and 2021. In MODL specifically, there has been a 22.3% decline in land used for crops (excluding Christmas tree farms) between 2011 and 2021.

Canadian soils are classified by the Canada Land Inventory (CLI) system. This system categorizes soils into seven class types based on their suitability for agriculture. Class 1 lands are the most suitable for agricultural land uses, while Class 7 lands are the least suitable. In MODL, 15.3% of land is classified as Class 3 soil, and the remaining lands are either Class 5 or Class 7. Unfortunately, Class 3 soils in MODL are at risk from being developed as a greater proportion of development has been occurring on Class 3 soils compared to all other lands since 2004.

In MODL, a variety of farm types exist including cattle ranching for beef and dairy, poultry and egg production, fruits and vegetable cultivation, as well as vineyards and floriculture. Mixed farming is common as farmers tend to diversify productions. While MODL may not be as fertile as other parts of the province, it has the largest amount of cultivable land among the municipalities of the South Shore region.

Council acknowledges the value of the existing Class 3 soils in MODL. Council also recognizes that not all agricultural activities require high quality soils as pasturing, blueberry cultivation, greenhouses, and Christmas tree farming can thrive utilizing suboptimal soils. Council intends to protect the existing

Class 3 soils in MODL while supporting a range of agricultural uses across all areas of MODL.

**Policy Objectives**

- (a) To protect existing agricultural lands for future generations.
- (b) To reduce land use conflicts for existing livestock operations from new encroaching development.
- (c) To support the existing agricultural sector and allow for industry and economic expansion.
- (d) To improve education and the exchange of knowledge around agriculture.
- (e) To prepare for the uncertain impacts from climate change on agriculture.
- (f) To improve the resiliency of the agricultural sector.
- (g) To enhance food sovereignty and food security.

**10.2 Land Uses and Agriculture**

Council recognizes the importance of protecting agricultural lands for future generations. As settlements expand, there is an increased potential for agricultural land fragmentation and land use conflicts between agriculture and non-agriculture related uses. Part of protecting agriculture is protecting the ability for farmers to utilize agricultural land without imposing on nearby land uses. Directing growth to non-agricultural areas and introducing setbacks for new development adjacent to existing large-scale livestock operations will help to manage nuisance complaints and protect existing farming operations.

**Policy AGR-1**

Council is committed to protecting Class 3 soils by providing optimal flexibility for agricultural uses in areas that have substantial agriculture capabilities and where agriculture remains a predominant activity.

**Policy AGR-2**

Council will identify lands with significant agricultural potential as those that are located outside of growth centres, villages, and provincially prescribed protected watershed areas, are larger than four hectares, and consist of at least 60% of Class 3 soils. The portions of larger parcels that contain four or more hectares of Class 3 soil, even if it does not meet the 60% threshold, will also be recognized as having significant agricultural potential.

**Policy AGR-3**

Council will create horizontal setback requirements for new developments near established large-scale livestock operations to reduce land use conflicts and limit nuisance complaints between competing uses.

**Policy AGR-4**

Council will, through the Subdivision By-law, minimize the fragmentation of agricultural lands considered as having significant agricultural potential by limiting the subdivision of lots to a maximum of six lots total from a lot as it existed on the effective date of the approval of this Plan.

**Policy AGR-5**

Council will, through the Subdivision By-law, minimize the fragmentation of agricultural lands by prohibiting the creation of new private roads and flag lot development on lands with significant agricultural potential.

**Policy AGR-6**

Despite Policy AGR-4 Council will not limit the subdivision of lots that are intended to be used for agricultural purposes, provided that the proposed new lot(s) and the remaining lot meet a minimum size of ten hectares.

**Policy AGR-7**

Council will encourage new and expanding livestock farming operations to follow the recommended minimum separation

distances as outlined in the provincial Manure Management Guideline to minimize the potential for land use conflicts and environmental contamination associated with the keeping of livestock.

### **10.3 Agriculture and the Economy**

A range of economic benefits arise from a thriving agricultural sector. These include employment, tourism, a more robust economy, and enhanced regional food security. In 2021, 6.3% of MODL's total workforce was employed in agriculture, forestry, fishing, or hunting. This is significantly higher than the provincial average of 3.7%. Despite MODL's relatively high employment rate in such industries, there has been a 28.9% decrease in the number of reporting farms with land in crops between 2011 and 2021. These policies aim to promote economic growth, attract new farmers, and enhance the agricultural sector in MODL.

#### **Policy AGR-8**

Council will, through the Land Use By-law, facilitate economic diversification and support traditional rural activities such as forestry, fishing, and agriculture.

#### **Policy AGR-9**

Council acknowledges that agriculture is an important economic contributor to the local economy. Council will enact flexible regulations for agricultural uses and agri-tourism activities through the Land Use By-law to ensure innovation, advancement, and economic growth in the sector.

#### **Policy AGR-10**

Council will collaborate with members of the agricultural community, neighbouring municipalities, and other related government and non-government organizations to promote cohesion, information exchange, and regional prosperity in agriculture.

### **10.4 Agriculture and the Environment**

The agricultural sector is facing increased challenges due to climate change and other environmental impacts. While negative effects such as increased

pests and diseases, prolonged and intense drought periods, and more frequent extreme weather events are expected, some advantages may also arise from a warmer climate. These could include longer growing periods and greater crop diversity. To address these challenges and to take advantage of any potential opportunities, existing agricultural lands must be protected, and the agricultural sector must be supported. These policies signify Council's commitment to support the agricultural sector to improve resilience and to prepare for future environmental changes.

**Policy AGR-11**

Council acknowledges that climate change will cause challenges for agriculture. Through the Land Use By-law, Council will prepare for the uncertainties associated with climate change by protecting its most arable agricultural lands.

**Policy AGR-12**

Council acknowledges the importance of maintaining quality agricultural soils. Council will promote sustainable agricultural practices through education and awareness.

**Policy AGR-13**

Council will encourage technological advancements related to agricultural operations and support a range of agriculture uses to ensure the diversification and resiliency of the agricultural sector.

## **10.5 Food Security and Food Sovereignty**

Nova Scotia experiences notably high rates of food insecurity compared to the rest of Canada. Council recognizes similar challenges within MODL. Enhancing food sovereignty requires a comprehensive approach to ensure diverse, affordable, and locally sourced food for all residents. These policies aim to address food sovereignty and food security concerns, striving for a more equitable agricultural sector in MODL. These policies are relevant to producers and residents, as everyone can contribute to diversifying the local food system by engaging in backyard agriculture activities and growing food.

**Policy AGR-14**

Council, through the Land Use By-law, will support access to local food by permitting the direct sale of farm products through on-site farm stands and farm gate sales.

**Policy AGR-15**

Council may address food security concerns through the creation and implementation of a Local Food Security Action Plan.

**Policy AGR-16**

Council will support and encourage backyard agriculture activities throughout MODL to increase food sovereignty and agricultural sustainability.

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## **11 Natural Resources**

### **11.1 Introduction**

Natural resource industries such as forestry, fishing, agriculture, and mining make up a large part of the rural landscape of MODL and are a significant contributor to the local economy. This section focuses primarily on forestry, fishing, and mineral extraction, as agriculture is discussed in the previous section. It is important to note that activities related to natural resource industries are primarily regulated by the province, rather than at the municipal level.

Forestry is an important economic activity in MODL. In 2021, there were approximately 6,509 hectares of woodlots and wetlands ranging from small woodlots to large commercial operations, as well as 2,484 hectares of Christmas trees grown for sale. Christmas tree farming is a noteworthy resource-based activity as the region of Lunenburg County is known as the Balsam Fir Christmas Tree Capital of the World.

The fishing industry has a long and significant history throughout Nova Scotia and along the South Shore. While fishing is no longer as prevalent an industry as it once was, there are still several active fishing communities in MODL, along with fish processing plants, and offshore aquaculture operations.

Mineral extraction operations like mining and quarrying are not very common in MODL, however, there are a few operational sand and gravel quarries.

Given the rural nature of MODL, there are opportunities for natural resource industries to prosper here. While Council recognizes the economic benefits that come from natural resource industries, Council also recognizes the potential for environmental contamination that can result from such industries. These policies intend to support the existing natural resource industries of MODL, while seeking to minimize their impact on certain environmentally sensitive areas.

#### **Policy Objectives**

- (a)** Support new and existing natural resource industries.

- (b)** Protect drinking water supplies from industry-related contamination.
- (c)** Promote sustainable practices.

**Policy NAT-1**

Council recognizes the historic and economic importance of natural resource sectors in MODL. Council will work with industry professionals and other levels of government to help facilitate cooperation and support the continued growth of the natural resource sector.

**Policy NAT-2**

Council acknowledges the risk of environmental contamination from natural resource industries. To mitigate adverse environmental effects, Council will advocate for sustainable practices and restrict industry-related structures in the Protected Watershed Zones.

DRAFT #3

## **12 Transportation**

Transportation infrastructure such as roads, sidewalks, and trails set the framework of how land is used in MODL by influencing where growth and activities occur, what kind of land uses are most accommodated, and what transportation options are available for people to get to work, buy daily necessities, and enjoy recreational activities.

As a rural municipality, much of MODL's transportation network is designed to accommodate car-oriented development that caters to business and development interests—not necessarily community sustainability, aesthetics, or active transportation. Council recognizes the important role that transportation networks play in balancing the demands of businesses, people's daily lives, and the long-term sustainability of MODL's communities. To this end, Council wants to prioritize transportation options that meet a variety of needs by cultivating a transportation network and development patterns that are sustainable, accessible, safe, well connected, and fiscally responsible.

### **Policy Objectives**

- (a)** Improve the sustainability of MODL's transportation infrastructure by facilitating or providing active and public transportation options.
- (b)** Accommodate a variety of mobility needs by providing a variety of transportation options.
- (c)** Support economic growth by connecting people to jobs and goods.
- (d)** Promote healthy, active lifestyles through active transportation opportunities.
- (e)** Promote transit-oriented development where public transit is to be available.

### **12.1 Public and Private Roads**

The layout and design of roads have long lasting impacts on our communities—in short, they play a major role in how our communities look and feel. Most roads in MODL were built and are managed by the provincial government which connect to many driveways and, in some cases, municipal or private roads that MODL regulates through the Subdivision By-law.

Through design and construction requirements, Council wants to ensure that roads are safe, and to consider the long-term sustainability of developing new roads in MODL versus concentrating development on existing infrastructure.

### **Policy TRA-1**

Council will regulate municipal and new private roads with the goal of improving the safety and long-term sustainability of MODL's road network.

MODL currently owns and maintains 31 municipal roads that add up to approximately 11 kilometres (36, 089 feet) in length. Prior to 1995, new subdivision public roads were a provincial responsibility. After this point the ownership and maintenance of new public roads became the responsibility of municipalities. Council conducted a review of municipal public roads in 2018 and concluded that the cost of new roads built since 1995 were economically unsustainable for MODL. Because these roads are costly to build and maintain, Council has decided to only consider owning new public roads where there is a strong overall reasoning to do so, such as to enable high-density development that makes use of existing infrastructure and has a positive effect on the community.

### **Policy TRA-2**

Council will only consider owning new public roads when there is a strong overall reasoning to do so, based on the criteria of Policy IMP-15.

By restricting the quantity of roads that MODL takes ownership of, private roads now take on a significant role in MODL's transportation network. When considering development proposals of a certain scale, Council wants to take a broader perspective than only enforcing the standards of the Subdivision By-law by considering site-specific factors such as the surrounding road network and the overall community context.

### **Policy TRA-3**

When considering a development agreement, Council will specify appropriate design and construction standards based on the overall development context. Policy IMP- will outline these requirements.

## 12.2 Active Transportation

Active transportation (AT) uses human-powered forms of travel to get from one place to another. Walking to school or biking to work are examples of active transportation. A strong active transportation network is one way that MODL can support an active lifestyle for its residents, reduce fuel emissions, and provide important connectivity options for those who cannot or prefer not to drive a car. The most common barriers to accessing active transportation opportunities are found in the built environment. Good lighting, separation from road traffic, and other supportive infrastructure like bike racks play a major role in increasing the comfort level of AT users. Plans such as the Osprey Village Enhancement Plan and the Active Living Strategic Plan (2022) outline how active transportation options will continue to be implemented in different parts of MODL.

While MODL already has several trails and parks, there is currently very little infrastructure dedicated to pedestrians. Osprey Village, New Germany, and other hubs of activity greatly benefit from improvements such as sidewalks and crosswalks that promote safer foot traffic and commercial activity. Through initiatives like the Osprey Village Enhancement plan, Council wants to provide more pedestrian infrastructure to facilitate community growth and activity.

### Policy TRA-4

Council will prioritize improvements for cycling and walking infrastructure that align with long-term transportation plans to facilitate safe, accessible, and practical transportation for residents.

### Policy TRA-5

Council will collaborate with the provincial government to establish safe sidewalks, trails, pathways, paved shoulders, and active transportation routes accessible to users of all ages, incomes, and abilities.

### Policy TRA-6

Council will support education and awareness initiatives that promote active transportation, healthy living, recreation, sustainable

communities, and the safe shared use of active transportation routes and facilities. Such initiatives may include:

- (a) promoting awareness of active transportation options and their benefits to health, recreation, sustainability, and community well-being;
- (b) supporting education and awareness initiatives that improve actual and perceived safety for all users of active transportation routes and facilities; and
- (c) considering the needs, safety, accessibility, rights, and responsibilities of all users, while recognizing the role active transportation plays in supporting physical health, mental well-being, social connection, and access to community spaces.

**12.3 Public Transportation**

Public transportation provides an essential service to those who would not otherwise have a reliable means of transportation. While public transportation options in MODL are currently limited, Lunenburg County Wheels, a community-based non-profit organization, provides door-to-door transportation services to a growing number of residents in the region. Council recognizes the continued importance of transit services in the region and is working towards providing a fixed bus route that compliments and connects to the Lunenburg County Wheels service and the existing bus network in the Town of Bridgewater. In addition, Council also wants to take steps to ensure that new development near a proposed or existing route is transit-friendly.

**Policy TRA-7**

Council may establish and promote a fixed-route public transportation system that is sustainable, comfortable, affordable, and accompanied by supporting transit infrastructure to meet the needs of all transit users.

**Policy TRA-8**

Council will promote transit-oriented development in areas with public transit connectivity to encourage and accommodate mixed-use

development, business, leisure activity, and access to goods and services.

**Policy TRA-9**

Council will work with the provincial and federal governments to increase financial support for public transportation.

**Policy TRA-10**

Council will support non-profit door-to-door transit services and other non-profit local transit services.

## **12.4 Parking**

The design of parking infrastructure plays a large role in shaping the look and feel of a development. Requiring developments to dedicate too much space for parking tends to push buildings apart and makes these spaces less attractive for pedestrians. The cost of providing and maintaining parking space also contributes to a cost burden that is ultimately passed on to building tenants and customers. Because the lack of existing public parking in MODL limits the potential for a development to offload parking demand on to public spaces, Council does not wish to require a minimum number of parking spaces except in discretionary cases involving site-specific considerations of a proposal through a development agreement.

**Policy TRA-11**

Council will only consider requiring a minimum number of parking spaces for a proposal as part of a development agreement.

**Policy TRA-12**

Council may require, in relation to a development agreement, bicycle parking requirements where active transportation potential exists.

Some areas of MODL feature a greater amount of large-scale parking. To ensure these parking spaces can function effectively, Council will set minimum standards for parking infrastructure such as stall, aisles, and loading areas.

**Policy TRA-13**

Through the Land Use By-law, Council will establish design specifications for vehicle parking spaces that apply to some zones.

## **13 Parks and Public Spaces**

### **13.1 Introduction**

Parks, open spaces, and recreational facilities are vital to fostering healthy, vibrant, and inclusive communities. They enhance livability, encourage active lifestyles, and provide spaces for social connection. In MODL, these spaces are increasingly important as the region faces growth, an aging population, and rising development pressures. To address these challenges, Council emphasizes strategic planning to protect, enhance, and expand open spaces while ensuring they remain accessible and adaptable to the evolving needs of all residents.

Open space dedication, through land or cash-in-lieu contributions from developers, is a key tool in this effort. MODL's cash-in-lieu contribution requirements have historically been significantly lower than provincial and national averages, leading to insufficient funds for developing and maintaining parks and open spaces, as well as meeting the recreational needs of growing communities. A more proactive approach will help ensure adequate public spaces to meet community needs. MODL's 2023 Parks and Open Space Standards and Guidelines also aim to standardize park classifications and improve inclusivity, from larger multi-use spaces to neighborhood parks accessible to seniors, young families, and residents with disabilities.

As MODL's aging population continues to grow, improving park accessibility and addressing changing recreational needs are priorities. MODL, which is home to over 250 hectares of parkland and the Rails to Trails program, must focus on equitable access and quality of these features. In addition, longstanding public access to waterfront areas is increasingly threatened by development and private ownership. Balancing private property rights with public access is essential to maintaining these valued spaces.

Council recognizes the importance of protecting and improving parks and open spaces to ensure they remain accessible and valuable for recreation, environmental health, and community use for all.

### **Policy Objectives**

- (a) Protect existing open spaces and parklands for public use.
- (b) Ensure that parks and community gathering places are located and designed to provide maximum accessibility, while acknowledging that some natural landscapes may pose limitations to accessibility.
- (c) Promote the physical and mental health of residents through recreational activities.
- (d) Create opportunities for residents to connect and socialize within their communities and form strong neighborly ties.

### **13.2 Open Spaces and Community Gathering Spots**

Identifying and protecting existing open spaces through zoning safeguards the natural environment and preserves areas of public value for recreation and gathering, while preventing encroachment by other uses. Open spaces also serve as essential buffers between conflicting land uses. At the same time, Council acknowledges that elements of open/park space and community gathering space are often appropriate or may become appropriate in other zones as communities evolve and grow. Protecting open spaces where needed through zoning, while also allowing flexibility for new parklands as a permitted use in other zones can help to improve the prevalence of these spaces across various communities in MODL.

This flexibility can also extend to institutional buildings. Much like open spaces, institutional uses like libraries, hospitals, and schools among others, are services that are highly valued in any community and can be an important determinant for drawing in and retaining residents to live in those communities. Allowing the widespread establishment of these uses across various zones, along with adaptive reuse of older buildings that once served institutional purposes, are effective strategies to preserve infrastructure and foster a strong sense of community.

#### **Policy PRK-1**

Council will establish a Recreation & Parks (P) Zone to provide communities with open space, community facilities, and other recreational resources that are essential to a healthy community.

**Policy PRK-2**

Council will permit parks and recreational space in most zones of MODL through the Land Use By-law, provided that the amenities and design of the park will be tailored to the intent of each zone and will be subject to the Parks and Open Space Standards and Guidelines.

**Policy PRK-3**

Council will permit institutional uses in most zones of MODL through the Land Use By-law, provided that the institutional use is tailored to the intent of each zone.

**Policy PRK-4**

Council may approve the adaptive re-use of former institutional buildings through development agreement in zones that would otherwise not permit such uses, provided that the new use will still offer community benefits such as affordable housing, or a gathering place for the community.

**13.3 Parks and Open Space Dedication**

Open space dedication, sometimes referred to as parkland dedication, is a local government requirement applied to subdivision applications. It requires either the dedication of land or the payment of an equivalent fee to support public open space and park development. As new development increases population density, demand for recreational and outdoor spaces also rises. Rather than requiring MODL or community groups to purchase and develop parkland after growth has occurred, open space dedication shifts a portion of this cost to developers. This ensures that new residents have access to recreational amenities without placing additional pressure on existing taxpayers, consistent with the principle of “growth paying for growth.” This approach helps maintain community livability while supporting the provision of recreational amenities as neighbourhoods expand.

In MODL, Council may accept land dedication from a subdivider where the land is usable, publicly accessible, and is located along a lake, river, or ocean shoreline. Where these criteria cannot be met, an equivalent fee, commonly referred to as cash-in-lieu, may be accepted. These funds are used to

strategically acquire and maintain open space lands that strengthen the municipal open space network, improve access to parks, and support the objectives of the Open Space Strategic Plan. This approach ensures that open spaces remain resilient to development pressures and continue to meet community needs.

As several communities within MODL are expected to experience continued growth, it is important to align development with the protection of lands and funding dedicated to recreational and outdoor amenities. These spaces play a key role in supporting healthy, complete neighbourhoods. Looking ahead, Council recognizes the importance of maintaining the current approach to open space acquisition, which not only advances municipal open space goals but also enhances MODL's attractiveness as a place to live through the provision of well-maintained parks and accessible open spaces.

**Policy PRK-5**

Council will require open space dedication from all subdivisions of new vacant lots through the Subdivision By-law, by acquiring land or cash-in-lieu of land, that supports MODL's goals and community needs for parkland and open spaces.

**Policy PRK-6**

In addition to Policy PRK-5, Council will have sole discretion over whether land or cash-in-lieu dedication will be applied to a subdivision.

**Policy PRK-7**

When the cash-in-lieu option for open space dedication is applied, Council will require subdividers to contribute a minimum cash amount equal to 2% of the value of the land for new subdivisions within all land use designations.

**Policy PRK-8**

In the case of collecting the land dedication option of open space dedication, Council will require subdividers to dedicate to MODL a minimum of 2% of the land from newly subdivided lots within all land use designations.

### **Policy PRK-9**

In addition to the requirements outlined in Section 9.2 of the Subdivision By-law, Council may set additional criteria to assess the suitability of other lands for open space dedication.

### **Policy PRK-10**

Council will prioritize the acquisition and development of parks, pathways, and trails in the following locations, not in any order of priority:

- (a)** lands that link residential areas to rural parks and trails, build on existing assets, and contribute to an active transportation network;
- (b)** neighbourhoods that do not already have a neighbourhood park;
- (c)** lands that provide recreational value and also protect the natural landscape, including but not limited to storm drainage ways, ravines, watercourses, old-growth tree stands, and wellfields;
- (d)** lands that provide public access to watercourses and/or scenic and culturally significant points of interest, including but not limited to views and historic sites; and
- (e)** lands on the outer edges of growth areas that provide recreational value as well as a physical separation to reduce land-use conflict between residential uses and agricultural, resource, or forestry uses.

### **Policy PRK-11**

In addition to Policy PRK-10, Council may create additional guidelines for lands suitable for parkland dedication.

### **Policy PRK-12**

Council will strategically acquire and enhance open spaces that will complement MODL's open space network and the goals of the Open Space Strategic Plan, as well as lands that can further expand the trail networks and connectivity within MODL.

### **Policy PRK-13**

Before deciding to sell any Municipally owned property, Council will evaluate its potential value as open space, considering factors such as community needs, environmental benefits, and long-term urban planning objectives. This assessment will inform the Council's decision on whether to retain or sell the property.

### **Policy PRK-14**

When pursuing large-scale developments through the sale of municipal lands, Council will ensure adequate open space is provided through the development agreement process on lots that have not been subdivided.

## **13.4 Open Space and Park Design**

Parks, open spaces and recreational facilities are key components of complete communities. These resources enhance the livability of communities, enable healthy and active lifestyles, and provide gathering spaces for all community members. Currently, MODL has over 250 hectares of municipal parkland and a number of trails dedicated to recreation and active transportation through the Rails to Trails program.

While having an abundance of these features throughout MODL is positive, it is also important to consider who they serve. Between 2016 to 2021, MODL's 65+ population increased by 21.8%. By the year 2041, MODL's ageing population is expected to account for 54% of the population. Making up 37.9% of the total population, Nova Scotia is also the province with the highest number of residents with one or more disabilities according to the 2022 Canadian Survey on Disability.

The opportunity for people of various backgrounds and capabilities to enjoy open spaces and the health benefits associated with it must be ensured through accessible park space and amenity design. In 2023, MODL created its Parks and Open Space Standards and Guidelines that includes a standardized classification system and amenity requirement list, to better define the intended purpose and uses of public parks, and to ensure consistency for current and future park space development. The park categories range from larger parks intended for both active and passive recreation, to smaller parks strategically placed in neighbourhoods intended

as resting places or playgrounds easily accessible by both senior residents and young families.

Council recognizes that MODL must focus on creating linkages between its open spaces, improving the accessibility of its parks and recreational facilities for all members of the public, and managing the changing recreational needs of its community.

Council will work towards ensuring that every district's existing and future recreational needs are met through access to parkland.

**Policy PRK-15**

Council will ensure universal accessibility design is incorporated in public spaces and facilities, where possible, to allow barrier-free access, inclusive of users of all ages and abilities.

**Policy PRK-16**

Council will ensure that all parks within MODL are classified as one of the categories in the Parks and Open Space Standards and Guidelines.

**Policy PRK-17**

Council will work towards ensuring that every park classified under the Parks and Open Space Standards and Guidelines meet the minimum amenity requirements and abides by the standards of the Nova Scotia Accessibility Act.

**Policy PRK-18**

Council will continue to collaborate with and support the trail groups that manage the Rails to Trails program.

**13.5 Public Waterfront Access**

Access to both coastal and inland waterfronts is a highly valued and cherished feature for residents and visitors of MODL. Historically, informal paths through private land have provided public access to waterfronts. However, as these lands change ownership and waterfront development pressures increase, maintaining and protecting these access points has become increasingly challenging. This issue was prominently highlighted during the 2020 public engagement for these planning documents, emerging

as one of the most widely discussed topics. Feedback revealed widespread concern about the potential loss of traditional waterfront access due to private development, a significant issue given that approximately 87% of MODL’s waterfront properties are privately owned.

It is important to note that while adjacent lands may be privately owned, waterbodies and areas below the high watermark are crown land and legally permit public access. Recognizing this, Council acknowledges the need to address the tension between private landownership and the public's right to access waterfronts. Preserving and enhancing waterfront access has become a key community priority, reflecting the importance of these natural resources for public enjoyment and benefit. This underscores the necessity of strategic planning and open space policies that balance private property rights with the broader goals of community access and environmental stewardship.

**Policy PRK-19**

Council may identify and acquire key inland and coastal access lands to continue the goals of the Open Space Strategic Plan.

**Policy PRK-20**

Council may facilitate opportunities and partnerships such as perpetual easements or land dedications to enhance public access to waterfront areas.

## 14 Heritage and Culture

### 14.1 Introduction

Heritage comes in many physical and non-physical shapes representing a historical phenomenon, such as buildings, landscapes, values, and recollections. The rich heritage streetscape of MODL is apparent in its rural landscape. It is home to an abundance of heritage buildings and cultural landscapes, yet only 13 properties are formally recognized as municipal heritage properties, and four are provincial heritage properties. The MODL's supply of historically significant buildings and sites and cultural festivities underscore heritage's pivotal role in shaping MODL's present-day historical culture and way of life.

Owning a heritage property is often a source of pride, but it can also present financial challenges. The specialized maintenance and restoration needed to preserve historical features and architectural integrity often come with substantial costs. Additionally, insuring a heritage property can be more expensive than insuring a standard property due to its unique characteristics, age, and the higher restoration costs associated with potential damage. To address these challenges and promote the long-term preservation of MODL's cultural heritage, it is essential to encourage reinvestment in heritage properties by identifying potential candidates for registration and outlining additional incentives for registered property owners.

The area's vibrant arts community, historic charm, and unique characteristics positively influence MODL's economic development. Preserving and celebrating the MODL's heritage and cultural landscapes is not just a matter of local pride, but also a key driver of tourism. The area's local customs, values, traditions, and distinctive historic places attract visitors from near and far, contributing to the local economy.

The enduring presence of the Mi'kmaq peoples, who have inhabited and traversed MODL for millennia, adds to the rich tapestry of our heritage. Council acknowledges the importance of collaboration and will strive to build strong connections based on trust with local First Nations communities to undo and unlearn past practices for genuine reconciliation.

Recognizing the importance of heritage preservation, the Special Places Protection Act safeguards significant archaeological or paleontological sites. At the same time, the Province of Nova Scotia assists owners of registered heritage properties through grants and technical support aligned with national standards and guidelines for heritage conservation, further encouraging heritage preservation for economic benefits.

Council acknowledges that heritage preservation contributes significantly to social and economic well-being and recognizes the potential economic benefits of promoting heritage. Therefore, adopting standardized approaches to heritage stewardship for buildings, cultural landscapes, and unique places is essential.

**Policy Objectives**

- (a) To preserve and celebrate historic places, architectural treasures, and cultural landscapes shaped by human and non-human activity.
- (b) To promote economic development opportunities related to MODL's rich history and culture.
- (c) To celebrate the customs, values, and traditions of Indigenous peoples and early settlers.
- (d) To enhance heritage preservation efforts through collaborative strategies and community engagement.

**14.2 Register Maintenance and Preservation Standards**

As of 2024, MODL has formally recognized 13 buildings as municipal heritage properties, alongside four provincial heritage properties that are within MODL. However, there are likely many more structures and sites that hold historic value that have yet to be designated. As MODL evolves, it is essential to recognize and celebrate MODL's cultural heritage through the continued designation of heritage properties. These sites serve as vital links to the area's history, reflecting the stories and values that have shaped the community's identity.

Council recognizes that designating and preserving these properties not only protects the collective memory of MODL's history but also enhances the community's character and sense of place. Continued heritage designation

also ensures that future generations can appreciate and learn from the past. The following policies aim to continue heritage designation efforts and preservation standards in order to enhance public awareness and appreciation for MODL's rich and diverse history.

**Policy HER-1**

Council will maintain a Register of Municipal Heritage Properties and encourage continued registration under the Heritage Property Act.

**Policy HER-2**

Council will use the Standards and Guidelines for the Conservation of Historic Places in Canada to evaluate substantial alterations to Registered Heritage Properties.

**Policy HER-3**

Council will include human-built and natural cultural landscapes and landmark preservation into heritage registration scoring.

### **14.3 Enhancing Heritage Preservation**

Council recognizes that maintaining current heritage registration and preservation standards is essential, but that additional studies and incentives are needed to better protect MODL's historic values. A comprehensive inventory of heritage resources can guide land use planning and identify areas for heritage conservation districts, boosting economic growth through tourism and local businesses. Repurposing landmark properties can extend their lifespan and attract visitors, while municipal funding, alongside provincial and heritage trust support, can assist property owners with conservation costs. Energy efficiency programs for heritage properties can further incentivize preservation by funding upgrades like windows, heat pumps, or solar panels. These policies aim to remove the financial barriers and encourage participation in conservation of MODL's local heritage.

**Policy HER-4**

Council may conduct a comprehensive inventory study of heritage resources to identify potential heritage properties and areas suitable for formal designation as registered heritage properties or heritage conservation districts.

**Policy HER-5**

Council will enable and promote adaptive re-use of heritage properties through the Land Use By-law.

**Policy HER-6**

Council may establish universal wayfinding and signage guidelines that will be implemented where heritage properties and landscapes are prominent.

**Policy HER-7**

Council may establish a grant program and financial incentives for property owners with registered municipal heritage properties to encourage the continued preservation of heritage buildings.

**Policy HER-8**

Council may review energy efficiency incentive programs to encourage sustainable energy use in municipal heritage properties.

**14.4 Collaboration and Awareness**

Education and collaboration are integral to increasing awareness about the importance of heritage preservation. Working with and supporting the Heritage Advisory Committee is mandatory by the Heritage Act for all municipalities in the province and is crucial in achieving a community or individual's heritage preservation goals. Continued collaboration with the province on heritage matters of provincial significance such as archeological sites and provincial heritage designations is needed to ensure heritage preservation initiatives are aligned with broader provincial policies and strategies.

Collaborating with community groups and organizations is crucial in heritage conservation efforts as it fosters community ownership, ensures diverse perspectives, and strengthens the connection between people and their cultural heritage. Engaging with residents also promotes transparency and trust in the decision-making processes, encouraging support for conservation initiatives. Involving the community can also help to identify lesser-known heritage sites and generate creative solutions for preservation. The following policies aim to enhance the success and longevity of heritage

conservation by building shared responsibility and pride in preserving cultural history.

**Policy HER-9**

Council will collaborate with the Province of Nova Scotia to raise awareness of heritage programs affecting residents as well as matters related to the protection of places of potential archeological significance in MODL.

**Policy HER-10**

Council will continue to collaborate with community groups in promoting and celebrating cultural heritage through various initiatives.

**Policy HER-11**

Council will work with property owners and heritage organizations to designate buildings, districts, and cultural landscapes of historical and/or architectural importance.

MODL is located within Kespukwitk and Sipene'katik, two districts of Mi'kma'ki divided by Pijinuiskaq (the traditional Mi'kmaw name for the LaHave River). With respect to the long history of Indigenous people's connection to the land MODL currently stands on, Council recognizes the importance of working and collaborating with First Nations communities to preserve sites with great historical and cultural significance. This action is a step in the right direction for truth and reconciliation and will help to increase education regarding Mi'kmaw First Nations culture and history in MODL.

**Policy HER-12**

Council may collaborate with local First Nations communities to better celebrate and recognize their natural and built heritage.

**Policy HER-13**

Council may collaborate with local First Nations communities to review names and identify locations with historical significance, while addressing outdated or harmful names and geographic places.

## **14.5 Cemetery Regulation and Preservation**

Cemeteries provide essential services to communities, offering a place for burial and remembrance as well as serve as sites of historical and cultural significance. There are many cemeteries across a variety of communities in MODL that range in age, size, and environment, the majority of which were established long before modern land use regulations. Allowing zoning flexibility for new cemeteries can help preserve important historical traditions and create new heritage sites that contribute to a community's cultural landscape. Cemeteries are also long-term land uses, and their location impacts land use planning for decades or even centuries. Permitting new cemeteries across multiple zones ensures that MODL can meet future burial needs while maintaining balanced land use for other community services.

### **Policy HER-14**

Council recognizes the cultural and historical importance of cemeteries in MODL and will permit new cemeteries in most zones through the Land Use By-law, considering frontage requirements, environmental concerns, and reserved lands.

## **15 Economic Development**

### **15.1 Introduction**

Economic development involves meeting the needs of residents, fostering a self-sufficient community with a diversified economy, and promoting job creation. Land use planning and economic development are intertwined because planning documents dictate permitted land uses, which can both attract or deter different types of businesses. Economic development goals can include supporting existing businesses and helping them thrive, attracting new businesses and industries, and even drawing in more tourists to an area.

Economic development potential exists throughout MODL. For example, Osprey Village and the surrounding area is a centre for economic development due to its proximity to Bridgewater and its role as a service centre for the region. MODL also has many rural communities such as New Germany, Blockhouse, and LaHave, which have a history of being vibrant, bustling areas with the potential to grow into more significant commercial hubs. While commercial activities tend to concentrate most where population densities are highest, the rural parts of MODL also contribute to the economy of MODL providing residents with jobs in rural based industries.

MODL's employment base is diverse with the largest sectors in construction, retail trade, manufacturing, agriculture, forestry, fishing, and hunting. Employment peaked in 2018 at around 8,070 jobs, then dropped by 15% in 2020 due to the pandemic, losing 1,238 jobs. In 2022, jobs in MODL rebounded to an estimated 7,315 and has since been steadily increasing, with expectations for continued growth into the future. In the coming years, a shift is expected to occur that will further diversify MODL's economy and increase employment in sectors such as administration and support, waste management and remediation, as well as health care and social assistance.

Council supports economic development in MODL and encourages further economic diversification by attracting new businesses that will create new job opportunities. However, Council also recognizes that some types of commercial activities can be a source of land use conflict with neighbouring uses. Additionally, Council acknowledges the need for a regional approach to

economic development to help strengthen the overall prosperity of the South Shore region.

**Policy Objectives**

- (a) To encourage economic growth in MODL and support economic diversification.
- (b) To increase collaboration with neighbouring municipalities for enhanced regional economic growth.

**Policy ECD-1**

Council will encourage economic growth within MODL by supporting existing commercial and industrial operations and striving to attract new businesses and developments to MODL.

**Policy ECD-2**

Council will collaborate with neighbouring municipalities and other relevant organizations whose efforts align with the goals and actions of MODL’s Economic Development Strategic Plan to improve regional economic prosperity.

**15.2 Home-based Businesses**

Home-based businesses are an affordable way for residents to earn an income. They also help create more diverse communities, especially in rural areas with relatively low populations. In MODL, home-based businesses are an important part of the rural economy as they provide communities with access to a range of everyday services and allow for artists and those alike to develop their craft and earn a living. Although home-based businesses offer several advantages, they can also cause nuisances for neighbouring residents, potentially leading to increased traffic, noise, fumes, and other potential conflicts.

Council supports home-based businesses, acknowledging their role in enhancing the economy and providing necessary services to residents. However, Council also recognizes the potential for home-based businesses to create land use conflicts with residential uses. Therefore, Council will permit home-based businesses in all zones that permit dwellings and will

regulate them where the intent of the zone is residential in order to reduce land use conflicts.

**Policy ECD-3**

Council will support the establishment and operation of home-based businesses to allow for further economic diversification and growth in MODL.

**Policy ECD-4**

Council will, through the Land Use By-law, permit home-based businesses in most zones that allow for residential uses.

**Policy ECD-5**

Council will, through the Land Use By-law, establish regulations for home-based businesses where the intent of a zone is residential to reduce land use conflicts.

**Policy ECD-6**

Council will, through the Land Use By-law, permit the use of an accessory building on a residential lot for home-based business purposes provided it complies with all other applicable regulations.

**15.3 Industrial and Commercial Uses**

The economy of MODL and the surrounding region has experienced steady growth in recent years. Continuing to attract new businesses to MODL is key for maintaining momentum. Land use planning plays a vital role in this by identifying suitable areas for future commercial and industrial development.

A range of commercial and industrial land uses currently exist in MODL. Some operations are small-scale proprietorships, while others are larger and employ a team of staff. In MODL, large retail establishments or big box stores are primarily located in Osprey Village and the surrounding area, while mid-size operations are less centralized but are typically located in more densely populated areas. Small-scale operations are spread throughout MODL and sometimes operate as a mixed land use or home-based business.

While the number of businesses and employment opportunities have been increasing in recent years, there remains a need to attract new businesses

and industries to MODL. These policies intend to support overall economic growth in MODL, while ensuring that new large format commercial uses fit into existing contexts.

**Policy ECD-7**

Council will regulate all new large format commercial development in the Mixed Use Serviced (MS) Zone through the site plan approval process of the Land Use By-law.

**Policy ECD-8**

Council may establish an industrial park that is pre-zoned and ready for development aiming to attract and support new businesses in the area.

**15.4 Tourist Accommodations**

MODL is a popular tourist destination due to its many pristine beaches, diverse natural landscapes, and charming rural communities. The influx of visitors in the warmer months, combined with the abundance of undeveloped natural landscapes, makes MODL an ideal location for a variety of accommodations serving both tourists and locals.

MODL is home to a variety of tourist accommodations including hotels, motels, rental cottages, campgrounds and RV parks, bed and breakfasts, and various types of short-term rentals. All forms of tourist accommodations are important and beneficial to the local economy. While some accommodations function all year, most campgrounds and RV parks are seasonal and are typically located in less developed areas, which can pose challenges when located near environmentally sensitive areas. Council recognizes this challenge but will continue to support these uses while ensuring that campgrounds and tourist accommodations are appropriately located.

**Policy ECD-9**

Council will, through the Land Use By-law, permit tourist accommodations in all zones where commercial uses are permitted.

**Policy ECD-10**

Council will, through the Land Use By-law, establish specific thresholds for tourist accommodations in certain zones. If the intended use

exceeds the threshold, approval may only be considered by site plan approval or development agreement depending on the zone.

#### **Policy ECD-11**

Council recognizes the potential for land use conflicts created by campgrounds and RV parks. Council will, through the Land Use By-law, permit campgrounds and RV parks in most zones by development agreement.

#### **Policy ECD-12**

Council will establish a threshold within the definition of “campground” for the number of RVs on a singular lot used for the purpose of providing accommodations.

### **15.5 Short-term Rentals**

Short-term rentals (STRs) are accommodations rented out for 28 days or less, typically to serve tourists. According to the province, there are two types of short-term rentals: primary residence short-term rentals and commercial short-term rentals. A commercial short-term rental is a short-term rental in a dwelling that’s suitable as long-term housing but is rented out on a short-term basis (and is not a primary residence). STRs have long been present in MODL and were not previously regulated. The past decade has seen informal STRs become highly popular for homeowners and investors due to facilitation by online platforms, which has raised questions over the potential for this land use to disrupt both the housing and accommodation markets. Council wants to gain a greater understanding of the effect of accommodations marketing platforms such as Airbnb, on the state of the housing and accommodation markets in MODL to guide future decisions beyond restricting its use based on zoning.

#### **Policy ECD-13**

Council may research and evaluate the effects of accommodations marketing platforms on the affordable housing and accommodations industries in MODL.

At this time, Council only wants to regulate short-term rentals in zones that are focused on providing rental housing in order to protect the availability of long-term rental housing without over-regulating them.

**Policy ECD-14**

Through the Land Use By-Law, Council will limit the use of short-term rentals in the Mixed Use Serviced (MS) Zone.

**15.6 Recreational Vehicles**

Recreational vehicles are a popular form of accommodation that are used on a temporary or seasonal basis. Individually, recreational vehicles are typically low impact in terms of land use and Council does not wish to be overly onerous on their use. However, if enough recreational vehicles are located on a lot, or if a recreational vehicle becomes a permanent or semi-permanent fixture on a lot, Council wishes to establish reasonable standards to mitigate the impacts of recreational vehicles on neighbouring properties.

**Policy ECD-15**

Council will, through the Land Use By-law, establish standards for regulating the siting and habitation of permanent or semi-permanent recreational vehicles, aiming to accommodate these vehicles while minimizing their negative impact on surrounding uses.

**Policy ECD-16**

Council will allow a recreational vehicle to be inhabited on a lot for a limited number of days without meeting the requirements of a recreational vehicle parking site. The Land Use By-law will outline this limit and the requirements of a recreational vehicle parking site.

**Policy ECD-17**

Council will establish minimal requirements for a recreational vehicle parking site to reduce barriers to utilising recreational vehicles as an attainable housing option.

**Policy ECD-18**

Despite Policy ECD-15, Council recognizes that individual circumstances may prevent some residents from meeting the

requirements to establish a recreational vehicle parking site for the purpose of attainable housing and retains the discretion to increase the number of days that a given recreational vehicle can be lived in per year without meeting those requirements.

DRAFT #3

# PART C

## Land Use Designations

DRAFT #3

## **16. Land Use Designations**

### **16.1 Introduction**

The Municipal Planning Strategy establishes land use designations, each of which consists of a set of zones and related policies that establish a broad framework for achieving the different objectives of this Plan. Similar to zones, land use designations divide parcels of land to either reflect an existing land use in the area or to broadly identify future plans for a parcel of land based on its surrounding development context. This section establishes the land use designations and specific policies for each designation.

### **16.2 Growth Centres**

The Growth Centre designation is intended to apply to centrally located areas with potential to benefit from municipal services such as centralized water and wastewater. In order to make the best use of these services, zones within the Growth Centre designation permit more intensive residential, commercial, and institutional development than other designations. Directing growth and intensification to areas with existing infrastructure is both fiscally responsible and sets the stage for residential, institutional, and commercial opportunities that are unique compared to other designations in MODL.

Due to its proximity to the Town of Bridgewater and the growing availability of centralized water and sewer services, the expanding commercial and residential hub between Cookville and Osprey Village supports the kind of land use patterns that benefit from the specific considerations of this designation such as a variety of housing typologies. These specific considerations include zoning land to align with its surrounding built environment and identifying areas where future water and wastewater services should be provided before that area is developed to maintain sustainable development patterns.

#### **Policy LUD-1**

Council will, on Schedule A, the Future Land Use Map, designate lands as “Growth Centre” that have access to centralized services, potential for growth and intensification, and commercial or institutional uses that serve residents and visitors within the region.

### **Policy LUD-2**

Council will, on the zoning map of the Land Use By-law, permit the following Growth Centre Zone within the Growth Centre Designation:

- (a)** Mixed Use Serviced (MUS) Zone

### **Policy LUD-3**

Council will, on the zoning map of the Land Use By-law, permit the following General Zone within the Growth Centre Designation:

- (b)** Recreation and Parks (P) Zone

## **16.2.2 Mixed Use Serviced Zone**

The Mixed Use Serviced zone is applied to the areas near Cookville and Osprey Village which host a variety of commercial, residential, and institutional uses that either already have access to centralized sewer and water services or could feasibly connect to those services over time. Council intends to make the most out of both new and existing municipal services by requiring denser development types in this zone.

### **Policy LUD-4**

Council will, through the Land Use By-law, establish a Mixed Use Serviced (MUS) Zone. This zone is intended to support the continuation of denser, mixed use development patterns that serve a regional user base and benefit from access to centralized sewer and water services.

### **Policy LUD-5**

The Mixed Use Serviced (MUS) zone will permit a variety of land uses including large scale commercial, residential, and institutional uses.

### **Policy LUD-6**

The Mixed Use Serviced (MUS) zone will be applied on the zoning map of the Land Use By-law to the lands that have access or potential for centrally serviced mixed use development.

### **Policy LUD-7**

To ensure infrastructure efficiencies and the creation of walkable, complete communities, the Land Use By-law will require minimum density requirements for residential developments within the Mixed Use Serviced (MUS) Zone.

## **16.3 Rural Areas**

### **16.3.1 Rural Designation**

MODL is largely defined by its rural landscapes, featuring vast amounts of forests, a wide network of freshwater systems, and vast coastlines, all of which contribute to its undeniable rural character. These lands are frequently associated with resource-based industries such as forestry, agriculture, and fishing, low-density permanent and seasonal residential development, and a range of commercial and industrial operations.

Until now, most of MODL has not had comprehensive land use planning in place. Rural areas have existed without extensive land use controls and development has occurred relatively freely. While the adoption of this Municipal Planning Strategy will place land use controls on all lands in MODL, Council recognizes the need for a balance that allows for the continuation of traditional rural activities without extensive controls.

Council also recognizes that there is diversity throughout the rural areas of MODL with several distinct communities and built-up areas that contain a mix of commercial, residential and institutional uses. As these areas function differently than the lower density rural areas, Council will establish different zones within the Rural Designation to accommodate these differences.

The Rural Designation will guide land use planning and development decisions in rural areas of MODL.

### **Policy LUD-8**

Council will, on Schedule A, the Future Land Use Map, designate lands as “Rural” that are rural in nature, that are intended to accommodate

low-density development, resource-based industries, or are undeveloped, and are not fully serviced by central services.

**Policy LUD-9**

Council will, on the zoning map of the Land Use By-law, permit the following Rural Zones within the Rural Designation:

- (a) Rural General (RU) Zone
- (b) Rural Agricultural Potential (RU-2) Zone
- (c) Rural Residential (RR) Zone
- (d) Rural Village (RUV) Zone

**Policy LUD-10**

Council will, within the Land Use By-law, permit the following General Zones within the Rural Designation:

- (e) Recreation and Parks (P) Zone

**16.3.2 Rural General Zone**

A significant portion of land in MODL remains undeveloped, either left in its natural state or utilized for resource-based activities. Rural areas of MODL also contain low-density residential developments and a range of commercial and industrial activities which are typically concentrated near major roadways.

Due to the absence of land use planning regulations, the rural parts of MODL exhibit a mixed-land use pattern where residential, commercial, industrial, and natural resource land uses coexist. In the past, these activities have been able to occur without substantial land use controls. Council intends on maintaining minimal land use regulations in the Rural General (RU) Zone to ensure that traditional rural activities can persist without substantial restriction and to preserve the rural character of MODL.

**Policy LUD-11**

Council will, through the Land Use By-law, establish a Rural General (RU) Zone. This zone is intended to preserve the rural character of

MODL by accommodating a wide range of rural based land use activities with limited land use controls.

### **Policy LUD-12**

The Rural General (RU) Zone will permit lower density residential development, a range of commercial, industrial, and institutional uses, as well as agricultural and natural resource-related uses.

### **Policy LUD-13**

The Rural General (RU) Zone will be applied on the zoning map of the Land Use By-law to lands in MODL that are undeveloped, low-density development, associated with resource-based activities, or that have not been identified as having substantial agricultural potential.

### **16.3.3 Rural Agricultural Potential Zone**

While MODL has a large amount of rural land, not all lands are equal when it comes to agricultural significance. Some lands have soils that are more valuable due to their higher fertility and suitability for agricultural production, and other lands support existing farming operations. As stated in the Municipal Government Act, lands with these characteristics need to be identified and protected through municipal planning documents.

As in many other regions, agricultural lands in MODL are facing increased pressure from development. While MODL does not have a substantial amount of high-quality agricultural soils, the existing high-quality agricultural soils need to be protected for the long-term benefit of both MODL residents and the province.

Council recognizes the importance of protecting agricultural lands within MODL for future use. Council also acknowledges the importance of rural land uses and their ability to persist with minimal land use restrictions. Therefore, Council has established the Rural Agricultural Potential (RU-2) Zone which is intended to accommodate the rural way of life by permitting a wide range of land uses, while protecting agricultural lands from development by restricting new private roads and limiting subdivision.

**Policy LUD-14**

Council will, through the Land Use By-law, establish a Rural Agricultural Potential (RU-2) Zone. This zone is intended to limit new development and preserve large parcels of agricultural land throughout the rural areas of MODL to ensure that agriculture can persist.

**Policy LUD-15**

Council will, through the Subdivision By-law, maintain agricultural lands in the Rural Agricultural Potential (RU-2) Zone by restricting the creation of new flag lots and private roads, and limiting the subdivision of lots containing valuable agricultural soils.

**Policy LUD-16**

The Rural Agricultural Potential (RU-2) Zone will permit a wide range of land uses, similar to the Rural General (RU) Zone, including low density residential development, agricultural and natural resource-related uses, as well as a range of commercial, industrial, and institutional uses.

**Policy LUD-17**

The Rural Agricultural Potential (RU-2) Zone will be applied on the zoning map of the Land Use By-law to lands in MODL that are located outside of growth centres, villages, and provincially prescribed protected watershed areas, are larger than four hectares, and consist of at least 60% of Class 3 soils. The Rural Agricultural Potential (RU-2) Zone will also be applied to the portions of larger parcels that do not meet the 60% threshold but contain four hectares or more of Class 3 soils.

**Policy LUD-18**

Council may permit re-zoning of lands from the Rural Agricultural (RU-2) Zone to another zone based on consideration of an agricultural impact assessment report that has been prepared and signed by a qualified professional at the expense of the property owner. The report must document the Canada Land Inventory (CLI) soil classification applicable to the land, implications of fragmenting its

agricultural use, availability of services and compatibility of potential alternative uses such as residential uses that may conflict with established agricultural operations.

### **Policy LUD-19**

Council may consider applications to rezone lands from the Rural Agricultural Potential (RU-2) Zone to another zone where the property owner demonstrates that the lands can be partially or fully serviced by municipal services. In considering such applications, Council will consider:

- (a)** the availability of existing or proposed municipal water and/or sewer services;
- (b)** the compatibility of the proposed development with surrounding land uses;
- (c)** the suitability of the lands for future growth, infrastructure investment, and development.

### **Policy LUD-20**

Council recognizes that not all agriculturally significant lands are included in the Rural Agricultural Potential (RU-2) Zone. Council will consider applications to add additional lands to this zone from owners of properties with established agricultural uses with the purposes of protecting these lands from development and preserving the agricultural uses into the future.

#### **16.3.4 Rural Residential Zone**

Compact residential settlements that are relatively uniform in both scale and design exist throughout MODL. These neighbourhoods consist of concentrated residential uses and are more densely settled than the surrounding rural areas. They can be described as pockets of higher density residential development scattered throughout the largely low-density, mix-use rural landscape and are typically the result of a subdivision development. Examples of this type of settlement pattern include neighbourhoods in Pine Grove, Conquerall

Bank, and Lower Branch, including many lakeshore cottage communities.

Since these rural residential neighbourhoods mainly consist of compact single-unit dwellings, they exhibit a distinct residential character. Council sees the value in maintaining this existing residential character to ensure that residents can continue to enjoy rural life, without being imposed on by conflicting land uses.

New residential developments can also have negative impacts on surrounding groundwater supplies. With increasingly severe drought conditions in recent years, Council considers groundwater to be an important factor to consider for new subdivision developments. Therefore, any new residential development consisting of six or more lots and an internal road will be rezoned to the Rural Residential (RR) Zone to ensure the development is appropriate for the location and that an adequate groundwater supply is available.

#### **Policy LUD-21**

Council will, through the Land Use By-law, establish a Rural Residential (RR) Zone. This zone is intended to accommodate low-density residential development and maintain the rural character of established residential areas throughout the rural areas of MODL.

#### **Policy LUD-22**

The Rural Residential (RR) Zone will permit lower density residential development and a limited range of agricultural, institutional, and commercial uses that are compatible within rural residential neighbourhoods.

#### **Policy LUD-23**

The Rural Residential (RR) Zone will be applied on the zoning map of the Land Use By-law to established compact, low density, predominantly residential neighbourhoods and lakeshore communities.

#### **Policy LUD-24**

Council will require residential developments of six or more lots, excluding the remainder lot, to be rezoned to the Rural Residential

(RR) Zone if the development includes an internal road or shared driveway and is intended primarily for residential purposes. This requirement applies to developments that create six or more lots at one time. It also applies to developments that create a cumulative total of six or more registered lots within a period of five years, and which are subdivided from a lot as it existed, as of the date of passing of this Plan. When required, proposals to rezone lands to the Rural Residential (RR) Zone must meet the following:

- (a) the proposed change is not prohibited by any other policy in this Plan;
- (b) the proposal does not include lands zoned Rural Village (RUV), Rural Agricultural Potential (RU-2), Conservation (C), Protected Watershed One (PW-1), Protected Watershed Two (PW-2), or Mixed Use Serviced (MS);
- (c) the proposal complies with Policy IMP-13 for amending the Land Use By-law;
- (d) rezoning must take place prior to any subdivision;
- (e) the proposal meets the zone requirements for the Rural Residential (RR) Zone; and
- (f) the applicant completes all studies requested by Council which may include, but are not limited to, a hydrogeological study to ensure the adequacy of the water supply.

### **16.3.5 Rural Village Zone**

MODL contains many established communities that provide a range of amenities and services to residents, while also serving as important places for social interaction and building connections with others. These village communities exist across MODL and vary in terms of location, density, and overall character. Since these communities were settled long ago, they usually have historical significance. Council recognizes this, and the importance of maintaining the historic character and feel of village settlements. While each village is unique, some function more completely as service centres than others. Therefore, Council will apply the Rural

Village (RUV) Zone to a limited number of villages, maintaining a light touch zoning approach to much of the land in MODL. The Rural Village (RUV) Zone will allow for a wide range of uses while limiting certain incompatible land use activities, with the goal of maintaining village charm while supporting reasonable growth.

#### **Policy LUD-25**

Council will, through the Land Use By-law, establish a Rural Village (RUV) Zone. This zone is intended to support the continuation and growth of villages, providing surrounding residents with a diverse range of services and amenities.

#### **Policy LUD-26**

The Rural Village (RUV) Zone will permit land uses that are compatible within village communities including a range of commercial and small-scale retail uses, institutional uses, residential uses, tourist accommodations, and low impact natural resource related activities.

#### **Policy LUD-27**

The Rural Village (RUV) Zone will be applied on the zoning map of the Land Use By-law to the communities of New Germany, Petite Riviere, and LaHave.

### **16.3.6 Tancook Islands**

The Tancook Islands are island communities in MODL. During public engagement in 2025, many residents highlighted the need to have zoning requirements that reflect Tancook's unique characteristics. Wayfinding signage, architectural guidelines, visitor facilities, and limits on trailers and RVs were identified as some of the features that should be addressed through land use planning. While the Rural General (RU) Zone will be applied to the Tancook Islands for the time being, in the future, Council will initiate a specific planning process to establish a unique zone on the Tancook Islands that reflects and protects the features of the islands that are meaningful to residents.

#### **Policy LUD-28**

Council will initiate a future planning process for the Tancook Islands, intended to protect the unique characteristics and land use patterns of the Islands.

## **16.4 Environmental**

### **16.4.1 Environmental Conservation Designation**

MODL is home to a diverse array of natural landscapes, including beaches, lakes, rivers, dunes, old-growth forests, and wetlands. Many of these areas serve as critical habitats for rare and at-risk species native to the South Shore region and are recognized for their ecological significance. Some of these landscapes are protected under federal and provincial legislation or safeguarded by Land Trusts and community organizations. However, it is equally vital that these protections are acknowledged and upheld within municipal jurisdiction to guide present and future land use planning, ensuring the preservation of these valuable natural features.

To address these priorities, the Environmental Conservation designation will strictly limit the types of permitted uses on these lands. This approach aims to minimize disturbances and preserve MODL's rich and vibrant ecosystems.

#### **Policy LUD-29**

Council will, on Schedule A, the Future Land Use Map, designate lands as Conservation that have important conservation value, such as large wetlands, beaches, and designated protected areas, to protect drinking water, and preserve natural habitats.

#### **Policy LUD-30**

Council will, on the zoning map of the Land Use By-law, permit the following Environmental Conservation Zones within the Environmental Conservation Designation:

- (a)** Conservation (C) Zone

### **16.4.2 Conservation Zone**

Common characteristics of areas recognized for their conservation value include maintaining very low human interference to protect the natural habitat that exists on the land. While public access to these lands is permitted, visitors are expected to engage only in low-impact passive activities such as sightseeing or hiking. Many of these areas are protected by other jurisdictions, organization, or agreements, and may be categorized as Wilderness Areas, Nature Reserves, and Protected Beaches, etc. Council intends to recognize and protect these areas at the municipal level as well, by strictly limiting uses in the zone to conservation related activities and low impact recreation.

**Policy LUD-31**

Council will, through the Land Use By-law, establish a Conservation (C) Zone. This zone is intended to safeguard the ecological integrity of lands entrusted, donated, or designated for the purpose of environmental conservation.

**Policy LUD-32**

The Conservation (C) Zone will limit permitted land uses to passive and low-impact recreation, as well as education and research of the conservation land.

**Policy LUD-33**

The Conservation (C) Zone will be applied on the zoning map of the Land Use By-law to existing protected lands under federal, provincial, or municipal ownership, as well as all public and privately-owned lands protected under the Beaches Act and may be applied to lands under land trust ownership. The Conservation (C) Zone will be applied to all lands within the Environmental Conservation Designation.

**16.5 Watershed**

**16.5.1 Protected Watershed Designation**

A clean and reliable source of drinking water is vital for the continuing well-being of any community. The Statement of Provincial Interest regarding Drinking Water reinforces the importance of conserving future drinking water supplies by mandating that municipal planning

documents address the protection of municipal water supplies. While MODL does not operate a designated municipal water supply, the neighbouring towns of Bridgewater, Lunenburg, and Mahone Bay operate municipal water utilities to serve their residents, as well as some of MODL's residents.

MODL contains three primary watersheds: the Hebb, Milipsigate, and Minamkeak Watershed, the Dares Lake Watershed, and the Oakland Lake Watershed. These natural watercourses ultimately flow into lakes and then to the ocean. The areas surrounding these watercourses provide critical habitats that support biodiversity and act as buffers to reduce erosion and pollution run-off. Any disturbance to the area surrounding a watershed could have severe repercussions for the watercourses, flora, and fauna they support.

The water utilities regulate or prohibit specific activities within the watersheds through individual Protected Watershed Area regulations mandated under the Environment Act for each watershed and actively work toward purchasing land in the watersheds for conservation purposes to protect the public water supply. At the same time, MODL is responsible for exercising tight land use controls to help mitigate harmful land use practices that can adversely harm the water quality.

Acknowledging that the existing watershed boundaries outlined in provincial regulations only partially encompasses the broader, natural watersheds essential for protecting drinking water sources, MODL has implemented tailored drinking water regulations and zoning to protect the three watersheds. These regulations vary in stringency based on watershed size and contamination vulnerability. Smaller water bodies, with their heightened contamination risks, receive heightened protection, while larger watersheds and natural watershed boundaries outside designated provincial regulations are subject to more permissive land use regulations.

Through this approach, MODL strives to ensure that its residents have access to safe drinking water protected by appropriate and adaptive land use regulations.

### **Policy LUD-34**

Council will, on Schedule A, the Future Land Use Map, designate lands as “Protected Watershed” that have been identified as Protected Watershed Areas under the Environment Act. These are the Hebb, Milipsigate, and Minamkeak Watershed, the Dares Lake Watershed, and the Oakland Lake Watershed.

#### **Policy LUD-35**

Council will, on the zoning map of the Land Use By-law, permit the following Protected Watershed Zones within the Protected Watershed Designation:

- (a)** Protected Watershed One (PW-1) Zone
- (b)** Protected Watershed Two (PW-2) Zone

#### **16.5.2 Protected Watershed One Zone**

Strict development and land use regulations are especially critical for smaller watersheds, such as the Dares Lake and Oakland Lake, compared to larger ones like the Hebb, Milipsigate, and Minamkeak Lake Watershed. Smaller watersheds, with their limited capacity to dilute and process pollutants, are far more vulnerable to contamination and ecological disruption, whereas larger watersheds, composed of more expansive lakes, can dilute the same amount of pollutants more effectively. Even minor disturbances for these smaller watersheds such as runoff from construction, agricultural activities, or improper waste disposal can significantly impact water quality, posing a serious health risk for residents of MODL, the Town of Lunenburg, and the Town of Mahone Bay that rely on these two watersheds as critical sources of drinking water. Additionally, smaller watersheds tend to have less resilient ecological systems, making them more susceptible to damage from habitat loss and human activity. Implementing strict regulations helps ensure these vital water sources remain clean and sustainable, safeguarding both the environment and public health.

#### **Policy LUD-36**

Council will, through the Land Use By-law, establish a Protected Watershed One (PW-1) Zone. This zone is intended to identify and

protect the smaller water bodies of Dares Lake and Oakland Lake, with their heightened contamination risks, as well as lands purchased by governments for conservation purposes along Hebb, Milipsigate, and Minamkeak Lake, to receive heightened protection.

#### **Policy LUD-37**

The Protected Watershed One (PW-1) Zone will only permit municipally owned water treatment and or distribution facilities.

#### **Policy LUD-38**

The Protected Watershed One (PW-1) Zone will be applied on the zoning map of the Land Use By-law to all lands identified within the Dares Lake Watershed and Oakland Watershed boundary, and government owned lands identified within the Hebb, Milipsigate, and Minamkeak Watershed boundary under the Environment Act.

### **16.5.3 Protected Watershed Two Zone**

Private land within larger watershed areas like the Hebb, Milipsigate, and Minamkeak Watershed can support slightly less restrictive development regulations while still ensuring safe drinking water by allowing low-impact uses, such as single-unit residential development, under carefully managed conditions. This is because their size and capacity make them more resilient to minor disturbances compared to smaller watersheds. Larger watersheds often have greater natural buffering systems, like vegetation, wetlands, and aquifers, which help absorb and filter pollutants. These ecosystems can mitigate the impacts of low-impact development with less risk of contamination.

However, maintaining low-impact regulations is still critical to ensure the long-term health of these systems. Cumulative development or high-impact activities in large watersheds can lead to significant degradation over time and affect the water quality. Balancing some flexibility with robust protections ensures sustainable use while minimizing risks to this essential water supply.

#### **Policy LUD-39**

Council will, through the Land Use By-law, establish a Protected Watershed Two (PW-2) Zone. This zone is intended to identify and

protect privately-owned parcels of the larger watershed encompassing Hebb, Milipsigate, and Minamkeak Lakes where more permissive but still low-impact private development will protect water quality.

#### **Policy LUD-40**

The Protected Watershed Two (PW-2) Zone will permit municipally owned water treatment and distribution facilities in addition to single unit residential developments. Through the Land Use By-law, the zone will also regulate lot sizes and coverage to prevent high residential density and minimize surface runoff, establish horizontal setbacks and vegetative buffers near watercourses to mitigate contaminants' impact and prevent erosion.

#### **Policy LUD-41**

Council will, through the Subdivision By-law, prohibit new public and private road construction within the Protected Watershed Two (PW-2) Zone.

#### **Policy LUD-42**

The Protected Watershed Two (PW-2) Zone will be applied on the zoning map of the Land Use By-law to all privately owned lands identified within the Hebb, Milipsigate, and Minamkeak Watershed boundary under the Environment Act.

### **16.5.4 Protected Watershed Overlay**

While the Protected Watershed One (PW-1) and Two (PW-2) Zones align with the boundaries defined under the Environment Act, recent research indicates that the natural watershed encompassing Hebb, Milipsigate, Minamkeak, and Dares Lakes is significantly larger than the provincially mapped areas. However, much of the land within this expanded natural watershed is already developed, making it challenging to impose the same level of restrictions as the two watershed zones. To address this, a third layer of protection will be introduced in the form of a watershed overlay. This overlay will apply to all zones within the natural watershed boundary with the intent of mitigating animal waste runoff and protect water quality by applying

larger fencing setbacks for livestock from watercourses than areas outside of the natural watershed boundary.

**Policy LUD-43**

Council will, through the Land Use By-law, establish a Protected Watershed (PW-3) Overlay. This overlay is intended to protect the natural watershed boundaries outside of Hebb, Milipsigate, and Minamkeak Lake, and Dares Lake to protect drinking water quality.

**Policy LUD-44**

All lands within the natural watershed boundary will be required to meet the requirements for the Protected Watershed (PW-3) Overlay as indicated in the Land Use By-law.

**Policy LUD-45**

Council will, through the Land Use By-law, provide flexibility from the setback requirements of the Protected Watershed Overlay for existing undersized lots.

**Policy LUD-46**

The Land Use By-law will include provisions related to livestock fencing and watercourse setbacks within the Protected Watershed (PW-3) Overlay that are intended to protect drinking water quality.

**16.6 Zones Throughout the Plan Area**

**16.6.1 Recreation and Parks Zone**

Parks and open spaces encompass a diverse range of settings from playgrounds and sports fields, to scenic parkettes and nature trails. Regardless of their form, these areas provide people with opportunities for physical activity, the enjoyment of natural green spaces, and social interaction with friends and family. Many parks preserve their natural characteristics, serving as buffers that separate residential and community spaces from more intensive land uses like industrial or agricultural zones, enhancing the neighborhood's appeal and vibrancy.

Parks are often located near residential areas to ensure residents can easily access these spaces. Recognizing the significant value these spaces bring to their communities, Council is committed to protecting them from conflicting land uses with the establishment of the Recreation and Parks (P) Zone. Lands within this zone will be reserved for recreational and community uses, ensuring their continued contribution to the health and well-being of residents and visitors alike.

**Policy LUD-47**

Council will, through the Land Use By-law, establish a Recreation and Parks (P) Zone. This zone is intended to protect parks and open spaces while fostering opportunities for physical activity, connection with nature, and social interactions, contributing to a healthy community.

**Policy LUD-48**

The Recreation and Parks (P) Zone will permit a variety of recreational activities, institutional facilities, and community gathering spaces, as well as commercial food services such as cafés or take-out establishments that are part of a larger recreational centre.

**Policy LUD-49**

The Recreation and Parks (P) Zone will be applied on the zoning map of the Land Use By-law to existing provincial and municipal parks.

## PART D

# Secondary Planning Strategies

DRAFT #3

## **17 Secondary Plans**

### **17.1 Background**

This Plan applies to the entire area of MODL. However, there are several secondary plans which were developed over time and where planning policies and regulations have existed, in some cases, for several decades. These plans continue to be in effect today.

While these secondary plans continue to be in effect, the policies and regulations contained in each Planning Strategy and Land Use By-law will take precedence over those contained in this Plan. However, there are specific policies contained in this Plan which will take precedence. These policies include those relating to coastal protection, cluster development, inland watercourses and inland wetlands.

### **17.2 Village of Hebbville Municipal Planning Strategy**

On February 14, 2012, Council approved a revised Secondary Planning Strategy and Land Use By-law for the Village of Hebbville. The Minister of Services Nova Scotia and Municipal Relations reviewed these documents and deemed them not to require ministerial approval. The Secondary Planning Strategy for the Village of Hebbville is to be included within this ` Planning Strategy as a Secondary Planning Strategy. On March 21, 2012, the first notice of Council's approval appeared in the local newspaper and is the effective date of the document.

#### **Policy SPS-1**

Council will, on Schedule A, the Future Land Use Map, identify the Village of Hebbville Secondary Plan Area.

#### **Policy SPS-2**

Despite the contents of this Plan and associated Land Use By-law, within the Village of Hebbville Secondary Plan Area, all planning matters except those relating to wetlands, watercourses, coastal protection and cluster development will be subject to the requirements of the Village of Hebbville Secondary Planning Strategy and Village of Hebbville Land Use By-law which are attached as Schedule B to this Plan.

### **17.3 Oakland Municipal Planning Strategy**

On September 9, 2003, Council approved a revised Secondary Planning Strategy and Land Use By-law for the community of Oakland. The Minister of Service Nova Scotia and Municipal Relations reviewed the Oakland Secondary Planning Strategy and Land Use By-law and deemed them not to require ministerial approval. On October 22, 2003, the first notice of Council's approval appeared in the local newspaper and is the effective date of the document.

#### **Policy SPS-3**

Council will, on Schedule A, the Future Land Use Map, identify the Oakland Secondary Plan Area.

#### **Policy SPS-4**

Despite the contents of this Plan and associated Land Use By-law, within the Oakland Plan Area, all planning matters except those relating to wetlands, watercourses, coastal protection and cluster development will be subject to the requirements of the Oakland Secondary Planning Strategy and Oakland Land Use By-law which are attached as Schedule C to this Plan.

### **17.4 Riverport and District Municipal Planning Strategy**

On July 12, 2005, Council approved a revised Secondary Planning Strategy and Land Use By-law for Riverport and District plan area. The Minister of Service Nova Scotia and Municipal Relations reviewed the Riverport and District Secondary Planning Strategy and Land Use By-law and deemed them not to require ministerial approval. On August 10, 2005, the first notice of Council's approval appeared in the local newspaper and is the effective date of the document.

#### **Policy SPS-5**

Council will, on Schedule A, the Future Land Use Map, identify the Riverport and District Secondary Plan Area.

### **Policy SPS-6**

Despite the contents of this Plan and associated Land Use By-law, within the Riverport and District Plan Area, all planning matters except those relating to wetlands, watercourses, coastal protection and cluster development will be subject to the requirements of the Riverport and District Secondary Planning Strategy and Riverport and District Land Use By-law which are attached as Schedule D to this Plan.

## **17.5 Princes Inlet and Area Municipal Planning Strategy**

On January 12, 2016, Council approved a revised Secondary Planning Strategy and Land Use By-law for Princes Inlet and Area. The Minister of Service Nova Scotia and Municipal Relations reviewed the Princes Inlet and Area Secondary Planning Strategy and Land Use By-law and deemed them not to require ministerial approval. On February 17, 2016, the first notice of Council's approval appeared in the local newspaper and is the effective date of the document.

### **Policy SPS-7**

Council will, on Schedule A, the Future Land Use Map, identify the Princes Inlet and Area Secondary Plan Area.

### **Policy SPS-8**

Despite the contents of this Plan and associated Land Use By-law, within the Princes Inlet and Area Plan Area, all planning matters except those relating to wetlands, watercourses, coastal protection and cluster development will be subject to the requirements of the Princes Inlet and Area Secondary Planning Strategy and Princes Inlet and Area Land Use By-law which are attached as Schedule E to this Plan.

## **17.6 Blockhouse Municipal Planning Strategy**

On September 9, 2008, Council approved a revised Secondary Planning Strategy and Land Use By-law for Blockhouse. The Minister of Service Nova Scotia and Municipal Relations reviewed the Blockhouse Secondary Planning Strategy and Land Use By-law and deemed them not to require ministerial

approval. On October 14, 2008, the first notice of Council's approval appeared in the local newspaper and is the effective date of the document.

**Policy SPS-9**

Council will, on Schedule A, the Future Land Use Map, identify the Blockhouse Secondary Plan Area.

**Policy SPS-10**

Despite the contents of this Plan and associated Land Use By-law, within the Blockhouse Plan Area, all planning matters except those relating to wetlands, watercourses, coastal protection and cluster development will be subject to the requirements of the Blockhouse Secondary Planning Strategy and Blockhouse Land Use By-law which are attached as Schedule F to this Plan.

## **17.7 Osprey Village Municipal Planning Strategy**

On December 12, 2006, Council approved a revised Secondary Planning Strategy and Land Use By-law for Osprey Village. The Minister of Service Nova Scotia and Municipal Relations reviewed the Osprey Village Secondary Planning Strategy and Land Use By-law and deemed them not to require ministerial approval. On January 24, 2007, the first notice of Council's approval appeared in the local newspaper and is the effective date of the document.

**Policy SPS-11**

Council will, on Schedule A, the Future Land Use Map, identify the Osprey Village Secondary Plan Area.

**Policy SPS-12**

Despite the contents of this Plan and associated Land Use By-law, within the Osprey Village Plan Area, all planning matters except those relating to wetlands, watercourses, coastal protection and cluster development will be subject to the requirements of the Osprey Village Secondary Planning Strategy and Osprey Village Land Use By-law which are attached as Schedule G to this Plan.

## **17.8 Hemford Forest Municipal Planning Strategy**

On April 13, 2021, 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.

### **Policy SPS-13**

Council will, on Schedule A, the Future Land Use Map, identify the Hemford Forest Secondary Plan Area.

### **Policy SPS-14**

Despite the contents of this Plan and associated Land Use By-law, within the Hemford Forest Plan Area, all planning matters except those relating to wetlands, watercourses, coastal protection and cluster development will be subject to the requirements of the Hemford Forest Secondary Planning Strategy and Hemford Forest Land Use By-law which are attached as Schedule H to this Plan.

# PART E

## Implementation

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## 18 Implementation

### 18.1 Inter-Municipal Cooperation

The South Shore region is comprised of many municipal units at the local government level and Council recognizes that the interests of all residents in this region are best served when these units work together. While this Municipal Planning Strategy and its associated By-laws only apply to MODL, activities that occur within MODL have the potential to affect other municipal units. The effect may be observable, such as the generation of traffic across borders, or more obscure, such as the effect that a changing housing market of one municipality has on the other. Council wants to consider coordinating land use goals and policies with other municipal units when making decisions that affect those units.

#### Policy IMP-1

Council will consult with neighbouring municipalities when considering amendments to this Municipal Planning Strategy that would affect lands of an adjacent municipality or municipalities.

### 18.2 Land Use By-law and Subdivision By-law

#### 18.2.1 Adoption

The vision, goals, and land use policies of this Municipal Planning Strategy are implemented through the Land Use By-law. The Land Use By-law includes the legal requirements and regulations regarding land use decision-making in MODL. The Subdivision By-law contains the legal requirements for subdividing land, the development of new roads, and dedication of public open space. The Municipal Government Act specifies the minimum standard for municipal subdivision regulations.

The Development Officer is responsible for administering the contents of the Land Use By-law and Municipal Planning Strategy, including the responsibility to issue, refuse, amend, and revoke permits under the terms of these By-laws.

### **Policy IMP-2**

Council will adopt a Land Use By-law and a Subdivision By-law consistent with the intent of this Municipal Planning Strategy.

### **Policy IMP-3**

Council will appoint one or more Development Officers to administer the Land Use By-law and the Subdivision By-law and to issue, refuse, amend, and revoke permits under the terms of these By-laws.

### **Policy IMP-4**

Council will, through the Land Use By-law, require a development permit for all development within MODL, except for development where it is stated in the Land Use By-law that a development permit is not required.

### **Policy IMP-5**

Council will, through the Land Use By-law and Subdivision By-law, allow specific exemptions to lot frontage requirements to allow a limited number of lot(s) to be created without frontage.

### **Policy IMP-6**

The Subdivision By-law will:

- (a)** apply to the entire municipality;
- (b)** ensure that any subdivision, except for lots created using the variance provision of Part 9 of the Municipal Government Act, conforms with the lot requirements contained in the Land Use By-law;
- (c)** establish locations and standards for the development of roads, central services, and other publicly-owned infrastructure;
- (d)** contain provisions intended to ensure that lots are suitable for onsite sewage disposal where there is no central sewer system;
- (e)** contain provisions for dedicating land or an equivalent value for park, playground, and similar public purposes;

- (f) ensure the applicable requirements of the Provincial Subdivision Regulations are in effect; and
- (g) contain any other provisions needed to fulfill the intent of this Plan.

### **18.3 Site Plan Approval**

Site plan approval is a development approvals process where additional standards are established and outlined in the Land Use By-law. Requirements often relate to features on a property such as building locations, parking, vegetation, and walkways. The site plan approval process is reviewed and ultimately approved by the Development Officer, who ensures that a proposal meets the applicable standards. After this point, a development permit can be issued.

#### **Policy IMP-7**

Council will enable the use of the site plan approval process within the Land Use By-law as a tool to review certain types of development that require additional oversight and attention due to their use, scale, or where other need exists.

#### **Policy IMP-8**

Council will require a public notification area of a minimum of 300 metres (984 feet) for the approval of a site plan approval application.

### **18.4 Development Agreements**

A development agreement is a written legal agreement between Council and a property owner to address specific details, opportunities, and constraints regarding the design and use of a proposed development. When a development proposal is permitted by development agreement, Council has the ability and discretion to set out a specific set of land use regulations that are catered to the unique circumstances surrounding a given development scenario. The level of detail and public participation involved in establishing a development agreement makes this form of approval more involved, but also slower than a site-plan approval or as of right process.

#### **Policy IMP-9**

Council will consider entering into a new development agreement where such an agreement is enabled by policies elsewhere in this Plan. Where Council approves a development agreement, the development agreement will:

- (a)** specify the development, expansion, alteration, or change permitted;
- (b)** specify the conditions under which the development may occur; and
- (c)** set terms by which Council may amend or terminate and discharge the agreement.

#### **Policy IMP-10**

Council will not approve or amend a development agreement unless Council is satisfied the proposed agreement is consistent with the enabling policy and the general criteria set out in Section 18.6.

### **18.5 Content of a Development Agreement**

#### **Policy IMP-11**

Council may specify conditions in the development agreement to meet the enabling and general criteria outlined in Policy 18.6. These conditions may include but are not limited to controls regarding the:

- (a)** access of emergency vehicles;
- (b)** adequacy of services such as water and sewer;
- (c)** adequacy of street networks, site access, and emergency evacuation;
- (d)** architectural design of structures, including, but not limited to, bulk, scale, height, roof shape, building and cladding materials, and the shape and size and placement of doors and windows;
- (e)** availability of a safe water supply;
- (f)** grading and erosion control;
- (g)** management of solid waste, compost, and recycling;

- (h)** pedestrian, bicycle, and vehicular circulation;
- (i)** phasing of a development;
- (j)** provision of open space and amenities, or the payment of cash-in-lieu to improve such provisions;
- (k)** servicing of the development;
- (l)** stormwater management;
- (m)** the suitability of the site in relation to environmental impact;
- (n)** time limits for the initiation and/or completion of development;
- (o)** type and orientation of exterior lighting;
- (p)** type, location, and orientation of structures;
- (q)** type, size, and location of signage;
- (r)** the establishment of a wastewater management district; and
- (s)** all other matters enabled in Section 227 of the Municipal Government Act.

#### **Policy IMP-12**

When evaluating development agreement proposals, Council will consider the transportation matters including but not limited to the:

- (a)** identified and designed street hierarchy to accommodate traffic within the development, including connections to adjacent areas, while also considering pedestrian safety, walkability, and accessibility;
- (b)** capacity of adjacent streets to accommodate any increased traffic from a given development;
- (c)** minimizing vehicular access points to public roads where possible by requiring shared access driveways in developments of a certain scale;
- (d)** ability of the road(s) to accommodate different modes of transportation including active transportation; and
- (e)** ability of the road(s) to accommodate service vehicles.

## **18.6 Amending the Land Use By-law & Adopting Development Agreements**

Amendments to the Land Use By-law and the adoption of development agreements are an important process, as these types of approvals require thoughtful consideration and review. In considering this, Council has established a set of general criteria to consider in these instances.

### **Policy IMP-13**

Council will not amend the Land Use By-law or approve a development agreement unless Council is satisfied the proposal:

- (a)** is consistent with the intent of this Municipal Planning Strategy;
- (b)** does not conflict with any municipal or provincial programs, by-laws, or regulations in effect in MODL;
- (c)** is not premature or inappropriate due to:
  - (i)** the ability of MODL to absorb public costs related to the proposal;
  - (ii)** impacts on existing drinking water supplies, both private and public;
  - (iii)** the adequacy of central water and sewage services or, where such services are not available, the suitability of the site to accommodate on-site water and sewage services;
  - (iv)** the creation of excessive traffic hazards or congestion on road, cycling, and pedestrian networks within, adjacent to, or leading to the proposal;
  - (v)** the adequacy of fire protection services and equipment;
  - (vi)** the adequacy and proximity of schools and other community facilities;
  - (vii)** the creation of a new, or worsening of a known, pollution problem in the area, including, but not limited to, soil erosion and siltation of watercourses;
  - (viii)** impacts on known habitat for species at risk;

- (ix)** the potential to create flooding or serious drainage issues, including within the proposal site and in nearby areas;
- (x)** the suitability of the site in terms of grades, soil and geological conditions, the location of watercourses and wetlands, and proximity to utility rights-of-way; and
- (xi)** negative impacts on the viability of existing businesses in the surrounding community, including, but not limited to, the risk of land use conflicts that could place limits on existing operational procedures.

## **18.7 Specific Evaluation Criteria of a Development Agreement**

### **Policy IMP-14**

Council may require, in addition to any other required information, any or all the following information, prepared by an appropriate qualified professional at the applicant's cost, and at a sufficiently detailed level to determine whether the criteria for adopting a development agreement have been met:

- (a)** a detailed plot plan showing features such as, but not limited to:
  - (i)** the layout of the site and associated wastewater systems in accordance with Nova Scotia Environment's on-site sewage technical guidelines;
  - (ii)** location, dimensions, and proposed type of existing and proposed road, bicycle, and pedestrian networks;
  - (iii)** the location of dedicated green space, including open space and amenities;
  - (iv)** existing and proposed watercourses and wetlands;
  - (v)** topography;
  - (vi)** location of buffers;
  - (vii)** location of utilities;
  - (viii)** location of minimum coastal elevation;

- (ix) location of driveways, parking lots and parking spaces;
  - (x) location of existing and proposed parks and recreation spaces; and
  - (xi) development densities.
- (b) elevation drawings of existing and proposed structures including dimensions and exterior materials;
  - (c) a site grading plan;
  - (d) a landscaping plan;
  - (e) a stormwater management plan;
  - (f) a geotechnical study;
  - (g) a wind study;
  - (h) a noise study;
  - (i) a hydrogeological assessment in accordance with the guidelines set out in Nova Scotia Environment’s groundwater assessment standards;
  - (j) an environmental impact study identifying the potential impact and recommended mitigation measure for wetlands, natural habitats, or species at risk;
  - (k) adequacy of access for emergency vehicles; and
  - (l) any other matters enabled in Section 227 of the Municipal Government Act.

## **18.8 New Public Roads Criteria**

### **Policy IMP-15**

Council will consider the overall viability of taking ownership over new public roads. Council will consider factors including but not limited to:

- (a) the overall fiscal responsibility of taking on ownership of the road.

- (b)** the nature of proposed development and use of land that would connect with the road including but not limited to the:
  - (i)** density of development;
  - (ii)** use of land;
  - (iii)** availability of central servicing in the area;
  - (iv)** compatibility with existing land use patterns;
  - (v)** the connectivity of the road with other transportation infrastructure including roads, public transit, and active transportation; and
  - (vi)** the proposed or current quality of the road, including supporting elements such as pedestrian and cycling infrastructure.

## **18.9 Variances**

### **Policy IMP-16**

Council will, in accordance with Section 235 of the Municipal Government Act, permit the Development Officer to vary:

- (a)** the percentage of land that may be built upon;
- (b)** the size or other requirements relating to setbacks;
- (c)** lot frontage;
- (d)** lot area;
- (e)** location and number of parking spaces and loading spaces required;
- (f)** ground area of a structure;
- (g)** height of a structure;
- (h)** floor area occupied by a home-based business; and/or
- (i)** height and area of a sign.

## **18.10 Cluster Developments**

Cluster developments are a type of residential development where several detached and/or multiple-unit dwellings are located on the same property. In response to concerns over the absence of development standards for this kind of development, Council has introduced a process by which Cluster Development proposals to develop or expand, including through new or additional phases, are able to be approved through a development agreement process. The following general policies apply to this kind of development.

**Policy IMP-17**

Council will review cluster development regulations every five years and update them in accordance with best practices for development regulations.

**Policy IMP-18**

Council will permit cluster developments in most areas of the Municipality unless stricter policies are contained in a secondary planning strategy or associated Land Use By-law.

Conservation design development is a style of cluster development designed to conserve open space in rural areas and protect environmental features. The basic principle of the design is to locate homes on the portion of the site best suited for development while retaining the remainder of the site as open space. While conservation design is not being directly evaluated as part of the development agreement process, Council wishes to promote conservation design as one possible way of meeting environmental and servicing standards.

**Policy IMP-19**

It will be a policy of Council to promote and encourage conservation design style cluster development.

**18.11 Cluster Developments by Development Agreement**

The evaluative criteria of the development agreement process provides Council the flexibility to uphold development standards that are appropriate to the size, configuration, and location of the proposed development.

**Policy IMP-20**

Council will consider cluster development applications through the development agreement process.

## **18.12 Non-Conforming Allowances for Cluster Developments**

A non-conforming use, sometimes called a grandfathered use, is a status given to a land use that pre-dates a regulation to allow its continuation under certain restrictions. A future date has been chosen for grandfathering by means of non-conforming status. This will allow a reasonable period for completion of work needed to obtain registration of units or building permits at the time of the publication of the notice of intent to adopt these planning documents.

### **Policy IMP-21**

As outlined in the Municipal-Wide Land Use By-law section on Non-Conforming Uses, it will be a policy of Council that, for cluster developments being developed as bare land condominiums or phased land condominiums, all units that have been accepted for registration by the Registrar of Condominiums as evidenced by their being registered at the appropriate Land Registration office established under the Land Registration Act by December 31, 2026, will be recognized by Council as non-conforming.

### **Policy IMP-22**

Council will recognize cluster developments as non-conforming if they are not phased development condominiums. To qualify, a developer must hold a complete building permit application by December 31, 2026.

### **Policy IMP-23**

Despite Policy IMP-22, Council may allow cluster developments to enter into a development agreement if it determines that the proposed development cannot be completed within the building permit timeframe.

## **18.13 Notification**

### **Policy IMP-24**

Where Council has given notice of its intention to adopt an amendment to the Land Use By-law, including its maps, which is not general in scope but which is directly related to a specific development proposal, or has given notice of its intention either to enter into a development agreement or to amend a development agreement, or where the Development Officer has approved a site plan approval, Council, or the Development Officer will serve notice of the proposed amendment or development agreement upon assessed property owners whose property lies within at least 300 metres (984 feet) of the property which is the subject of the proposed amendment or development agreement. A notification will also be posted on the property which is the subject of the proposed amendment or development agreement.

#### **Policy IMP-25**

Notification of an amendment to the Land Use By-law or the adoption of a development agreement will:

- (a)** include a synopsis of the proposed amendment or development agreement and identify the property(s) subject to the proposed amendment or development agreement; and
- (b)** state the date, time, and place set for the public hearing on the amendment or development agreement.

### **18.14 Monitoring, Reviewing, and Updating this Plan**

MODL's Planning Strategy and Land Use By-law are intended to form a living document that is periodically reviewed and adapted to changing community needs, consider advances in technology and scientific understanding, and generally reappraise the efficacy of the plan.

#### **Policy IMP-26**

Council will initiate a comprehensive review of this Plan within ten years of adopting this Plan. The intent of this review is to conduct extensive public consultation, review the goals and objectives of the plan, and update or replace components of the Plan as necessary to support the goals and objectives.

**Policy IMP-27**

Council will initiate an interim review of this plan at least once every five years from the completion of the previous review. The intent of this review is to identify emerging policy issues and gaps in the plan and adopt new or modified Plan policies to address these issues and gaps.







DRAFT #3

## Schedules

<b>Schedule 'A'</b>	Future Land Use Map
<b>Schedule 'B'</b>	Village of Hebbville Secondary Planning Strategy (027) and Land Use By-law (028)
<b>Schedule 'C'</b>	Oakland Secondary Planning Strategy (037) and Land Use By-law (038)
<b>Schedule 'D'</b>	Riverport and District Secondary Planning Strategy (014) and Land Use By-law (015)
<b>Schedule 'E'</b>	Princes Inlet and Area Secondary Planning Strategy (032) and Land Use By-law (033)
<b>Schedule 'F'</b>	Blockhouse Secondary Planning Strategy (023) and Land Use By-law (024)
<b>Schedule 'G'</b>	Osprey Village Secondary Planning Strategy (020) and Land Use By-law (021)
<b>Schedule 'H'</b>	Hemford Forest Secondary Planning Strategy (044) and Land Use By-law (045)

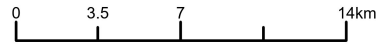
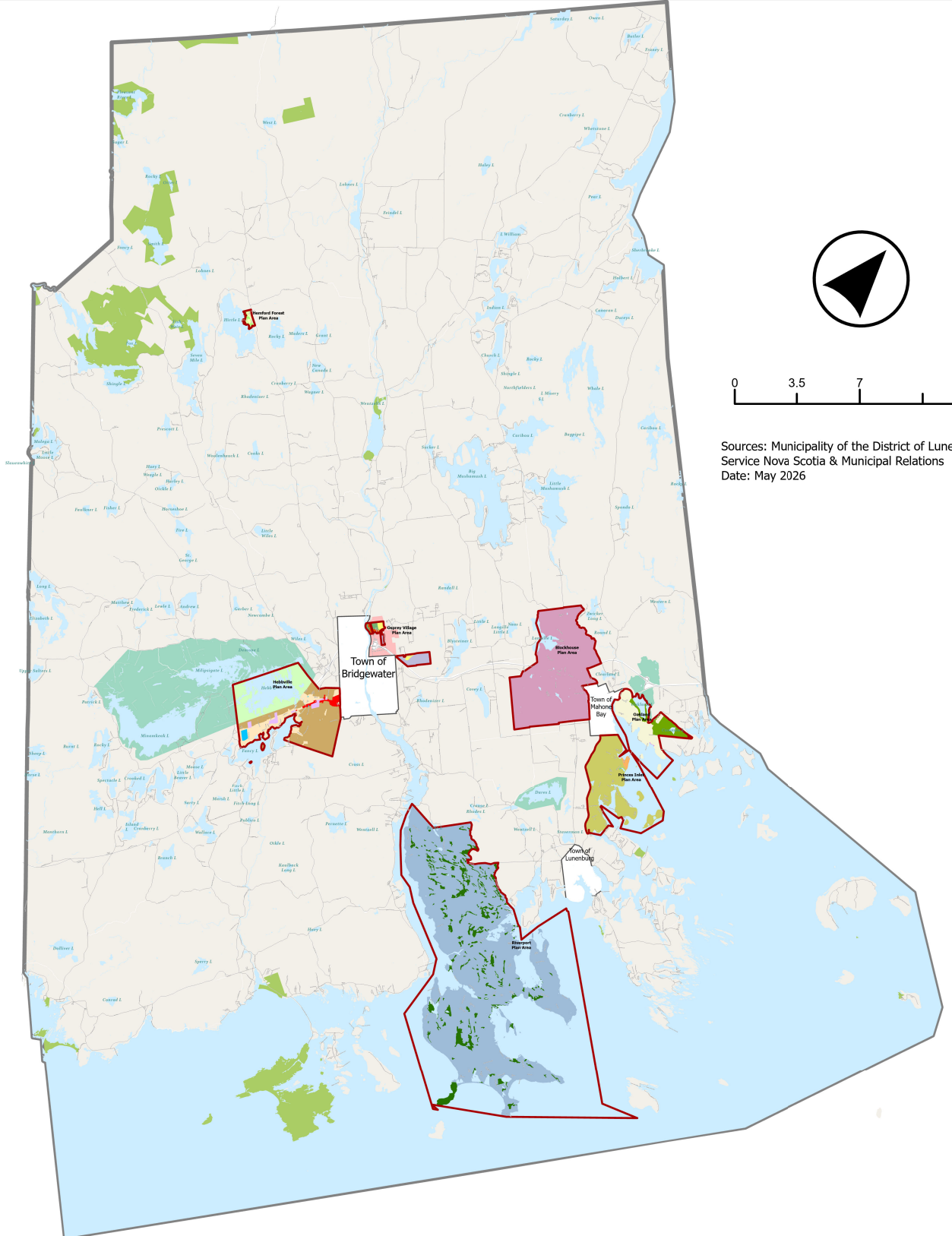
# Schedule A - Municipal Planning Strategy

## Future Land Use Map

-  Town Boundaries
-  Roads
-  Rural Designation (R)
-  Environmental Conservation Designation (EC)
-  Growth Centre Designation (GC)
-  Protected Watershed Designation (PW)

### Secondary Planning Areas

- |   |  |  |
|---|--|--|
|  Planned Areas Boundary              |  Blockhouse - Rural Designation           |  Oakland - Ocean Shoreline Designation            |
|  Hebbville - Commercial Designation  |  Hebbville - Environmental Designation    |  Oakland - Rural Designation                      |
|  Hebbville - Industrial Designation  |  Hebbville - Institutional Designation    |  Osprey Village - Community Designation           |
|  Hebbville - Residential Designation |  Hebbville - Rural Designation            |  Osprey Village - Enterprise Designation          |
|  Hemford Forest - Public Designation |  Hemford Forest - Residential Designation |  Osprey Village - Industrial Designation          |
|  Oakland - Environmental Designation |  |  Osprey Village - Residential Designation         |
|   |  |  Princes Inlet - Environmental Designation        |
|   |  |  Princes Inlet - Residential Designation          |
|   |  |  Princes Inlet - Rural Designation                |
|   |  |  Riverport - Environmental Protection Designation |
|   |  |  Riverport - Rural Three Designation              |



Sources: Municipality of the District of Lunenburg,  
Service Nova Scotia & Municipal Relations  
Date: May 2026

<<Date of Report>>

Page **8** of **8**

**Appendix B: Land Use By-Law**



# Municipality of the District of Lunenburg

## Land Use By-law

### (MODL By-Law 049)

First Reading by Council: **Insert date**

Second Reading by Council: **Insert date**

EFFECTIVE DATE: **Insert date**

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## Table of Contents

<b>1</b>	<b>Title and Purpose</b>	<b>7</b>
1.1	Title	7
1.2	Purpose	7
<b>2</b>	<b>Interpretation</b>	<b>8</b>
2.1	Certain Words	8
2.2	Conflict	8
2.3	Definitions	8
2.4	Units of Measure	9
2.5	Interpretation of Zone Boundaries	9
2.6	Severability	10
<b>3</b>	<b>Definitions</b>	<b>11</b>
<b>4</b>	<b>Administration</b>	<b>39</b>
4.1	Applicability	39
4.2	Administration of By-law	39
4.3	Inspection	39
4.4	Violations	39
4.5	Compliance with other Legislation	39
4.6	Restoration to Safe Condition	40
4.7	Effective Date	40
4.8	Existing Structures and Uses	40
4.9	Repeal of By-law	41
<b>5</b>	<b>Development Permitting</b>	<b>42</b>
5.1	Development Permit	42
5.2	Development Not Requiring a Development Permit	43
5.3	Uses Not Requiring a Development Permit	43
5.4	No Exemption from Requirements	44
5.5	Application Requirements	44
<b>6</b>	<b>Lot Plan Requirements</b>	<b>44</b>

6.2	Variances.....	46
6.3	Development through Site Plan Approval.....	47
6.4	Development through Development Agreement .....	48
6.5	Service of Notice of Amendments or Development Agreement .....	48
6.6	Application Fees .....	49
6.7	Penalty.....	49
6.8	Costs for Advertising.....	49
<b>7</b>	<b>General Provisions.....</b>	<b>50</b>
7.1	Application.....	50
7.2	Accessory Building and Structures .....	50
7.3	Accessory Uses .....	50
7.4	Buildings to be Moved .....	51
7.5	Cemeteries .....	51
7.6	Cluster Developments .....	51
7.7	Coastal Protection (ALREADY IN EFFECT).....	51
7.8	Coastal Erosion (ALREADY IN EFFECT).....	51
7.9	Coastal Flooding (ALREADY IN EFFECT).....	53
7.10	Sensitive Coastal Ecosystems (ALREADY IN EFFECT).....	54
7.11	Community Gardens.....	55
7.12	Connection to Central Services.....	55
7.13	Distance of New Dwellings or Institutional Uses to Existing Large-scale Livestock Operations.....	55
7.14	Existing Undersized Lots .....	56
7.15	Farm, Fish, and Forest Stands .....	56
7.16	Flag Lots .....	57
7.17	Frontage on a Road .....	57
7.18	Heritage Incentives.....	57
7.19	Home-based Businesses.....	57
7.20	Illumination .....	59

7.21	Inland Watercourses .....	59
7.22	Inland Watercourses in Protected Watershed Zones.....	61
7.23	Inland Wetlands .....	61
7.24	Island Developments .....	62
7.25	Kennels.....	62
7.26	Lots Created by a Plan of Subdivision Lacking Minimum Frontage .....	63
7.27	Multiple Main Buildings.....	63
7.28	Multiple Uses in a Building .....	63
7.29	Non-Conforming Cluster Developments.....	63
7.30	Non-Conforming Structures.....	64
7.31	Non-Conforming Uses .....	64
7.32	Outdoor Storage of Fishing Gear and Equipment.....	64
7.33	Permitted Encroachments in Minimum Setbacks.....	65
7.34	Private Road Lot Frontage/Flankage Setbacks.....	65
7.35	Private Storage Buildings .....	66
7.36	Protected Watershed Overlay.....	66
7.37	Public Utilities .....	67
7.38	Recreational Vehicles .....	67
7.39	Shipping Containers Used for Storage.....	68
7.40	Short-term Rentals .....	68
7.41	Solar Collectors.....	68
7.42	Special Uses Permitted.....	68
7.43	Swimming Pools.....	68
7.44	Telecommunications Towers .....	69
7.45	Visibility at Intersections .....	69
7.46	Wharves, Docks, and Slipways.....	69
7.47	Wind Turbine Generators .....	69
<b>8</b>	<b>Parking.....</b>	<b>73</b>
<b>9</b>	<b>Zones and Zone Mapping .....</b>	<b>74</b>

9.1	Zones .....	74
9.2	Zoning Map .....	74
<b>10</b>	<b>Rural Zones.....</b>	<b>75</b>
10.1	Permitted Uses in the Rural Zones .....	75
10.2	Development Standards for the Rural Zones.....	84
10.3	Site Plan Requirements for Multi-Unit Residential and Tourist Accommodations in the Rural Zones .....	85
<b>11</b>	<b>Environment and Recreation Zones .....</b>	<b>87</b>
11.1	Permitted Uses in the Environmental and Recreational Zones .....	87
11.2	Development Standards for the Environmental and Recreational Zones...	92
<b>12</b>	<b>Growth Centre Zones .....</b>	<b>93</b>
12.1	Permitted Uses in the Growth Centre Zones .....	93
12.2	Development Standards for the Growth Centre Zones.....	99
12.3	Site Plan Requirements for Multi-Unit Residential and Tourist Accommodations in the Growth Centre Zones.....	100
12.4	Site Plan Requirements for Automobile Service Stations in the Growth Centre Zones.....	102
12.5	Site Plan Requirements for Retail Lumber and Home Improvements Yards in the Growth Centre Zones .....	105
12.6	Site Plan Requirements for Drive-Through Restaurants in the Growth Centre Zones.....	1055
12.7	Site Plan Requirements for Large Format Commercial Uses in the Growth Centre Zones.....	1056
12.8	Site Plan Requirements for Light Industrial Uses in the Growth Centre Zones .....	1058
<b>13</b>	<b>List of Schedules .....</b>	<b>111</b>
	Schedule 'A' - Zoning Map	
	Schedule 'B' - Environmental Features Map	

# 1 Title and Purpose

## 1.1 Title

This By-law is titled the Municipality of the District of Lunenburg Land Use By-law.

## 1.2 Purpose

The purpose of this By-law is to carry out the intent of the Municipality of the District of Lunenburg Municipal Planning Strategy, under the Municipal Government Act, by regulating the land use and structures within the Municipality.

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## 2 Interpretation

### 2.1 Certain Words

**2.1.1** In this By-law:

- (a) the words “must” and “will” mean mandatory compliance;
- (b) the word “may” means discretionary compliance or a choice in applying a policy or regulation;
- (c) words used in the present tense include future tense;
- (d) words used in the plural include the singular, and words in the singular include the plural; and
- (e) gendered words will be interpreted to mean any gender.

### 2.2 Conflict

**2.2.1** In the case of any conflict between the text of this By-law and any maps or drawings used to illustrate any aspect of this By-law, the text will prevail.

**2.2.2** Colour coding throughout this By-law and the zoning map is for ease of reference only and the text of the By-law will take priority.

**2.2.3** In the case of any conflict between a number written in numerals and a number written in letters, the number written in numerals will take priority.

**2.2.4** In the case of conflict between a written zone name and a zone symbol, the written zone name will prevail.

### 2.3 Definitions

**2.3.1** For the purposes of this By-law, words will have the meaning or meanings assigned to them in Section 3 (Definitions).

**2.3.2** Where a word is not defined in Section 3 (Definitions), the word will have the meaning(s) as defined in the Municipal Government Act or the Interpretation Act.

**2.3.3** Where a word is not defined under Subsections 2.3.1 or 2.3.2, the word will have the meaning(s) assigned by accepted Canadian English dictionaries.

## 2.4 Units of Measure

**2.4.1** This By-law uses the metric system of measurement. Numerical measurements in this document may also be presented in other units; however, this is for convenience only. If a metric measurement conflicts with its conversion in another unit, the metric measurement will take priority.

## 2.5 Interpretation of Zone Boundaries

**2.5.1** Boundaries between zones will be determined as follows:

- (a) where a zone boundary is indicated as following a survey line as recorded at the Land Registration Office, the boundary will follow that line;
- (b) where a zone boundary is indicated as following a street, private road, or controlled access highway, the centreline of the street, private road, or controlled access highway as it existed on the effective date of this By-law will be the boundary unless otherwise indicated;
- (c) where a zone boundary is indicated as following a railway or utility right-of-way, the centreline of the right-of-way will be the boundary unless otherwise indicated;
- (d) where the zone boundary is indicated as approximately following lot lines, the boundary will follow the lot lines;
- (e) where the zone boundary is indicated as following a physical feature, such as, but not limited to, topographic elevations or agricultural soil classification, the Development Officer may interpret the boundary to align with a site-specific delineation completed by a qualified professional;
- (f) where the zone boundary is indicated as following the shoreline of a watercourse or wetland, the ordinary high-water mark will be the boundary; and
- (g) where none of the above provisions apply, the Development Officer will scale the zone boundary from the zoning map.

## **2.6 Severability**

- 2.6.1** If any provision of this By-law is held to be invalid by a decision of a court of competent jurisdiction, that decision will not affect the validity of the remaining portions of this By-law.

DRAFT #3

### 3 Definitions

## A

**Abattoir** means a building or structure, or part thereof, used for the commercial slaughtering of farm animals which may include the on-site packing, treating, and storage of product but does not include the slaughtering of any animals for personal use.

**Accessory Building and Structure** means a separate building or structure located on the same lot as the main building or principal use, and of a nature customarily and clearly subordinate and incidental to the main building or main use of land.

**Accessory Use** means a subordinate use(s) which take place on the same site as the principal use and is clearly secondary and incidental to the principal use.

**Act** means, unless otherwise specified, the Municipal Government Act of the Province of Nova Scotia, as amended.

**Adjacent** means having a common border in at least one point or being separated from such a common border only by a right-of-way.

**Aggregate** refers to raw materials extracted from the ground including but not limited to sand, gravel, crushed stone, and other mineral fragments.

**Aggregate and Mineral Extraction Operations** refers to the use of structures related to pits and quarries used for sand, gravel, and mineral extraction, and associated activities including, but not limited to, the crushing or stockpiling of raw material, conducted in an area that has been approved by the Province of Nova Scotia.

**Aggregate Processing** means an industrial use referring to the use of a building, structure or land, or part thereof, for processing aggregate including the production of asphalt or similar road stone, concrete batching, and can include facilities for the administration and management of the business, mineral bulk storage, and the storage of equipment.

**Agricultural Use** means the use of land, buildings, or structures for activities directly supporting farming, dairying, pasturage, agriculture, apiculture, floriculture, horticulture, and animal and poultry husbandry and the necessary accessory uses for packing, storing, or treating the agricultural products.

**Agritourism** means agricultural accessory uses that includes experiencing agricultural life and/or participating in agricultural activities including, but not limited to, u-picks, hayrides, petting zoos, pumpkin patches, farm tours, etc.

**Animal Care** means the use of land, buildings, or structures for the care of domestic animals and includes veterinary care, animal hospitals, grooming, and day care but does not include the breeding of animals, overnight boarding, or animal shelter.

**Animal Shelter** means a facility that holds or boards seized, surrendered, abandoned, or lost domestic pets (e.g. dogs, cats, birds), but does not include livestock.

**Annual Erosion Rate** means the measurement of the quantity of soil or land that is lost through the process of erosion over a one-year period.

**Aquaculture Operation** means either on-shore or off-shore facilities used for the controlled cultivation of fish, shellfish, or aquatic plants for commercial purposes. On-shore aquaculture operations include a land-based enclosed containment system to prevent the release of waste into marine environments.

**Art Gallery/Studio** means a building, place, or area where paintings, sculptures, or other works of art are produced, exhibited, and/or sold.

**Automobile Body Shop** means an industrial use referring to the use of a building or premises primarily for the commercial repair of damage to the chassis and shell of an automobile, including major and minor collision damage, frame and panel straightening, repainting, refinishing and similar activity.

**Automobile Dealer and Rental** means an establishment primarily engaged in retailing or renting new and used roadworthy automobiles, commercial vehicles, motorcycles, watercraft, offroad vehicles, and recreational vehicles but does not include salvage yards.

**Automobile Repair Shop** means an industrial use referring to the use of a building or part of a building used for the repair and service of motor vehicles and may include muffler, brake, radiator, engine, tire, glass replacement, wheel alignment, and other specialized activities directly related to the repair or alteration of motor vehicles, but does not include paint and body repairs, the manufacture or fabrication of motor vehicle parts for the purpose of sale, or the retailing of gasoline or other fuels.

**Automobile Service Station** means the use of building or part thereof or a clearly defined space on a lot used for washing of motor vehicles and/or the retail sale of liquid or compressed gas automobile fuels and lubricating oils and may include the sale of automobile accessories and the minor servicing and minor repairing essential to the actual operation of motor vehicles but does not include an automobile repair shop, automobile sales, or automobile body shop.

## B

**Background Noise** means the sound level that is present in the environment, produced by noise sources other than the source under impact assessment. The background noise is typically caused by sounds from nature in rural areas, or by road traffic in urban/suburban areas.

**Bank and Financial Institution** means an establishment primarily engaged in providing financial services to the public. Typical uses include, but are not limited to, banks, trust companies, finance companies, mortgage companies, insurance companies, or investment companies.

**Bed and Breakfast** means a type of tourist accommodation located within a residential unit where the resident owner or occupant provides overnight accommodation to the vacationing or travelling public and may or may not provide meals to the overnight guests.

**Boat Building and Repair** means an industrial use typically located on a navigable waterway where boats and boat accessories are manufactured, serviced, and/or repaired and may be kept for sale.

**Boathouse** means a permanent or temporary roofed structure, which does not contain toilet facilities, and which is used for the shelter or storage of boats, watercraft, and associated marine accessories and equipment. No part of a boathouse may be used as a dwelling unit, for the habitation of animals, or for commercial uses. A boathouse does not include a garage.

**Brewery, Distillery, and Winery** means a facility used for the fermenting, brewing, or distilling of beverage alcohols and includes facilities on the same lot where the beverage alcohols may be blended, mixed, stored or packaged, and may include accessory sales, tours, tasting rooms, and customer seating areas.

**Building** means any structure, whether temporary or permanent, used or built for the shelter, accommodation, or enclosure of persons, animals, materials, or equipment, but does not include frames for sheltering crops.

**Building Footprint** means the horizontal area, measured from the outside of all exterior walls and supporting columns of a building. Excluded from this measurement are carports, patios, decks, balcony areas, porches, projections, as well as ramps and stairways necessary for access.

**Building Official** means the person or persons, or designate, appointed by Council from time to time to administer the Building By-law.

## C

**Campground and RV Park** means the use of land where the number of camping sites and recreational vehicle parking sites is four or more and is used for a range of overnight camping experiences, including but not limited to tents, recreational vehicles, and other camping structures, but does not include the occupation of recreational vehicles on a permanent year-round basis or the commercial parking of RVs for non-tenant storage.

**Camping Unit** means any structure used for the purpose of temporary or seasonal use and may include, but is not limited to, tents, yurts, trailers, recreational vehicles, and geodesic domes.

**Cannabis Production Facility** means a lot or building used or occupied by a person or organization licensed by the Government of Canada for the commercial production of cannabis or cannabis products, including where cannabis or any of its derivatives, such as resin or oils, is grown, cultivated, harvested, manufactured, processed, packaged, or labelled. It also includes any activities permitted by the Government of Canada such as research and development, storage, and destruction of cannabis or any of its derivatives but excludes the production of hemp.

**Cemetery** means a designated area of land, building, structure, or part thereof where deceased individuals are buried or interred.

**Cluster Development** means six or more dwelling units contained in two or more dwellings on a single lot that is partly or entirely un-serviced by municipal water and sewer, including new phases or units in a phased-development condominium with six or more dwelling units overall. A recreational vehicle parking site is not considered a cluster development.

**Coastal Erosion Risk Area** means all areas along a coastline, all of which are inherently prone to erosion. These areas are vulnerable to the gradual loss of land due to natural forces like geological conditions, lack of vegetation, waves, and tides.

**Coastal Flood Risk Area** means the temporary inundation of land along coastlines, caused by the overflow of water that can threaten communities, ecosystems, and infrastructure.

**Commercial Recreation, Indoor** means a building or part of a building used for commercial recreation or entertainment purposes and can include but is not limited to, dance halls, cinemas, billiard or pool halls, bowling alleys, indoor miniature golf courses, indoor shooting ranges, indoor paintball fields, escape rooms, and bingo halls.

**Commercial Recreation, Outdoor** means the use of land for commercial recreation or entertainment purposes and can include accessory buildings and structures and purposes that can include but are not limited to, golf courses, driving ranges, paintball fields, drive-in movie theatres, outdoor miniature golf courses, ropes courses, archery ranges, or tennis clubs, but does not include

campgrounds & RV parks, outdoor shooting ranges, animal or motor vehicle race tracks, or any use that is obnoxious.

**Commercial Use** means the use of land and/or buildings for the primary purpose of buying, selling, or trading of merchandise or services.

**Community Centre** means any building or buildings, or any part of any buildings used for community activities whether used for commercial purposes or not, the control of which is vested in the Municipality, a local board or agent thereof, or a non-profit organization.

**Community Garden** means a plot of land used primarily for the cultivation of food run by a group of individuals or a community group. A community garden can serve educational, social, and recreational purposes, but it is not intended for commercial production.

**Construction Facility** means an industrial use referring to the use of a building or part of a building used for the construction, development, redevelopment or rehabilitation of residential, commercial, institutional, and industrial buildings, real estate and road building, and such uses are often characterized by the outdoor storage of equipment, machines, vehicles, and building supplies.

**Convenience Store** means a building or part of a building used for the retail sale of a limited line of grocery and confectionary items.

**Corner Vision Triangle** means the area of a corner lot that is enclosed by a triangle, the apex of which is the intersection of the flanking lot line and the front lot line, two sides of which triangle are six metres (20 feet) in length measured from said point of intersection along the said lines and the base of which triangle is formed by a straight line joining the said exterior lot lines at the said points six metres (20 feet) from the intersection.

**Council** means the Council of the Municipality of the District of Lunenburg.

**Craft Product** means products assembled or made by hand or small custom production processes including but not limited to potters, pewterers, goldsmiths, silversmiths, jewellers, toy makers, leather workers, upholsterers, woodworkers, furniture makers, musical instrument makers, clothing designers and makers, shoemakers, antique refinishers, glass or stained-glass workers, and caterers.

**Craft Product Workshop** means the use of a building or part thereof for the creation of products assembled or made by hand or by small custom production processes including, but not limited to, potters, pewterers, goldsmiths, silversmiths, jewellers, toymakers, leather workers, upholsterers, woodworkers, furniture makers, musical instrument makers, clothing designers, clothes makers, shoemakers, antique refinishers, glass workers, stained glass workers, and caterers.

**Craft Shop** means a building or part of a building where craft products are offered for sale to the general public.

**Cultural Facilities** means the use of land, buildings, or part thereof, for the promotion of art, culture, and learning and without limiting the generality of the foregoing includes public art galleries, libraries, museums, performance arts theatres, visual arts centres, and other similar uses.

## D

**Day Care Centre** means the use of a building or part thereof for the care of people without overnight accommodation but does not include a school.

**Development** means any construction, erection, alteration, placement, replacement, location, relocation of, or addition to any structure and any change or alteration in the use made of land or structures.

**Development Agreement** means a legal agreement between Council and a property owner governing the use of the property owner's land, as enabled by the Municipal Government Act and Municipal Planning Strategy and registered on title.

**Development Officer** means the person or persons, or designate, appointed by Council from time to time to administer the Land Use By-law and Subdivision By-law.

**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.

**Dune** means an unconsolidated sand or gravel deposit found in a beach environment and recognized by raised topography. Dunes may be vegetated with salt-tolerant vegetation such as marram grass or may be established with ericaceous vegetation or tree species (e.g. forested Dune).

**Dwelling** means a building containing at least one dwelling unit for human habitation, which is capable of being occupied as a home or residence. For greater clarity, this definition includes tiny houses and homes that have been manufactured to meet CSAZ241 or an equivalent standard.

**Dwelling Unit** means one or more habitable room(s) that may be used as a residence by an independent, separate household, which: has a bathroom for exclusive use of the household; has a kitchen for the exclusive use of the household; and has a private entrance from outside the building or from a common hallway or stairway.

## E

**Effective Date** means the day when upon adoption by the Council of the Municipality of the District of Lunenburg and approval by the Minister of Municipal Affairs, this By-law took effect by means of a notice that was published on the municipal website. For greater clarity, it means the first and initial date of coming into force and excludes any dates of later amendments to the document.

**Electric Vehicle Charging** means infrastructure that supplies energy for the charging of electric vehicles such as plug-in electric and hybrid vehicles.

**Elevation Setbacks** means a mandate that structures, or the uses within a structure to be located at a certain elevation above the projected water levels to mitigate risks associated with natural events like flooding, storm surges, or other environmental factors.

**Emergency Services** means a building or use of land for the protection of public health, safety, and property and includes, but is not limited to, fire stations, ambulance depots, police stations, and search-and-rescue facilities, but does not include a correctional facility.

**Equestrian Facility** means the land, buildings or structures used for the boarding or training of horses, ponies, or riders, and the staging of equestrian events.

**Erect** means to build, construct, reconstruct, alter, or relocate and without limiting the generality of the foregoing including any preliminary physical operation such as excavating, grading, piling, cribbing, filling, draining, or structurally altering any existing building or structure by an addition, deletion, enlargement, or extension.

**Excavation, Construction, and Landscaping Services** means an industrial use referring to operations which involve buildings and laydown areas used for the storage of machinery and equipment related to excavating, construction, and/or landscaping services, and/or the storage of aggregate, soil, and other materials but does not include operations which involve crushing or blasting but may include sales.

**Existing** means legally existing on the indicated date or, where no date is indicated, legally existing on the effective date of this By-law. For streets and private roads, the date the street or private road was shown on a plan of subdivision approved by the Municipality will be used to determine whether or not it existed on an indicated date.

## F

**Farm, Fish, and Forest Stand** means a roadside building or structure directly associated with selling farm products that have been produced on site, as well as fish, and/or forest products to the public.

**Farm Property** refers to the property used primarily for operating a farming business.

**Farmers' Market** means a commercial operation, either temporary or permanent, where farm produce and locally made products are sold at retail to the public by individual vendors.

**Fish Processing** means an industrial use referring to the use of buildings, or part thereof where freshwater or saltwater fish or shellfish or their derived products are used, prepared, processed, reduced, or stored and includes the handling, packaging, shipping of the finished product, and other associated activities for future sale.

**Fishing and Marine Accessory Uses** means the use of land, buildings, or structures, or part thereof, used in support of non-commercial marine-based activities, such as but not limited to, boat houses, fishing and marine equipment storage, docks, decks, wharves, piers, and boat launches. For further clarity, this definition does not include fishing and marine industrial uses, fish processing, or boat building and repair.

**Fishing and Marine Industrial Uses** means an industrial use of land, buildings, or structures, or part thereof, used in support of the commercial fishing industry including storage of fishing vessels, gear, and other related uses such as docks or boat launches, but does not include fish processing or boat building and repair. For further clarity, business and commercial uses related to the primary fishing and marine use are also included in this definition; however, fishing and marine accessory uses are not included in this definition.

**Fishing Vessel** means any watercraft engaged on a part-time or full-time basis for use in the commercial fishery.

**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.

**Forestry Processing Facility** means the use of land, buildings, or structure, or part thereof, for the milling, sawing, or other primary processing, and may include accessory sales, but does not include the cutting and splitting of wood for

personal use, maple sugar operations, Christmas tree farming, or transport of finished product.

**Forestry Supportive Use** refers to the use of structures related to managing and harvesting trees, and may include shipping, storage, and sale of the products on-site, tree nurseries, maple sugar operations, equipment storage facilities, other temporary structures and uses supportive of land clearing activities but does not include processing.

**Foundation** means the load-bearing portion of a structure which may include a surface mount foundation, sonotubes, columns, screw piles, concrete slabs, or an equivalent.

**Funeral Home** means a building used for the preparation, temporary display, and/or funeral ceremony of deceased persons or domestic pets and may include a crematorium.

## G

**Garden Centre** means a building or structure and lands associated therewith, for the growing of flowers, fruits, vegetables, plants, shrubs, trees, or similar vegetation together with gardening tools and implements, and that are sold at retail from such buildings or lot to the general public.

**Government Use** means a municipal, provincial, or federal government office, courthouse, registry office, community services office, employment office, post office, buildings required for other government service delivery including municipal servicing, or a building of any government agency or crown corporation.

**Grade** (a) when used in reference to a building, the average elevation of the finished surface of the ground where it meets the exterior of the front of such building, exclusive of any artificial embankment or entrenchment; or (b) when used in reference to a structure that is not a building, the average elevation of the finished grade of the ground immediately surrounding such structures, exclusive of any artificial embankments or entrenchment.

**Greenhouse** means a building or structure constructed with transparent or translucent walls and/or roof used for the growing of flowers, plants, shrubs, trees, and similar vegetation.

**Gross Floor Area (GFA)** means the sum of the floor areas of a building above and below grade, measured between the exterior faces of the exterior walls of the building at each floor level, but excluding car parking areas within the building, and for the purpose of this definition, the walls forming a courtyard are deemed to be exterior walls.

## H

**Habitable Floor Space** means the interior area within a building that is designed and suitable for human occupancy. This includes spaces such as living rooms, bedrooms, kitchens, and other areas where people can reside or carry out daily activities and does not include unfinished basements or attached garages.

**Heavy Equipment Sales, Rentals, and Repair** means a building, structure, land, or part thereof where heavy equipment and machinery are kept for sale, maintenance, repair, rent, lease, or hire under agreement for compensation.

**Height** means the vertical distance on a building between the established grade and: (a) the highest point of the roof structure or the parapet, whichever is greater, of a flat roof; (b) the deck line of a mansard roof; or (c) the mean level between eaves and ridges of a gabled, hip, gambrel, or other type of pitched roof.

**Heritage Advisory Committee** means a group appointed by a municipality to advise the municipal council on the designation, preservation, and management of heritage properties and districts. The committee typically includes members with expertise or interest in history, architecture, culture, and community planning. Under the Nova Scotia Heritage Property Act, the committee must also include at least two members of the public.

**Heritage Property** means a site, building, structure, or landscape that holds historical, cultural, architectural, or social significance. These properties must be

designated by federal, provincial, or municipal governments to recognize and protect their unique contributions to a community's identity and history. Heritage properties may be preserved due to their association with significant events, people, or architectural styles, and must adhere to heritage regulation and guidelines to ensure the building's characteristic defining elements are intact and to be approved by building officials.

**Home-based Business** means a business activity that is accessory to a dwelling and involves the provision or sale of goods and/or services to the public and where the dwelling is the principal residence of the business operator.

**Hospital** means an institution for the treatment of persons afflicted with or suffering from sickness, disease, or injury and may or may not include a medical clinic.



**Industrial Use, Light** means an industrial use which is typically contained within a building or structure and is not regularly an obnoxious use creating nuisances or producing disruptive noises, heavy vibrations, odours, fumes, smoke, high heat, dust, or create harmful or dangerous waste products. Light industrial uses can include, but are not limited to, light manufacturing, machining, assembly, processing of raw materials or goods, warehousing, transportation and distribution depots, and/or related accessory uses.

**Industrial Use, Heavy** means an industrial use which may be located entirely within, in part of, or outside of a building or structure and is regularly an obnoxious use creating nuisances or producing disruptive noises, heavy vibrations, odours, fumes, smoke, high heat, dust, or create harmful or dangerous waste products. Heavy industrial uses can include, but are not limited to, manufacturing, machining, assembly, fabricating, processing of raw materials or goods, warehousing, transportation and distribution depots, bulk storage, landfills, distilling or refining fuel products, and/or related accessory uses. Any use that is related to potentially dangerous goods is included in this definition.

**Institutional Use** means the use of land, building or structures for religious, educational, health, or charitable purposes.

**Interpretive Centre** means the use of a building or part thereof to communicate to the public the historical, scientific, or cultural information about a location and/or to provide tourism and wayfinding information to the public.

## K

**Kennel** means the use of land, a building, or part thereof for a commercial operation where dogs and other domestic animals, excluding livestock, are bred, raised, sold, and/or boarded.

## L

**Lawfully Existing Use** means a use of land, a building, or part thereof that was legally allowed before a change in land use regulation occurred that would otherwise have prohibited it and which continues to be a permitted use.

**Licensed Liquor Establishment** means a cabaret, lounge, beverage room, and/or bar licensed under the Nova Scotia Liquor Control Act or successor legislation.

**Livestock Operation** refers to the keeping of any animals designated by the Minister of Agriculture under authority of the Fences and Detention of Stray Livestock Act. R.S., c. 166, s.1. including but not limited to, cattle, horses, ponies, sheep, goats, fowl, swine, mink, rabbits, llamas, alpacas, ostriches, emu, and foxes.

**Livestock Operation, Large-scale** refers to a structure being actively used for keeping livestock, such as a barn or other type of livestock related shelter, that has a gross floor area of 500 square metres (5,382 square feet) or greater. This definition also includes associated manure storage facilities.

**Lot** means any parcel of land as described by its boundaries.

**Corner Lot** means a lot situated at the intersection of land abutting on two or more streets or private roads.

**Flag Lot** means a lot that contains a prolongation or “pole” that extends from the lot frontage to the main body of the lot and which the prolongation or “pole” has a width less than the minimum lot frontage permitted in the applicable zone.

**Serviced Lot** means a lot that is serviced by a centralized sewer system or is in the process of subdivision approval and has been identified for connection to a centralized sewer system, and may or may not include municipal water services.

**Through Lot** means a lot, but is not a corner lot, with frontage on more than one street.

**Un-serviced Lot** means a lot that is not serviced by a centralized sewer system.

**Lot Area** means the total horizontal area within the lot lines of a lot.

**Lot Coverage** means the percentage of the lot area covered by buildings and roofed structures, and for the purpose of this definition eaves, cantilevers, or other such projections of a roof will be counted.

**Lot Depth** means the horizontal distance between the front and rear lot lines. Where these lot lines are not parallel the lot depth will be the length of a line joining the midpoints of the front and rear lot lines.

**Lot Frontage** means the length of the straight line between the two points where the side lot lines intersect the front lot line along any public street or private road.

**Lot Line** means a boundary line of a lot.

**Flankage Lot Line** means a side lot line that abuts the street or private road on a corner lot.

**Front Lot Line** means the line dividing the lot from the street or private road. In the case of a corner lot, the shorter boundary line abutting the street will be deemed to be the front lot line and the longer boundary line abutting the street will be deemed to be the flankage lot line; and where such lot lines are of equal length, the front lot line will be either of the lot lines and the other lot line will be the flankage lot line; boundaries dividing the lot from a street will be deemed to be the front lot line. In the case of a through lot, the lot line abutting the street providing the primary access will be regarded as the front lot line.

**Rear Lot Line** means the lot line furthest from or opposite to the front lot line.

**Side Lot Line** means a lot line other than a front or rear, or flankage lot line.

## M

**Main Building** means the building in which the principal purpose for which the building lot is used.

**Manure Storage Facility** refers to the storage system for holding either liquid or solid manure from livestock operations which can include any tank, area, or space used for the storage of manure and for the purpose of determining setbacks. This definition does not include spreaders or any other equipment used in the application of manure onto fields or crops.

**Marina** means a commercial establishment or premise, containing docking facilities and located on a navigable waterway, where boats and boat accessories are stored, or kept for sale or rent, and may include the sale of fuel and incidental supplies for the boat owners, crews, and guests.

**Marine Recreation Provider** means a commercial business that relies on the sea or ocean as an integral part of its operation, including but not limited to boat tours, and canoe and kayak rentals, but does not include uses related to the commercial fishing industry.

**Medical Clinic** means a building or part of a building where medical or therapeutic diagnosis and/or treatment services are provided to the general public, but does not include a hospital or a professional office located in the practitioner's home.

**Municipal Planning Strategy** means the Municipal Planning Strategy of the Municipality of the District of Lunenburg.

**Municipality** means the Municipality of the District of Lunenburg.

## N

**Non-conforming Use** means a non-conforming structure and use as described in Sections 238-241 of the Municipal Government Act.

**Nursing Home** means an extended or immediate care facility licensed under the Homes for Special Care Act, or successor legislation, to provide full-time skilled nursing care to individuals who, by reason of age, chronic illness or infirmity, are unable to care for themselves.

## O

**Obnoxious Use** means a use that from its nature or operation creates a nuisance or is offensive by the creation of noise or vibration, or by the emission of gas, fumes, dust or objectionable odour, or by the unsightly storage of goods, wares, merchandise, salvage, refuse matter waste, or other material.

**Open Space** means uses related primarily to the outdoor enjoyment of lands, including recreational uses, accessory buildings to a beach including change rooms and washrooms, boardwalks and nature interpretation stands, canteens, conservation projects, information stands, marina facilities, and picnic areas and facilities.

**Ordinary High-Water Mark** means the natural boundary along shorelines or riverbanks that marks the highest level that water reaches under typical, non-flooding conditions. It can be identified by changes in soil, the presence of vegetation that do not grow in constantly wet conditions, or natural debris lines.

**Outdoor Storage** means items such as merchandise, goods, inventory, materials, or equipment that are not intended for immediate sale and are stored by being located on a lot exterior to a building.

**Overlay** means a specified area of land shown on Schedule “A” of this By-law that may extend across more than one zone, and which contain additional development requirements.

## P

**Parks and Playgrounds** means the use of land for passive recreation and landscaping features and includes, but is not limited to, greens, community gardens, walking paths, play structures, ponds, fountains, and dog parks.

**Person** means 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.

**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 persons, and without limiting the generality of the foregoing may include such establishments as barber shops, beauty parlours, tattoo shops, automatic laundry shops, hairdressing shops, shoe repair and shoe shining shops, and depots for collecting dry cleaning and laundry, but excludes any manufacturing or fabrication of goods for sale.

**Place of Assembly** means a building or use of land to accommodate gatherings of people for activities including, but not limited to, concerts, trade shows, banquets, conventions, reception halls, conference centres, legion halls, assembly

halls and lodges. For greater clarity, this definition includes both commercial and institutional uses.

**Place of Worship** means a place dedicated to religious worship and may include, but is not limited to, halls or auditoriums for religious gathering, accessory office space for administrators, day nurseries operated for patrons, and classroom space for religious instruction.

**Private Club** means a building or part of a building used as a meeting place for members of an organization and may include a lodge, a legion, a fraternity or sorority house, and a labour union hall.

**Private Road** means any road that is not owned by the Municipality of the District of Lunenburg or the Province and for the purposes of this By-law, this definition also includes deeded rights-of-way.

**Private Storage Building** means a building or structure primarily used for storing or sheltering items not intended for commercial purposes, including but not limited to, private garages, private boathouses, and fishing gear sheds.

**Professional Office** means a building or structure where business may be transacted, a service performed, or consultation given but does not include the manufacturing of any product or the retailing or selling of goods.

**Public Road** means the whole and entire right-of-way of every highway or road vested in the Province of Nova Scotia or the Municipality.

**Public Transportation** means the use of land, buildings, or part thereof for the transportation of passengers and related activities and includes bus stations, taxi stands, and railway stations but does not include airports.

## Q

**Qualified Professional** means an individual who has undergone proper educational training and gained experience and expertise to become certified or recognized as able to practice in a particular profession in the province of Nova Scotia and, if required by applicable legislation, is a member in good standing in

the professional body representing and/or regulating the profession in Nova Scotia.

## R

**Race Track** means a use of land for the purpose of racing motorcycles, all terrain vehicles, automobiles, or similar motorized vehicles, and animals, over a constructed track or course or where the continuous use of the land creates a track or course.

**Recreation Centre** means a building or part of a building used for recreation facilities such as, but not limited to, indoor swimming pools, ice arenas, curling rinks, gymnasiums, weight rooms, and changing facilities, and may include accessory take-out or eat-in establishments.

**Recreational Uses** means the use of land for tennis courts, lawn bowling greens, skating rinks, skateboard parks, athletic fields, band shells, pavilions, outdoor swimming pools, recreational boat launches, and similar uses to the foregoing, together with necessary and accessory buildings and structures, but not including recreation centres, indoor commercial recreation, outdoor commercial recreation, a track for the racing of animals, or any form of motorized vehicles.

**Recreational Vehicle (RV)** means a vehicle designed to be used for temporary accommodation for recreational uses such as travel and vacation, or seasonal temporary habitation that has been manufactured to meet CSA-Z240 RV or an equivalent standard.

**Recreational Vehicle Parking Site** means the area of land designated for the parking and use of a recreational vehicle (serviced or unserviced). For greater clarity, this does not include the parking of RVs for storage.

**Recycling Depot** means the use of a building or land in which domestic recoverable resources such as newspapers, glassware, and metal cans are collected, stored, flattened, crushed, or bundled to be taken to another site for processing. For clarity, this use does not include a salvage yard.

**Residential Care Facility** means a family home, group care facility, or similar facility for the non-medical care more than six persons in need of personal

services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual, but does not include a nursing home, or facility licensed by Corrections Canada or Nova Scotia Corrections or successor bodies.

**Restaurant** means a building or part thereof where food and/or drink intended for immediate consumption is prepared and served to the public.

**Drive-through Restaurant** means a restaurant or part thereof where the intent is to provide food and/or drink to customers while they remain in their motor vehicles.

**Eat-in Restaurant** means a restaurant or part thereof where food and/or drink may be consumed within the building or on an attached, formalized outdoor space.

**Take-out Restaurant** means a restaurant or part thereof that does not provide facilities for consumption of food or drink on the premises, or only provides informal outdoor eating facilities, such as picnic tables.

**Retail Lumber and Home Improvement Yard** means the outdoor storage and display of lumber and other building supplies for sale. For clarity, retail sales contained wholly within a building will be considered as a retail store.

**Retail Store** means a building or part thereof in which goods, wares, merchandise, substances, articles, or items are offered or kept for sale directly to the public at retail.

**Rotor Blade** means the part of the wind turbine that captures wind energy by spinning and converting it into electricity through the turbine's generator.

**Rotor Blade Clearance** means the distance from the ground to the bottom of the rotor's arc.

## S

**Salvage Yard** means an industrial use referring to the use of land for keeping or storing used bodies or parts of automobiles or any other type of used equipment, vehicles, machinery, or materials of any kind, regardless of whether such use occupies all or a part of the lot or lots upon which it is located, or whether it is a use operated for commercial or other purposes, or whether the use is subject to salvage yard licensing requirements of the Province of Nova Scotia.

**School, Academic** means the use of a building or part thereof as an educational establishment, whether public or private, intended for the academic instruction of students up to the completion of Grade 12, and may include elementary schools, junior high schools, high schools, and consolidated schools, but does not include daycares as the main use.

**School, Commercial** means an educational establishment, whether public or private, intended for instruction in extracurricular activities and/or vocational skills and includes, but is not limited to, dance schools, music schools, sports schools, driving schools, culinary institutes, hair schools, computer schools, and other similar schools, but does not include post-secondary schools.

**School, Post-secondary** means a degree- or diploma-granting public educational establishment intended for the academic instruction of students after the completion of Grade 12.

**Self-storage Facility** means the use of a building, collection of buildings, or part thereof for individual, small, self-contained units that are leased or owned for the storage of business or household goods or contractor supplies.

**Service and Repair Shop** means a building or part thereof used for servicing, repairing, installing, or renting things and equipment, including but not limited to the following, locksmith shops, small appliance service or repair shops, small engine repair shops, household and carpenter tool service and repair shops, but does not include boat building and repair, industrial, manufacturing, or automobile repair shops.

**Setback** means the horizontal distance between the specified lot line and the nearest main wall of any building or structure and extending the full width or length of the lot.

**Flankage Setback** means the horizontal distance measured from the flankage lot line and the nearest main wall of any building or structure on the lot.

**Front Setback** means the horizontal distance extending the full lot width, between the front lot line and the nearest main wall of any building or structure on the lot.

**Rear Setback** means the horizontal distance extending across the full lot width, between the rear lot line and the nearest wall of any main building or structure on the lot.

**Side Setback** means the horizontal distance between the front setback and rear setback, and between the side lot line and the nearest wall of any main structure on the lot.

**Shipping Container** means one or more structures designed and intended for transport which have been made immobile. A shipping container which has been altered or incorporated as construction material in the design of a building prepared by an architect or engineer is not a shipping container for the purposes of this By-law.

**Shooting Range** means a use of land or buildings 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.

**Short-term Rental** means any accommodation rented for a period of 28 days in a row or less.

**Site Plan Approval** means an approval process that evaluates the layout of site features such as buildings, parking areas, and landscaping for compliance with the Land Use By-law.

**Small Option Homes** 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.

**Solar Collector System** means a structure or group of structures located on the same lot designed to capture solar radiation and convert it into usable energy. A solar collector system may include, but is not limited to, evacuated tubes, flat plate collectors, concentrating mirrors, and building-integrated photovoltaic materials but does not include windows or greenhouses.

**Accessory Solar Collector System** means a solar collector system with the primary purpose of generating power to offset or meet the uses for on-site consumption.

**Commercial Solar Collector System** means a solar collector system with the primary purpose of generating power to be supplied to the grid or used for other off-site purposes.

**Solid Waste Disposal Facility** means facilities for the treatment and disposal of solid waste, such as garbage or compost, and includes incinerators and landfills, but does not include a salvage yard.

**Solid Waste Transfer Facility** means the use of land, buildings, or part thereof for the transfer of solid waste, such as garbage or compost, from collection vehicles and/or the general public for shipment to a solid waste disposal facility.

**Street Line** means the dividing line between a lot and a street.

**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, and includes a building, but excludes fences less than 1.9 metres (6.23 feet) in height.

**Summer Camp** means a recreational facility operated by a non-profit institution or for commercial purposes providing outdoor activity programs and may feature rustic sleeping accommodations that typically operates during the summer months.

## T

**Tiny House** means a dwelling unit that is 37 square metres (398.3 square feet) or less in building area and is on a foundation.

**Top of Bank** means the location up-slope from the scoured channel of a stream, or shoreline, where an abrupt change of slope occurs.

**Tourist Accommodation** means the use of a building, structure, or part thereof, used to accommodate the vacationing or travelling public for a duration of 28 days or less in exchange for payment or compensation and may or may not provide meals, alcoholic beverages, on-site management, and private cooking facilities. For greater clarity, tourist accommodations include hotels, motels, inns, bed and breakfast establishments, hostels, and short-term rentals of an entire home, individual room, cottage, cabin, geodesic dome, or yurt, but does not include campgrounds and RV parks.

**Trails and Conservation** means the use of land for trails, boardwalks, floating docks, open space, interpretive panels or kiosks, washrooms, and any structure or building necessary for conservation purposes or scientific research related to the lands in question or to adjacent water bodies.

## U

**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.

## V

**Variance** means a relaxation or reduction of the Land Use By-law requirements for a specific site, as stipulated in the Municipal Government Act.

**Vegetative Buffer** means a designated strip of land containing a mix of species including trees, shrubs and grasses, whether naturally occurring or planted during restoration, that provides filtration of pollutants and sediment, and promotes bank stability as a means to protect water quality and habitat of all waterbodies and watercourses, and protects property from flooding and erosion.

## W

**Water Access** means the use of land or structures to provide watercraft access to marine or fresh water bodies and includes, but is not limited to, wharves, docks, slipways, ramps, quays, and marine railroads.

**Water Frontage** means the length of a lot line abutting a water body, measured along the ordinary high-water mark as defined in the Nova Scotia Land Surveyors Regulations.

**Watercourse** means the bed and shore of every lake, river, stream, ocean, estuary, or other body of water.

**Wetland** means a distinct ecosystem located in low-lying area of land where water is present either permanently or seasonally, featuring unique hydrology, soils, and vegetation.

**Wind Turbine Generator** means a device that converts the wind's kinetic energy from rotating blades into electrical energy.

**Wind Turbine Generator, Large-Scale Wind Turbine (LWT)** means a wind turbine with a power generation capacity greater than 100 kW which is intended to provide electricity to the local utility grid.

**Wind Turbine Generator, Micro Wind Turbine (MWT)** means a wind turbine with a power generation capacity no greater than 1 kW which is intended for on-site consumption.

**Wind Turbine Generator, Small-Scale Wind Turbine (SWT)** means a wind turbine with a power generation capacity between 1.1 kW and 99.9 kW which is intended for on-site consumption.

**Wind Turbine Height** means the total distance from the ground to the tip of the turbine's highest blade when it's in an upright position. This height includes both the tower, which supports the turbine, and the length of the rotor blades.

## Y

**Yard** means the uncovered space on a lot accessory to a building (except a court) and unoccupied by buildings or structures except as specifically permitted elsewhere in this By-law. In determining yard measurements, the minimum horizontal distance from the respective lot lines to the building will be used.

**Flankage Yard** means a yard extending across the full width of a lot between the flankage lot line and the nearest wall of any building or structure on the lot.

**Front Yard** means a yard extending across the full width of a lot between the front lot line and the nearest wall of any building or structure on the lot.

**Rear Yard** means a yard extending across the full width of a lot between the rear lot line and the nearest wall of any main building or structure on the lot.

**Side Yard** means a yard extending from the front yard to the rear yard of a lot between a side lot line and the nearest wall of any building or structure on the lot.

## Z

**Zone** means a specified area of land shown on Schedule "A" of this By-law.

DRAFT #3

## 4 Administration

### 4.1 Applicability

- 4.1.1 This By-law applies to all lands within the Municipality, except for lands which fall within Secondary Planning Strategies, as identified on Schedule A, the Zoning Map.
- 4.1.2 Despite Subsection 4.1.1, the coastal protection provisions of Sections 7.8, 7.9, and 7.10, cluster development provisions of Section 7.6, inland watercourses provisions of Section 7.21, and inland wetlands provisions of Section 7.23, will apply to all areas of the Municipality.

### 4.2 Administration of By-law

- 4.2.1 This By-law will be administered by the Development Officer appointed by the Council of the Municipality of the District of Lunenburg, and the Development Officer will issue Development Permits under this By-law.
- 4.2.2 In the absence or incapacity of the Development Officer, the Acting Development Officer appointed by Council will act in the Development Officer's stead.

### 4.3 Inspection

- 4.3.1 Subject to Section 267 of 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.

### 4.4 Violations

- 4.4.1 In the event of any alleged breach of the provisions of this By-law, the Municipality of the District of Lunenburg may take action as outlined in Section 266 of the Municipal Government Act.

### 4.5 Compliance with other Legislation

- 4.5.1 Nothing in this By-law will exempt any person from complying with the requirements of any other By-law in force within the Municipality, or

from obtaining any license, permission, permit, authority, or approval required by any other By-law of the Municipality or statute or regulation of the Province of Nova Scotia or the Government of Canada.

**4.5.2** Where the provisions in this By-law conflict with those of any other By-law of the Municipality or statute or regulation of the Province of Nova Scotia or the Government of Canada, the higher or more stringent provision will prevail.

#### **4.6 Restoration to Safe Condition**

**4.6.1** Nothing in this By-law will prevent the restoration of any building or structure to a safe condition, as determined by the Municipality's Building Official.

#### **4.7 Effective Date**

**4.7.1** Pursuant to the Municipal Government Act, this By-law will take effect on the date a notice is published on the municipal website, informing the public that the Planning Strategy and its implementing Land Use By-law are in effect.

#### **4.8 Existing Structures and Uses**

**4.8.1** A structure or use of land will be deemed to exist on the effective date of this By-law if:

- (a) it has lawfully been constructed;
- (b) it has lawfully commenced;
- (c) it is lawfully under construction; or
- (d) all required permits for its construction or uses were in force and effect, except that this does not apply unless the construction or use is commenced within 12 months after the date of the latest issuance of the required permits.

## **4.9 Repeal of By-law**

- 4.9.1** Municipal-Wide Land Use By-law, 2024, adopted by Council on June 18, 2024 (By-law 049), as amended, is hereby repealed and replaced with this By-law.

DRAFT #3

## 5 Development Permitting

### 5.1 Development Permit

- 5.1.1** Unless otherwise stated in this By-law, no person may undertake a development within the Municipality without first obtaining a development permit from the Development Officer.
- 5.1.2** The Development Officer will only issue a development permit in conformance with this By-law and any development agreement or site plan agreement in effect on the site, except where a variance is granted. In the case of an existing nonconforming use or structure, a development permit will be issued in conformance with Subsections 7.29 and 7.30, the non-conforming clauses of this Land Use By-law.
- 5.1.3** A development permit will expire after one year if the development has not commenced.
- 5.1.4** The Development Officer may revoke a development permit where information provided on the application is found to be inaccurate or the permit was issued in error.
- 5.1.5** Any decision of the Development Officer to refuse the issuance of a Development Permit will be given by a written and/or electronic notice. Whereas any decision to revoke a Development Permit given by written notice served by registered mail will become effective on the third business day after it was sent.
- 5.1.6** The Development Officer may, at the applicant's request (in writing) and subject to the payment of fees in conformance with the fee schedule adopted by resolution of Council, renew a development permit for one additional year if:
- (a) the development permit has not been renewed previously; and
  - (b) the Development Officer is satisfied the development permit is consistent with the current Land Use By-law and any proposed amendments to the Land Use By-law for which Council has provided public notification regarding their intent to adopt.
- 5.1.7** No person may 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.

## 5.2 Development Not Requiring a Development Permit

**5.2.1** The following developments do not require a development permit:

- (a) Interior or exterior renovations or alterations to a structure that do not result in a change in volume or gross floor area, number of dwelling units, or a change in use of the structure.
- (b) Any accessory non-habitable building or structure having less than 19.97 square metres (215 square feet) of gross floor area.
- (c) Minor accessory structures including but not limited to bus shelters, roadside stands, awnings, children's play structures, playground equipment, pet houses, clothesline poles, hot tubs, pools, garden trellises, refuse receptacles, propane cylinders, heat pumps, and retaining walls.
- (d) Fences that do not exceed 1.9 metres (6 feet) in height, and livestock and wildlife fencing, regardless of the height.
- (e) Accessory electric vehicle charging stations.
- (f) Public and private utilities located within the street right-of-way.
- (g) Temporary greenhouses, cloches, crop hoops, or other such temporary crop structures
- (h) Community gardens.
- (i) Farm, fish, and forest stalls.
- (j) Wharves, docks, and slipways.

**5.2.2** For greater clarity, a building permit or other form of license may still be required for developments that are exempt from requiring a development permit. Applicants should inquire with the Municipality prior to undertaking any development.

## 5.3 Uses Not Requiring a Development Permit

**5.3.1** Municipal land use planning does not govern natural resource activities that do not involve structures. Uses such as forestry, quarrying, mining, fishing, animal grazing etc. are subject to all applicable federal and provincial regulations and may occur in zones that do not explicitly allow them. However, structures related to such

uses are subject to this Land Use By-law and require a development permit.

## **5.4 No Exemption from Requirements**

**5.4.1** Every development is subject to the requirements of this By-law whether or not a development permit is required.

## **5.5 Application Requirements**

**5.5.1** Every application for a development permit must be made in writing and must include the following:

- (a) the signature of the registered land owner(s), or their duly authorized agent;
- (b) application fees in conformance with the fee schedule adopted by resolution of Council;
- (c) a statement of the proposed use of the land;
- (d) a lot plan, as detailed in Subsection 6.1.1; and
- (e) any other information required by this Land Use By-law.

## **6 Lot Plan Requirements**

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

- (a) the true shape and dimensions of all lots to be used;
- (b) the proposed location, height and dimensions of any building or structure 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 building or structure already constructed, or partly constructed, on such lot;
- (d) the location of rights-of-way and easements within the subject property;

- (e) the proposed location and dimensions of parking spaces, loading spaces, driveways, solid waste storage areas, and landscaping areas where applicable;
- (f) the approximate location of any watercourse on the property and location of any existing or proposed building or structure in relation to the watercourse;
- (g) the location of existing and proposed public and private roads; and
- (h) any other information as may be necessary to determine whether or not every development conforms to the requirements of this By-law.

**6.1.2** Despite Section 5.5, a lot plan will not be required for changes in the use of a building that do not alter the exterior of the building, change the parking requirements, or change landscaping and buffering requirements, unless specifically requested by the Development Officer.

#### **Additional Plan Information**

**6.1.3** Where the Development Officer is unable to determine whether the proposed development conforms to this By-law, the Development Officer may require that the lot plan submitted under Subsection 6.1.1 shows:

- (a) the location of existing and proposed landscaping, fencing, and outdoor storage;
- (b) the location of buildings or structures existing upon adjacent lots;
- (c) the location of existing and proposed walkways;
- (d) the type and location of existing and proposed outdoor lighting;
- (e) existing and proposed services; and/or
- (f) a plan based upon a survey prepared by a Nova Scotia Land Surveyor.

#### **Additional Studies and Plans**

**6.1.4** Where necessary to determine conformance with this Land Use By-law, the Development Officer may require the applicant to provide additional information at the necessary level of detail and, if necessary, prepared by the appropriate professional. Such additional information may include, but is not limited to:

- (a) site survey and/or location certificate prepared and stamped by a Nova Scotia Land Surveyor;
- (b) topography and soil conditions of the subject site;
- (c) watercourse and/or wetland delineation study;
- (d) stormwater management plan;
- (e) floor plans and elevation drawings of any proposed structures;
- (f) geotechnical study;
- (g) site grading plan;
- (h) traffic impact assessment or study;
- (i) groundwater supply study; and/or
- (j) any other information deemed necessary by the Development Officer.

## **6.2 Variances**

**6.2.1** Despite anything in this By-law, the Development Officer may grant a variance subject to Section 235 of the Municipal Government Act. Specifically, the Development Officer may vary:

- (a) the percentage of land that may be built upon;
- (b) the size or other requirements relating to yard setbacks;
- (c) lot frontage;
- (d) lot area;
- (e) the location and number of parking spaces and loading spaces required;
- (f) the ground area of a structure;
- (g) the height of a structure;

- (h) the floor area occupied by a home-based business; and/or
- (i) the height and area of a sign.

**6.2.2** In accordance with the Municipal Government Act, the Development Officer may not grant a variance if:

- (a) the variance violates the intent of the Land Use By-law;
- (b) the difficulty experienced is general to properties in the area; or
- (c) the difficulty experienced results from an intentional disregard for the requirements of this Land Use By-law.

### **6.3 Development through Site Plan Approval**

**6.3.1** Some zones of this Land Use By-law permit certain uses only by site plan approval as identified in the permitted uses tables.

**6.3.2** The approval and appeal procedures for site plan approval must follow the requirements of the Municipal Government Act.

**6.3.3** Unless specifically addressed in Sections 10.3, 12.3, 12.4, 12.5, 12.6, 12.7, or 12.8, all other applicable criteria of this Land Use By-law must still apply to any development proposed and undertaken through site plan approval.

#### **Application Requirements**

**6.3.4** In addition to the requirements of Section 5.5, applications for site plan approval must meet the following requirements:

- (a) the site plan must be fully and accurately dimensioned and must be made under the stamp of a professional architect, planner, engineer, or surveyor licensed to practice in Nova Scotia;
- (b) the application must be accompanied by a written rationale and any necessary supporting illustrations addressing each of the applicable criteria outlined in Sections 10.3, 12.3, 12.4, 12.5, 12.6, 12.7, or 12.8; and
- (c) the application must be accompanied by a fee, in the amount established by resolution of Council.

#### **Site Plan Approval Review**

- 6.3.5** The Development Officer will review applications for new developments permitted by site plan approval, and amendments to existing site plan approvals, against all applicable criteria of this Land Use By-law.

#### **Site Plan Approval Notification**

- 6.3.6** Where the Development Officer has granted a site plan approval, notification of the approval will be served upon all affected properties that lie within 300 metres (984 feet) of the property which is subject to the site plan approval. Such notice will:
- (a) provide a synopsis of the site plan approval;
  - (b) identify the property where the site plan approval is granted; and
  - (c) set out the right to appeal the decision of the Development Officer.

### **6.4 Development through Development Agreement**

- 6.4.1** Some zones of this Land Use By-law permit certain uses only by development agreement as identified in the permitted uses tables.
- 6.4.2** The Municipal Planning Strategy establishes all policies and conditions for development agreements enabled in this Land Use By-law.

### **6.5 Service of Notice of Amendments or Development Agreement**

- 6.5.1** Where Council has given notice of its intention to adopt an amendment to 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 will serve notice of the proposed amendment, development agreement or amendment thereto, to affected property owners whose property lies within 300 metres (984 feet) of the property which is the subject of the proposed amendment, development agreement or amendment thereto. The notice will:
- (a) provide a synopsis of the proposed amendment, development agreement, or amendment;

- (b) state the date, time, and place set for the public hearing on the amendment, development agreement, or amendment; and
- (c) be served by ordinary and/or electronic mail.

## **6.6 Application Fees**

**6.6.1** Every application for a development permit, subdivision, variance, site plan approval, Municipal Planning Strategy and/or Land Use By-law amendment(s), and development agreement is subject to the fees as determined by the fee schedule of Council, as updated over time.

## **6.7 Penalty**

**6.7.1** Any person in violation of the Municipal Government Act and provisions in force pursuant to the Act will be subject to the penalties established in the Act.

## **6.8 Costs for Advertising**

**6.8.1** An advertising deposit must be paid to the Municipality as part of any application to amend this By-law, the Municipality Planning Strategy, or a development agreement. The deposit will be based on the costs of conducting a public participation program. After the advertisement is complete, the applicant must pay any additional advertisement costs.

## 7 General Provisions

### 7.1 Application

The provisions of Section 7, General Provisions, will apply to the entire Municipality except where otherwise stated in Section 4.1.

### 7.2 Accessory Building and Structures

- 7.2.1** Accessory buildings and structures must be located on the same lot as the main use.
- 7.2.2** Accessory buildings and structures must comply with zone requirements for minimum setbacks and any other applicable requirements.
- 7.2.3** Despite zone requirements:
  - (a) the minimum rear setback for accessory buildings and structures, boat houses, docks, wharves, or piers may be built across the lot line when said lot line corresponds to the water's edge;
  - (b) bus shelters, roadside stands, awnings, children's play structures, playground equipment, pet houses, clothesline poles, hot tubs, swimming pools, garden trellises, refuse receptacles, propane cylinders, heat pumps, and retaining walls are exempt from the requirements of this Section and are permitted to be located in any part of any yard except within the corner vision triangle of a corner lot;
  - (c) accessory buildings legally existing on the adoption date of this By-law with less than the required setback are permitted to be replaced or rebuilt in the same location provided the accessory building or structure does not increase its non-conformity; and
  - (d) shared semi-detached garages may be centred on the mutual side lot line.

### 7.3 Accessory Uses

- 7.3.1** Uses accessory to a permitted use will be permitted in all zones.

## **7.4 Buildings to be Moved**

- 7.4.1** Moving a building onto a lot is considered development and is subject to all provisions of this By-law.

## **7.5 Cemeteries**

- 7.5.1** Existing cemeteries will be permitted in all zones and may be expanded.
- 7.5.2** New cemeteries will be permitted in all zones except for the Protected Watershed One (PW-1) Zone and the Protected Watershed Two (PW-2) Zone.
- 7.5.3** Despite zoning requirements, new cemeteries that are intended to be visited by the public are required to have deeded access to a public or private road.
- 7.5.4** Any accessory buildings or structures for a cemetery will be subject to the requirements of accessory buildings in the zone where it is located.

## **7.6 Cluster Developments**

- 7.6.1** No development permit will be issued for any cluster development except in accordance with a development agreement approved under the implementation policies in the Municipal Planning Strategy, including, but not limited to those in Section 18 of the Municipal Planning Strategy.

## **7.7 Coastal Protection (ALREADY IN EFFECT)**

- 7.7.1** All developments must submit a development permit application to the Development Officer demonstrating compliance to the regulations specified in Sections 7.8, 7.9, and 7.10, in addition to any other requirements outlined in this Land Use By-law.

## **7.8 Coastal Erosion (ALREADY IN EFFECT)**

- 7.8.1** Within the Coastal Erosion Risk Area, all developments are strictly prohibited within 30 horizontal metres (98 feet) measured from the top of the bank to the main wall of the building.

- (a) If the top of the bank is not discernible within a 30 metre (98 foot) range of the marine shoreline, the ordinary high-water mark will be used and defined by a Nova Scotia land surveyor.

**7.8.2** Within the Coastal Erosion Risk Area, a 15 metre (49 foot) vegetative buffer area consisting of natural vegetation is required to lessen the impact of runoff and erosion and protect sensitive coastal ecosystems. The following requirements apply to the buffer:

- (a) no natural vegetation may be removed within 15 metres (49 feet) of the top of bank or the ordinary high-water mark;
- (b) despite Subsection 7.8.2 some natural vegetation may be removed to a maximum of the lesser of either 25 percent or 10 metres (33 feet) of the waterfrontage to enable water views, access, and the development of marine-related accessory uses;
- (c) in undeveloped areas, it is mandatory to restore a vegetative buffer featuring a blend of woody and grassy vegetation before obtaining a development permit, unless the natural landscape is inherently unvegetated;
- (d) despite Subsection 7.8.2, the removal of dangerous or severely diseased vegetation is permitted; and
- (e) despite Subsection 7.8.2, commercial, industrial, recreational, and scientific uses that require direct access to the water are exempt from maintaining a vegetative buffer.

**7.8.3** Under the provisions of non-conforming structures the following must be met:

- (a) within the Coastal Erosion Risk Area, existing structures may undergo reconstruction, renovation, repair relocation or replacement;
- (b) new additions to a building footprint must be developed furthest from the risk area, unless a qualified professional under the provisions stated in 7.8.5 determines the addition is not at risk of coastal erosion; and
- (c) all other applicable provisions of this Land Use By-law.

**7.8.4** Permitted developments within the Coastal Erosion Risk Area include:

- (a) boathouses, fishing gear sheds, docks, decks, wharves, piers, slipways, and other marine related uses;
- (b) scientific research structures;
- (c) the removal of vegetation and grade alterations necessary for erecting erosion control and flood control measures above the ordinary high-water mark. Natural vegetation must be reinstated when excess vegetation has been removed within the vegetative buffer area;
- (d) removal of windblown, diseased, or dead trees in hazardous conditions;
- (e) trimming tree branches to improve the view plane and ventilation; and
- (f) safety fences not exceeding a height of 1.9 metres (6 feet).

**7.8.5** Despite Subsections 7.8.1 and 7.8.2, the Development Officer may grant a permit for building within the Coastal Erosion Risk Area. This is contingent upon the completion of a Coastal Erosion Risk Factor Assessment that shows the proposed development is not at risk due to coastal erosion. The study must be conducted in accordance with the methodology outlined by the Nova Scotia Department of Environment and Climate Change's Development of a Coastal Erosion Risk Factor Assessment Standard Technical Background and Guidance report. The assessment, including a site plan carried out at the applicant's expense by a qualified professional must also demonstrate the following:

- (a) The proposed development maintains a minimum setback of 15 metres (49 feet) from the top of the bank.

## **7.9 Coastal Flooding (ALREADY IN EFFECT)**

**7.9.1** In all coastal areas on lands within the Coastal Flood Risk Area, as shown in Schedule B, no building may be constructed with the finished floor level of any habitable space located below a vertical elevation of 3.97 metres (13 feet), relative to the Canadian Geodetic Vertical Datum of 2013.

**7.9.2** Institutional uses are explicitly prohibited in the Coastal Flood Risk Area regardless of elevation.

**7.9.3** Despite Subsections 7.9.1 and 7.9.2, existing structures may be reconstructed, rebuilt, renovated, repaired, moved, or replaced. New additions may expand at or above the elevation of the current structure, up to 100 percent of the existing footprint, as it existed as of the date of the first publication of the notice of intention to adopt the Land Use By-law, provided that all other applicable provisions of this By-law are met.

## **7.10 Sensitive Coastal Ecosystems (ALREADY IN EFFECT)**

**7.10.1** All Development is prohibited within 30 metres (98 feet) of coastal wetlands, as specified in Schedule B, the Environmental Features Map.

**7.10.2** All Development is prohibited within a 30 metre (98 feet) vegetative buffer surrounding coastal wetlands, as specified in Schedule B, the Environmental Features map. This buffer must be maintained in a naturalized state.

**7.10.3** Despite Subsections 7.10.1 and 7.10.2, a property owner may submit a study as evidence to demonstrate the absence of a wetland and request the removal of the wetland from Schedule B, the Environmental Features Map.

- (a) The Municipality may require confirmation from the Department of Environment and Climate Change prior to accepting changes to wetland protection boundaries shown on Schedule B, the Environmental Features Map.

**7.10.4** Permitted developments within coastal wetlands or the associated vegetative buffers include:

- (a) boardwalks or nature interpretation stands;
- (b) conservation projects;
- (c) walking or hiking trails; and
- (d) recreational trails.

**7.10.5** Under the provisions of non-conforming structures, the following must be met:

- (a) existing structures may undergo reconstruction, renovation, repair relocation or replacement;

- (b) new additions to a building footprint must be developed furthest from coastal wetlands; and
- (c) all other applicable provisions of this Land Use By-law.

## **7.11 Community Gardens**

**7.11.1** The creation, maintenance, and expansion of community gardens will be permitted in all zones without need for a development permit except in the Protected Watershed One (PW-1) Zone and the Protected Watershed Two (PW-2) Zone.

## **7.12 Connection to Central Services**

**7.12.1** New plumbed buildings must be connected to the public drinking water system where such service is available. Where service availability is disputed or unclear, the Municipal Engineer will decide based on site conditions and available system capacity.

**7.12.2** New plumbed buildings within 30 metres (98 feet) of a municipal public sewer system must be connected to that public sewer.

## **7.13 Distance of New Dwellings or Institutional Uses to Existing Large-scale Livestock Operations**

**7.13.1** A new residential dwelling or institutional use must meet a minimum separation distance of 100 metres (328 feet) from a large-scale livestock operation that existed prior to the residential or institutional use. The separation distance will be measured from the livestock related building, including any manure storage facilities that are located adjacent to the livestock building, to the new development.

**7.13.2** Despite Subsection 7.13.1, new residential dwellings located on the same lot as a large-scale livestock operation, or residential dwellings located on an adjacent property that are associated with the farm property, are exempt from meeting the separation distance requirement.

**7.13.3** A dwelling or institutional use which does not meet the minimum separation distance in this section may be considered by site plan approval. The Development Officer may approve a site plan provided the following conditions are met:

- (a) the site plan must show the proposed separation distance from the large-scale livestock operations that existed prior to the residential or institutional use;
- (b) the site plan must include all existing and proposed structures, the location of all large-scale livestock operations that existed prior to the residential or institutional use, and all watercourses;
- (c) the location of the proposed structure is situated on the property to allow for the greatest possible separation distance from large-scale livestock operations that existed prior to the residential or institutional use; and
- (d) all measures and plans intended to reduce conflict between large-scale livestock operations that existed prior to the residential or institutional use and the proposed structure.

#### **7.14 Existing Undersized Lots**

**7.14.1** Any lot legally in existence on or before the effective date of this By-law, having less than the required minimum lot frontage or area, may be:

- (a) used for a purpose permitted in the zone on the lot and a building may be erected on such lot, provided that all other applicable provisions of this By-law are satisfied; and
- (b) increased in area and/or frontage as a result of an approved plan of subdivision and still be considered an undersized lot under this By-law.

#### **7.15 Farm, Fish, and Forest Stands**

**7.15.1** The direct sale of farm products, including but not limited to, vegetables, fruit, and flowers, fish or other seafood, and forestry products, including but not limited to, Christmas trees, maple products, and wreaths, by individuals or companies engaged in the harvesting of such, will be permitted in all zones without need for a development permit except in the Protected Watershed One (PW-2) Zone and the Protected Watershed Two (PW-2) Zone.

**7.16 Flag Lots**

**7.16.1** Where permitted, flag lots will be subject to the following requirements:

- (a) minimum lot area requirements must be satisfied within the main or “flag” portion of a flag lot; and
- (b) despite zone requirements, the flag lot must have minimum lot frontage of 6 metres (20 feet), and the width of the prolongation or “pole” shall be uniform along its entire length.

**7.17 Frontage on a Road**

**7.17.1** Unless otherwise permitted by this By-Law, no development permit will be issued for residential uses unless the lot intended for development has frontage and access on a public or private road, or a right-of-way-easement.

**7.18 Heritage Incentives**

**7.18.1** To promote adaptive reuse of historic sites, a property or building that is municipally, provincially, or federally registered as a heritage property will be eligible for relaxations of By-law requirements as outlined below:

Use	Permitted Incentive
Tourist Accommodations	Number of units permitted as-of-right increased by 1.

**7.18.2** Adaptive reuse of a property or building that is municipally, provincially, or federally registered as a heritage property for a use not otherwise permitted in the zone where it is located may be permitted by development agreement.

**7.19 Home-based Businesses**

**7.19.1** Home-based businesses in the Rural Residential (RR) Zone are subject to the following requirements:

### Home-based Businesses in Accessory Buildings

Home-based Businesses	
<b>a) Permitted Uses</b>	The Commercial and Industrial Uses in the Permitted Uses Table are permitted provided that they are not listed below as non-permitted.
<b>b) Non-permitted Uses</b>	Automobile Body Shops Automobile Dealers and Rentals Automobile Service Stations Drive-through Restaurants Heavy Equipment Sales & Rentals Heavy Industrial Uses Kennels Licenced Liquor Establishments Race Tracks Shooting Ranges Salvage Yards
<b>c) Maximum Floor Area</b>	The maximum floor area used for the home-based business shall be less than 25 % of the gross floor area of the main dwelling unit or 50 m <sup>2</sup> (538 square feet), whichever is less. The maximum size does not apply to day care centres and residential care facilities.

**7.19.2** Accessory buildings may be utilized for a home-based business if the business does not exceed the maximum floor area outlined in Subsection **Error! Reference source not found.c**).

#### Personal Office or Studio

**7.19.3** Nothing in this By-law will prevent, and no development permit will be required for, the use of a portion of any dwelling or building accessory to a dwelling as a personal office or studio for residents of the dwelling.

## 7.20 Illumination

- 7.20.1** Exterior lighting on any lot must be directed away from and must not cause glare on adjoining properties and any adjacent streets.

## 7.21 Inland Watercourses

- 7.21.1** All development is prohibited within 20 horizontal metres (66 feet) of inland watercourses as specified in Schedule B, measured from the ordinary high-water mark.

- 7.21.2** All development is prohibited within a 15 metre (48 foot) vegetative buffer measured from inland watercourses as shown on Schedule B. The buffer must consist of natural vegetation to lessen the impact of runoff and erosion and protect sensitive ecosystems. The following requirements apply to the buffer:

- (a) no natural vegetation may be removed within 15 metres (49 feet) from the ordinary high-water mark;
- (b) despite Subsection 7.21.2(a), natural vegetation may be removed to a maximum of the lesser of either 25 percent or 10 metres (33 feet), of the waterfrontage to enable water views, access, and the development of aquatic accessory uses;
- (c) in undeveloped areas, it is mandatory to restore a vegetative buffer featuring a blend of woody and grassy vegetation before obtaining a development permit, unless the natural landscape is inherently unvegetated;
- (d) despite Subsection 7.21.2(a), the removal of dangerous, severely diseased, or invasive species of vegetation is permitted. Natural vegetation of native species must be reinstated following the removal; and
- (e) despite Subsection 7.21.2, commercial, industrial, recreational, and scientific uses that require direct access to the water are exempt from maintaining a vegetative buffer.

- 7.21.3** Permitted developments within the inland watercourse horizontal setback include:

- (a) boathouses, fishing gear sheds, docks, decks, wharves, piers, slipways, and other aquatic uses;

- (b) scientific research structures;
- (c) the removal of vegetation and grade alterations necessary for erecting erosion control and flood control measures above the ordinary high-water mark. Natural vegetation must be reinstated when excess vegetation has been removed within the vegetative buffer area;
- (d) removal of windblown, diseased, or dead trees in hazardous conditions;
- (e) trimming tree branches to improve the view plane and ventilation; and
- (f) safety fences not exceeding a height of 1.9 metres (6 feet).

**7.21.4** Despite Subsection 7.21.1 and 7.21.2, where a lot is an existing undersized lot, a development permit may be issued for new development or the relocation of an existing building within the required inland watercourse setback or vegetative buffer, provided that:

- (a) the building is sited at a minimum of 7 m from the ordinary high-water mark;
- (b) there is no reasonable alternative location on the lot that would further increase the setback or buffer;
- (c) disturbance within the inland watercourse buffer is minimized to the greatest extent practicable; and
- (d) all other applicable requirements of this Land Use By-law are satisfied.

**7.21.5** The following provisions apply to non-conforming structures and uses located partially or fully within the watercourse setback:

- (a) within the 20 metre (65 foot) horizontal setback from significant inland watercourses, existing structures may undergo reconstruction, renovation, repair, relocation or replacement;
- (b) new additions to a building footprint must be developed in alignment with Subsection 7.29 and 7.30, the non-conforming clauses of this Land Use By-law; and

- (c) all other applicable provisions of this Land Use By-law apply.

## 7.22 Inland Watercourses in Protected Watershed Zones

- 7.22.1** Within all lots in the Protected Watershed One (PW-1) Zone and Protected Watershed Two (PW-2) Zone that are adjacent to a significant inland watercourse as shown in Schedule B, all developments are prohibited within 75 horizontal metres (246 feet) measured from the ordinary high-water mark.
- 7.22.2** Within all lots in the Protected Watershed One (PW-1) Zone and Protected Watershed Two (PW-2) Zone that are adjacent to a significant inland watercourse as shown in Schedule B, a 30 metre (98 foot) vegetative buffer area must be maintained in a naturalized state.
- 7.22.3** Despite Subsection 7.22.2, a property owner may establish a walking trail for the purpose of water access within the vegetative buffer.

## 7.23 Inland Wetlands

- 7.23.1** All development is prohibited within 20 metres (65 feet) of inland wetlands as specified in Schedule B.
- 7.23.2** All development is prohibited within a 20 metre (65 foot) vegetative buffer measured from Inland Wetlands shown on Schedule B. This buffer must be maintained in a naturalized state.
- 7.23.3** Despite Subsections 7.23.1 and 7.23.2, where a lot is an existing undersized lot, a development permit may be issued for new development or the relocation of an existing building within the required inland wetland setback or vegetative buffer, provided that:
  - (a) the building is sited at a minimum of 7 m from the ordinary high-water mark;
  - (b) there is no reasonable alternative location on the lot that would further increase the setback or buffer;
  - (c) disturbance within the inland wetland buffer is minimized to the greatest extent practicable; and
  - (d) all other applicable requirements of this Land Use By-law are satisfied.

**7.23.4** Despite Subsections 7.23.1 and 7.23.2, a property owner may submit a study as evidence to demonstrate the absence of a wetland and request the removal or adjustment of the wetland boundaries from Schedule B.

- (a) the Municipality may require confirmation from the Provincial Department of Environment and Climate Change prior to accepting changes to wetland protection boundaries shown on Schedule B.

**7.23.5** Permitted developments within wetlands or the associated vegetative buffers include:

- (a) boardwalks or nature interpretation stands;
- (b) conservation projects and activities;
- (c) walking or hiking trails; and
- (d) recreational trails.

**7.23.6** The following provisions apply to non-conforming structures and uses that are located partially or fully within the wetland setback:

- (a) existing structures may undergo reconstruction, renovation, repair relocation or replacement;
- (b) any expansion to a building footprint must be developed in alignment with Subsection 7.29 and 7.30, the non-conforming clauses of this Land Use By-law; and
- (c) all other applicable provisions of this Land Use By-law.

## **7.24 Island Developments**

**7.24.1** Despite minimum lot frontage requirements, the Development Officer may grant a development permit for development on an island, provided the lot has a minimum of 6 metres (20 feet) of water frontage on the body of water that creates the island and all other requirements of this By-law are met.

## **7.25 Kennels**

**7.25.1** Despite minimum side and rear yard setback requirements, kennels, where permitted, are subject to the following requirements:

- (a) side and rear yard setbacks must be a minimum of 20 metres (65 feet); and
- (b) structures related to a kennel use must meet a minimum separation distance of 50 metres (164 feet) from the closest off-site residential or institutional use.

## **7.26 Lots Created by a Plan of Subdivision Lacking Minimum Frontage**

**7.26.1** Despite minimum lot frontage requirements established elsewhere in this By-law, new lots which meet exemption criteria for lot frontage under the Municipality's Subdivision By-law are permitted, provided all other applicable provisions of this By-law are met.

## **7.27 Multiple Main Buildings**

**7.27.1** Unless otherwise prohibited in this By-law, any number of main buildings may be located on the same lot, subject to applicable zone requirements.

## **7.28 Multiple Uses in a Building**

**7.28.1** Where any main building is to be used for more than one purpose and applicable requirements are in conflict, the more stringent requirement(s) apply.

## **7.29 Non-Conforming Cluster Developments**

**7.29.1** For cluster developments established as bare land or phased land condominiums, all units registered with the Registrar of Condominiums by December 31, 2026 as evidenced by registration at the appropriate Land Registration Office under the Land Registration Act will be recognized by Council as non-conforming. For non-phased cluster developments, Council will extend the same recognition to those that obtain a complete building permit application by December 31, 2026. In the case of phased condominium developments, only the units registered by December 31, 2026, will be considered non-conforming, regardless of whether the approved Condominium Declaration anticipates additional phases.

### **7.30 Non-Conforming Structures**

**7.30.1** A structure lawfully in existence on the date of adoption of this By-law that does not meet the requirements of the zone in which it is located, is considered a non-conforming structure under Section 238 of the Municipal Government Act.

**7.30.2** Non-conforming structures must be subject to the following requirements:

- (a) non-conforming structures may expand provided the expansion to the building or structure does not further reduce the setback that does not conform to the requirements; and
- (b) non-conforming structures containing main residential uses may be rebuilt or replaced in substantially the same footprint and be occupied by the same use.

### **7.31 Non-Conforming Uses**

**7.31.1** Uses of land that existed on the date of adoption of this By-law and that do not conform to the requirements of this By-law are considered non-conforming under Section 238 of the Municipal Government Act and may continue to exist subject to the provisions of the Act (Sections 239-241) or applicable policies of the Municipal Planning Strategy. Non-conforming uses that have been discontinued for a period less than 12 months will be permitted to be recommenced.

**7.31.2** Non-conforming structures for residential uses may be:

- (a) rebuilt, replaced or repaired if destroyed or damaged by fire or otherwise, if it is substantially the same as it was before the destruction or damage and it is occupied by the same use; and
- (b) enlarged, reconstructed, repaired or renovated where:
  - (i) the enlargement, reconstruction, repair or renovation does not further reduce the minimum required yards or separation distance that do not conform with the Land Use By-law, and
  - (ii) all other applicable provisions of the Land use By-law except minimum frontage and area are satisfied.

### **7.32 Outdoor Storage of Fishing Gear and Equipment**

**7.32.1** The storage of fishing gear and equipment in the yard of a residential use in any zone is permitted.

### 7.33 Permitted Encroachments in Minimum Setbacks

**7.33.1** Every part of any minimum setback required by this By-law must be open and unobstructed by any structure from the ground to the sky.

**7.33.2** Despite zone requirements, the following structures may project into or be located in a required minimum setback in accordance with the distances set out as follows:

Structure	Required Setback in which Encroachment is Permitted	Permitted Encroachment Distance
Balconies, decks, patios, steps, verandas, porches (open) not exceeding one storey in height, terraces (uncovered)	Any yard	2 m, but not permitted within 1 m of lot line
Barrier free access structures	Any yard	To lot line
Carpports	Rear and side yard	0.6 m
Exterior insulation retrofitted to an existing dwelling	Any yard	0.3 m
Fire escapes and exterior staircases	Rear and side yard	1.5 m
Sills, belt courses, cornices, eaves, gutters, chimneys, pilasters, or similar architectural features	Any yard	0.6 m
Window bays (up to 3 m wide)	Any yard	1.2 m

### 7.34 Private Road Lot Frontage/Flankage Setbacks

**7.34.1** Where this By-law permits development on a private road, lot frontage and minimum front/flankage setbacks will be measured from the edge of the private road right-of-way or from the edge of the private road surface, whichever results in a smaller measured setback.

### 7.35 Private Storage Buildings

**7.35.1** Where there is no main building on the lot and it is listed as a permitted use, private storage buildings are permitted provided that the applicable zone requirements for the main building are satisfied as if the private storage building was regarded as the main building on the lot.

### 7.36 Protected Watershed Overlay

**7.36.1** Development is prohibited within 30 horizontal metres (98 feet) of the ordinary high-water mark of significant inland watercourses as shown on Schedule B, which are also located within the Protected Watershed (PW-3) Overlay, as shown on Schedule A.

**7.36.2** Permitted developments within the Protected Watershed (PW-3) Overlay horizontal watercourse setback include:

- (a) boathouses, fishing gear sheds, docks, decks, wharves, piers, slipways, and other aquatic uses;
- (b) scientific research structures;
- (c) the removal of vegetation and grade alterations necessary for erecting erosion control and flood control measures above the ordinary high-water mark. Natural vegetation must be reinstated when excess vegetation has been removed within the vegetative buffer area;
- (d) removal of windblown, diseased, or dead trees in hazardous conditions; and
- (e) trimming tree branches to improve the view plane and ventilation.

**7.36.3** Despite Subsection 7.35.1, where a lot is an existing undersized lot, a development permit may be issued for new development or the relocation of an existing building within the required inland watercourse setback, provided that:

- (a) the building is sited at a minimum of 7 m from the ordinary high-water mark;
- (b) there is no reasonable alternative location on the lot that would further increase the setback or buffer;

- (c) disturbance within the inland watercourse buffer is minimized to the greatest extent practicable; and
- (d) all other applicable requirements of this Land Use By-law are satisfied.

**7.36.4** Within the Protected Watershed (PW-3) Overlay, fencing which contains pasturing and grazing farm animals must be set back a minimum of 100 metres (328 feet) from the ordinary high-water mark of all significant inland watercourses, as shown on Schedule B.

### **7.37 Public Utilities**

**7.37.1** Unless specified in this By-law, any public utility infrastructure that is essential for the provision of a service is permitted in any zone and is exempt from meeting the zone requirements. This includes, but is not limited to, water supply facilities, wastewater treatment facilities, pumping stations, stormwater management facilities, and electrical substations, but does not include solar collector systems, wind turbines, wind turbine generators, and other associated uses such as administrative offices, and maintenance depots.

### **7.38 Recreational Vehicles**

**7.38.1** Temporary habitation of a recreational vehicle is permitted for up to 180 days in any given calendar year and does not require a development permit.

**7.38.2** A recreational vehicle may be permitted as the primary use on a lot for more than 180 days if a development permit for a recreational vehicle parking site is obtained and the following requirements are met:

- (a) a maximum of three recreational vehicles are permitted to park on a recreational vehicle parking site at a time; and
- (b) a recreational vehicle and its parking area are subject to all setback requirements for residential uses in the zone.

**7.38.3** Despite Subsections 7.38.1 and 7.38.2 above, a recreational vehicle may be permitted on a lot and no development permit is required, for the purposes of providing temporary accommodation while a permanent dwelling on the same property is under construction,

provided that there remains an active building permit issued by the Municipality for the dwelling.

### **7.39 Shipping Containers Used for Storage**

**7.39.1** Shipping containers are permitted as an accessory structure in all zones, subject to the accessory structure provisions of Section 7.2.

**7.39.2** Shipping containers are limited to a maximum of three containers per lot in the Rural Residential (RR) Zone, Rural Village (RUV) Zone, and Mixed Use Serviced (MUS) Zone.

### **7.40 Short-term Rentals**

**7.40.1** In the Mixed Use Serviced (MUS) Zone, a short-term rental is only permitted within the host's principal dwelling. A maximum of three rooms may be used for a short-term rental within a dwelling unit.

### **7.41 Solar Collectors**

**7.41.1** Where permitted, on-building accessory solar collector systems will be considered an addition to a structure and will require a development permit.

**7.41.2** On-building accessory solar collector systems are permitted on designated heritage buildings and properties provided that the building's characteristic defining elements remain intact.

**7.41.3** Off-building accessory solar collectors, where permitted, will be treated as accessory structures and must comply with the requirements for accessory structures.

### **7.42 Special Uses Permitted**

**7.42.1** Nothing in this By-law will prohibit structures associated with uses for special occasions provided only that no such structure remains in place for more than 14 consecutive days.

### **7.43 Swimming Pools**

**7.43.1** All outdoor swimming pools situated at or below grade must be completely enclosed by a fence. All fences and gates must be a

minimum of 1.5 metres (5 feet) in height above the grade level and must be secured from unauthorized access.

#### **7.44 Telecommunications Towers**

**7.44.1** Telecommunications towers are subject to federal approvals processes, therefore nothing in this By-law will prevent the use of land for their installation. However, the Municipality follows Policy MODL-69 for Antenna Siting Protocol, and any related accessory structures will require the appropriate permits.

#### **7.45 Visibility at Intersections**

**7.45.1** Despite anything else in this By-law, on a corner lot, no building, structure, fence, sign, hedge, shrub, bush or tree, or any other structure or vegetation may be erected or permitted to grow to a height greater than 0.6 metres (2 feet) above grade within the corner vision triangle.

#### **7.46 Wharves, Docks, and Slipways**

**7.46.1** Wharves, docks, and slipways are permitted in any zone without need for a development permit.

#### **7.47 Wind Turbine Generators**

**7.47.1** All wind turbine generators will be subject to the requirements below:

- (a) any climbing apparatus associated with the wind turbine generator will be retracted or locked to prevent unauthorized climbing to a minimum of three metres (10 feet) above grade;
- (b) the wind turbine generator must bear a non-reflective finish, and not contain any exterior lighting except as required by relevant transportation authorities;
- (c) no signs on the wind turbine generator are permitted other than the owner's or manufacturer's identification;
- (d) with the exception of micro wind turbine generators (MWT), development permit applications for all wind turbine generators, in

addition to standard required information, must be accompanied by documentation of:

- (i) manufacturer's information, including the type of wind turbine, total height, rotor diameter, maximum rated output capacity, colour, and Canadian Standards Association (or equivalent);
  - (ii) authorization documents from Transport Canada and NavCan, or successor bodies;
  - (iii) tower and base designs certified by an engineer licensed to practice in Nova Scotia, and applicable letters of undertaking;  
and
- (e) nothing in this By-law will exempt wind turbine generators from meeting relevant federal or provincial regulations.

**7.47.2** Where permitted, micro wind turbine (MWT) generators will be considered an accessory structure and will be subject to the following:

- (a) the maximum power generation capacity must be no greater than 1 kW; and
- (b) setbacks will be the same as any other accessory structure.

**7.47.3** Where permitted, small-scale wind turbine (SWT) generators will be subject to the following:

- (a) rotor blade clearance must be at least seven metres (22 feet) from grade;
- (b) setbacks must be no less than 1.5 times the height of the turbine closest to the adjacent lot line, provided that the resulting sound levels do not exceed 40dB(A) above existing background noise at that property line. If the sound levels do exceed above 40dB(A) despite the 1.5 times turbine height setback, additional setbacks will be determined through the Municipality's wind turbine calculation chart, unless the owner of the neighboring property agrees to reduce the setback in writing at which point the 1.5 times turbine height setback will prevail;
- (c) setbacks from watercourses must be no less than 1 times the height of the turbine;

- (d) the separation distance between SWT generators on the same lot will be equal to at least 1 times the height of the tallest wind turbine on said lot; and
- (e) multiple SWT generators are permitted on the same lot, provided that they meet the setback requirements of 7.47.3 (b), (c), and (d).

<b>Sound Level by Distance from Source</b>					
<b>Distance</b>	<b>Sound Level Change dB(A)</b>	<b>Distance</b>	<b>Sound Level Change dB(A)</b>	<b>Distance</b>	<b>Sound Level Change dB(A)</b>
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		

**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.

Maximum Sound Level at	- Wind Turbine Peak	= Change in Sound Level
Property Line	Emission	
45dB(A)	- 85dB(A)	= -40dB(A)

The “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).

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

**7.47.4** Where permitted, **large-scale wind turbine (LWT)** generators must meet the following requirements:

- (a) submit a decommissioning plan, which will become part of the development agreement;
- (b) submit a study assessing the environmental impact of the development from a qualified professional;
- (c) establish a minimum setback for the LWT generator that is 4 times the turbine height from adjacent property lines. However, this setback distance may be subject to change if any of the following occur:
  - (i) if the sound levels exceed 40dB(A) above existing background noise, additional setbacks will be determined through the Municipality's wind turbine calculation chart;
  - (ii) conversely, the setback distance could be reduced to 1.5 times the turbine height from adjacent property lines, if the neighboring property is publicly owned and does not represent historical or environmental significance, or if the owner of the neighboring property agrees to reduce the setback in writing; and
- (d) notify all landowners within 750 metres (2,460 feet) of the property.

## 8 Parking

- 8.1.1** The parking provisions of this Section apply only to those lands located within the Mixed Use Serviced (MUS) Zone as shown on Schedule A.
- 8.1.2** Where a lot has frontage on a street, parking and loading areas must be located in the rear yard.
- 8.1.3** Despite Section 8.1.2, parking and loading areas must not be located in a rear yard that abuts a street, unless screened from the street through the use of landscaping that provides a filtered view, regardless of season, from the street.
- 8.1.4** Despite Sections 8.1.2 and 8.1.3, the Development Officer may permit flexibility for redevelopment projects that involve a change of use within an existing structure or the redevelopment of an existing structure on a property within the Mixed Use Serviced Zone.
- 8.1.5** Landscaping in the form of vegetation must be incorporated into the parking lots, with five or more parking spaces, to reduce the visual impact of large open parking areas, and to provide a filtered view from the street.
- 8.1.6** Where possible, parking lots must locate next to adjacent parking lots, and access to parking must be combined with existing parking lots entrances.
- 8.1.7** If access points are approved, there should be two curb cuts per lot for parking lot access.
- 8.1.8** Vehicular access locations will be subject to the approval of the relevant traffic authority.

## 9 Zones and Zone Mapping

### 9.1 Zones

**9.1.1** For the purposes of this By-law, the Municipality is divided into the following zones, the boundaries of which are shown on the attached Schedule A. Such zones may be referred to by the appropriate symbols:

Zone Name	Zone Symbol
Conservation	C
Mixed Use Serviced Zone	MUS
Protected Watershed One Zone	PW-1
Protected Watershed Two Zone	PW-2
Recreation and Parks Zone	P
Rural Agricultural Potential Zone	RU-2
Rural General Zone	RU
Rural Residential Zone	RR
Rural Village Zone	RUV

**9.1.2** In addition to Subsection 9.1.1, this By-law contains the following overlay zone, on the attached Schedule A, which implements additional requirements beyond those created by the underlying zoning:

Overlay Name	Overlay Symbol
Protected Watershed Overlay	PW-3

### 9.2 Zoning Map

**9.2.1** Schedule A attached hereto will be cited as the “Zoning Map”.

**9.2.2** The Zoning Map forms part of this Land Use By-law.

## 10 Rural Zones

### 10.1 Permitted Uses in the Rural Zones

**10.1.1** The following tables outline the permitted uses for the Rural General (RU) Zone, Rural Agricultural Potential (RU-2) Zone, Rural Residential (RR) Zone, and Rural Village (RUV) Zone subject to the following scheme:

- (a) Uses indicated with a “P” are permitted as-of-right, subject to all requirements of this By-law and any Sections noted in the “Special Requirements” column.
- (b) Uses indicated with an “SP” are permitted through Site Plan Approval and may be subject to unique site plan criteria included in the By-law.
- (c) Uses indicated with a “DA” are permitted through Development Agreement and are subject to Sections 18.4 - 18.7 of the Municipal Planning Strategy.
- (d) Uses denoted with a “-” are not permitted within the zone.

## Residential Uses in the Rural Zones

Land Use	Rural General (RU)	Rural Agricultural Potential (RU-2)	Rural Residential (RR)	Rural Village (RUV)	Special Requirements
<b>Cluster Developments</b>	DA	-	DA	DA	Section 7.6
<b>Dwellings - 1 to 2 units 3 to 5 units 6 or more units*</b>	P P SP	P P SP	P P SP	P P SP	* Dwelling units must be contained within a single building, otherwise, may be considered Cluster Development.
<b>Home-based Businesses</b>	P	P	*P	P	* Section 7.19
<b>Recreational Vehicle Parking Sites</b>	P	P	P	P	Section 7.38
<b>Residential Care Facilities</b>	P	P	P	P	
<b>Small Option Homes</b>	P	P	P	P	
<b>Tiny Houses</b>	P	P	P	P	

## Commercial and Industrial Uses in the Rural Zones

Land Use	Rural General (RU)	Rural Agricultural Potential (RU-2)	Rural Residential (RR)	Rural Village (RUV)	Special Requirements
<b>Accommodations Tourist -</b> 1 to 3 units 4 to 6 units 7 to 12 units 13 or more units	P P P SP	P P P SP	P P SP DA	P P P SP	
<b>Animal Care</b>	P	P	-	P	
<b>Animal Shelters</b>	P	P	-	P	
<b>Art Gallery/Studio</b>	P	P	-	P	
<b>Automobile Body Shops</b>	P	P	-	SP	
<b>Automobile Service Stations</b>	SP	SP	-	SP	
<b>Automobile Repair Shops</b>	P	P	-	SP	
<b>Automobile Dealer and Rentals</b>	P	P	-	-	
<b>Banks and Financial Institutions</b>	P	P	-	P	
<b>Boat Building and Repair</b>	P	P	-	P	
<b>Breweries, Distilleries and Wineries</b>	P	P	-	P	
<b>Campgrounds and RV Parks</b>	DA	DA	DA	DA	
<b>Cannabis Production Facilities</b>	DA	DA	-	DA	

Land Use	Rural General (RU)	Rural Agricultural Potential (RU-2)	Rural Residential (RR)	Rural Village (RUV)	Special Requirements
<b>Commercial Recreation - Indoor Outdoor</b>	P P	P P	- -	P P	
<b>Convenience Stores</b>	P	P	-	P	
<b>Craft Product Workshops</b>	P	P	-	P	
<b>Craft Shops</b>	P	P	-	P	
<b>Day Care Centres</b>	P	P	-	P	
<b>Excavation, Construction, and Landscaping Services</b>	P	P	-	SP	
<b>Funeral Homes</b>	P	P	-	P	
<b>Garden Centres</b>	P	P	-	P	
<b>Heavy Equipment Sales &amp; Rentals</b>	P	P	-	SP	
<b>Industrial Uses - Light</b>					
Less than 1000m <sup>2</sup> GFA	P	P	-	SP	
Greater than 1000m <sup>2</sup> GFA	P	P	-	DA	
<b>Industrial Uses - Heavy</b>	DA	DA	-	-	
<b>Kennels</b>	P	P	-	SP	Section 7.25
<b>Licensed Liquor Establishments</b>	P	P	-	P	
<b>Marinas</b>	P	P	-	P	
<b>Marine Recreation Providers</b>	P	P	-	P	
<b>Personal Service Shops</b>	P	P	-	P	

Land Use	Rural General (RU)	Rural Agricultural Potential (RU-2)	Rural Residential (RR)	Rural Village (RUV)	Special Requirements
Places of Assembly	P	P	-	P	
Private Clubs	P	P	-	P	
Professional Offices	P	P	-	P	
Race Tracks	DA	DA	-	-	
Recycling Depots	P	P	-	SP	
Restaurants - Drive-through Eat-in Take-out	SP P P	SP P P	- - -	SP P P	
Retail Lumber and Home Improvement Yards	SP	SP	-	SP	
Retail Stores - Less than 500m2 GFA Between 501m2 -2,000m2 GFA Greater than 2,000m2 GFA	P P SP	P P SP	- - -	P SP -	
Salvage Yards	DA	DA	-	-	
Schools - Commercial	P	P	-	P	
Self-storage Facilities	P	P	-	P	
Service and Repair Shops	P	P	-	P	
Shooting Ranges	DA	DA	-	-	
Solar Collector Systems - Accessory Commercial	P DA	P DA	P -	P -	Section 7.41

Land Use	Rural General (RU)	Rural Agricultural Potential (RU-2)	Rural Residential (RR)	Rural Village (RUV)	Special Requirements
Solid Waste - Disposal Facilities Transfer Facilities	DA	DA	-	-	
	DA	DA	-	-	
Summer Camps	P	P	SP	SP	
Wind Turbine Generators - Micro Small-scale Large-scale	P	P	P	P	Section 7.47
	P	P	P	-	
	DA	DA	-	-	

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## Institutional Uses in the Rural Zones

Land Use	Rural General (RU)	Rural Agricultural Potential (RU-2)	Rural Residential (RR)	Rural Village (RUV)	Special Requirements
<b>Cemeteries</b>	P	P	P	P	Section 7.5
<b>Community Centres</b>	P	P	-	P	
<b>Cultural Facilities</b>	P	P	-	P	
<b>Emergency Services</b>	P	P	-	P	
<b>Government Uses</b>	P	P	-	P	
<b>Hospitals</b>	P	P	-	P	
<b>Interpretive Centres</b>	P	P	-	P	
<b>Medical Clinics</b>	P	P	-	P	
<b>Nursing Homes</b>	P	P	-	P	
<b>Parks and Playgrounds</b>	P	P	P	P	
<b>Places of Assembly</b>	P	P	-	P	
<b>Places of Worship</b>	P	P	P	P	
<b>Recreation Centres</b>	P	P	-	P	
<b>Recreational Uses</b>	P	P	P	P	
<b>Schools - Academic</b>	P	P	-	P	
<b>Schools - Post-secondary</b>	P	P	-	P	
<b>Trails and Conservation Uses</b>	P	P	P	P	

### Agriculture and Natural Resource Uses in the Rural Zones

Land Use	Rural General (RU)	Rural Agricultural Potential (RU-2)	Rural Residential (RR)	Rural Village (RUV)	Special Requirements
Abattoirs	SP	SP	-	-	
Aggregate and Mineral Extraction Operations	DA	DA	-	-	
Aggregate Processing Facilities	SP	SP	-	-	
Agricultural Uses	P	P	P	P	
Agritourism	P	P	P	P	
Aquaculture Operations (Land-based)	P	P	-	-	
Community Gardens	P	P	P	P	
Equestrian Facilities	P	P	-	-	
Farm, Fish, and Forest Stands	P	P	P	P	
Farmers' Markets	P	P	P	P	
Fish Processing	DA	DA	-	DA	
Fishing and Marine Accessory Uses	P	P	P	P	
Fishing and Marine Industrial Uses	P	P	-	SP	
Forestry Processing Facilities	P	P	-	DA	
Forestry Supportive Uses	P	P	-	P	

**Other Uses in the Rural Zones**

Land Use	Rural General (RU)	Rural Agricultural Potential (RU-2)	Rural Residential (RR)	Rural Village (RUV)	Special Requirements
Accessory Buildings and Structures*	P	P	P	P	*Subject to Sections 7.2 and 7.3
Lawfully Existing Uses	P	P	P	P	
Private Storage Buildings	P	P	P	P	Section 7.35

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## 10.2 Development Standards for the Rural Zones

**10.2.1** The following minimum standards will apply to lots in the Rural General (RU) Zone, Rural Agricultural Potential (RU-2) Zone, Rural Residential (RR) Zone, and Rural Village (RUV) Zone:

Development Requirements		Rural General (RU)	Rural Agricultural Potential (RU-2)	Rural Residential (RR)	Rural Village (RUV)
Minimum Lot Area*	Serviced Lot	-	-	-	350 m <sup>2</sup>
	Un-serviced Lot	2,700 m <sup>2</sup>	2,700 m <sup>2</sup>	2,700 m <sup>2</sup>	Minimum required by NSECC for septic approval
Minimum Lot Frontage		30 m	30 m	10 m	10 m
Minimum Front/Flankage Setback		6 m	6 m	3 m	0 m
Minimum Side Setback		2 m	2 m	2 m	2 m
Minimum Rear Setback		2 m	2 m	2 m	2 m

NSECC= Nova Scotia Department of Environment and Climate Change

\* Minimum lot sizes and some elements relating to configuration are also dependent upon approval by the Provincial Department of Environment and Climate Change and in some instances, by Nova Scotia Public Works. In cases of discrepancy, the more stringent requirements will apply.

### 10.3 Site Plan Requirements for Multi-Unit Residential and Tourist Accommodations in the Rural Zones

**10.3.1** Where a multi-unit residential and/or tourist accommodation development is permitted by site plan approval in the Rural General (RU) Zone, Rural Agricultural Potential (RU-2) Zone, Rural Residential (RR) Zone, and Rural Village (RUV) Zone, the Development Officer may approve a site plan provided the requirements of this By-law and the following conditions are met.

- (a) Parking and Access Requirements:
  - (i) vehicular access locations must be subject to the approval of the relevant traffic authority;
  - (ii) parking, loading, and access areas must be designed to safely accommodate emergency and service vehicles;
- (b) Pedestrian Walkways:
  - (i) a minimum of one pedestrian walkway with a minimum width of one metre must be provided from parking areas to the primary entrances of residential buildings;
  - (ii) pedestrian walkways should be clearly delineated from vehicular travel areas through the use of paving materials, landscaping, grade separation, or other appropriate design measures;
  - (iii) where multiple buildings are proposed, pedestrian walkways must be provided to allow safe and direct movement between buildings and shared amenity areas;
- (c) Stormwater Management:
  - (i) the applicant must demonstrate that a stormwater management system will be provided that ensures the post development stormwater flows leaving the property will be equal to or less than the pre-development stormwater flows that leave the property;
  - (ii) all plans related to stormwater management must be reviewed and accepted by the Municipal Engineer;

- (d) Water Supply:
- (i) the applicant must demonstrate that an adequate and sustainable water supply is available to serve the proposed development;
  - (ii) the application must identify the proposed source of water supply and provide an estimate of anticipated water demand based on the number of dwelling units;
  - (iii) Where a proposed multi-unit residential development in an un-serviced area contains ten or more dwelling units, the application must include a water assessment or hydrological study prepared by a qualified professional, demonstrating:
    - (1) that an adequate and sustainable water supply is available to serve the proposed development;
    - (2) that the proposed development will not result in adverse impacts on neighbouring wells or groundwater resources; and
    - (3) that the scope and level of detail of the study is proportionate to the scale and context of the proposed development and is prepared in accordance with applicable provincial requirements.

## 11 Environment and Recreation Zones

### 11.1 Permitted Uses in the Environmental and Recreational Zones

**11.1.1** The following tables outline the permitted uses for the Conservation (C) Zone, Protected Watershed One (PW-1) Zone, Protected Watershed Two (PW-2) Zone, and Recreation and Parks (P) Zone subject to the following scheme:

- (a) Uses indicated with a “P” are permitted as-of-right, subject to all requirements of this By-law and any Sections noted in the “Special Requirements” column.
- (b) Uses indicated with an “SP” are permitted through Site Plan Approval and may be subject to unique site plan criteria included in this By-law.
- (c) Uses indicated with a “DA” are permitted through Development Agreement and are subject to Sections 18.4 - 18.7 of the Municipal Planning Strategy.
- (d) Uses denoted with a “-” are not permitted within the zone.

**Residential Uses in the Environmental and Recreational Zones**

Land Use	Conservation (C)	Protected Watershed One (PW-1)	Protected Watershed Two (PW-2)	Recreation and Parks (P)	Special Requirements
Dwellings - 1 to 2 units	-	-	P	-	
3 to 5 units	-	-	-	-	
6 or more units	-	-	-	-	
Small Option Homes	-	-	P	-	
Tiny Houses	-	-	P	-	

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**Commercial and Industrial Uses in the Environmental and Recreational Zones**

Land Use	Conservation (C)	Protected Watershed One (PW-1)	Protected Watershed Two (PW-2)	Recreation and Parks (P)	Special Requirements
<b>Marinas</b>	-	-	-	P	
<b>Marine Recreation Providers</b>	-	-	-	P	
<b>Restaurants – Drive-through Eat-in Take-out</b>	- - -	- - -	- - -	- - P	
<b>Solar Collector Systems – Accessory Commercial</b>	P -	- -	P -	P -	Section 7.41
<b>Wind Turbine Generators – Micro Small-scale Large-scale</b>	- - -	- - -	- - -	P P -	Section 7.47

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### Institutional Uses in the Environmental and Recreational Zones

Land Use	Conservation (C)	Protected Watershed One (PW-1)	Protected Watershed Two (PW-2)	Recreation and Parks (P)	Special Requirements
Cemeteries	P	-	-	P	Section 7.5
Community Centres	-	-	-	P	
Cultural Facilities	-	-	-	P	
Government Uses	P	-	-	P	
Interpretive Centres	-	-	-	P	
Parks and Playgrounds	-	-	-	P	
Places of Worship	-	-	-	P	
Recreation Centres	-	-	-	P	
Recreational Uses	-	-	-	P	
Trails and Conservation Uses	P	-	P	P	

### Agriculture and Natural Resource Uses in the Environmental and Recreational Zones

Land Use	Conservation (C)	Protected Watershed One (PW-1)	Protected Watershed Two (PW-2)	Recreation and Parks (P)	Special Requirements
Community Gardens	P	-	-	P	
Farm, Fish, and Forest Stands	P	-	-	P	
Farmers' Markets	-	-	-	P	
Fishing and Marine Accessory Uses	-	-	-	P	
Water Utilities	-	P	-	-	

### Other Uses in the Environmental and Recreational Zones

Land Use	Conservation (C)	Protected Watershed One (PW-1)	Protected Watershed Two (PW-2)	Recreation and Parks (P)	Special Requirements
Accessory Buildings and Structures*	-	-	P	-	Subject to Sections 7.2 and 7.3
Lawfully Existing Uses	-	-	-	P	
Private Storage Buildings	-	-	P	P	Section 7.35

## 11.2 Development Standards for the Environmental and Recreational Zones

**11.2.1** The following minimum standards will apply to lots in the Conservation (C) Zone, Protected Watershed One (PW-1) Zone, Protected Watershed Two (PW-2) Zone, and Recreation and Parks (P) Zone:

Development Requirements		Conservation (C)	Protected Watershed One (PW-1)	Protected Watershed Two (PW-2)	Recreation and Parks (P)
Minimum Lot Area*	Serviced Lot	-	-	-	2,700 m <sup>2</sup>
	Un-serviced Lot	2,700 m <sup>2</sup>	15,000 m <sup>2</sup>	15,000 m <sup>2</sup>	2,700 m <sup>2</sup>
Minimum Lot Frontage		15 m	150 m	150 m	15 m
Minimum Front/ Flankage Setback		2 m	2 m	2 m	2 m
Minimum Side Setback		2 m	2 m	2m	2 m
Minimum Rear Setback		2 m	2 m	2 m	2 m

\* Minimum lot sizes and some elements relating to configuration are also dependent upon approval by the Provincial Department of Environment and Climate Change and in some instances, by Nova Scotia Public Works. In cases of discrepancy, the more stringent requirements will apply.

## 12 Growth Centre Zones

### 12.1 Permitted Uses in the Growth Centre Zones

**12.1.1** The following tables outline the permitted uses for the Mixed Use Serviced (MUS) Zone subject to the following scheme:

- (a) Uses indicated with a “P” are permitted as-of-right, subject to all requirements of this By-law and any Sections noted in the “Special Requirements” column.
- (b) Uses indicated with an “SP” are permitted through Site Plan Approval and may be subject to unique site plan criteria included in this By-law.
- (c) Uses indicated with a “DA” are permitted through Development Agreement and are subject to Sections 18.4 - 18.7 of the Municipal Planning Strategy.
- (d) Uses denoted with a “-” are not permitted within the zone.

## Residential Uses in the Growth Centre Zones

Land Use	Mixed Use Serviced (MUS)	Special Requirements
<b>Cluster Developments</b>	DA	Section 7.6
<b>Dwellings – 1 to 2 units 3 to 5 units 6 or more units*</b>	- P SP	* Dwelling units must be contained within a single building, otherwise, may be considered Cluster Development.
<b>Home-based Businesses</b>	P	Section 7.19
<b>Residential Care Facilities</b>	P	
<b>Small Option Homes</b>	P	

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## Commercial and Industrial Uses in the Growth Centre Zones

Land Use	Mixed Use Serviced (MUS)	Special Requirements
<b>Accommodations Tourist -</b> 1 to 3 units 4 to 6 units 7 to 12 units 13 or more units	*P P P SP	*Short-term rentals subject to Section 7.40 in this zone.
<b>Animal Care</b>	P	
<b>Art Gallery/Studio</b>	P	
<b>Automobile Service Stations</b>	SP	
<b>Banks and Financial Institutions</b>	P	
<b>Campgrounds and RV Parks</b>	DA	
<b>Cannabis Production Facilities</b>	DA	
<b>Commercial Recreation -</b> Indoor Outdoor	P P	
<b>Convenience Stores</b>	P	
<b>Craft Product Workshops</b>	P	
<b>Craft Shops</b>	P	
<b>Day Care Centres</b>	P	
<b>Funeral Homes</b>	P	
<b>Heavy Equipment Sales &amp; Rentals</b>	SP	
<b>Licensed Liquor Establishments</b>	P	
<b>Personal Service Shops</b>	P	

Land Use	Mixed Use Serviced (MUS)	Special Requirements
Private Clubs	P	
Professional Offices	P	
Restaurants - Drive-through Eat-in Take-out	SP P P	
Retail Lumber and Home Improvement Yards	SP	
Retail Stores - Less than 500m <sup>2</sup> GFA Between 501m <sup>2</sup> - 2,000m <sup>2</sup> GFA Greater than 2,000m <sup>2</sup> GFA	P SP SP	
Service and Repair Shops	P	
Solar Collector Systems - Accessory Commercial	P -	Section 7.41
Wind Turbine Generators - Micro (MWT) Small-scale (SWT) Large-scale (LWT)	P - -	Section 7.47

### Institutional Uses in the Growth Centre Zones

Land Use	Mixed Use Served (MUS)	Special Requirements
Cemeteries	P	Section 7.5
Community Centres	P	
Cultural Facilities	P	
Emergency Services	P	
Government Uses	P	
Hospitals	P	
Interpretive Centres	P	
Medical Clinics	P	
Nursing Homes	P	
Parks and Playgrounds	P	
Places of Worship	P	
Recreation Centres	P	
Recreational Uses	P	
Schools – Academic	P	
Schools – Post-secondary	P	
Trails and Conservation Uses	P	

**Agricultural and Natural Resource Uses in the Growth Centre Zones**

Land Use	Mixed Use Serviced (MUS)	Special Requirements
<b>Agritourism</b>	P	
<b>Community Gardens</b>	P	
<b>Farm, Fish, and Forest Stands</b>	P	
<b>Farmers' Markets</b>	P	
<b>Forestry Supportive Uses</b>	P	

**Other Uses in the Growth Centre Zones**

Land Use	Mixed Use Serviced (MUS)	Special Requirements
<b>Accessory Buildings and Structures*</b>	P	*Subject to Sections 7.2 and 7.3
<b>Lawfully Existing Uses</b>	P	

## 12.2 Development Standards for the Growth Centre Zones

12.2.1 The following minimum standards will apply to lots in the Mixed Use Serviced (MUS) Zone:

Development Requirements		Mixed Use Serviced (MUS)
Minimum Lot Area*	Serviced Lot	350 m <sup>2</sup>
	Un-serviced Lot	Minimum required by NSECC for septic approval
Minimum Lot Frontage		15 m
Minimum Front/Flankage Setback		0 m
Minimum Side Setback		2 m
Minimum Rear Setback		2 m
Minimum Density for Residential Uses (units per hectare)		25 units

\* Minimum lot sizes and some elements relating to configuration are also dependent upon approval by the Provincial Department of Environment and Climate Change (NSECC) and in some instances, by Nova Scotia Public Works. In cases of discrepancy, the more stringent requirements will apply.

## 12.3 Site Plan Requirements for Multi-Unit Residential and Tourist Accommodations in the Growth Centre Zones

**12.3.1** Where multi-unit residential and/or tourist accommodation developments are permitted by site plan approval in the Mixed Use Serviced (MUS) Zone, the Development Officer may approve a site plan provided the requirements of this By-law and the following conditions are met.

- (a) Layout and Site Design:
  - (i) the arrangement and orientation of buildings must support a compact, mixed-use form and efficient use of land, particularly where municipal infrastructure is available;
  - (ii) buildings must be sited to support the street, internal road, or shared circulation network, where applicable;
  - (iii) the location of loading, service, and waste collection areas must minimize visual, noise, and functional impacts on residential units on the same lot and on adjacent properties;
  - (iv) exterior lighting must be located and designed to illuminate buildings, parking areas, driveways, and pedestrian infrastructure, and must not be directed onto neighbouring residential properties;
- (b) Parking and Access:
  - (i) all parking must meet the parking requirements as outlined in Section 8;
- (c) Pedestrian Walkways:
  - (i) pedestrian walkways and other related infrastructure must be provided to connect public sidewalks and parking areas to entrances of all main buildings;
  - (ii) pedestrian walkways and other related infrastructure must connect to any existing pedestrian infrastructure;
  - (iii) pedestrian walkways from the parking lot to the entrance of the main building must be at least one metre wide;

- (iv) the location, quantity, and width of driveways are designed to minimize traffic and congestion throughout the surrounding area;
- (d) Landscaping and Buffering:
  - (i) the lot must be landscaped using a variety of vegetation types varying in height and species;
  - (ii) landscaping, fencing, vegetative buffers, or a combination thereof must be used where necessary to mitigate impacts on adjacent residential or non-residential uses;
  - (iii) where vegetation is used for buffering, existing healthy vegetation must be retained where possible;
  - (iv) landscaping must be used to provide separation between parking areas, buildings, and adjacent properties;
- (e) Building Location and Compatibility:
  - (i) buildings must be located and designed to reduce impacts related to noise, lighting, traffic, and servicing on adjacent properties;
  - (ii) building placement must support safe internal circulation and pedestrian access;
  - (iii) building siting must consider surrounding development patterns and the intended growth function of the Mixed Use Service (MUS) Zone;
- (f) Stormwater Management:
  - (i) the applicant must demonstrate that a stormwater management system will be provided that ensures the post development stormwater flows leaving the property will be equal to or less than the pre-development stormwater flows that leave the property;
  - (ii) all plans related to stormwater management must be reviewed and accepted by the Municipal Engineer;
- (g) Water Supply:

- (i) the applicant must demonstrate that an adequate and sustainable water supply is available to serve the proposed development;
- (ii) the application must identify the proposed source of water supply and provide an estimate of anticipated water demand based on the number of units;
- (iii) where a proposed multi-unit residential development is in an un-serviced area and contains ten or more dwelling units, the application must include a water assessment or hydrological study prepared by a qualified professional, demonstrating:
  - (1) that an adequate and sustainable water supply is available to serve the proposed development;
  - (2) that the proposed development will not result in adverse impacts on neighbouring wells or groundwater resources; and
  - (3) that the scope and level of detail of the study is proportionate to the scale and context of the proposed development and is prepared in accordance with applicable provincial requirements.

## **12.4 Site Plan Requirements for Automobile Service Stations in the Growth Centre Zones**

**12.4.1** Where an automobile service station development is permitted by site plan approval in the Mixed Use Serviced (MUS) Zone, the Development Officer may approve a site plan provided the requirements of this By-law and the following conditions are met.

- (a) Parking and Access Requirements:
  - (i) where a lot has frontage on a public street, parking and loading areas must, where feasible, be located in the rear yard or side yard;
  - (ii) despite clause (i), parking and loading areas located in a rear yard that abuts a street shall be screened from the street;

- (iii) landscaping in the form of vegetation must be incorporated into parking areas containing more than four parking spaces in order to reduce the visual impact of large open parking areas;
  - (iv) where possible, parking areas must be located adjacent to existing or planned parking areas on abutting lots, and access points must be shared or combined where feasible;
  - (v) there must be a maximum of one curb cut per lot for vehicular access, unless additional access is required to address traffic safety or emergency access considerations;
  - (vi) vehicular access locations must be subject to the approval of the relevant traffic authority;
  - (vii) parking, loading, and access areas must be designed to safely accommodate emergency and service vehicles;
  - (viii) the minimum distance between ramps and driveways must not be less than 9 metres (26 feet);
  - (ix) the minimum distance from a driveway to a street intersection must not be less than 15 metres (49 feet);
  - (x) the minimum angle of an intersection or driveway relative to a street line must be 45 degrees;
- (b) Building Location and Site Design:
- (i) buildings must be located and oriented on the lot so as to minimize impacts related to noise, lighting, and traffic on adjacent properties;
  - (ii) the placement of buildings must support efficient site circulation and pedestrian access;
  - (iii) where applicable, building placement must consider prevailing site conditions, including topography, vegetation, and existing development patterns in the surrounding area;
  - (iv) no portion of any pump island must be located closer than 6 metres (20 feet) from a street line, except for an overhead canopy;

- (v) where a car wash is proposed, it must be located within a partially enclosed or fully enclosed permanent structure, with dedicated bays provided separate from service bays, and all car wash bays or automated car washes must include an oil/water separator;
- (c) Pedestrian Walkways:
  - (i) pedestrian walkways and other related infrastructure must be provided to connect public sidewalks and parking areas to entrances of all main buildings;
  - (ii) pedestrian walkways and other related infrastructure must connect to any existing pedestrian infrastructure;
  - (iii) pedestrian walkways from the parking lot to the entrance of the main building must be at least one metre (3 feet) wide;
  - (iv) the location, quantity, and width of driveways are designed to minimize traffic and congestion throughout the surrounding area;
- (d) Stormwater Management:
  - (i) the applicant must demonstrate that a stormwater management system will be provided that ensures the post development stormwater flows leaving the property will be equal to or less than the pre-development stormwater flows that leave the property;
  - (ii) all plans related to stormwater management must be reviewed and accepted by the Municipal Engineer;
- (e) Water Supply:
  - (i) the applicant must demonstrate that an adequate and sustainable water supply is available to serve the proposed development;
  - (ii) the application must identify the proposed source of water supply and provide an estimate of anticipated water demand based on the number of dwelling units; and
  - (iii) the proposed water supply must be in accordance with applicable provincial requirements.

## 12.5 Site Plan Requirements for Retail Lumber and Home Improvements Yards in the Growth Centre Zones

**12.5.1** Where a retail lumber and home improvement yard development is permitted by site plan approval in the Mixed Use Serviced (MUS) Zone, the Development Officer may approve a site plan agreement provided the requirements of this Land Use By-law and the following conditions are met.

- (a) Loading Areas:
  - (i) loading areas must be located and, where necessary, screened in a manner that minimizes impacts on adjacent uses, particularly residential uses;
- (b) Lighting:
  - (i) all exterior lighting must be of a full cutoff type and must not emit light above the horizontal plane;
  - (ii) exterior lighting must be designed and located in such way that prevents glare on adjacent properties;
- (c) Enclosure and Screening:
  - (i) lumber and building supply storage areas must be contained within a fenced enclosure;
  - (ii) fencing adjacent to a lot containing a dwelling, school, or place of worship must be opaque or fully screened with vegetation to a minimum height of 1.8 metres (6 feet);
- (d) Pedestrian Access:
  - (i) where feasible, pedestrian circulation measures may be provided to allow safe movement between customer parking areas and the principal building entrance; and  
  
pedestrian circulation measures must be designed to minimize conflicts between pedestrians and vehicles within loading, storage, and circulation areas.

## 12.6 Site Plan Requirements for Drive-Through Restaurants in the Growth Centre Zones

**12.6.1** Where drive-through restaurants are permitted by site plan approval in the Mixed Use Serviced (MUS) Zone, the Development Officer may approve a site plan provided the following conditions are met.

- (a) Layout and Design:
  - (i) one drive through facility is permitted on a lot;
  - (ii) Despite clause (i), where a development contains multiple commercial uses in the Mixed Used Serviced (MUS) Zone, where a development contains multiple commercial uses on a single lot, more than one drive-through facility may be permitted through site plan approval, provided that the Development Officer is satisfied that adequate on-site queuing, internal vehicular circulation, and safe access can be accommodated without adverse impacts on adjacent properties or public roads;
  - (iii) main structures associated with the drive-through facility must have their primary facades oriented towards a public street;
  - (iv) vehicle access points entering a lot with a drive-through facility must be located as far from an intersection as possible;
  - (v) sufficient space must be provided in stacking lanes to avoid vehicle overspill onto the street;
  - (vi) where a drive-through facility is adjacent to a residential use, the intercom must be located as far away from the adjacent property line as possible;
- (b) Pedestrian Walkways:
  - (i) all drive-through stacking lanes and all associated entrances and exits must be separated from the parking area, all points of access, and the street using landscaped strips and islands;
  - (ii) there must be a distinct separation between vehicular and pedestrian traffic to minimize potential conflicts. Pedestrian walkways must be provided to allow for safe access from both the parking lot and the street/sidewalk;

- (iii) landscaping, paving patterns, raised walkways, and other design treatments can be used to differentiate pedestrian walkways to and from the building from driving surfaces;
- (iv) visible directional signage must be provided at entrances and exits to stacking lanes;
- (v) signage must not obstruct pedestrian routes;
- (c) Landscaping:
  - (i) landscaping opportunities must be maximized in areas not used for structures, solid waste handling, automobile parking and circulation, pedestrian walkways, outdoor eating areas, or drive-through infrastructure; and
  - (ii) the view of drive-through lanes, menus, intercoms, and other associated infrastructure must be screened from public right of ways and adjacent properties by buffers.

## **12.7 Site Plan Requirements for Large Format Commercial Uses in the Growth Centre Zones**

**12.7.1** Where retail stores exceeding 500 square metres (5,381 square feet) GFA are permitted by site plan approval in the Mixed Use Serviced (MUS) Zone, the Development Officer may approve a site plan provided the following conditions are met.

- (a) Layout and Design:
  - (i) vehicular access locations must be approved by the appropriate authorities;
  - (ii) the location of loading facilities and off-street parking lots must minimize negative impacts to adjacent properties;
  - (iii) the location of solid waste storage facilities must provide a maximum separation from public areas and residential developments;
  - (iv) the location, type, quantity, and size of signs do not negatively impact the appearance of the streetscape or the surrounding area;

- (v) exterior lighting is located and designed to illuminate the structure, driveways, parking lots, and pedestrian infrastructure, but is not directed onto neighbouring properties;
- (b) Pedestrian Walkways:
  - (i) pedestrian walkways and other related infrastructure must be provided to connect public sidewalks and parking areas to entrances of all main buildings;
  - (ii) pedestrian walkways and other related infrastructure must connect to any existing pedestrian infrastructure;
  - (iii) pedestrian walkways from the parking lot to the entrance of the main building must be at least one metre (3 feet) wide;
  - (iv) the location, quantity, and width of driveways are designed to minimize traffic and congestion throughout the surrounding area;
- (c) Landscaping:
  - (i) fences, walls, vegetative landscaping, or other types of landscaping elements are used to minimize the negative land use impact on adjacent land uses;
  - (ii) where vegetation is used for minimizing the negative land use impact on adjacent land uses, existing vegetation that is healthy must be retained;
  - (iii) the property must be landscaped using a variety of vegetation types varying in heights and species;
  - (iv) landscaping or fences that are a minimum of 1.5 metres (5 feet) must be used to screen outdoor storage areas from the street and adjacent uses;
  - (v) landscaping must be incorporated into parking lots when there are four or more parking spaces;
  - (vi) landscaping must be used to provide a separation between the street and the parking lot;
- (d) Stormwater Management:

- (i) the applicant must demonstrate that a stormwater management system will be provided that ensures the post development stormwater flows leaving the property will be equal to or less than the pre-development stormwater flows that leave the property; and
- (ii) all plans related to stormwater management must be reviewed and accepted by the Municipal Engineer.

## **12.8 Site Plan Requirements for Light Industrial Uses in the Growth Centre Zones**

**12.8.1** Where light industrial uses are permitted by site plan approval in the Mixed Use Serviced (MUS) Zone, the Development Officer may approve a site plan provided the following conditions are met.

- (a) Layout and Design:
  - (i) the location of loading facilities and off-street parking lots must minimize negative impacts to adjacent properties;
  - (ii) the location of solid waste storage facilities must provide a maximum separation from adjacent residential developments;
  - (iii) where a customer entrance is present, the entrance must be well-identified and located on the side of the building facing the front lot line;
- (b) Lighting:
  - (i) exterior lighting must be directed away from and must not cause glare on adjacent properties;
- (c) Landscaping and Screening:
  - (i) fences, walls, vegetative landscaping, or other types of landscaping elements are used to minimize the negative land use impact on adjacent land uses;
  - (ii) where vegetation is used for minimizing the negative land use impact on adjacent land uses, existing vegetation that is healthy must be retained;

- (iii) landscaping or fences that are a minimum of 1.5 metres (5 feet) must be used to screen outdoor storage areas and outdoor utility equipment from the street and adjacent uses;
- (d) Stormwater Management:
  - (i) the applicant must demonstrate that a stormwater management system will be provided that ensures the post development stormwater flows leaving the property will be equal to or less than the pre-development stormwater flows that leave the property; and
  - (ii) all plans related to stormwater management must be reviewed and accepted by the Municipal Engineer.

DRAFT #3

## 13 List of Schedules












**Schedule 'A'**                      Zoning Map

**Schedule 'B'**                      Environmental Features Map
































DRAFT #3

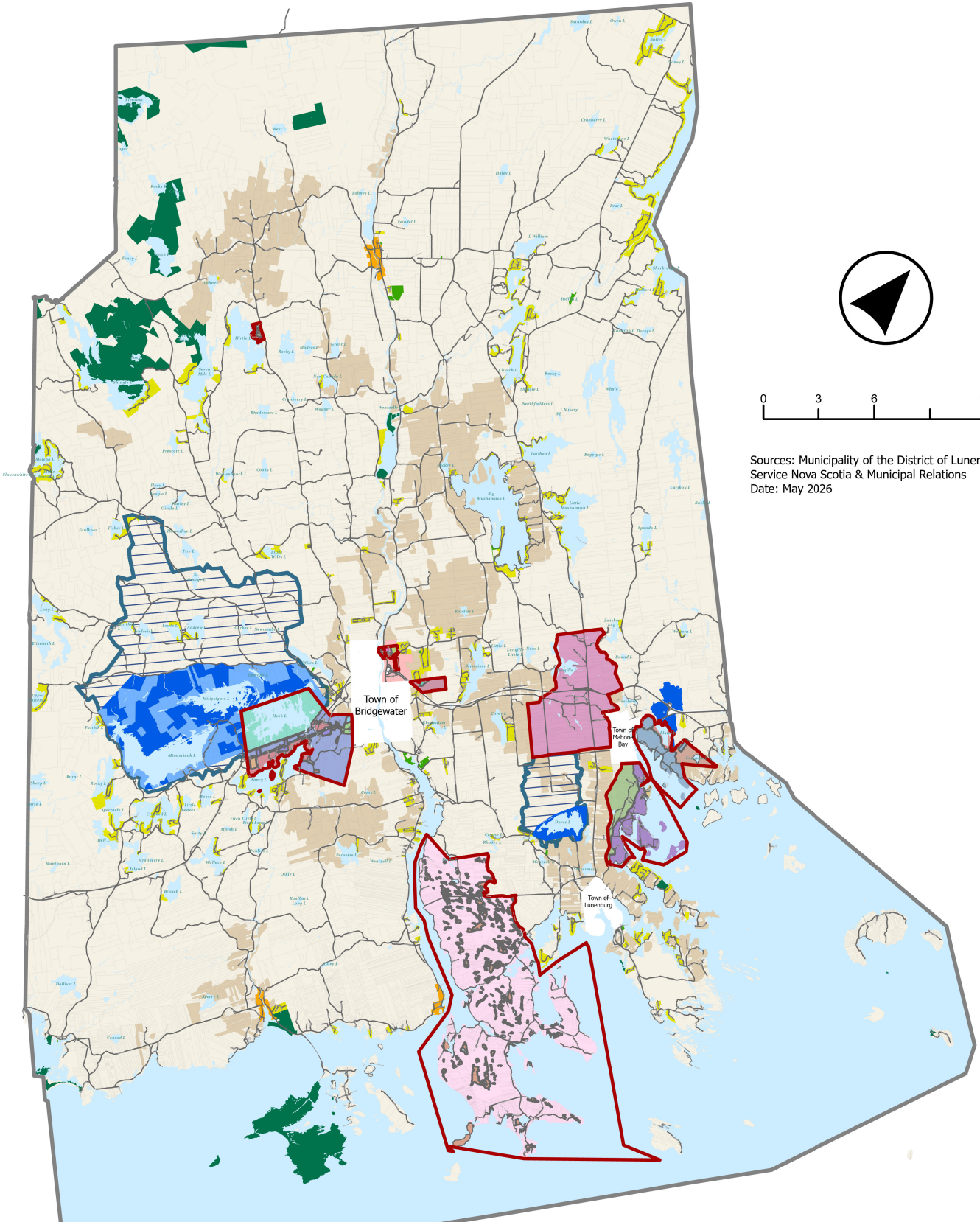
# Schedule A - Zoning Map

Draft 3

-  Town Boundaries
-  Roads
-  Conservation Zone (C)
-  Mixed Use Serviced Zone (MUS)
-  Protected Watershed Overlay (PW-3)
-  Protected Watershed 1 Zone (PW-1)
-  Protected Watershed 2 Zone (PW-2)
-  Recreation and Parks Zone (P)
-  Rural Agriculture Potential Zone (RU-2)
-  Rural General Zone (RU)
-  Rural Residential Zone (RR)
-  Rural Village Zone (RUV)

## Secondary Planning Areas

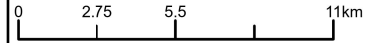
- |  |   |   |
|--|---|---|
|  Planned Areas Boundary                          |  Hemford - Transportation and Utility (TU)          |  Osprey Village - Mixed Use (MU)                  |
|  Blockhouse - Rural Zone (RU)                   |  Osprey Village - Light Industrial (LI)            |  Osprey Village - Open Space (OS)                |
|  Hebbville -General Commercial Zone (GC)        |  Osprey Village - Medium Density Residential (R-2) |  Osprey Village - Two-unit Residential           |
|  Hebbville -High Density Residential Zone (HDR) |  Oakland - Commons (CO)                            |  Osprey Village - High Density Residential (R-3) |
|  Hebbville -Institutional Zone (I)              |  Oakland - Ocean Shoreline (OS)                    |  Princes Inlet - Environmentally Sensitive (ES)  |
|  Hebbville -Light Industrial Zone (LI)          |  Oakland - Protected Water Area (PWA)              |  Princes Inlet - Rural Coastal (R-CO)            |
|  Hebbville -Protected Water Area Zone (PWA)     |  Oakland - Rural (RU)                              |  Princes Inlet - Rural Highway Corridor (R-H)    |
|  Hebbville -Rural Zone (RU)                     |  Osprey Village - Environmentally Sensitive (ES)   |  Princes Inlet - Two-Unit Residential (TR)       |
|  Hebbville -Two-Unit Residential Zone (TR)      |  Osprey Village - General Commercial (GC)          |  Riverport - Environmentally Sensitive (ES)      |
|  Hemford - One-Unit Residential (R-1)           |  Osprey Village - Institutional (IN)               |  Riverport - Rural Three (RU-3)                  |
|  Hemford - Park and Open Space (P)              |  Osprey Village - Light Industrial (LI)            |   |



Sources: Municipality of the District of Lunenburg, Service Nova Scotia & Municipal Relations  
Date: May 2026

**Schedule B - Land Use Bylaw  
Environmental Features Map  
Draft 3**

-  Town Boundaries
-  Flood Risk Area (0-3.97m)
-  Coastal Wetlands
-  Inland Wetlands
-  Roads
-  Watercourse



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

Date: May 2026

