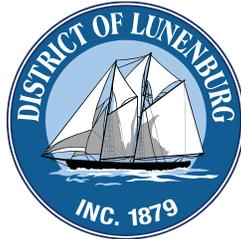


# MUNICIPALITY OF THE DISTRICT OF LUNENBURG



## Village of Hebbville Secondary Planning Strategy

First Reading by Council: December 13, 2011  
Second Reading by Council: February 14, 2012

Effective Date: March 21, 2012  
Last Amendment: **March 9, 2016.**

(page intentionally left blank for printing purposes)

# Table of Contents

Part 1	AUTHORITY AND SCOPE	1
Part 2	OBJECTIVES	2
Part 3	LAND USE CONTROLS	
3.1	Residential Land Use Designation	3
3.2	Commercial Land Use Designation	7
3.3	Industrial Land Use Designation	10
3.4	Rural Land Use Designation	12
3.5	Institutional Land Use Designation	15
3.6	Environmental Land Use Designation	16
Part 4	GENERAL ENVIRONMENTAL PROTECTION	17
Part 5	SERVICES AND INFRASTRUCTURE	19
Part 6	DEVELOPMENT / REGULATORY POLICIES	22
Part 7	IMPLEMENTATION	
7.1	General Administration	25
7.2	Amendments and Procedures	26
Part 8	REPEAL	31
MAP 1	FUTURE LAND USE MAP	attached

(page intentionally left blank for printing purposes)

## **1 AUTHORITY AND SCOPE.**

---

This Secondary Planning Strategy and accompanying Land Use By-law were adopted by Municipal Council on February 14, 2012 and became effective March 21, 2012.

The Municipal Government Act (Chapter 18 Acts of 1998) is the legislative basis for the preparation and adoption of these planning documents. The Act states that Council may prepare a Planning Strategy for all or part of a Municipal Unit. The Plan Area to which this Secondary Planning Strategy applies includes the entire Village of Hebbville as incorporated under the Village Services Act in 1975. The Municipal Government Act provides Council with the authority to adopt policies respecting a broad range of matters, including the improvement of the physical, economic and social environment, and the use, protection, and development of lands.

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 Village of Hebbville during the next ten years. While the Strategy focuses primarily on development and land use issues, policies pertaining to municipal services and infrastructure have also been identified. 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 types 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.

Since the adoption of the first Planning Strategy for the Village of Hebbville in the 1990s, the Hebbville Area Advisory Committee has fulfilled an important role, by providing an ongoing opportunity for local residents to have a voice in the land use planning process. Council anticipates that the Hebbville 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 Village of Hebbville shall be encouraged, guided, 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 mechanism for land use and development control, through which the intent of this Planning Strategy shall be implemented.
- 1.3. The maps 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 Village.
- 1.4. Throughout this Secondary Planning Strategy and 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. It shall be the policy of Council to maintain an ongoing monitoring and planning process through the Hebbville Area Advisory Committee.

## 2 OBJECTIVES.

---

Given the wide-ranging mix of existing land uses, Hebbville is unlike the majority of communities found in the Municipality of the District of Lunenburg. Traditionally, Hebbville resembled many other local rural communities, in that it consisted of a small number of residences, cleared agricultural lands and private woodlots, and a few scattered industrial uses. Over time, Hebbville's proximity to the Town of Bridgewater created an incentive for highway-oriented commercial developments to locate near the town boundary, as well as for increased residential subdivisions to occur along Highway #3. During the 1970s, the area expanded rapidly, leading to the Village's incorporation in 1975. Thirty five years later, Hebbville remains the only incorporated village in the Municipality. Two particular conditions may be seen as contributing to the Village's community development pattern:

Environmental: Hebb Lake and Fancy Lake have both shaped the Village's current community form. Since the 1960s, the Protected Water Area designation covering Hebb Lake constrains land developments north of Highway 103, while the appeal of lakefront residential development around Fancy Lake initiated the extensive subdivision of private land into new dwelling lots. As of early 2011, more than 65 homes in Hebbville can be found on lots that are adjacent to Fancy Lake.

Infrastructure: Unlike other communities with land use plans within the Municipality, a number of properties in Hebbville access, or have potential access to, shared water and wastewater services. Over time, the availability of serviced lots has led to different land use demands and distinct landownership pattern. The fact that both types of infrastructure (private on-site and public services) are found in Hebbville supports the implementation of some form of land use policy and development control.

The general objective of this Secondary Planning Strategy is to establish a framework for dealing with ongoing changes in land use in Hebbville. Its principal aim is to provide clarity to residents on what land use changes can occur, respecting different properties. As with other Planning Strategies in the Municipality, the recognized intent is to effectively monitor and guide proposed changes in land use in Hebbville over time, but not to prohibit entirely the opportunity for new development to occur.

- 2.1. It shall be the intention of Council that the Secondary Planning Strategy shall provide a framework and a process for the accommodation of change in development and land use in the community.
- 2.2. It shall be the intention of Council to control land use and development in a manner that will minimize conflicts between land uses.
- 2.3. It shall be the intention of Council to control land use and development in a manner that is compatible with the Village's service infrastructure and to provide for sustainable growth and development, while maintaining and enhancing the community's built environment.
- 2.4. It shall be the intention of Council to control land use and development in a manner that will preserve, enhance, and protect the natural environment, as well as the living environment of the Village.
- 2.5. It shall be the intention of Council to maintain, improve, and expand municipal services, facilities, and programs, subject to financial constraints or financial arrangement.
- 2.6. It shall be the intention of Council to provide for a residential housing mix that is reflective of current and future community needs. It shall further be Council's intention to provide for stable residential neighbourhoods and to regulate or prohibit uses incompatible with the existing rural residential environment within the Village.

### 3 LAND USE CONTROLS.

---

The Hebbville Plan Area covers approximately 5900 acres. It concerns approximately 900 separate land parcels. Prior to the initiation of any land use planning and development controls in the early 1990s, existing commercial and industrial land uses had already developed along different sections of Highway #3. Residential settlements were found along, or leading off from the Village's three main public roadways: Highway #3, Conquerall Mills Road, and Century Drive. A number of actively-used private resource lands were still to be found within the Village. The large property holdings that surround Hebb Lake generally remained undeveloped.

Land use planning was initiated in Hebbville because the community was concerned that rapid development, in the absence of any land use controls, could have serious consequences for the living environment and local property values. This Planning Strategy's policy statements, and the accompanying Land Use By-law requirements, address these concerns through the implementation of a combination of development control mechanisms, including zoning and Development Agreements.

In order to establish a framework for development control within the boundaries of the Plan Area, land use designations have been given to the entire landmass. The following sub-sections outline policies that govern the types of land use activities permitted within each of these designations. These land use designations are also set out on Map 1: Future Land Use Map. A Land Use By-law accompanies the Secondary Planning Strategy. The By-law is a regulatory document that implements the land use policies. The Land Use By-law includes a Zoning Map identifying zones that are related to the Land Use Designations identified on the Future Land Use Map.

Other government regulations significantly affect land use in Hebbville. The Municipality's Building By-law and Subdivision By-law result from regulations that are proscribed in provincial legislation. Regulations enforced by NS Environment, respecting On-site Sewage Disposal Systems, and environmental protection more generally, have a substantive impact on any proposed developments in rural communities throughout the province. These regulations can influence individual development decisions, and are considered to be as crucial components as the Land Use By-law in shaping the future pattern of any new developments in the Village.

#### 3.1 RESIDENTIAL LAND USE DESIGNATION

---

Since the last Plan Review was undertaken in 2000, the pace of new residential development in Hebbville has slowed when compared with the experience of previous decades. This trend can be identified by reviewing the last ten years of building permit activity, and from data taken from the 2006 Statistics Canada Census. According to the Census, most of the current housing stock in Hebbville (approximately 30%) was constructed in the 1971-1980 time period.

The majority of housing in Hebbville (approximately 80%) are single unit dwellings. This figure is consistent with findings taken from both the 1996 and 2006 Census. The consistency of these statistics leads to the conclusion of the Village's existing residential neighbourhoods being generally stable with not a great amount of change over time occurring in the availability or diversity of local housing types.

- 3.1.1. It shall be the policy of Council to establish a Residential Designation, as shown on Map 1, Future Land Use Map, to accommodate a variety of housing needs and types in the Village's existing and developing residential neighbourhoods.

## Two-Unit Residential (TR) Zone

The predominant form of residential land use in Hebbville is the single unit dwelling. In the absence of any new shared water or wastewater services, the development of various low-density alternatives is likely to remain the Village's pre-dominant residential form, given the sufficient area necessary for accommodating private wells and septic systems. Council will therefore establish a Two-Unit Residential (TR) Zone within the Residential Designation.

Council recognizes that within Hebbville's identified low-density residential neighbourhoods, provisions for affordable housing alternatives can be accomplished by accommodating for pre fabricated structures, such as mobile homes and manufactured homes. Council will also accommodate for the development of two-unit dwellings and semi-detached dwellings within this particular zone. Development of mobile home parks will be specifically prohibited, as Council allows such developments to occur elsewhere, and the impacts resulting from such a land use on identified residential neighbourhoods in the Village is considered to be incompatible.

- 3.1.2.** It shall be the policy of Council to establish a Two-Unit Residential (TR) Zone within the Residential Designation. It shall be Council's policy to permit, within the Two-Unit Residential (TR) Zone, single- and two-unit dwellings, as well as pre-fabricated structures, such as mobile homes and mini homes, that are shipped to a building site either partially or completely assembled.
- 3.1.3.** It shall be the policy of Council to prohibit Mobile Home Parks within the Two-Unit Residential (TR) Zone.

Multi-unit residential developments within the Two-Unit Residential (TR) Zone will be considered in accordance with specific site controls outlined in the Land Use By-law, up to a maximum of twelve (12) units. Use of the site plan approval process will consider how a proposed multi-unit development can be integrated into existing low density neighbourhoods successfully.

- 3.1.4.** It shall be the policy of Council to consider development proposals for small scale multi-unit residential developments, to a maximum of twelve (12) units, in the Two-Unit Residential (TR) Zone, provided that the development satisfies the criteria outlined in the Land Use By-law for Site Plan Approvals.

At the time of the original Planning Strategy's adoption, existing commercial and industrial uses were established within the Two-Unit Residential (TR) Zone. It was not Council's intention to make these uses non-conforming, but to prohibit new developments of this type within the Residential Zone. Council's intent was identified in previous Strategies; it shall be carried forward in this Planning Strategy as well. Listed existing uses will be treated as conforming uses within the zone, but changes to the use by way of expansion of buildings or site area will be considered by Council only by Development Agreement.

- 3.1.5.** It shall be the policy of Council that existing commercial and industrial uses located within the Two-Unit Residential (TR) Zone, that existed on or before April 11, 1991, will be considered as conforming uses, and shall be listed as: "Existing Commercial and Industrial Uses in the Two-Unit Residential (TR) Zone" in Schedule B of the Land Use By-law. These listed existing commercial and industrial uses shall not be permitted to change to another use, except to a use permitted in the Two-Unit Residential Zone. Council shall consider any expansion of a building or expansion of the portion of the lot to be used by the existing industrial or commercial use 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.

## High Density Residential (HDR) Zone

A small number of properties in the Village are considered to be unique, in that the existing development, or the identified opportunity for future high density residential development, warrants Council establish a designation to provide for these distinct uses. The provision of a High Density Residential (HDR) Zone in the Land Use By-law also allows for future accommodation for alternative affordable housing options, beyond the provisions established in the Two-Unit Residential (TR) Zone.

The current number of properties in Hebbville identified with this designation is very limited. It includes: two existing multi-unit apartment buildings and a golf course. As it is not Council's intention to make the operating golf course use non-conforming, that particular use will be specifically allowed within this particular zone.

In addition, it is recognized by Council that new development proposals for those properties identified with a High Density Residential Zone designation may include a diversity of housing types, so that such new developments can provide for a range of housing choices within the community.

- 3.1.6.** It shall be the policy of Council to establish a High Density Residential (HDR) Zone within the Residential Designation. It shall be Council's policy to permit multi-unit residential buildings and attached dwellings within the High Density Residential (HDR) Zone. Additionally, it shall be the policy of Council that those residential uses permitted in the Two-Unit Residential (TR) Zone shall also be permitted in the High Density Residential (HDR) Zone, where such uses are being newly proposed in combination with a greater or equal proportion of multi-unit residential uses within a new development proposal.
- 3.1.7.** It shall be the policy of Council to permit golf courses in the High Density Residential (HDR) Zone.
- 3.1.8.** It shall be the policy of Council to consider development proposals for multiple single unit detached dwellings located on the same lot in the High Density Residential (HDR) Zone, provided that the development satisfies the criteria outlined in the Land Use By-law for Site Plan Approvals.

## General Provisions for Residential Zones

Council recognizes the importance of home occupations to the local economy, and is interested in supporting these activities. Council considers that commercial developments of a larger scale, and those that are hazardous to the function and nature of a pre-dominantly residential area, should be suitably located in the Village's identified commercial and industrial areas. It is for these reasons that Council will permit small-scale home businesses and bed and breakfast uses, which are of a scale and a type that will not negatively impact on the function of the Village's residential neighbourhoods.

- 3.1.9.** It shall be the policy of Council to permit small-scale home businesses and home occupations in conjunction with a residential dwelling and residential accessory structures in all zones that permit residential uses. Council shall define the range and scale of the home occupations and bed and breakfast/tourist homes permitted, and shall limit these to activities that are considered to be compatible with residential uses.

Council also recognizes the important function of institutional uses within a community. However, due to the scale or the potential impacts of such uses, institutional uses will not be permitted as-of-right within any residential zone, but will be considered by Council by Development Agreement.

- 3.1.10.** It shall be the policy of Council to consider public and private institutional developments on residentially zoned land only by Development Agreement, in accordance with Policy 3.5.2.

In order to allow for flexibility of the use of a property within a Residential Zone that abuts a Commercial or Industrial Zone, Council will also consider allowing these abutting properties to be used as any use permitted as-of-right within the abutting Commercial or Industrial Zone, by Development Agreement.

- 3.1.11.** It shall be the policy of Council to consider commercial uses on residentially zoned land that abuts a Commercial Zone by Development Agreement, in accordance with Policy 3.2.11.

- 3.1.12.** It shall be the policy of Council to consider industrial uses on residentially zoned land that abuts an Industrial Zone by Development Agreement, in accordance with Policy 3.3.7.

## 3.2 COMMERCIAL LAND USE DESIGNATION

---

Commercial development in Hebbville is concentrated along Highway #3, near to the boundary with Bridgewater. The majority of these properties were developed for commercial or residential purposes before the adoption of the first Planning Strategy. Council will provide for present and future commercial development by establishing a Commercial Designation.

- 3.2.1.** It shall be the policy of Council to establish a Commercial Designation, as shown on Map 1, Future Land Use Map, to accommodate the Village's existing and future commercial development.

### General Commercial (GC) Zone

The majority of existing commercial uses in Hebbville are highway-oriented uses, which are dependent upon servicing customers travelling by automobile. Automobile sales, or related services and automobile repair, are predominant. There are a small number of other commercial uses in the Village, including a few warehouses, and one take-out restaurant.

The highway-oriented nature of commercial development in Hebbville differs from the common perception of traditional village commercial cores, which are historically pedestrian-oriented. Traditional village cores are often considered the focal point of the community. In Hebbville, the commercial developments that built along Highway #3 may be more properly identified as having emerged to serve a regional market of customers, rather than from serving the needs of local residents. At present, there is a significant concentration of Lunenburg County's car sales and services within a very specific geographic space. This fact, and the fact that these businesses are based on the car as a consumer good, has subsequently resulted in seeing the development of an automobile-oriented commercial strip.

Although Council recognizes the benefit of commercial development in terms of creating an attractive tax base and employment for the Municipality, Council recognizes the need to balance financial incentives with maintaining attractive local residential environments. Council is also aware of the consequential environmental impacts of automobile-oriented designed development.

The nature of highway commercial design - high vehicular traffic volumes; the prominence of outdoor storage and displays; large-scale advertising features; and a high ratio of land being provided for customer parking - these features can negatively impact on adjacent residential environments. For these reasons, Council will establish a General Commercial (GC) Zone with fixed boundaries, so as to prevent the sprawl of commercial development into the Village's established residential areas.

- 3.2.2.** It shall be the policy of Council to establish a General Commercial (GC) Zone within the Commercial Designation. It is Council's policy to permit a wide array of commercial uses as-of-right within the General Commercial (GC) Zone.
- 3.2.3.** It shall be the policy of Council that the boundaries of the General Commercial (GC) Zone on Schedule A of the Land Use By-law shall be fixed boundaries and shall not be changed except by amendment of this Secondary Planning Strategy.

A number of existing residential uses are still found within Hebbville's commercially-designated area. While new residential developments will not be permitted in the General Commercial (GC) Zone, due to their incompatibility with surrounding commercial operations, it is not Council's intent to make existing residential dwellings non-conforming. Any existing single-unit and two-unit dwellings, listed in the By-law, will be considered as conforming uses in the General Commercial (GC) Zone. Existing residential uses will be permitted to expand beyond the existing building and area of land occupied by the use on the effective date of this Planning Strategy.

- 3.2.4.** It shall be the policy of Council that new detached single-unit and two-unit residential uses shall not be permitted within the General Commercial (GC) Zone.
- 3.2.5.** It shall be the policy of Council that existing residential uses located in the General Commercial (GC) Zone, that existed on or before April 11, 1991, will be considered as conforming uses, and shall be listed as "Existing Residential Uses in the General Commercial (GC) Zone" in Schedule B of the Land Use By-law. These existing residential uses will be permitted to expand beyond the existing building and area of land occupied by the use on the effective date of this Planning Strategy, subject to zone requirements of the General Commercial (GC) Zone. These listed existing uses shall not be permitted to change to another use, except to a use permitted in the General Commercial (GC) Zone.

While new single- and two-unit residential developments will not be permitted, Council will consider one- and two-unit apartments either attached to, or above, a commercial use within the same building. Other mixed use buildings - containing both a commercial use and multi-unit residential uses, from three (3) to a maximum of twelve (12) dwelling units, will also be permitted in the General Commercial (GC) Zone, subject to Site Plan Approval. An allowance for mixed use developments in Hebbville's identified commercial area can provide the Village with alternative future housing options, with any prospective citizens being fully aware, from the onset of any development, that their immediate surroundings are mixed use in their function and resulting impacts.

- 3.2.6.** It shall be the policy of Council to permit single-unit and two-unit residential uses in the form of one- and two-unit apartments, attached to or above a commercial or other non-residential use, within the same building, subject to the zone requirements of the General Commercial (GC) Zone.
- 3.2.7.** It shall be the policy of Council to permit mixed commercial and multi-unit residential developments, from three (3) to a maximum of twelve (12) residential dwelling units, within the General Commercial (GC) Zone, provided the development satisfies the criteria outlined in the Land Use By-law for Site Plan Approvals.

Council recognizes the similarity between commercial and institutional uses as service-oriented functions, and will permit institutional uses in the General Commercial (GC) Zone.

- 3.2.8.** It shall be Council's policy to permit institutional uses within the General Commercial (GC) Zone, subject to the identified requirements of the Institutional (I) Zone.

There are a number of existing industrial uses within the General Commercial (GC) Zone, which are not considered to be uses permitted as-of-right. It is not Council's intention to make these uses non-conforming, but rather to control the expansion of these existing industrial uses, as well as the development of any new industrial uses, so as to ensure that they do not negatively impact the identified commercial core of Hebbville. Council shall consider expansion of these listed existing industrial uses, or consider the proposed development of any new industrial uses in the General Commercial (GC) Zone, only by Development Agreement.

- 3.2.9.** It shall be the policy of Council that existing industrial uses located in the General Commercial (GC) Zone, that existed on or before April 11, 1991, will be considered as conforming uses, and shall be listed as "Existing Industrial Uses in the General Commercial (GC) Zone" in Schedule B of the Land Use By-law. These existing industrial uses shall be permitted to expand throughout the existing building in which they are located and otherwise be restricted to the use of the portion of the lot in which they are located. These uses shall not be permitted to change to another use, except to a use permitted in the General Commercial (GC) Zone. Council shall consider any expansion of a building or expansion of the portion of the lot to be used by the existing industrial use 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.
- 3.2.10.** It shall be the policy of Council to consider development proposals for new industrial uses permitted as-of-right in the Light Industrial (LI) Zone, in the General Commercial (GC) Zone, 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.

In order to allow for flexibility of the use of a Residential Zoned property that abuts a General Commercial (GC) Zone, Council will also consider allowing abutting residential properties to be used for any use permitted as-of-right within the General Commercial Zone by Development Agreement.

- 3.2.11.** Notwithstanding Policy 3.2.3, it shall be the policy of Council to consider commercial uses permitted in the General Commercial (GC) Zone on a lot which abuts a Commercial Zone, which would not otherwise be permitted to have a commercial use, 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; and
  - b)** the use shall be permitted as-of-right in the General Commercial (GC) Zone.

### 3.3 INDUSTRIAL LAND USE DESIGNATION

---

There are three distinct areas of industrial development in Hebbville along Highway #3. Council will provide for these uses by establishing an Industrial Designation on the Future Land Use Map.

- 3.3.1.** It shall be the policy of Council to establish an Industrial Designation, as shown on Map 1, Future Land Use Map, to accommodate the Village's existing and any future industrial development.

#### Light Industrial (LI) Zone

The identified industrial areas along Highway #3 are provided for through the establishment of the Light Industrial (LI) Zone.

Council considers it important to ensure that existing and any future industrial development is not detrimental to the Village's existing residential neighbourhoods. Because of the conflicting natures of residential uses and industrial uses, Council will prohibit the development of new residential uses within the Light Industrial (LI) Zone, and will establish a Light Industrial (LI) Zone with fixed boundaries, to prevent the sprawl of industrial development into residential areas.

As well: it is not Council's intention to make the one existing residence established in the Light Industrial (LI) Zone non-conforming, but rather, to prohibit future residential uses in this zone. This one existing residential property will be treated as a conforming use.

- 3.3.2.** It shall be the policy of Council to establish a Light Industrial (LI) Zone within the Industrial Designation. It is Council's policy to provide for identified light industrial uses as-of-right within the Light Industrial (LI) Zone. Additionally, it shall be the policy of Council that all commercial developments that are permitted as-of-right in the General Commercial (GC) Zone shall also be permitted as-of-right in the Light Industrial (LI) Zone.
- 3.3.3.** It shall be the policy of Council that the boundaries of the Light Industrial (LI) Zone on Schedule A of the Land Use By-law shall be fixed boundaries and shall not be changed except by amendment of this Secondary Planning Strategy.
- 3.3.4.** It shall be the policy of Council to prohibit new residential developments within the Light Industrial (LI) Zone.
- a)** Further, it shall be Council's policy that the one residential use located in the Light Industrial (LI) Zone that existed on or before April 11, 1991, will be treated as a conforming use and shall be listed as "Existing Residential Use in the Light Industrial (LI) Zone" in Schedule B of the Land-Use By-law. This existing residential use will be permitted to expand beyond the existing building and area of land occupied by the use on the effective date of this Planning Strategy, subject to zone requirements identified in the By-law. This listed existing use shall not be permitted to change to another use, except to a use permitted in the Light Industrial (LI) Zone.

Due to the intensity and nature of certain uses, and subsequent impact of such on the surrounding environment, not all land uses will be permitted as-of-right in the Light Industrial (LI) Zone. In particular, Council considers the impacts associated with the storage and distribution of bulk petroleum requires that all existing uses of this type be listed in the Land Use By-law. Further, any proposed expansion of these existing uses will only be considered by Development Agreement.

**3.3.5.** It shall be the policy of Council to consider development proposals for industrial or commercial uses that are not permitted as-of-right in the Light Industrial (LI) Zone 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.

**3.3.6.** It shall be the policy of Council that existing bulk petroleum storage and distribution operations located within the Light Industrial (LI) Zone, and which existed on or before April 11, 1991, will be treated as conforming uses, and shall be listed as “Existing Bulk Petroleum Storage and Distribution Operations in the Light Industrial (LI) Zone” in Schedule B of the Land Use By-law. These uses shall not be permitted to change to another use, except to a use permitted in the Light Industrial (LI) Zone. It shall be Council’s policy to consider any expansion of a building or portion of the lot to be used by the Existing Bulk Petroleum Storage and Distribution Operations only by Development Agreement. Before entering into a Development Agreement, Council shall be satisfied that the proposal satisfies 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.

In order to allow for some flexibility of the use of a Residential Zoned property that abuts a Light Industrial (LI) Zone, Council will consider allowing these abutting residential properties to be used for any use permitted as-of-right within the Light Industrial Zone, by Development Agreement.

**3.3.7.** Notwithstanding Policy 3.3.3, it shall be the policy of Council to consider light industrial uses permitted as-of-right in the Light Industrial (LI) Zone on a lot which abuts an Industrial Zone, which would not otherwise be permitted, 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; and
- b)** the use shall be permitted as-of-right in the Light Industrial (LI) Zone.

### 3.4 RURAL LAND USE DESIGNATION

---

Alongside the residential subdivisions and commercial developments that have taken place in Hebbville over the last half century, Council recognizes that there are a number of properties in the Village that have been historically used, and can continue to be used in the foreseeable future, for natural resource-based activities. It is Council's intention that any future proposed developments within these identified areas of the Village are to be compatible with existing agricultural and forestry uses that reflect Hebbville's long-standing rural heritage.

- 3.4.1.** It shall be the policy of Council to establish a Rural Designation, as shown on Map 1, Future Land Use Map.

#### Rural (RU) Zone

Council considers those areas of Hebbville provided with a Rural Designation are not exclusively residential in purpose, but rather, provides to landowners sufficient space for a mix of compatible uses.

Council will establish a Rural (RU) Zone to permit for a variety of land uses, to include residential, commercial, light industrial, institutional, and natural resource-related activities; and will specify size thresholds, setbacks, and abutting zone requirements in the Land Use By-law, in order to minimize potential conflicts between all these different land uses. In particular, Council recognizes the importance of protecting existing agricultural activities in the Village, and in keeping with the Statement of Provincial Interest Regarding Agricultural Lands, will provide for such a use in the Rural (RU) Zone.

- 3.4.2.** It shall be the policy of Council to establish a Rural (RU) Zone within the Rural Designation. It is Council's policy to permit a wide variety of identified land uses within the Rural (RU) Zone compatible with Hebbville's existing low-density rural residential and resource-related heritage. It shall be 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 array of different permitted land uses within the Rural (RU) Zone.
- 3.4.3.** It shall be the policy of Council to permit Mobile Home Parks within the Rural (RU) Zone, subject to the requirements of the Municipality's Land-Leased Community By-law.
- 3.4.4.** It shall be the policy of Council to permit residential uses, to a maximum of three (3) dwelling units, subject to the zone requirements of the Rural (RU) Zone. Development proposals for multi-unit residential developments, from four (4) units to a maximum of twelve (12) units per structure, shall be considered within the Rural (RU) Zone, provided the development satisfies the criteria outlined in the Land Use By-law for Site Plan Approvals.
- 3.4.5.** It shall be the policy of Council to permit identified resource-based activities, up to a size threshold specified in the Land Use By-law, subject to the zone requirements of the Rural (RU) Zone. Proposed developments which exceed the size threshold 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.

- 3.4.6.** It shall be the policy of Council to permit commercial and industrial uses that are permitted as-of-right in the General Commercial (GC) Zone and Light Industrial (LI) Zone, up to a size threshold specified in the Land Use By-law, subject to the zone requirements of the Rural (RU) Zone. Proposed developments which exceed the size threshold 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.

As certain industrial and commercial uses have the potential to negatively impact the surrounding environment, Council will require that these identified uses be considered only by Development Agreement.

- 3.4.7.** It shall be the policy of Council to consider commercial and industrial uses that are not permitted under Policy 3.4.2 or 3.4.6 within the Rural (RU) Zone 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.

Additionally, there are two existing industrial uses which are not considered uses permitted as-of-right in the Rural (RU) Zone. It is not Council's intention to make these uses non-conforming, but to control the future expansion of these two existing developments. Council will consider any expansion of these existing uses only by Development Agreement.

- 3.4.8.** It shall be the policy of Council that existing industrial uses within the Rural (RU) Zone, that existed on or before April 11, 1991 will be considered as conforming uses, and shall be listed as: "Existing Industrial Uses in the Rural (RU) Zone" in Schedule B of the Land Use By-law. These listed existing industrial uses shall not be permitted to change to another use, except to a use permitted in the Rural (RU) Zone. Council shall consider any expansion of a building or expansion of the portion of the lot to be used by the industrial use 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.

Council recognizes where there is ongoing change in technology, societal demands, and public policy affecting renewable energy generation. Such changes are likely to continue over the next ten years. Communities in rural Nova Scotia will be potentially impacted by proposed developments. Council considers that, within the Village of Hebbville, proposed wind turbines may be considered within the Rural (RU) Zone, provided proposed uses are able to 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. Council considers that the restriction of wind turbine developments should be suited to the rural residential nature of the Village, and so will look to restrict the size of turbine uses to be considered as-of-right in the Rural (RU) Zone, to small-scale applications of a specific generation capacity.

Amended March 9, 2016.

**3.4.9.** (Repealed)

Amended March 9, 2016.

- 3.4.10.** It shall be the policy of Council to provide for the location and use of small scaled wind turbines within the Rural (RU) Zone, whose annual energy generation capacity shall be established in the Land Use By-law, provided such proposed developments also comply with identified setback and safety 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 Development Agreement, and only within the Rural Zone.

### 3.5 INSTITUTIONAL LAND USE DESIGNATION

---

There are three existing institutional sites in the planning area. These sites include the Hebbville Fire Hall, the Hebbville Cemetery, and Hebbville Academy. These are established institutional uses, and their status in the community warrants they be given an Institutional Designation and zoning.

Council shall consider future institutional uses to be established in the Village's residential zones only by Development Agreement, to ensure that these uses will be compatible with existing and future residential neighbourhoods. Council will permit future institutional uses in the Village's General Commercial, Light Industrial and Rural Zones as-of-right, subject to identified zone requirements.

- 3.5.1.** It shall be the policy of Council that existing institutional uses shall be designated Institutional as shown on Map 1, Future Land Use Map, and these corresponding areas shall be zoned Institutional (I) as shown on Schedule A, Zoning Map of the Land Use By-law.
- 3.5.2.** It shall be the policy of Council that institutional uses shall be permitted only by Development Agreement in areas designated Residential on Map 1, Future Land Use Map, according to Policy 3.1.10. 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.
- 3.5.3.** It shall be the policy of Council that all developments that are permitted as-of-right in the Institutional (I) Zone shall also be permitted as-of-right in the General Commercial (GC) Zone, the Light Industrial (LI) Zone and in the Rural (RU) Zone, pursuant to Policies 3.2.8, 3.3.2 and 3.4.2, respectively.

### 3.6 ENVIRONMENTAL LAND USE DESIGNATION

---

Council wishes to protect certain lands within the Village of Hebbville in light of their environmental sensitivity or their protected standing with the Provincial government.

- 3.6.1.** It shall be the policy of Council that lands deemed to be environmentally sensitive, or that are protected through provincial legislation, shall be given an Environmental Protection (ENV) Designation, as shown on Map 1, Future Land Use Map.

#### Protected Water Areas

Hebb Lake and Milipsigate Lake, and the lands surrounding these two lakes, were first designated as a "Protected Water Area" in 1964 by the provincial Minister of the Environment. Minemkeak Lake (and surrounding lands) were similarly designated in 1975. These lakes are used as a water supply source for the Town of Bridgewater and parts of the Municipality. Council will establish land use controls to support the existing provincial Protected Water Area regulations. Only detached single-unit dwellings will be permitted within this zone.

- 3.6.2.** It shall be the policy of Council to establish a Protected Water Area (PWA) Zone in the Environmental Protection Designation, as shown on Schedule A, Zoning Map of the Land Use By-law. Land use activities that affect the quality and quantity of water shall be regulated. Non-residential activities and land uses not related to the water supply system will be prohibited in the protected water area.
- 3.6.3.** It shall be the policy of Council to notify applicable officials responsible for Protected Water Area regulations of all development proposals within the Protected Water Area (PWA) Zone identified in the Land Use By-law.

#### Environmentally Sensitive Areas

Protecting the natural environment from harmful individual activities may be identified as the responsibility of various departments of both the provincial and federal government. Specifically, Council recognizes the protection of wetlands as falling within the identified mandate of NS Environment.

Council wishes to support the provincial government in their efforts, by recognizing where it can create regulations through local land use policy consistent with the protection of identified wetlands, concerning development activities in Hebbville. Wetlands have been specifically identified, given the crucial role they play in acting as local groundwater recharge areas.

- 3.6.4.** It shall be the policy of Council to establish an Environmentally Sensitive (ES) Zone within the Environmental Protection Designation, as shown on Schedule A, Zoning Map of the Land Use By-law. Wetlands within the Hebbville Plan Area will be placed in this zone. It is Council's policy that the Environmentally Sensitive (ES) Zone shall be considered a "no build" zone, in which no structures shall be permitted, except for raised boardwalks for walking trails. Permitted uses will be restricted to low-impact, passive (non-motorized) recreation activities, nature interpretation uses, grazing, and pasturage.
- 3.6.5.** It shall be the policy of Council to notify applicable government officials responsible for environmental regulations of all development proposals within the Environmentally Sensitive (ES) Zone identified in the Land Use By-law.
- 3.6.6.** Pursuant to Policy 3.6.4, it shall be the policy of Council to 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, shows that land within the Environmentally Sensitive (ES) Zone is not wetland.

## 4 GENERAL ENVIRONMENTAL PROTECTION.

---

Section 214 of the Municipal Government Act permits municipalities to develop policy statements concerned with prescribing methods for controlling erosion and sedimentation during development. Council recognizes that development near or adjacent to significant watercourses has the potential to impact water quality through surface runoff, or by damaging the natural vegetation immediately adjacent to the watercourse. Development can also cause soils in the area to erode, especially on the identified drumlins that are found in Hebbville.

Retaining a portion of vegetation to create a buffer zone along identified watercourses achieves several functions, in addition to controlling the impacts of erosion and sedimentation. Vegetated buffer areas are aesthetically pleasing; can help moderate air and water temperatures; filter noises and air pollution; reduce runoff of excess nutrients and other foreign materials; and provide wildlife habitat corridors near to water resources. For these reasons, the Hebbville Land Use By-law will contain provisions to ensure that new development will be set back from significant watercourses.

- 4.1. It shall be a policy of Council to protect identified water resources within the planning area, by restricting development activities near to significant watercourses, as shown on Schedule C of the Land Use By-law. Proposed developments shall be set back from the edge of the watercourse 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. It shall be the policy of Council that land within 7 metres (23 feet) of the ordinary high water mark of a significant watercourse, as identified on Schedule C of the Land Use By-law, shall not be filled or excavated in relation to a development to a depth greater than 0.5 metres (1.6 feet), except by Development Agreement. Before entering into a Development Agreement for filling or excavation, Council shall be satisfied that the proposal satisfies the following conditions:
  - 4.2.1. no filling or excavation shall be permitted that would affect any watercourse within the watershed to the extent that any existing downstream flooding or bank erosion problem will be exacerbated, or any new flooding or erosion problem will be created.
  - 4.2.2. except when the filling or excavation is related to construction of a pier or dock, the natural grade and slope of the foreshore area shall be retained.
  - 4.2.3. vegetation shall be re-established on the filled or excavated area sufficient to retard erosion and, where possible, trees and shrubs native to the area shall be retained or replanted.
  - 4.2.4. any area that will be exposed to the erosional forces of water caused by current or wave action, within the area that is subject to seasonal increases in water levels, shall not be disturbed by filling or excavation unless appropriate measures are taken to ensure that siltation and sedimentation of the watercourse will not result.
- 4.3. It shall be the policy of Council that wherever the Planning Strategy provides for developments by Development Agreement, on lands abutting significant watercourses, as identified on Schedule C of the Land Use By-law, the agreement shall contain provisions respecting land use, excavation and filling, and erosion control, to ensure that the proposed use will not have any undue negative effect on the identified watercourse.

Where any proposed developments are permitted in the Village of Hebbville by way of Development Agreement, or by making Amendments to the existing Land Use By-law or Secondary Planning Strategy, Council will consider the impacts such developments can have on the natural environment, and incorporate this consideration in the Municipality's review process.

- 4.4. It shall be the policy of Council that, based on the advice of a qualified person, the impact of development and land use on the natural and living environment shall be a consideration in all decisions concerning the amendment of this Planning Strategy or the Land Use By-law, or the entering into of a Development Agreement pursuant to the policies of this Strategy.
- 4.5. Pursuant to Policy 4.4, it shall be the policy of Council that, where Council determines on the advice of a qualified person that there is a significant risk of environmental damage from any development which may be permitted by Development Agreement or rezoning, an environmental impact assessment shall be undertaken by the developer for the purpose of determining the nature and extent of any impact. No Development Agreement or rezoning shall be approved until Council is satisfied that the proposed development will not cause or result in undue environmental damage.

## 5 SERVICES AND INFRASTRUCTURE.

---

This Secondary Planning Strategy references infrastructure and services that Council considers has a direct effect on the development of local land uses, and where inclusion of certain statements has potential relevance, by being explicitly included within the Strategy. This includes policy statements concerning water, wastewater, and transportation infrastructure. This Planning Strategy does not include statements concerned with the provision of policing, fire protection, health, education, waste management, or programs concerned with economic development, recreation, or social assistance. Although such matters have profound consequences on a community's ongoing spatial development, the formation of public policy on these issues is recognized as being removed from the context of a local planning strategy, through existing legislation and plans that are developed, directed, and resourced through well-established bureaucracies.

Council recognizes that the community of Hebbville has, at this time, a unique distinction within the Municipality, by it being incorporated as a Village. The community is therefore positioned to approach the Municipality through the coordination of the Hebbville Village Commission. The Village Commission can potentially identify any issues considered to be of substantive concern and priority to the Village's development, and to ask for Municipal Council's attention on such matters, either through changes to the community's Planning Strategy, or through other possible means.

- 5.1. It shall be the intention of Municipal Council to consider requests from the Hebbville Village Commission to review services that may be provided by the Municipality, or priority matters resulting from other public policy decisions.

Council also recognizes that any future water and wastewater infrastructure developments in Hebbville are intrinsically linked with existing municipal systems serving the Town of Bridgewater. Council would also identify that the existing road network in Hebbville is largely a combination of roadways controlled directly by the provincial government, or private roads that have been created through subdivision. Political decisions, and inter-jurisdictional cooperation, are therefore seen as the necessary pre-requisites in considering any major infrastructure changes that would support developments in Hebbville.

### Wastewater.

Hebbville is unique within the Municipality, in that it is the one identified community Plan Area where a proportion of private landowners have had ongoing access to central water and central wastewater services. While this existing 'serviced area' is, recognizably, a very small percentage of the community's overall geography; it nevertheless has an important role in determining the Village's future development opportunities. As of September 2011: the number of existing properties that abut the central wastewater system in the Village is greater than the current number of connections that enter the existing system (35). The area specifically impacted by wastewater services includes properties along Century Drive, Ridgewood Drive, Highway #3, and Jubilee Road. There are three pumping stations, of various age and sizes, owned and managed by the Municipality. The wastewater pumped from these stations flows into Bridgewater's more comprehensive sewage treatment system.

Council considers that a principal intent of this Planning Strategy is focused on seeing that the serviced area within Hebbville continues to support either commercial developments, or higher density residential developments. This intent can be most clearly identified through the Zoning Designations that are provided for in this Planning Strategy (see section 3) and found on the Future Land Use Map, as well as being stated in one of the Strategy's general objectives (see Policy 2.0.3).

Given current infrastructure conditions, there is a limited capacity to handle sudden significant increases in development without a concurrent and requisite upgrade in the pumping stations' capacity. To-date, the permit application process provides the Municipality with information on a proposed new use, with the case for a sewer connection then being reviewed on a case-by-case basis by the Municipality's Engineering Services, before it is allowed to proceed with a connection.

For all other lands found in the Hebbville Plan Area, development opportunities are impacted by the standards set out in the On-site Sewage Disposal Regulations administered by NS Environment. The Province's regulations outline both minimum lot sizes and lot widths. New development must be sufficiently sized to accommodate the necessary infrastructure to handle wastewater resulting from the site. These are considered minimum standards: as each site's topographical conditions would imply a unique set of circumstances, NS Environment retains the right to review each site's development proposal through its own permit application process.

- 5.2.** It shall be the intention of Municipal Council to continue to provide central sewer service to an identified area of Hebbville, subject to agreements with the Town of Bridgewater for connection to the Town's sewer system, and subject to charging user fees and rates as necessary to install and operate the system.

#### Water.

Central water services in the Hebbville Plan Area are provided to a limited number of Hebbville residents by the Bridgewater Public Service Commission. The identified serviced area mirrors, in large part, the area described above, regarding sewer connections. There are minor variations in the defined 'serviced area:' notably, water can also be potentially accessed all the way along Century Drive to Highway 103, as well as along the William Wile Road, towards Highway 325, and the Town boundary line that lies to the north of the Village.

The Public Service Commission's process for determining any new connection to the water supply system is similar to that process used for securing any new connection to the Municipality's wastewater services. New developments within the identified area do not receive water services as-of-right, but rather, only after a consideration by the Public Service Commission of the impacts that a new connection would have on existing infrastructure, who retains the right to determine if access should be granted. Water lines within the Village are part of the Public Service Commission's transmission system and not its distribution system - these lines are identified as substandard for distribution purposes, and are of limited pressure.

For all other lands in the Hebbville Plan Area, new developments can only occur with the landowner's ability to develop an individual private well. Wells, like septic systems, are regulated under regulations administered by NS Environment, and, as is the case with septic systems, there is no precedent for the Municipality to try to enforce any standard beyond those that are regulated by the provincial government.

- 5.3.** It shall be the intention of Municipal Council to support the Bridgewater Public Service Commission in their provision of water services to an identified area of Hebbville, subject to the system's capacity and financial considerations.

## Transportation.

Hebbsville is oriented around a roadway system focused on enabling automobile travel to move rapidly along major road corridors. Pedestrian alternatives in the Hebbsville Plan Area, outside of the use of the Bull Run Trail, are few. The limitations to pedestrian travel - be it walking to Hebbsville Academy or into the Town of Bridgewater along Highway #3; to Fancy Lake Provincial Park; or even in between private residences - is partially a result of the lack of infrastructure capacity found along the major roads. It is also a result of the Village's community design of having major roads being intersected with short, subdivision roads that were not designed, nor ever intended, to be interconnected together. Both design and infrastructure conditions are unlikely to change in the near-term.

As of 2011: the Municipality has no established transportation reserves specific to roadway construction in Hebbsville, and owns one road (Whisper Wood Drive).

The Province owns and maintains the majority of roads that form the network for automobile travel in Hebbsville. The Department of Transportation and Infrastructure Renewal conducts traffic count assessments at a number of locations along these roads within Hebbsville, or at points very near to the Village's boundary lines. The Department considers, based on past traffic counts, that there are no capacity or service volume issues pertaining to these roads. The Department, as per its mandate defined in the Public Highways Act, administers regulations and permits concerned with any alterations or new developments that impact, or are seeking new access points onto, provincial roadways. Council identifies the input of the Department as one of the identified considerations within any Development Agreement process that takes place in the Hebbsville Plan Area.

There are also, as of 2011, thirteen private roads in the Village. The standards and conditions of these private roads vary. These roads are identified as being the responsibility of adjacent landowners.

- 5.4.** It shall be the intention of Municipal Council to communicate regularly with the Province to ensure the continued functionality of the existing road network in Hebbsville, including the identification of any volume, maintenance, or traffic safety issues that may impact on local land use and development.

## **6 DEVELOPMENT / REGULATORY POLICIES.**

---

The following policies shall apply to the entire Hebbville Plan Area, 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, that development controls over lot frontage, lot area, signage, outdoor display, storage, fencing, parking, landscaping, lighting and outdoor wood furnaces, 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 will also contain policies that make all of the provisions of the Municipality's Subdivision By-law operative within the Hebbville Plan Area.

### **LOT FRONTAGE AND LOT AREA**

- 6.1.** It shall be the policy of Council that minimum lot area, minimum lot frontage and minimum yard requirements shall be established for all zones in the Land Use By-law. These minimum requirements shall provide for adequate fire separation between structures, on-site parking, maintenance of buildings and land, private outdoor space, solar exposure, air circulation, and the separation of land use to minimize land use conflicts.
- 6.2.** It shall be the policy of Council that 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 requirements set out in the Land Use By-law in accordance with Policy 6.1, 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.** It shall be the policy of Council that existing structures which have been erected before the effective date of the Land Use By-law, or subsequently under the variance provisions of the Municipal Government Act, on a lot having less than the required minimum area, lot frontage or yards, shall be regarded as conforming structures for the purposes of the By-law, and may be used or altered in any way permitted in the zone in which they are located, provided no further encroachments occur.

### **SIGNS**

- 6.4.** It shall be the policy of Council to control the impact of signs on the landscape, streetscape and skyline of the Village. It is Council's policy to regulate or prohibit signs in all zones in the Land Use By-law to ensure that signs will not create hazards or nuisance with respect to the following:
- 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.

#### OUTDOOR DISPLAY AND STORAGE

- 6.5.** It shall be the policy of Council to regulate or prohibit outdoor display and outdoor storage within yards, to minimize potential conflicts between adjacent land uses. It is Council's policy to incorporate requirements where such uses are permitted in the Land Use By-law , to ensure that outdoor display and storage will not create hazards or nuisance with respect to the following:
- 6.5.1.** area;
  - 6.5.2.** location on lot;
  - 6.5.3.** set backs;
  - 6.5.4.** screening from adjacent Residential and Institutional Zones.

#### SCREENING / FENCING

- 6.6.** It shall be the policy of Council to regulate the type, height, location and proper retention of fencing or vegetation for the purposes of screening or buffering in the Land Use By-law. It is Council's policy that fencing or screening measures shall be required for the purposes of:
- 6.6.1.** screening storage areas that contain unsightly materials;
  - 6.6.2.** where it is considered to be necessary so as to enhance and preserve the character of the local area;
  - 6.6.3.** to reduce incompatibility with the surrounding land uses;
  - 6.6.4.** public safety.

Amended March 9, 2016.

#### PARKING

- 6.7.** It shall be the policy of Council to require and regulate use-specific and zone-specific off-street parking standards and loading facilities in the Land Use By-law. Further, it is Council's policy to control the size and location of parking lot accesses, so as to minimize potential traffic hazards. Where uses are permitted by Development Agreement, the agreement shall make provision for adequate parking to serve the development proposal.

#### LANDSCAPING

- 6.8.** It shall be the policy of Council to 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.

#### LIGHTING

- 6.9.** It shall be the policy of Council to control outdoor lighting to minimize any nuisance created by such lighting to properties in the surrounding area.

#### OUTDOOR WOOD FURNACES

- 6.10.** It shall be the policy of Council that the location of outdoor wood furnaces on a lot shall be regulated within the planning area to minimize nuisances and conflicts with adjacent land uses.

## SUBDIVISION

- 6.11.** It shall be the policy of Council that all sections of the Subdivision By-law shall apply and are operative in the Village of Hebbville 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.
- 6.12.** It shall be the policy of Council that where the Municipality's Subdivision By-law provides that lots may be created with frontage on a private right-of-way that is indexed on Schedule B of the Subdivision By-law, these rights-of-way shall also be listed as "Existing Schedule "B" Private Roads" in Schedule B of the Hebbville Land Use By-law before any division of land can be approved. Before Schedule B of the Land Use By-law is amended to list a newly-indexed private right-of-way, Council shall be satisfied that the conditions identified in Policy 8.4.3 of the Subdivision By-law have been satisfied.

## **7 IMPLEMENTATION.**

---

The Secondary Planning Strategy and the Land Use By-law are legal documents that govern land use and development within the Village of Hebbville. The Planning Strategy provides a broad policy framework for land use and development regulations, 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.

### **7.1 GENERAL ADMINISTRATION**

---

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

- 7.1.1.** 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.** 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.** 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.** 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 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.** It shall be the policy of Council that the Land Use By-law shall contain a list of permitted developments for each zone, and developments that are not included in the list of permitted developments shall be deemed as prohibited.
- 7.1.6.** It shall be the policy of Council that temporary uses associated with a construction site, a special occasion, or a holiday shall be permitted for a time period to be regulated in the Land Use By-law, with no requirement for a Development Permit.
- 7.1.7.** It shall be the policy of Council that this Secondary Planning Strategy and any subsequent amendments shall be reviewed, pursuant to the Municipal Government Act, when deemed necessary by the Minister of Services Nova Scotia and Municipal Relations or by Council, but not later than 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 Secondary 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. Only under certain circumstances are planning strategy amendments subject to the approval of the Minister of Services Nova Scotia and Municipal Relations.

This section describes Council's policies with regard 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.** 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, Future Land Use Map.
- 7.2.2.** It shall be the policy of Council that, notwithstanding Policy 7.2.1 or any designation on Map 1, Future Land Use Map, land that abuts any zone boundary as shown on Schedule A of the Land Use By-law as of the effective date of the By-law, may be rezoned to the zoning designation of abutting land on either side of the boundary without amendments to this Planning Strategy, provided that:
- a)** the rezoning does not result in the expansion of a zone across a public street;
  - b)** the rezoning does not result in the expansion of any commercial or industrial zone; and
  - c)** all other Planning Strategy policies are satisfied.
- 7.2.3.** It shall be the policy of Council that 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 an 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.** It shall be the policy of Council that all proposals for rezoning shall meet the requirements of the Land Use By-law for the zone that is being sought, except, however:
- a)** a rezoning may be granted for an undersized vacant lot with less than the minimum area or frontage required in the zone being sought, provided that all other applicable requirements of the Land Use By-law are satisfied; and
  - b)** a rezoning may be granted for a lot with a building on it provided:
    - i.** all applicable requirements of the Land Use By-law except for minimum lot area, frontage, setback, or yard requirements are satisfied, and
    - ii.** any proposed addition to any building, or any building that will replace an existing building, meets the setback or yard requirements of the zone being sought.
- 7.2.5.** It shall be the policy of Council that a Development Agreement, approved by Council under 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.

**7.2.6.** 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 with the intent of the Municipal Planning Strategy and of the Secondary Planning Strategy; and where considering a Development Agreement, with specific requirements identified in the applicable sections previously found in this Planning Strategy:
  - i. Policy 3.1.5 (expansion of existing General Commercial and Light Industrial Uses listed in Schedule B in Two-Unit Residential Zone)
  - ii. Policy 3.1.10 & 3.5.2 (proposed Institutional Use in Residential Zones)
  - iii. Policy 3.1.11 & 3.2.11 (proposed General Commercial Uses on properties abutting the General Commercial Zone)
  - iv. Policy 3.1.12 & 3.3.7 (proposed Light Industrial Uses on properties abutting the Light Industrial Zone)
  - v. Policy 3.2.9 (expansion of existing Light Industrial Uses listed in Schedule B in General Commercial Zone)
  - vi. Policy 3.2.10 (proposed Light Industrial Uses in General Commercial Zone)
  - vii. Policy 3.3.5 (proposed restricted Uses in Light Industrial Zone)
  - viii. Policy 3.3.6 (expansion of existing Petroleum-related Uses listed in Schedule B in Light Industrial Zone)
  - ix. Policy 3.4.5 (proposed Resource Uses exceeding identified threshold levels in Rural Zone)
  - x. Policy 3.4.6 (proposed General Commercial and Light Industrial Uses exceeding identified threshold levels in Rural Zone)
  - xi. Policy 3.4.7 (proposed restricted commercial and industrial Uses in Rural Zone)
  - xii. Policy 3.4.8 (expansion of existing Light Industrial Uses as listed in Schedule B in Rural Zone)
  - xiii. Policy 3.4.10 (proposed wind turbine Uses in a Rural Zone which have a generation capacity that exceeds the By-law's identified generation capacity)
  - xiv. Policy 4.2 (in relation to a proposed development in all Zones, the infill or excavation to a depth greater than 0.5 metres of property within 7 metres of a significant watercourse as shown on Schedule C of the Land Use By-law.)
- 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 is 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 terms identified in the Development Agreement:
  - i. signage;
  - ii. outdoor display and storage;
  - iii. screening;
  - iv. parking;
  - v. landscaping; and
  - vi. lighting measures.

- d) the development shall not, in Council's consideration, generate emissions such as noise, dust, radiation, odours, liquids or light to the air, water, or ground, so as to create an excessive nuisance or health hazard for adjacent properties, or for residents in the immediate vicinity;
- 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;
  - 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 its proximity to any 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;
- h) parking areas, loading areas and driveways shall be hard-surfaced or otherwise surfaced with stable materials to prevent dust from blowing onto adjacent properties;
- i) all other matters of planning concern have been addressed.

**7.2.7.** It shall be the policy of Council that no Development Agreement 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.

**7.2.8.** It shall be the policy of Council that, pursuant to the Municipal Government Act, a Public Participation Program (MDL-66) shall be held prior to any proposed amendment to the Secondary Planning Strategy, as well as in conjunction with the review of this Planning Strategy and Land Use By-law. The purpose of the Public Participation Program shall be to hear the opinions of the public. 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 the Land-Use By-law. Public Notice of any Area Advisory Committee meeting at which the proposal is to be discussed shall comply with the Public Participation Program policy as adopted by Council.

Amended: April 1, 2015

**7.2.9.** 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.

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

- a) number of parking spaces and loading spaces required;
- b) ground area and height of a structure;
- c) floor area occupied by a home-based business / home occupation; and
- d) height and area of a sign;
- e) minimum lot area;
- f) lot frontage;
- g) size or other requirements related to yards; and
- h) the percentage of land that may be built upon as required by this By-law;

provided that a variance is not granted where the:

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

(page intentionally left blank for printing purposes)

**8 REPEAL OF SECONDARY PLANNING STRATEGY**

---

The Secondary Planning Strategy for the Village of Hebbville, adopted by Municipal Council on October 10, 2000 is hereby repealed and this Secondary Planning Strategy substituted therefore.

I, April Whynot-Lohnes, Municipal Clerk of the Municipality of the District of Lunenburg, do hereby certify that the foregoing is a true copy of the Secondary Planning Strategy for the Village of Hebbville which was duly passed by the Council of the Municipality of the District of Lunenburg at a meeting duly held on February 14, 2012:

DATED at Bridgewater, Nova Scotia, the \_\_\_\_\_

\_\_\_\_\_  
April Whynot-Lohnes, Municipal Clerk