

MUNICIPALITY OF THE DISTRICT OF LUNENBURG



(DRAFT)

Secondary Planning Strategy for Princes Inlet & Area

DRAFT version 1.2

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1 AUTHORITY AND SCOPE.

This Secondary Planning Strategy and Land Use By-law was adopted by Municipal Council on ~~September 13, 2005~~ _____, 2015 and became effective ~~October 5, 2005~~ _____, 2015.

~~The Strategy and By-law were prepared and adopted in accordance with the Municipal Government Act (Chapter 18, Acts of 1998), which replaced the Planning Act as of April 1, 1999~~

The Municipal Government Act (Chapter 18 Acts of 1998) is the legislative basis for the preparation and adoption of these planning documents. The ~~Municipal Government~~ Act states that Council may prepare a Planning Strategy for all or part of a Municipal Unit. The planning area ("Plan Area") to which this Secondary Planning Strategy applies includes: the communities of Maders Cove, Martins Brook, Sunnybrook, Hermans Island, parts of Schnares Crossing and Deans Corner. Affected islands include: Westhaver Island, Loye Island, Coveys Island, and Little Herman Island. ~~hereinafter referred to in this document as the planning area.~~

~~The Municipal Government Act enables Council to adopt a Secondary Planning Strategy for the purpose of providing statements of policy for the management of a specific area of the Municipality.~~

The Municipal Government Act ~~also outlines~~ provides Council with the authority to adopt policies respecting a broad range of matters, related to the physical, social or economic environment of the planning area that may be addressed in policies by the Municipality. These include: the goals and objectives of the planning area; including the improvement of the physical, economic and social environment; and the use, protection, and development of lands. ~~the provision of municipal services and facilities; environmental protection; land subdivision; use and conservation of energy; and public involvement in planning. The Municipal Government Act is the legislative basis for the preparation and adoption of these planning documents.~~

~~The Municipal Government Act states that a Council shall include policies in the Planning Strategy on how and when it intends to review the Strategy and Land use By-law and enables the Strategy to be amended by Council at any time during this period.~~

This Secondary Planning Strategy consists of policy statements and maps that express Council's wishes and intentions with respect to development and land use in the Plan Area during the next 7 ~~ten~~ years. ~~While The Strategy focuses primarily on development and land use issues, matters such as municipal services, recreation and infrastructure are also addressed.~~

The Land Use By-law, which has been prepared and adopted in conjunction with this Planning Strategy, is the primary regulatory mechanism through which the Planning Strategy is implemented. The Land Use By-law contains standards, requirements and zoning designations that control the type and characteristics of developments.

Amendments to the By-law that involve rezoning of land for a new or a different use from that permitted by the By-law are provided for in the Planning Strategy policies. Policies also govern the circumstances under which a Development Agreement or rezoning may be considered and approved. The Municipal Government Act also states that a Council shall include policies in the Planning Strategy on how and when it intends to review the Strategy and Land Use By-law, and enables the Strategy to be amended by Council at any time during this period.

The Princes Inlet Area Advisory Committee has fulfilled an important role since its inception, by providing an ongoing opportunity for residents to have a voice in the local land use planning process. Council anticipates that the Princes Inlet Area Advisory Committee will continue to carry out this important role, on behalf of the Municipality, over the duration of this Planning Strategy.

1.1

~~It shall be the policy of Council that~~ This Secondary Planning Strategy shall be the primary policy document through which the future growth and development of the ~~planning area~~ Plan Area shall be guided, encouraged and controlled.

1.2

~~It shall be the policy of Council that~~ The Land Use By-law, prepared and adopted by Council in conjunction with the Secondary Planning Strategy, shall provide the primary ~~regulatory~~ mechanism for land use and development control, through which the intent of this Planning Strategy shall be implemented. The Municipality's Subdivision By-law will also guide local development, by identifying regulations affecting the creation, consolidation, and the shape of land parcels within the Plan Area.

1.3

The maps and schedules appended to this Secondary Planning Strategy shall form part of the Secondary Planning Strategy. The Future Land Use Map (Map 1) shall be regarded as a generalized representation of the intended pattern of future land use in the Plan Area.

~~2.1.4 — The Generalized Future Land Use Map, Map 1, which is attached to this Secondary Planning Strategy, shall be regarded as a generalized representation of the intended pattern of future land use in the planning area.~~

~~2.1.5 — This Secondary Planning Strategy applies to the Princes Inlet and Area Planning Area as shown as an area of land on Map 1, the Existing Land use Map.~~

1.4

Throughout this Secondary Planning Strategy and throughout the accompanying Land Use By-law, the metric measurement system is used to indicate the required standards. Imperial measurements are approximate only and are inserted only for convenience.

1.5

~~8.1.1 — It shall be the policy of Council to maintain~~ The Princes Inlet Area Advisory Committee shall act in an ongoing monitoring and advisory role capacity to the Municipality, with respect to local land use planning and development activity. ~~and planning process through the Prince Inlet Area Advisory Committee.~~

2 OBJECTIVES.

~~The first paragraphs are taken from 2005 Part 1~~

~~The Princes Inlet and Area Planning Area encompasses several communities including Maders Cove, Martins Brook, Sunnybrook, Hermans Island, and parts of Schnares Crossing and Deans Corner.~~

~~(Next paragraph moved up from below)~~

Like many other areas parts of rural Nova Scotia, early European settlement occupation of the land in the Princes Inlet Plan Area was primarily resource based. The dramatic shift away from this form of rural land tenancy has occurred over the past fifty seventy years. Current occupation of the land is largely unrelated to its the land's potential for production of trees and or agricultural crops. The prevailing residential use of land is a function of location, with respect to employment, goods and services found in the neighboring towns and communities, and to other spatial attributes, such as proximity to the ocean, and quality of the local living environment.

The development of land use by-laws was initially undertaken following a community survey, carried out by the local Property Owners Association in 1991. An Area Advisory Committee (AAC) was subsequently created, and ultimately led to the adoption of the area's first Secondary Planning Strategy by the Municipality in January 1996.

~~Map 2, Existing Land Use Map, shows the land use characteristics of the area~~

Since then, residential development has remained the predominant active land use. in the Plan Area has been residential. There are A small number of small-scale commercial and industrial activities are distributed throughout the area. Many uses pre-date the By-law's development. such as restaurants, cottage rental operations and an auto body shop. There are a few industrial developments in the area including a wood working shop, sauerkraut plant, a warehouse, fish farm, boat building and metal fabrication and the only Institutional use is a cemetery. As well, extensive areas of privately-owned land are considered to be in an inactive state, or a low intensity resource category of land use.

This category is represented by forested land, fields, and pasture land. During the era when the homestead farm was a dominant land use in rural areas of the county, there was an abundance of cultivated land, hay fields, and pastures. Remnants of this once dominant land use activity remain today in the form of grassland and regenerating old fields. Further evidence of the agrarian ambition of former tenants of this land is present in the form of extensive stands of white spruce trees, a species that is quick to reclaim land that was worked by ambitious homesteaders. There are a few remaining active agricultural fields, yield hay crops while others are used as pasture for animals although farming is not considered to be a significant percentage of local economic land use activity.

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

Given the scale and nature of the existing non-residential developments, the current mix of residential and non residential uses in the Plan Area generates little controversy, is a comfortable one. Given the scale and nature of these existing non-residential developments, this

The general objective of this Secondary Planning Strategy is to establish a policy framework where there can continue to be a harmonious relationship between new development activities and existing land uses. is not surprising. As with other local Planning Strategies in the Municipality, the intent is to guide proposed changes in local land use over time, but not to prohibit entirely the opportunity for new development to occur.

(Next couple paragraphs then taken from Part 3.)

In particular, there is a heightened awareness of the quality of Princes Inlet's living environment, and growing an identified concern that some types of development could have a negative impact on the community. Residents and landowners are concerned that without appropriate planning and development controls, individual properties or the entire community could be adversely affected. Municipal Council has set two (2) goals for Princes Inlet, an Environmental goal and a Social goal. Council has therefore adopted particular objective statements specific to maintaining the Plan Area's existing rural aesthetic, and protecting the natural environment.

3.1.1 — The goals of Council shall be to:

- a) — preserve Princes Inlet's Environmental Resources for present and future generations; and
- b) — to provide an attractive rural residential environment for all ages.

3.2 — ENVIRONMENTAL OBJECTIVES

Council's Environmental goal is to preserve Princes Inlet's Environmental Resources for present and future generations.

Council adopts the following policies to achieve the Environmental goal:

2.1

The Princes Inlet & Area Secondary Planning Strategy shall provide the framework and process for the accommodation of changes in land use and development in communities found in the Plan Area.

2.2

It shall be the intention of Council to control land use and development in a manner that will minimize conflicts, so as to provide for an attractive rural residential environment.

(Indent the following as sub-sections)

2.2.1

3.3.3 — It shall be the policy of Council shall to provide development standards for a variety of local housing options, to meet all ages and needs.

2.2.2

3.3.2 — It shall be the policy of Council shall allow for the development of a range of residential, commercial and industrial land uses that are consistent with enhancing and preserve the existing rural aesthetics of the Princes Inlet Plan Area living environment through development standards.

2.2.3

3.3.4 — It shall be the policy of Council to recognize emerging residential areas by shall establish ing a specific residential designation and zone that provides for restrictive development standards, that reflect the needs of a identified residential areas.

2.3

It shall be the intention of Council to control proposed developments in a manner that will protect the natural environment.

2.3.1

~~3.2.1 — It shall be the policy of Council~~ shall develop policies specific to protecting ~~to ensure that development does not negatively impact over all water quality~~ within the Plan Area, to include ~~such as~~ safe drinking water, surface water, groundwater, lakes, rivers, wetlands, and oceans.

2.3.2

~~3.2.2 — It shall be the policy of Council~~ shall develop policies concerned with the impact of ~~to ensure that development activity doesn't cause emissions that can negatively impact air quality~~ attributed with proposed development activities, to the extent ~~where~~ that an identified environment or health hazard ~~may be~~ is created.

2.3.3

~~3.2.3 — It shall be the policy of Council~~ shall ~~to~~ encourage responsible and sustainable resource management in local ~~such as~~ Forestry and Agriculture activities.

3.3 — SOCIAL — OBJECTIVES

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

~~3.3.1 — It shall be the policy of Council to provide for low impact recreational space and public access to the coastline.~~

3 LAND USE CONTROLS.

Since local land use controls were first adopted in 1996, Council has sought to create policy flexible to a variety of potential development opportunities. Council acknowledges that in the two decades since zoning regulations were introduced, the development activity that has occurred in the Princes Inlet Plan Area has, in turn, shaped the perspectives of local citizens. Perspectives can change over twenty years, as much as the local landscape itself changes. Through Plan Reviews, the policy framework associated with controlling future development activity can be updated, to remain consistent with changes in Council's intentions, and in consideration of the current perspectives of residents and landowners.

The "Existing Land Use" map indicates a mix of land use within the planning area which includes: Residential, Residential/Home Occupation, Commercial, Agricultural, Industrial, Fishery, Protected and Limited Use and Institutional land uses. However,

The Princes Inlet Plan Area covers approximately 2,300 acres, or 930 hectares. It affects approximately 700 properties. The dominant form of land use in the Princes Inlet Plan Area is residential, primarily in the form of traditional detached single unit dwellings, with the occasional duplex, semi-detached and manufactured homes. The dominant structural type is the detached single unit residential dwelling. The predominance of such units can be considered typical for rural communities without central treatment servicing options. There are less than two dozen commercial uses, storage uses, active agricultural lands, and multi-unit residential uses. Reflective of a rural community development pattern, area the majority of this development is scattered throughout the Plan Area, and not clustered in any particular one geographic location.

area. There is however a small section of the planning area within Maders Cove where the houses are close together in a more urbanized manner. The numerous structures along the shore include private wharves, slipways, workshops and warehouses which are used frequently for pleasure boating, with very little devoted to traditional fishing. At the time of adoption of this Planning Strategy and accompanying Land Use By-law Westhaver Beach is the only public beach for recreational use and Martin's Brook cemetery is the only institutional use in the planning area. Westhaver Beach received Protected Beach designation by the Provincial government pursuant to the Beaches Act in 1975.

There are few commercial land uses located in the planning area. Those that are present are mostly related to the tourist and service industries including convenience stores, restaurants and accommodations such as B & B's, rental cottages and the Lunenburg Yacht Club. Most of these businesses are of a scale that is characteristic of the rural, low density nature of Princes Inlet and as such no separate commercial zone will be provided in the Planning Area.

~~There is minimal agriculture and forestry activity in the planning area. The best agricultural soil types in the planning area are Wolfville Loam – Drumlin Phase (present on the islands and along the coastline) and Bridgewater Loam – Drumlin Phase (located only in the northwest section of the planning area). There are few indications of land in the planning area being used for haying, cropland or pasture and there is little evidence of any forest harvesting, either recent or in the past.~~

To establish development controls within the boundaries of the Plan Area, land use designations have been given to the entire landmass. The following sub-sections outline the policies that govern the types of land use activities permitted within each of the designations. These designations are set out on Map 1: Future Land Use Map. The accompanying Land Use By-law includes a Zoning Map, identifying zones related to each of the land use designations.

~~Council recognizes that a rural setting consists of a mix of compatible land uses. Through this Planning Strategy and accompanying Land Use By-law Council will ensure that this form of development continues in the planning area. To do this Council will therefore~~ establish a Rural designation which provides for a variety of land uses consistent with the existing pattern of development in the Plan Area. The majority of the Plan Area will continue to be identified with a Rural designation. A Residential designation will be established for particular neighbourhoods, and provide for more restrictive policy, as a means to minimize conflicts in these identified areas of residential settlement. Council will also establish an Environmental designation, as a means to protect identified parts of the Plan Area considered significant environmental features.

Other government regulations significantly affect choices in private land use. The Municipality's Building By-law and Subdivision By-law result from requirements identified in provincial legislation. Regulations enforced by NS Environment respecting onsite sewage disposal systems, and provincial environmental legislation more generally, have a substantive impact on development throughout rural Nova Scotia. These regulations influence individual decisions, and are considered by Council to be as crucial components as is the Land Use By-law, in both shaping and controlling the future pattern of new development in the Princes Inlet Plan Area.

3.1 RURAL LAND USE DESIGNATION

In Council's consideration, the majority of the Princes Inlet Plan Area can continue to be identified as Rural, and can continue to provide for a mix of compatible land uses that reflect the Plan Area's existing landscape.

Council also recognizes that the developments that have taken place over the last twenty five years would support the creation of two distinct Zones under the Rural Designation in the accompanying By-law. This distinction provides Council with the ability to direct future development activities to particular parts of the Plan Area, where certain uses may be considered more suitable, as well as provide for identified zone standards consistent with the existing development pattern.

Council also considers that certain intensive land uses would not integrate successfully with existing developments in the Princes Inlet Plan Area. Until such time that a comprehensive planning strategy is adopted, affecting the entirety of the Municipality, there is a need for policy within this particular Secondary Planning Strategy, outlining the prohibition of identified uses from developing at all in the Plan Area. Such uses can be directed towards the pursuit of possible opportunities in unplanned communities in the Municipality. With the majority of the Municipality having no land use regulations in place, Council considers there to be many potential locations for such uses to develop. Uses prohibited from developing in the Princes Inlet Plan Area will be listed in the Land Use By-law.

Council recognizes that there are a number of properties in the Princes Inlet Plan Area that have been used historically for forestry and/or for agricultural purposes. It is Council's intent that these types of traditionally rural -based activities continue to be supported through municipal policy. Council would note that some of the onus of compatibility between existing resource -related land uses, and other types of development, should not be undermined by unreasonable expectations being placed on landowners seeking to use property in a manner consistent with a historical resource use. Future development proponents can be made aware of Council's perspective, by the statements identified in this Strategy.

Council also acknowledges that certain types of development do require special consideration, due to their relative unique impacts on the land and on surrounding properties, and/or due to the nature of jurisdictional authority over such activities resting with senior levels of government. These types of development would include, but are not limited to: energy generation installations (i.e. wind turbines), communication towers, and aggregate/mineral resource extraction activities. Policy statements, identifying additional requirements regarding particular types of developments in the Princes Inlet Plan Area, have been listed in Section 3.5 of this Secondary Planning Strategy.

Council considers that certain types of development, to include emergency service facilities and non-commercial recreational land uses, can provide potential benefits to the general community, and may be considered as suitable developments in those parts of the Princes Inlet Plan Area that have been identified with a Rural Designation.

3.1.1

Council shall establish a Rural (RUR) Designation, as shown on Map 1, Future Land Use Map.

~~4.1.1 — In recognition as being a rural community and the need to accommodate the mix of land uses in the Princes Inlet planning area, it shall be the policy of Council to establish a rural Designation in the planning area as shown on Map 1, Generalized Future Land Use, and within this designation allow a wide variety of residential, agricultural, recreational, industrial, commercial, institutional, forestry and fishery uses of land.~~

3.1.2

Council shall prohibit specific developments entirely from the Princes Inlet Plan Area, in consideration of the potential negative impacts that such uses would have on existing developments, and on residents living in the community. Such uses are identified in the Land Use By-law as Prohibited Uses,

3.1.3

Council shall permit agricultural, forestry and land-based aquaculture activities on properties identified with a Rural designation, subject to identified requirements in the Land Use By-law. Zone standards shall include yard requirements for the keeping of farm animals and livestock. Such activities include ~~and~~ developments including the growing of agricultural and forestry products, and the sale of these products by their producers, as well as the primary processing of products at the farm site or harvest site, but excludes ~~excluding~~ fish processing plants. Proposed developments which exceed the thresholds identified in the By-law will be considered by Council only by Development Agreement. Before entering into a Development Agreement, Council shall be satisfied that the proposal satisfies the following conditions:

a) the proposal shall conform with the relevant criteria of Policy 7.2.6 as identified in the implementation section of the Planning Strategy

~~4.1.3 f) —Agricultural, forestry and aquaculture activities and developments including the growing of agricultural and forestry products and the sale of these products by their producers as well as the primary processing of products at the farm site or harvest site but excluding fish processing plants; and~~

3.1.4

Council shall permit non-commercial recreational uses and emergency service facilities on properties identified with a Rural designation, subject to identified requirements in the Land Use By-law.

~~d) —Non residential uses which are not commercial or industrial such as (but not restricted to) parks, playgrounds, recreation developments, and cemeteries;~~

~~e) —Emergency Service Facilities~~

Rural Highway Corridor (R-H) Zone

That part of the Princes Inlet Plan Area situated along Highway 3 is a diverse landscape of residences, resource properties, and a very small number of scattered commercial and industrial uses. Many parcels along this roadway corridor are considered to be inactive. Since the introduction of land use controls, the amount of new development in this particular part of the Plan Area has been comparatively light. The range of potential opportunities is influenced by the consistent volume of highway traffic that uses Highway 3 to travel to the more densely-settled towns of Mahone Bay and Lunenburg.

It is the intention of Council to recognize and encourage the potential development of this highway corridor, by establishing a Zone that permits for a diverse range of residential, industrial, and commercial uses. While not all types of land uses will be permitted as-of-right, it is identified that this particular Zone will accommodate a wider diversity of uses than is found anywhere else within the Princes Inlet Plan Area. As with past Planning Strategies, The Rural designation allows for a mix of land uses, however, Council recognizes the need will continue to control the scale of uses permitted that are permitted as-of-right, to minimize the potential for land use conflicts and consider those Council will do this by establishing a "Rural" (RU) Zone within the Rural designation and permit a range of land uses up to a maximum size deemed to be compatible with a rural setting, subject to zone standards. Land uses that exceed the size thresholds established in the Land Use By-law will be subject to by way of a Development Agreement application. A Development Agreement will give Council and the community greater flexibility and input into how larger scale developments fit into the planning area.

There are Some uses that due to the type of use have the potential to negatively impact on the community, regardless of size. These uses include but are not limited to: bulk storage of petroleum products, scrap and salvage yards, shooting ranges and Aggregate Mineral Resource Extraction. Council will require that these types of uses, identified as Restricted Developments, will be considered only be allowed by way of a Development Agreement application. The intention of Council is not to stop a landowner from any particular land use within the Rural (RU) Zone but to require to ensure that such proposals are considered through a Public Hearing process, so that the community can be made aware of large-scale proposed land uses where there is a greater and these uses that have the potential to impact on the character of the community. The owner will be required to undertake these developments in a manner that respects and compliments the existing community setting.

3.1.5

4.1.2 — To provide for a mix of land uses within the Rural Designation, it shall be Council's policy to Council shall establish a Rural Highway Corridor (R-H) Zone, within the Rural Designation, identified a Rural (RU) Zone, as shown on Schedule "A", Zoning Map of the Land Use By-law. It is Council's policy to permit a wide variety of identified land uses within the Rural Highway Corridor (R-H) Zone considered compatible with the existing low-density development pattern. It is Council's policy to establish specific zone standards in the Land Use By-law, including size thresholds, setbacks, and abutting zone requirements, so as to minimize potential conflicts between the different permitted land uses.

3.1.6

Council shall permit residential uses, to a maximum of four (4) twelve (12) dwelling units, in the Rural Highway Corridor (R-H) Zone, subject to identified zone requirements in the Land Use By-law.

4.1.3 — Pursuant to Policy 4.1.2, it shall be Council's policy to permit the following developments in the Rural Zone, to a threshold as specified in the Land Use By-law and subject to the requirements of the Land Use By-law.

a) — Residential developments to a maximum of 4 dwelling units in each structure, one structure per lot;

3.1.7

Except where uses are identified as Prohibited Uses under Policy 3.1.2, or identified as Restricted Developments under Policy 3.1.8, Council shall permit commercial, industrial and institutional uses in the Rural Highway Corridor (R-H) Zone, subject to identified zone requirements in the Land Use By-law. Proposed developments which exceed the size thresholds identified in the By-law will be considered by Council only by Development Agreement. Before entering into a Development Agreement, Council shall be satisfied that the proposal satisfies the following conditions:

a) the proposal shall conform with the relevant criteria of Policy 7.2.6 as identified in the implementation section of the Planning Strategy.

b) — Small scale commercial, industrial, and institutional uses to a threshold size as established in the Land Use By-law;

4.1.4 — It shall be the policy of Council that within the Rural (RU) Zone, established by Policy 4.1.2, residential, commercial, institutional and industrial uses that exceed the thresholds established in the Land Use By-law pursuant to Policy 4.1.3, may be permitted by Development Agreement provided the development proposal satisfies the applicable requirements of Policy 8.1.3, 8.1.4 and 8.1.5

3.1.8

~~4.1.5~~ Notwithstanding Policy 4.1.3 and 4.1.4, it shall be the policy of Council that Specific uses that are considered to be hazardous or that have the potential for creating unacceptable land use conflicts, or nuisances shall be permitted in the Rural Highway Corridor (R-H) Zone only by Development Agreement, regardless of size or scale of the proposed operation. These uses shall be listed as Restricted Developments in the Land Use By-law. and include, but are not limited to; bulk storage of petroleum products; salvage operations; beverage rooms, lounges; shooting ranges; land leased communities (commonly known as Mobile Home Parks); and uses associated with aggregate and mineral resource extraction. Before entering into a Development Agreement for any land use addressed in this policy and specified in the Land Use By-law, Council shall be satisfied that the development proposal satisfies the conditions and criteria contained in Policy 8.1.3 and Policy 8.1.4. Before entering into a Development Agreement, Council shall be satisfied that the proposal satisfies the following conditions:

a) the proposal shall conform with the relevant criteria of Policy 7.2.6 as identified in the implementation section of the Planning Strategy.

Rural Coastal (R-CO) Zone

As Highway 3 greatly impacts on the potential development of properties located adjacent to it, so too does the coastline affect those parts of the Plan Area situated in proximity to the water's edge. Over the past twenty-five years, local development has come to resemble much of what has occurred elsewhere on rural Nova Scotia's sea coast - that is, new residential developments generally unconnected with the use of adjacent lands for resource harvesting, and largely unassociated with any sizeable new commercial or industrial developments (i.e. centres of new local employment) being developed in the immediate vicinity, or in the surrounding neighborhood.

Since zoning regulations were introduced in 1996, commercial development in this particular part of the Plan Area has been near to non-existent, despite there being a policy framework where such uses would be permitted. The secondary and tertiary nature of the road network serving this part of the Plan Area provides different expectations in terms of traffic volumes and road standards. There are a scattering of tourist accommodation -related uses, the Lunenburg Yacht Club, and a property that has been used for boatworks -related purposes since before the initial By-law's introduction.

While it is not the objective of Council to discourage the potential commercial use of lands in this particular part of the Plan Area, Council would recognize where the preponderance of new residential development has, in turn, largely created a rural residential environment. Not all types of commercial or industrial land uses may be well-suited with the development activities that have occurred in the last three decades. Council's intent, therefore, is to encourage this area's potential, and its continued development, by establishing a Zone that permits for residential uses, and for only those identified types of commercial and industrial uses that are listed in the By-law.

3.1.9

Council shall establish a Rural Coastal (R-CO) Zone, within the Rural Designation, identified on Schedule "A", Zoning Map of the Land Use By-law. It is Council's policy to permit only those identified land uses within the Rural Coastal (R-CO) Zone considered compatible with the existing development pattern. It is Council's policy to establish specific zone standards in the Land Use By-law, including size thresholds, setbacks, and abutting zone requirements, so as to minimize potential conflicts between the different permitted land uses.

3.1.10

Council shall permit residential uses, to a maximum of four dwelling units, in the Rural Coastal (R-CO) Zone, subject to identified zone requirements in the Land Use By-law.

3.1.11

Council shall permit commercial, industrial and institutional uses, in the Rural Coastal (R-CO) Zone, subject to identified zone requirements in the Land Use By-law. Any identified uses of this nature which are permitted in the Rural Coastal (R-CO) Zone, shall be listed in the By-law. Proposed developments which exceed the size thresholds identified in the By-law will be considered by Council only by Development Agreement. Before entering into a Development Agreement, Council shall be satisfied that the proposal satisfies the following conditions:

a) the proposal shall conform with the relevant criteria of Policy 7.2.6 as identified in the implementation section of the Planning Strategy.

3.1.12

Specific uses listed as Restricted Developments in the Land Use By-law, shall not be permitted to develop in the Rural Coastal (R-CO) Zone.

3.2 RESIDENTIAL LAND USE DESIGNATION

The majority of the Plan Area is designated Rural, ~~and zoned Rural (RU)~~ with a ~~only~~ small portion in ~~of the~~ community of Maders Cove designated ~~and zoned Two-unit~~ as Residential.

~~where a more defined residential community exists with the houses located closer together. At the time this Secondary Planning Strategy and Land Use By-law was adopted there was no need for any other areas to be zoned Two-unit Residential.~~

~~(as taken from Rezone Rural to Two-Unit Residential section)~~

3.2.1

Council shall establish a Residential (RES) Designation, as shown on Map 1, Future Land Use Map.

4.2.1 — ~~It shall be the policy of Council that areas characterized as residential neighbourhoods by virtue of development pattern, and building density, where residents have expressed a strong desire for development controls that are significantly more restrictive than those of the Rural (RU) Zone, shall be designated "Residential" as shown on Map 1, the Generalized Future Land Use Map~~

Two-Unit Residential (TR) Zone

~~While~~ residential development is the most prominent active land use in the ~~Princes Inlet Plan Area~~, although it occupies a relatively small percentage of the total land area. ~~It is a low density, random, and dispersed form of residential development that is typical of rural Lunenburg County. Although linear roadside development is common, there are clusters of dwellings where the number, and density of buildings creates a residential neighbourhood atmosphere that is distinctively different from the more common dispersed, linear residential development pattern. In these neighbourhood it is only within one particular neighbourhood that there is a has been an expressed desire for more land use control than what the existing rural zoning related regulations (RU) Zone provides. These increased controls are required aim to preserve the established residential character and the particular quality of their living environment. the option of a residential zone will be available.~~

~~In comparison with the pre-dominant zoning identified throughout the majority of the Plan Area, the intent in Council's application of a Residential Zoning designation is to outline clearly to all future development proponents where particular neighbourhoods are restrictive to residential uses only.~~

3.2.2

4.2.2 — Pursuant to Policy 4.2.1, it shall be the policy of Council **shall** to establish a Two-unit Residential (TR) Zone, within the Residential Designation, ~~as shown~~ **identified** on Schedule “A”, Zoning Map of the Land Use By-law. It is ~~shall further be~~ Council’s policy to permit in the Two-unit Residential (TR) Zone, residential uses to a maximum of 2 units **per lot.** ~~and~~ Small scale business developments that are considered to be compatible with residential uses within dwellings and residential accessory buildings **shall also be permitted.** The size and scale of these uses shall be limited to ~~the~~ **zone standards and identified** requirements as specified in the Land-Use By-law. ~~which will minimize the impact of this form of development on a residential neighbourhood.~~

4.2.4 — It shall be the policy of Council that small scale multi-unit residential dwellings that are compatible with low density residential uses may be permitted in the Two-unit Residential (TR) Zone by Development Agreement, provided that the development satisfies criteria and conditions for Development Agreements contained in Policies 8.1.3 and 8.1.5.

3.3 ENVIRONMENTAL LAND USE DESIGNATION

Wetlands are nature's water purifiers. The wetland plants effectively absorb and break down contaminants, and help prevent many toxic chemicals from entering the surface and ground water supply. Wetlands help stabilize surface water levels and reduces soil erosion and sedimentation in waterways. Wetlands also store water, which replenishes the ground water supply. Within the Planning Area, Council will protect wetlands from development which are identified on the 1:10,000 Nova Scotia Topographic Map Series, produced by the Nova Scotia Geomatics Centre. Council will place wetlands in an Environmental Protection (ENV) designation and an Environmentally Sensitive (ES) Zone to help prevent surface and ground water contaminants. (NOTE: SOME OF ABOVE IS FOUND IN SECTION 4 – WETLANDS)

Council wishes to protect certain lands within the Princes Inlet Plan Area, in recognition of their unique environmental sensitivity. In particular, Council recognizes the lands adjacent to Westhaver Pond, near to Westhaver Beach, are considered as important environmental assets to the local community, and that these lands merit protection through local land use controls.

3.3.1

4.3.1 — In recognition of the important role wetlands have in protecting water quality, water supply and providing a wildlife habitat, it shall be the policy of

Council ~~to~~ shall establish an Environmental Protection (ENV) Designation, as shown on Map 1, Generalized Future Land Use Map.

The lands within the Environmental Protection Designation shall include all wetlands identified on the 1:10,000 Nova Scotia Topographic Map Series produced by the Nova Scotia Geomatics Centre as well as the wetlands identified by Council. Land uses that occur within the zone established in this designation shall be limited to low impact recreational and educational uses.

Council recognizes that there is a general lack of municipal mandate to protect the environment ally sensitive areas from harmful individual activities, such as significant wildlife habitat and wetlands from all human activity, and acknowledges that this responsibility rests with applicable senior level government departments. Though various Provincial and Federal departments are mandated with the responsibility to manage and protect these areas, However, Municipalities are enabled in various ways, including zoning, to help protect specific the environmentally sensitive areas within their jurisdiction. Council will do this by creating an Environmentally Sensitive (ES) Zone within the Environmental Protection (ENV) designation and provide for low impact recreational and educational uses within this zone.

As found in previous Strategies for the Plan Area, and resulting from a request of the adjacent residents, of Westhaver Pond, Council will place the identified provincial wetland which is located around the Westhaver Pond in a separate Environmentally Sensitive restrictive Zone, which will not permit for any structures, including raised boardwalks, to be built within its boundaries.

3.3.2

4.3.2 — It shall be the policy of Council shall to establish an Environmentally Sensitive (ES) Zone, within the Environmental Protection Designation, as shown identified on Schedule “A”, Zoning Map of the Land Use By-law. The lands within this zone shall be comprised of wetlands identified on the 1:10,000 Nova Scotia Topographic Map Series produced by the Nova Scotia Geomatics Centre. Furthermore, it is Council's policy to permit only low impact (non-motorized) recreation activities, environmental education, and nature interpretation within the Environmentally Sensitive Zone. For further clarity, It shall be the policy of Council that The Environmentally Sensitive (ES) Zone shall be considered a “no build” zone, in which no structures shall be permitted. for the intended permitted uses, except for raised boardwalks for walking trails. For further clarity: it shall be the policy of Council to prohibit development within the Environmentally Sensitive (ES) Zone.

3.3.3

4.3.3 — Pursuant to Policy 4.3.2, it shall be the policy of Council to shall rezone the Environmentally Sensitive (ES) Zone in the Land Use By-law to an adjacent zone where study of a wetland, by a qualified person recognized by the provincial department responsible for provincial wetland identification, has identified to the Department's satisfaction shows that land within the Environmentally Sensitive (ES) Zone is not wetland.

In addition to protecting environmentally sensitive areas through the Environmental Protection Designation and Environmentally Sensitive (ES) Zone, Council will establish a provision within the Land Use By-law to require that Development Permits issued for developments in the Environmentally Sensitive (ES) Zone or in areas adjacent to significant watercourses, be forwarded to the appropriate government department.

4.3.4 — It shall be the policy of Council to help protect environmentally sensitive areas within the planning area by incorporating provisions in the By-law to require applicable government departments be notified of development proposals located within the Environmentally Sensitive Zone or development proposals adjacent to significant watercourses by forwarding a copy of the approved Development Permit to the applicable government department.

From a request of the adjacent residents, of Westhaver Pond, Council will place the wetland around the Westhaver Pond in a separate Environmentally Sensitive Zone which will not permit any structures including raised boardwalks to be built within its boundaries.

4.3.5 — It shall be the policy of Council to establish an Environmentally Sensitive Two (ES-2) Zone, as shown on Schedule "A", Zoning Map of the Land Use By-law, within the Environmental Protection Designation. Furthermore it shall be the policy of Council to prohibit development within the Environmentally Sensitive Two (ES-2) Zone.

(moved up)

4.3.6 — Pursuant to Policy 4.3.5, it shall be the policy of Council to rezone the Environmentally Sensitive Two (ES-2) Zone in the Land Use By-law to an adjacent zone where study of a wetland, by a qualified person, shows that land within the Environmentally Sensitive Two (ES-2) Zone is not wetland.

3.4 INSTITUTIONAL LAND USE DESIGNATION

There are no large-scale institutional uses identified in the Princes Inlet Plan Area. In this Planning Strategy, it is noted that Policy 3.1.7 allows for institutional uses, subject to an identified size threshold in the By-law, to be developed in the Rural-Highway Corridor Zone. Policy 3.1.11 also allows for the development of certain institutional uses, subject to an identified size threshold, to be developed in the Rural-Coastal Zone. Any proposed institutional uses that are larger than the identified thresholds shall only be considered within these Zones by Council by way of Development Agreement.

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

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

3.4.1

~~4.1.10~~ Notwithstanding Policy 3.1.7 and Policy 3.1.11~~4.1.4~~, the Land Use By-law shall provide for the establishment of an Institutional Zone within the Rural Designation ~~and the Residential Designation~~, as shown on Map 1, ~~the Generalized Future Land Use Map~~. The Institutional (I) Zone which shall provide for a range of institutional ~~uses~~ ~~developments~~ that will accommodate ~~developments undertaken~~ buildings owned by the Municipality of the District of Lunenburg. ~~Furthermore, where an institutional use that would otherwise only be permitted by Development Agreement is to be developed by the Municipality of the District of Lunenburg, Council may re-zone identified lands within the Rural and Residential Designation to Institutional, provided that the development proposal satisfies the following conditions: and criteria stated in Policies 8.1.3 and 8.1.4.~~

a) the proposal shall conform with the relevant criteria of Policy 7.2.6 as identified in the implementation section of the Planning Strategy.

~~Council recognizes that institutional uses of any size have the potential to negatively impact on residential neighbourhoods. Council will permit institutional uses by Development Agreement in the Two-unit Residential (TR) Zone, so that land use conflicts may be minimized through the regulation of various aspects of the development.~~

4.2.3 — ~~To provide flexibility in the range of uses permitted and at the same time minimize conflicts associated with a range of permitted uses, it shall be the policy of Council that, Institutional uses may be permitted by Development Agreement in the Two-unit Residential (TR) Zone, provided that the development proposal satisfies the criteria and conditions for Development Agreements contained in Policies 8.1.3 and 8.1.4.~~

3.5 GENERAL PROVISIONS - IDENTIFIED USES

Certain proposed developments shall be subject to special regulatory requirements established in the Land Use By-law, in addition to any specified zone standards.

Wind Turbines / Commercial Communication Towers

Council recognizes where there is ongoing and rapid change in technology, societal demands, and public policy affecting the fields of telecommunications and renewable energy generation. Such changes are likely to continue over the next ten years. Communities - particularly in rural and sub-urban Nova Scotia - will be impacted by the proposed development of new communications- and energy- related infrastructure.

Council considers that proposed wind turbines may be considered in the Rural-Highway Corridor (R-H) Zone and in the Rural-Coastal (R-CO) Zone, provided these proposed uses comply with requirements set out in the Planning Strategy and Land Use By-law. Council recognizes that additional provisions can mitigate potential conflicts that can occur within a community where such proposed developments are introduced. In particular, Council considers that wind turbine developments are to be restricted by the identified size of turbine uses to smaller-scale applications of a specific generation capacity.

3.5.1

Council shall provide for the location and use of small scaled wind turbines in the Rural-Highway Corridor (R-H) Zone and in the Rural-Coastal (R-CO) Zone, whose annual energy generation capacity shall be established in the Land Use By-law, provided such proposed developments also comply with identified setback, safety, screening and noise emissions requirements. Given the potential conflict with adjacent uses, Council shall consider the development of any proposed turbines that are of a larger generation capacity only by way of a Development Agreement application.

3.5.2

NEW POLICY TBD ON RADIO COMMUNICATION TOWERS (SAME FOR ALL PLAN AREAS)

Wind Turbines

Wind is caused by the uneven heating of the atmosphere by the sun, the irregularities of the earth's surface, and rotation of the earth. Wind flow patterns are modified by the earth's terrain, waterbodies, and vegetative cover. This wind flow can be "harvested" by wind turbines to generate clean non-polluting electricity. The concerns with wind turbines are unwanted noise, aesthetics and safety issues. The two extremes of wind turbines are large mega-watt turbines which provide electricity to an entire community and the small scale residential wind turbines that provide power to a single home. Large scale mega-watt wind turbines are louder and more intrusive than the small scale wind turbines and thus the requirements for locating a large scale wind turbines should be more restrictive to reduce potential for land use conflicts.

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

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

Radio Communication Towers

In the recent past, there has been an explosion in the technological advancements in the radio communication field. Council realizes that, in order to keep up with the demands of the industry, and to enable the industry to better provide services for residents of the Municipality, Council will provide for the development of necessary infrastructure, such as radio towers, required for this industry to expand. Council also realizes that there are some negative aspects of these structures, such as aesthetics and safety factors, that influence where they will be permitted to locate. Thus, Council will provide for the location and use of radio towers within the Rural (RU) Zone and will implement setback and other restrictions for these structures that will address safety issues.

4.1.9 — It shall be the policy of Council to provide for the location and use of commercial radio communication towers within the Rural (RU) Zone. To address aesthetic and safety factors it shall further be the policy of Council to include setbacks and fencing or guarding specifications, as outlined in the Land Use By-law.

Outdoor Wood Furnaces

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

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

Keeping of Farm Animals Requirements

Odour resulting from the keeping of livestock, fur bearing animals, fowl, or other animals can be a nuisance, especially when these animals are kept in close proximity to neighbouring residences. a residential neighbourhood where the lots are smaller and the buildings are located closer together. To reduce the possible impact of odour resulting from the keeping of farm animals, Council will require structures affiliated with these uses to be setback from adjacent land uses. Council also recognizes that those specific neighbourhoods that have been identified with a Residential Designation are not considered as areas suitable for the keeping of livestock. Furthermore Council will only permit the keeping of farm animals in the Rural Zone where residential development is less dense.

3.5.3

4.2.6 — To minimize the impact of livestock, fur bearing animals, fowl, and other animals that can be a nuisance when kept in residential areas, it shall be the policy of Council shall to establish yard requirements within the Land Use By-law for the keeping of farm animals in those parts of the Princes Inlet Plan Area identified with a Rural Designation the Rural Zone. Keeping of livestock shall not be permitted in those parts of the Plan Area identified with a Residential Designation. Yard requirements shall minimize the impact of livestock, fur bearing animals, fowl, and other animals.

Fixed Roof Accommodations

3.5.4

Council shall establish size threshold requirements within the Land Use By-law for fixed roof accommodation uses, and their associated facilities for food preparation and serving. Any existing uses of this nature that are listed in Schedule ___ of the By-law, shall be permitted to expand to an identified size threshold also established in the Land Use By-law.

e) — Fixed roof accommodation for the traveling public and their associated facilities for food preparation and serving of meals to a threshold as established in the Land Use By-law;

Outdoor Wood Furnaces

3.5.5

Council shall regulate the placement, location or alteration of outdoor wood furnaces on a lot within the Plan Area to minimize nuisances and conflicts with surrounding land uses.

4 GENERAL ENVIRONMENTAL PROTECTION

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

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

Section 214 of the Municipal Government Act also permits municipalities to develop policy statements concerned with prescribing methods for controlling activities, in particular activities associated with erosion and sedimentation, during the construction of a development. Council would identify policies consistent with its objectives in looking to protect local water quality within the Plan Area.

4.1 EROSION CONTROL

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

4.1.1

5.1.4 — It shall be the policy of Council to identify all **All development permitted in identified areas** with excessive slopes, as shown on **Schedule ___** of the Land-Use By-law, ~~All development permitted in these areas~~ shall be subject to erosion control standards, as specified in the Land-Use By-law, regardless of the zone in which the development is **proposed to be** located. ~~Development control standards and Requirements~~ to prevent or minimize erosion and sedimentation shall include the retention or replanting of natural vegetation, and other measures to stabilize disturbed soils.

4.1.2

5.1.5 — It shall be the policy of Council that ~~Wherever this Secondary Planning Strategy provides for developments by way of Development Agreement, that are also proposed to be within identified areas of excessive slopes, as identified shown on the Development Constraints Map,~~ **Schedule ___** of the Land Use By-law, the **related** Development Agreement shall contain provisions respecting erosion and sedimentation, **so as** to minimize the impact on the natural environment.

4.2 WATERCOURSES

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

~~In addition to affecting the wildlife habitat, land use activities and~~ **Council recognizes that development on property** near or adjacent to **significant** watercourses has **the potential to impact** ~~effect~~ water quality through surface runoff, or the damaging of the natural vegetation immediately adjacent to the watercourse. ~~or waterbody. Land use and Development activity can also increase the potential for soil erosion. The Wolfville Loam–Drumlin Phase and the Bridgewater Loam–Drumlin Phase are the most erodable soils in the Planning Area especially in areas with steep slopes. Retaining a portion of the natural vegetation along identified watercourses and waterbodies achieves several functions, in addition to controlling the impacts of erosion and sedimentation. of the watercourse. Vegetated buffer areas are~~ **Retaining natural vegetation is aesthetically pleasing, can help** moderate air and water temperatures, filter noise and air pollution, reduce runoff of excess nutrients and other foreign materials, and provides wildlife habitat corridors near to ~~vital~~ water resources. **For these reasons, the Land Use By-law will contain provisions to ensure that new development will be set back from significant watercourses.**

4.2.1

5.1.2 — It shall be the policy of Council shall protect identified water resources within the Plan Area, by restricting in all zones development activities near to significant watercourses and waterbodies, as shown on Schedule ___ of the Land Use By-law. Proposed developments shall be set back from the ordinary high water mark in order to minimize the impacts of development on fish, wildlife, aquatic ecosystems, and to preserve the natural aesthetic characteristics of waterbodies and the immediate shoreline.

4.2.2

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

4.3 WETLANDS

First paragraph taken from p.16-17 of former SPS

Wetlands act as are nature's water purifiers. The wetland plants by effectively absorbing and breaking down contaminants, and helping prevent many a number of toxic chemicals from entering both surface water and groundwater supply. Wetlands can also help stabilize surface water levels and reduce soil erosion and sedimentation. in waterways Wetlands also store water, which replenishes the ground water supply. Although Council acknowledges there are applicable senior government departments mandated with the primary responsibility to manage and protect wetlands in the Province, municipalities are enabled in various ways to support the Province in this objective.

To assist in the protection and preservation of wetlands, Council recognizes where the Municipality's development permit application process may be linked with relevant provincial departments, where and when any proposed development may be proposed to be located within an identified wetland. The most comprehensive information source regarding wetland location and boundaries on properties in the Plan Area is identified as the NS "Wetlands Vegetation and Classification Inventory", which is maintained and updated by the NS Department of Natural Resources. Council also recognizes where NS Department of Environment are appropriately identified as the principal officials on the location of local wetlands, in that NS Environment's regional offices oversee any proposed wetlands alterations approval process.

4.3.1

Council shall assist in the protection of any provincially-identified wetlands located in the Plan Area, by corresponding with both the Department of Environment and Department of Natural Resources, prior to processing any permit application for developments proposed to be located in an identified wetland. Provincially-identified wetlands are those identified on the "Wetlands Vegetation and Classification Inventory", administered by NS Natural Resources, and as shown on Schedule ___ of the Land-Use By-law. No development permit application will be issued by the Municipality until such time that it has been confirmed by the Province that the proposed development does not affect, or is inconsistent with, any related provincial policy, and, where necessary, that the proposed development has satisfied any related wetlands-related approvals process.

4.4 LAND USE ON COASTAL PROPERTIES

The potential impacts of coastal flooding and erosion events can result in significant costs for property owners, as well as impact on the potential costs associated with public safety and emergency response. Section 220 of the Municipal Government Act provides for a Land Use By-law to be able to regulate the location of structures on a lot. In previous Planning Strategies, Council adopted policy statements that provided for setbacks from significant watercourses, as a means to address potential erosion and sedimentation concerns. In this Planning Strategy, Council recognizes that it can also mitigate - although not eliminate completely - potential concerns regarding future coastal hazards, by adopting a policy that integrates a vertical setback requirement with existing horizontal setback requirements.

4.4.1

It is the intention of Council to reduce potential impacts associated with coastal hazards, by restricting the location of development activities near the coastline, within an area shown on Schedule ___ of the Land Use By-law. Proposed developments shall be set back from the coast at a distance identified in the By-law.

4.5 ENVIRONMENTAL OVERSIGHT - AMENDMENTS

Where particular types of developments are permitted by Development Agreement, or where amendments to the Land Use By-law and Planning Strategy are proposed by application, the determination of environmental protection -related measures will be a consideration in the granting of amendments and Development Agreements. ~~In granting approvals and agreements, they will contain provisions that address environmental concerns.~~

4.5.1

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

As with other local planning documents in the Municipality, this Secondary Planning Strategy references infrastructure services that Council considers has a direct effect on the development of local land uses, and where the inclusion of statements has potential relevance, by being explicitly included. This would include policy statements concerning water, wastewater treatment, and the local transportation infrastructure.

This Secondary Planning Strategy does not include statements concerned with the provision of policing, fire protection, health, education, waste management, or programs concerned with recreation, economic development, or social assistance. It is evident that such matters have profound consequences on a community's ongoing spatial development. However, the formation of public policy on such issues may be recognized as being removed from the context of a local planning strategy. Such matters are guided by existing legislation and strategic documents developed, directed, and resourced through well-established bureaucracies, nearly all of whom operate exclusive of direction that may be identified or espoused in local land use planning.

Water Supply and Wastewater Treatment

6.1 ~~SEWAGE DISPOSAL~~ All of th

Development in the Princes Inlet Plan Area is serviced by on-site infrastructure. ~~services.~~ There are no recent municipal-generated studies or documents that would propose to change current practices, and/or to see to the provision of municipal-owned water or wastewater infrastructure services in the Plan Area. The policy framework that Council has adopted in this particular Planning Strategy has repeatedly referenced the rural nature of communities found in this particular Plan Area, and the respective types of rural land uses that it provides for.

On-site sewage treatment is provided through the use of private septic systems or drainage fields, and water is provided to property owners through the use of drilled and/or dug wells. The placement and use of these on-site services can have some potentially damaging impact on the natural environment. and, therefore, Development standards are necessary to reduce any the damaging impacts consequential to neighbouring property owners. On-site sewage disposal systems usually involve drainage fields that release sewage effluent water into the soil through seepage beds. During this process, nitrogen, sodium and chlorate organic compounds may be discharged into the groundwater. Nitrogen can potentially cause health effects. If too many drainage fields are clustered together, the potential for polluting underground water supplies, as well as surface water supplies, increases. Water consumption is essential for human survival, thus polluting ground and surface water supplies with nitrogen must be avoided. Generally stated: there are no standard lot sizes that can be established for on-site sewage disposal. Several factors influence the suitability of a site for on-site sewage disposal, such as the soil and slope of the land. In Nova Scotia, the Department of Environment provides the legislative oversight for the installation of adequate on-site services. Any lot area requirements that are identified in the Land Use By-law shall therefore recognize that any proposed development remains subject to the Province's on-site sewage disposal regulations. The suitability of a site for on-site sewage disposal is best determined by a field inspection and a test pit analysis of the soil, conducted by a qualified health inspector.

5.1

6.1.1 — It shall be the policy of ~~It is the intention of Council to support the efforts of the Nova Scotia Department of Environment and Labour in providing environmental health services, such as the controls on on-site sewage disposal.~~ It is the intention of Council to support the efforts of the Nova Scotia Department of Environment and Labour in providing environmental health services, such as the controls on on-site sewage disposal.

6.1.2 — It shall be the policy of Council to consider extending the Town of Mahone Bay sewer and water infrastructure into the planning area, as capacity and funding allows.

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

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

Transportation

Communities in the Plan Area are currently serviced by long-established provincial roadways, or else by a series of private roads that are individually connected with the provincial road network. The current infrastructure is oriented towards allowing automobiles to travel along the major highway corridor, and a few secondary roads, at speed. Identified shoulders along these roads, for potential use by pedestrians, is limited to non-existent.

Conditions of the identified 21 local private roads (to include width, surfacing, and ditches), and the degree of settlement that these private roads can serve, varies widely. Local private roads may be best considered as “subdivision” roads. That is: none provide for connectivity between the main provincial corridors, or act as connections between themselves. Both the design and infrastructure conditions of existing private roadways in the Plan Area are unlikely to change in the near-term.

Provincial Trunk Highway # 3 is the principal conduit between the Town of Mahone Bay and the Town of Lunenburg. It serves as the arterial spine for traffic entering and exiting the Plan Area. Maders Cove Road, Hermans Island Road, and Princes Inlet Drive act as secondary roads, and provide access for most residents onto Highway #3. In regards to annual average automobile traffic volumes in the Plan Area: the NS Department of Transportation and Infrastructure Renewal conducted traffic counts at particular sites in the last decade, including along Highway #3. There are no future plans for improvements, based on capacity or service volume issues pertaining to these roads. It is noted that the Department, per the Public Highways Act, administers regulations and permits concerned with any alterations or new developments that would impact, or seeking new access points onto, provincial roads. Council therefore would identify the input of the Department as one of the considerations within any Development Agreement or amendment process taking place in the Plan Area.

As there are no municipal roads identified in the Plan Area, the Municipality has no established transportation reserves specific to roadway construction in this particular area.

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

5.2

Council's intention is to communicate regularly with the Province, to ensure the continued functionality of the existing road network in the Princes Inlet Plan Area, including the identification of any volume, maintenance, or traffic safety issues, which may impact on local land use and future development.

6.2.1 — It shall be the policy of Council to co-operate with the Nova Scotia Department of Transportation and Public Works in providing and upgrading roads, sidewalks, and road drainage systems.

6.3 — POLICE AND FIRE PROTECTION

The Royal Canadian Mounted Police (R.C.M.P.) provide police protection to the planning area. The Town of Lunenburg Fire Department (District 1 & 2 Fire Department) provides fire protection services for the majority of the planning area, while the Mahone Bay Fire Department is responsible for the north end of the planning area, including Maders Cove.

6.3.1 — It shall be the policy of Council to co-operate with the R.C.M.P. in providing police protection.

6.3.2 — It shall be the policy of Council to continue to co-operate with Maders Cove Fire Commission to ensure the provision of adequate fire protection to the Community of Maders Cove.

6.3.3 — It shall be the policy of Council to continue to co-operate with the Town of Mahone Bay Fire Department and the Town of Lunenburg Fire Department (District 1 & 2 Fire Commission) to provide fire protection in the Planning Area.

6.4 — RECREATION

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

The Bay to Bay Trails Association are currently working to develop a recreational multi-use trail from Mahone Bay to Lunenburg, which was called the Lunenburg Spur of the CN Railway right-of-way. Part of this trail composes the west boundary of the planning area. Westhaver Beach, a Provincially protected beach, is also located within the planning area and offers additional recreational opportunities.

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

6.4.1 — It shall be the policy of Council to recognize the importance of open space and low impact recreational opportunities.

6.4.2 — It shall be the policy of Council to implement the Open Space Strategic Plan, approved by Council in 2004 which includes the evaluation of the recreational potential of existing municipal property as well as the acquisition or development of recreation lands within the planning area and the Municipality for recreational purposes.

6.4.3 — It shall be the policy of Council to monitor demographics and recreational trends during reviews of this Planning Strategy and Land Use By-law, to ensure that the recreational needs of the planning area are being met.

6.5 — MISCELLANEOUS SERVICES

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

6.5.1 — It shall be the policy of Council to continue to recognize the importance of historic sites, cultural sites and buildings through the Heritage By-law.

6.5.2 — It shall be the policy of Council to continue to encourage local volunteer groups in providing a range of services.

6.5.3 — It shall be the policy of Council to co-operate with the Nova Scotia Department of Community Services in providing housing for senior citizens within the planning area.

6 DEVELOPMENT / REGULATORY POLICIES

The following policies shall apply, except where there are relevant conditions, specifically stated under applicable Zoning Designations, identified in section 3 of this Planning Strategy.

Council considers where municipalities are provided with the authority to regulate such matters under the Municipal Government Act, that development controls over lot frontage and lot area, signage, storage, parking, and restrictions regarding nonconforming uses and structures, are to be included in the Land Use By-law. These policies are to reflect the concerns of the general community, in terms of how development and land use impact on matters pertaining to public safety, aesthetics, and existing community design.

This Planning Strategy and the accompanying Land Use By-law also contain policies and regulations that make provisions of the Municipality's Subdivision By-law operative within the Plan Area.

~~These general policies affect all zones in the Rural Designation in the Planning Area.~~

~~7.1 ——— SIGNS, TEMPORARY USES, LOT FRONTAGE AND WASTE MATERIALS~~

LOT FRONTAGE AND LOT AREA

6.1

Minimum lot area, minimum lot frontage, and minimum yard requirements shall be established in the Land Use By-law, where Council considers that such requirements, as identified, provides for the adequate separation of uses, as a means to minimize potential land use conflicts. These requirements also allow for adequate fire separation between structures, the maintenance of buildings and land, the provision of private outdoor space, and solar exposure. Requirements also help minimize the potential of on-site water supply or on-site sewage disposal system problems affecting adjacent properties.

Lot Frontage Requirement

On-Site Water Supply, being a dug well or a drilled well, gets its water supply from the groundwater table or aquifer. In order to have a good aquifer for water supply over many years, the rate of withdrawal cannot create a decline in the elevation of the water table. In order for this not to happen, two conditions must exist: 1) the rate of withdrawal cannot exceed the transmissibility of the aquifer. Otherwise water is pumped out faster than it can be supplied to the well and the water level in the well will decline lower than the well intake pump; and 2) the rate of total withdrawal should not exceed the water level in the aquifer. If this happens the water level in the aquifer will decline. This will create a cone of depression in the well (funnel shape). If many wells are clustered together this may result in an overall lowering of the water table. Problems result when shallow wells lose water to deeper wells as the deeper wells become drawn beyond the shallower pumping depth.

In order to reduce the potential for water supply problems, it is necessary to limit the density of a community that uses on-site water supplies. This is necessary to prevent a clustering of wells, and possible lowering, of the water level in wells and in the aquifer. In order to prevent a lowering of the water table, Council has established a minimum frontage requirement in the Land Use By-law. This will reduce the number of lots that may exist on a street, and thus the number of wells.

7.1.6 — It shall be the policy of Council that minimum lot frontage requirements shall be established in the Land Use By-law for all zones to reduce the clustering of wells and on-site sewage disposal systems and to minimize the potential of on-site water supply problems.

A lot being created for the purpose of a designed road or public highway is required to meet specific design standards as outlined in the Subdivision By-law. One of the requirements is a minimum right-of-way width of 20 meters (66.62 feet). The creation of a designed road or public highway would have minimal impact on the water supply. Engineering standards apply for these lots; therefore an exemption from the lot frontage requirement is necessary.

Council recognizes the need to protect water resources from over development. Even though there is no evidence as of date that there is an eminent threat to the water resources as a result of development Council wishes to be proactive and reduce the development density as a cautionary approach. Council realizes that there are lots which have been approved prior to the date of this Secondary Planning Strategy and Land Use By-law which do not satisfy the minimum lot frontage requirements and wishes to exempt these lots from the lot frontage requirements. These lots may be used for any purpose permitted in the zone provided that all other applicable By-law requirements are satisfied.

7.1.7 — Notwithstanding Policy 7.1.6, It shall be the policy of Council that a lot that was either:

- a) — created prior to the effective date of the Land Use By-law;
- b) — created by an instrument to which the Municipal Government Act does not apply; or
- c) — created in accordance with a Plan of Subdivision approved in accordance with the Municipal Government Act.

May be used for any purpose permitted in the zone in which the lot is located, provided that all applicable By-law requirements are satisfied, except for the lot frontage requirement.

6.2.

Notwithstanding Policy 6.1, a lot may be used for any purpose permitted in the Zone in which the lot is located, provided all applicable Land Use By-law requirements are met, excepting those specified requirements set out in the Land Use By-law for lot area and lot frontage, provided the lot was either:

6.2.1. created prior to the effective date of the Land Use By-law;

6.2.2. created by an instrument to which the Municipal Government Act does not apply; or

6.2.3. created in accordance with a Subdivision Plan approved in accordance with the Municipal Government Act.

6.3

~~7.1.6A It shall be the policy of Council that~~ Notwithstanding Policy 6.1, a lot created for a designed road, or for a public highway, ~~is be~~ exempted from lot frontage requirements identified in the Land Use By-law, but is required to meet specific design standards outlined in the Municipality's Subdivision By-law.

SIGNAGE

~~The erection of signs on land or buildings involves matters related to aesthetics, nuisance, safety, and impacts the landscapes, streetscapes and skylines. Signs are recognized as necessary and important, however, it's in the best interest of the community as a whole that some control be exercised over signs. Signs that may cause hazardous conditions due to the creation of confusion or distraction, such as flashing or pulsating lights will be prohibited as will signage that would interfere with pedestrian or vehicular traffic.~~

~~7.1.1 — It shall be the policy of Council to prohibit through appropriate provisions in the Land Use By-law signs which create hazards to traffic or pedestrians, which constitute a public nuisance, or which are incompatible with the character of the Planning Area.~~

6.4

~~7.1.2 — It shall be the policy of Council that the Land Use By-law regulate the height, maximum area, illumination, and location of signs throughout the Planning Area to minimize hazards and nuisances; to~~

Council shall control the impact of signs on the landscape, streetscape and skyline of the Plan Area. It is Council's policy to regulate or prohibit signs in all zones in the Land Use By-law and to ensure that the nature, size and location of signs will not create hazards or nuisance with respect to the following:
~~permitted is appropriate and compatible with the character of the Planning Area.~~

6.4.1 sign area;

6.4.2 height of sign;

6.4.3 illumination and animation

6.4.4 location of sign on lot.

PARKING

6.5

Council shall require and regulate zone-specific off-street parking standards and loading facilities in the Land Use By-law. Where uses are permitted by Development Agreement, the agreement shall make provision for adequate parking to serve the development proposal

LANDSCAPING

6.6

Council shall require landscaping to be carried out for any development that is subject to a Development Agreement, where landscaping is considered to be reasonably necessary in preserving the character of the area, providing screening or buffers, reducing erosion and dust, or to otherwise minimize incompatibility with surrounding land uses.

STORAGE

6.7

7.1.4 — It shall be the policy of Council that ~~The development of~~ private storage buildings such as garages and ~~boathouses~~ are permitted within the Rural and Residential Zones of the Princes Inlet Plan Area, subject to the requirements of the Zone they are located in.

~~Temporary uses policy is MOVED TO section 7~~

~~Temporary Uses~~

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

~~Deleted policy~~

~~Waste Disposal~~

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

NONCONFORMING STRUCTURES AND USES

~~Non-conforming Structures~~

~~Structures that existed on or before the effective date of the Land Use By-law that do not satisfy the requirements of the Land Use By-law are non-conforming structures within the meaning of the Municipal Government Act. The Municipal Government Act contains provisions restricting the extension, enlargement, reconstruction or alteration of these non-conforming structures~~

Section 242 of the Municipal Government Act enables Council, through a Planning Strategy and Land Use By-law, to provide for a relaxation of the restrictions respecting nonconforming structures, nonconforming uses of land, and nonconforming uses in a structure. The following policies identify Council's intentions in regards to where provisions in the Land Use By-law will impact such structures and uses:

~~Council does not wish to impose undue hardship on the owners of these structures and has incorporated policy and Land Use By-law provisions to enable a non-conforming structure to be extended, enlarged, altered or reconstructed, provided that the structure shall not thereby be permitted to extend or increase any existing encroachments.~~

6.8

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

~~Non-conforming Use of Land and Non-conforming Use in a Structure~~

~~Uses of land and structures that are not permitted within the zone in which they are located as of right, but which lawfully existed on the effective date of this Planning Strategy and Land use By-law, are considered non-conforming uses of land and non-conforming uses in structures. The Municipal Government Act contains provisions regarding non-conforming uses of land and non-conforming uses in structures. These provisions deal with providing for the continuance of the non-conforming use subject to restrictions on enlargements, extensions and alterations.~~

~~The Municipal Government Act does enable Council to relax these restrictions through a Planning Strategy and accompanying Land use By-law. Municipal Council does not wish to impose undue limitations or restrictions on these non-conforming uses and consequently has opted for a relaxation to some of the requirements of the Municipal Government Act concerning non-conforming uses of land and structures. Council wishes to relax these restrictions, in the Rural and Residential Zones, to enable the extension, enlargement and alteration of structures containing the non-conforming uses, as well as the extension of a non-conforming use of land. To ensure that such expansions and alterations will not negatively impact on the surrounding community, Council will require a Development Agreement for such proposals.~~

~~Council wishes not to extend the relaxation of the non-conforming uses of land and structures to the Environmental Sensitive Zone in order to protect the wetlands from any further encroachments. A Non-conforming use of land or non-conforming use in a structure located in the Environmentally Sensitive Zone is subject to the non-conforming use of land and non-conforming use in a structure provisions of the Municipal Government Act.~~

6.9

~~7.1.9~~—In recognition of the need to not impose unreasonable restrictions on non-conforming uses and at the same time the need to protect, preserve and enhance the rural character of the Princes Inlet Plan Area, it shall be the policy of Council to permit **only by way of Development Agreement** within the Rural and Residential Zones:

6.9.1 the extension of a non-conforming use of land;

6.9.2 the extension, enlargement and alteration of structures containing non-conforming uses and the expansion of the non-conforming use within the extension, enlargement or alteration; and

6.9.3 the reconstruction of structures containing non-conforming uses, after destruction.

~~but only by~~ **Before entering into a Development Agreement, Council shall be satisfied that** ~~and only provided~~ the proposal satisfies the applicable ~~conditions and~~ criteria in Policy **7.2.6** as identified in the **implementation section of the Planning Strategy.**

~~Non-conforming Use — Discontinued~~

~~The Municipal Government Act further restricts the recommencement of a non-conforming use of land or a non-conforming use of a structure if discontinued for a continuous period of six months. Once again the Municipal Government Act enables Council to relax this restriction through this Planning Strategy and accompanying Land use By-law. Council does not wish to restrict the recommencement of a non-conforming use of land or structures, provided that the use has not been discontinued for a period of 12 continuous months or more. Council feels that the absence of a non-conforming use for 12 months or more creates uncertainty in terms of a community's environment, and economic, physical and social characteristics. Council is of the opinion that a non-conforming use that is discontinued for a period exceeding 12 months should be subject to the same requirements as a new, proposed use.~~

6.10

~~7.1.10~~—It shall be the policy of Council to permit a non-conforming use of land or a non-conforming use in a structure to recommence after it has been discontinued for a continuous period in excess of six months, provided the non-conforming use of land or the non-conforming use of a structure has not been discontinued for a period in excess of 12 continuous months.

SUBDIVISION REQUIREMENTS

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

6.11

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

~~Subdivision on Islands~~

6.12

~~7.2.2—Notwithstanding Policy 6.9, Section 7.2.1, to reduce the clustering of wells and on-site sewage disposal systems and to minimize the potential of on-site water supply problems, it shall be the policy of Council that, where the Subdivision By-law provides for the subdivision of a lot on an island with no public highway, the minimum lot frontage requirement that would otherwise apply shall apply to the lot frontage on a watercourse, as specified in the Land Use By-law.~~

7 IMPLEMENTATION.

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

~~Moved to next section – 7.2 Amendments and Procedures~~

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

7.1 GENERAL ADMINISTRATION

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

7.1.1

~~8.1.1 — It shall be the policy of Council to maintain an ongoing monitoring and planning process through the Prince Inlet Area Advisory Committee. (in part 1 of new SPS)~~

This Secondary Planning Strategy shall be implemented by means of powers conferred upon Council by the Municipal Government Act, and such other provincial statutes as may be applicable.

7.1.2

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

7.1.3

~~8.1.10—It shall be the policy of Council that~~ The Development Officer for the area covered by this Secondary Planning Strategy and Land Use By-law, appointed under **the authority of** the Municipal Government Act, shall be responsible for the administration of the Land Use By-law and Development Agreements, and shall issue or deny permits under the terms of said By-law and Agreement.

7.1.4

~~8.1.11—It shall be the policy of Council that~~ Any Development Permit issued under the Land Use By-law shall specify the development and the period for implementation. Any such permit shall automatically lapse and become null and void if the development has not commenced within one year of its issuance. ~~It shall further be~~ **is** Council's policy that the Development Officer may revoke a Development Permit where the permit was issued in error or on the basis of false or mistaken information.

7.1.5

~~8.1.13—It shall be the policy of Council that~~ Where this Secondary Planning Strategy and **accompanying** Land-Use By-law permits developments up to an **identified** threshold that is based on floor area, site area, number of guest rooms, or on the amount of goods or materials that are processed and produced annually, this threshold shall not be exceeded on any lot as it existed on the effective date of this Planning Strategy, regardless of the effect of any subsequent subdivision approval, except as may be permitted by Development Agreement where provided for in this Strategy and By-law.

7.1.6

~~7.1.3—It shall be the policy of council that~~ Temporary uses associated with a construction site, a special occasion, or a holiday **shall be** ~~are~~ permitted for a time period to be regulated in the Land Use By-law, with no requirement for a development permit.

7.1.7

~~8.1.12—It shall be the policy of Council that~~ This Secondary Planning Strategy and any subsequent amendments shall be reviewed, pursuant to the Municipal Government Act, when deemed necessary by the Minister of **Municipal Affairs** ~~Services Nova Scotia and Municipal Relations~~ or by Council, but not later than **7** ~~ten~~ years from the date of its coming into force and effect.

7.2 AMENDMENTS AND PROCEDURES

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

This section describes Council's policies with regards to any amendments, rezonings, development agreements, variances, and related considerations pertaining to the implementation of this Planning Strategy and accompanying Land Use By-law.

7.2.1

~~8.1.9~~ It shall be the policy of Council that Amendments to this Planning Strategy will be required where any policy is to be changed or where any amendment to the Land-Use By-law would contravene Map 1, the Generalized Future Land-Use Map.

7.2.2

Council shall provide for the rezoning of lands subject to the following conditions:

- a) where lands are designated as Environmentally Sensitive Zone on Map 1, Future Land Use Map, such lands may be rezoned to Rural Coastal (R-C) Zone, provided all conditions identified in Policy 3.3.3 have been satisfied.
- b) where lands are designated as Rural Highway Corridor (R-H) Zone or as Rural Coastal (R-C) Zone on Map 1, Future Land Use Map, such lands may be rezoned to Institutional (I) Zone, provided all conditions identified in Policy 3.4.1 are satisfied.
- c) all proposals for rezoning shall meet the requirements of the Land Use By-law for the zone that is being sought.

7.2.3

Where any development shall require amendment of the Land Use By-law, Council shall adopt no amendment unless the application is for a specific development proposal. In assessing any amendment application for a rezoning, Council shall consider the planning implications of the proposed use, as well as other uses that are permitted in the requested zone.

7.2.4

~~8.1.6~~ — It shall be the policy of Council that A Development Agreement, approved by Council pursuant to this Planning Strategy, may contain terms with respect to any or all matters specified in the Municipal Government Act for the matters that may be addressed by Development Agreement.

7.2.5

It shall be the policy of Council that when considering amendments to the Land Use By-law and in considering Development Agreements, the applicant has, in Council's consideration, clearly shown both that the development can be serviced with ~~central~~ or on-site sewer and water, and that the disposal of sewage or other effluent, as well as the demand on the water source, will not have a negative impact on the environment, or the quality and quantity of the water resources;

~~as taken from 2005 SPS policy 8.1.4 (moved up)~~

7.2.6

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

a) the development conforms to the intent of the Municipal Planning Strategy and of the Secondary Planning Strategy; and where in considering a Development Agreement, with specific requirements as identified in applicable sections previously found in this Planning Strategy:

i. Policy 3.1.3 (proposed forestry, agricultural, and land-based aquaculture uses exceeding identified threshold levels in Rural Zones)

- ii. Policy 3.1.7 (proposed commercial, industrial, and institutional uses exceeding identified threshold levels in Rural Highway Corridor (R-H) Zone)
- iii. Policy 3.1.8 (proposed Restricted Development uses in Rural Highway Corridor (R-H) Zone)
- iv. Policy 3.1.11 (proposed commercial, industrial, and institutional uses in Rural Coastal (R-C) Zone)
- v. Policy 3.5.1 (proposed wind turbine uses in the Rural Zones which have a generation capacity that exceeds the By-law's identified generation capacity threshold)
- vi. Policy 6.9 (proposed developments that would result in the extension, enlargement, alteration, expansion or reconstruction of nonconforming uses or structures containing nonconforming uses)

b) the development conforms with the specific policies concerned with environmental protection identified in Section 4 of this Planning Strategy;

c) the development conforms with the regulatory policies identified in Section 6 of this Planning Strategy, so that Council has been satisfied that any impacts pertaining to the following components have all been sufficiently addressed, and are in compliance with regulations identified in the Land Use By-law, or, where Council considers it necessary, with specific items identified in the Development Agreement, to include:

- i. signage;
- ii. outdoor display and storage;
- iii. screening measures;
- iv. parking;
- v. landscaping;
- vi. lighting measures

~~elements taken from 2005 SPS policy 8.1.4 (moved up— signage / separation of uses / screening)~~

d) the development shall not, in Council's consideration, generate emissions such as noise ~~sound~~, dust, radiation, odours, liquids or light to the air, water, or ground, so as to create an excessive nuisance or health hazard for adjacent properties, or for residents in the immediate vicinity. ~~so as to compromise the development potential or value of properties in the vicinity;~~

~~as taken from 2005 SPS policy 8.1.4 (moved up)~~

- e) the proposed development is not premature or inappropriate due to:
- i. the financial ability of the Municipality to absorb costs related to the development;
 - ii. the adequacy of Municipal services;
 - iii. the adequacy of physical site conditions for on-site services;
 - iv. the creation or worsening of a pollution problem, including soil erosion and siltation;
 - v. the adequacy of storm drainage and effects of alteration to drainage patterns including potential for creation of a flooding problem;
 - vi. the adequacy of local emergency services; and proximity of school, recreation, emergency services, and other community facilities;
 - vii. the adequacy of street networks and site access regarding traffic volume and congestion, traffic hazards and emergency access.
- f) the development site is suitable regarding grades, soils, geological conditions, location of watercourses, flooding, marshes, bogs, swamps, and susceptibility to natural or man-made hazards that could present a health risk, as determined by a qualified person.
- g) all structures shall be built, repaired, and maintained with durable, weather-resistant building material, such that the appearance complements the natural surroundings and existing built environment;
as taken from 2005 SPS policy 8.1.4 (moved up)
- h) parking areas, loading areas and driveways shall be hard surfaced or otherwise surfaced with stable materials, to prevent dust from blowing into adjacent properties;
- ~~j) driveways, parking areas, and any areas used for the open storage of equipment or stock shall be surfaced with stable materials to prevent dust from blowing onto adjacent properties. as taken from 2005 SPS policy 8.1.4 (moved up)~~
- i) where any development includes facilities such as dance halls or entertainment facilities that have amplified or other loud music or sound, the building shall be located on the property and designed such that activities within the building or otherwise associated with the use, will not unduly disturb any abutting residential uses;
- j. all other matters of planning concern have been addressed.

8.1.4 Pursuant to Policies 4.1.4, 4.1.5, and 4.2.3, it shall be the policy of Council that Commercial, Industrial, Institutional and uses associated with aggregate and mineral resource extraction developments may be permitted by Development Agreement provided Council is satisfied that:

a) the development shall not create undue traffic hazards, traffic congestion, or pedestrian hazards;

redundant with 7.2.6 e (vii)

b) the development shall not generate emissions such as sound, dust, radiation, odours, liquids or light to the air, water, or ground so as to create a nuisance or health hazard or so as to compromise the development potential or value of properties in the vicinity;

moved into Main Policy

c) subject to the physical characteristics of the site, the development shall achieve optimum separation from adjacent properties which are not in Commercial or Industrial use. Notwithstanding, commercial communication towers shall be setback from all adjacent properties.

d) screening in the form of fences, vegetation, or berms as appropriate shall be constructed or installed wherever possible in order to minimize impact on the abutting uses and ensure public safety;

See Policy 7.2.6 c for 2 above

e) all structures shall be built, repaired, and maintained with durable, weather-resistant building material, such that the appearance complements the natural surroundings and existing built environment;

moved into Main Policy

f) signs shall satisfy the requirements of the Land Use By-law;

See Policy 7.2.6 c

g) no Development Agreement shall be approved until all necessary permits required by Federal, Provincial, and Municipal government agencies have been issued or Council is satisfied that the required permits will be issued;

made its own policy 7.2.4

h) no development shall increase traffic volume so as to have an undue negative effect on properties that are served by a residential street;

redundant with 7.2.6 e (vii)

i) the applicant has clearly shown both that the development can be serviced with central or on-site sewer and water and that the disposal of sewage or other effluent as well as the demand on the water source will not have a negative impact on the environment or the quality and quantity of the water resources;

j) driveways, parking areas, and any areas used for the open storage of equipment or stock shall be surfaced with stable materials to prevent dust from blowing onto adjacent properties.

k) where any development includes facilities such as dance halls or entertainment facilities that have amplified or other loud music or sound, the building shall be located on the property and designed such that activities within the building or otherwise associated with the use, will not unduly disturb any abutting residential uses.

3 above moved into main policy

7.2.7

No Development Agreements shall be executed until all necessary permits required by a Federal, Provincial or Municipal Government agency have been issued, or Council is satisfied that the required permits will be issued.

g) ~~no Development Agreement shall be approved until all necessary permits required by Federal, Provincial, and Municipal government agencies have been issued or Council is satisfied that the required permits will be issued;~~

7.2.8

8.1.7 ~~It shall be the policy of Council that, Pursuant to the Municipal Government Act, a Public Participation Program (MDL-66) shall be held prior to any proposed amendment to the Secondary Planning Strategy as well as in conjunction with the ten year review of this Planning Strategy and Land-Use By-law. and The purpose of the Public Participation Program shall be to hear the opinions of the public. Council shall meet with the Area Advisory Committee when Council is considering a proposal for a rezoning or Development Agreement, or an amendment to the Planning Strategy or Land-Use By-law. Further, the Public Participation Program adopted by Council on March 8, 1999 and effective April 1, 1999, states that "Public notice of any Area Advisory Committee meeting at which the proposal development is to be discussed, shall comply with the Public Participation Program policy as adopted by Council. be posted in conspicuous locations in the area seven (7) clear days before the meeting".~~

7.2.9

8.1.8 ~~It shall be the policy of Council that A public hearing shall be held by Council, pursuant to the Municipal Government Act, prior to entering into any Development Agreement or prior to approving any amendment to the Land-Use By-law or the Subdivision By-law, and no Development Permit shall be granted until the appeal period and any appeals pursuant to the Municipal Government Act have been completed.~~

8.1.5 ~~Pursuant to Policies 4.1.4 and 4.2.4, Residential developments may be permitted by Development Agreement provided Council is satisfied that:~~

- a) ~~any residential building located on a site that is not subject to nuisances or conditions that negatively affect the quality of the living environment due to other land use activities that exist;~~
- b) ~~the development shall include usable outdoor recreation space that is suitable for erection of playground equipment, or active and low impact recreational uses;~~

- c) the site shall be landscaped with trees, shrubs, lawns, fences, and hard surfaced walkways, as necessary to create a residential living environment;
- d) sufficient parking and adequate safe access to parking lots shall be provided for residents and guests;
- e) all areas intended for vehicular traffic shall be surfaced with materials that remain stable and dust free during all seasons and shall allow for adequate drainage and snow removal;
- f) fencing or screening of driveways, parking areas, or recreational areas shall be required where activities or conditions in these areas are such that the privacy and enjoyment of abutting low density residential uses would be diminished;
- g) the traffic resulting from the development will not create traffic hazards or unduly worsen conditions or negatively affect the accustomed environment of existing residential uses on streets that would be affected by the proposed developments;
- h) where municipal services are not available, Council shall be satisfied that any requirements under the Environment Act / Regulations for on-site sewage disposal systems have been met and a permit has been obtained to install such a system;
- i) the building or buildings shall be compatible with adjacent and nearby buildings in terms of design, architecture, roof shape, bulk, height, scale, window and door design and exterior cladding materials;
- j) the development density on the subject lot shall not exceed fifty (50) dwelling units per hectare (20 units/acre);
- k) no residential building shall contain more than twelve (12) dwelling units

Miscellaneous Minor Structures

8.1.14 — It shall be the policy of Council to establish within the Land-Use By-law provisions enabling miscellaneous minor structures, such as but not limited to, open fences, opaque fences less than 2 metres in height, children's play structures, pet houses, and accessory buildings less than 20 m² (215 ft²) in floor area, to be erected, located, constructed, or altered without the necessity of obtaining a development permit. This provision shall apply to all zones except the Environmentally Sensitive (ES) Zone.

7.2.10

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

- a) number of parking spaces and loading spaces required;
- b) floor area occupied by a home-based business / home occupation;
- c) lot frontage;
- d) size or other requirements related to yards

provided that a variance is not granted where the:

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