

RIVERPORT AND DISTRICT

Municipality of the District of Lunenburg

SECONDARY PLANNING STRATEGY

CONSOLIDATED EDITION

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1. INTRODUCTION

1.1 COMMUNITY PROFILE

The Riverport and District Planning Area includes a number of distinct but closely linked rural communities, including: Riverport, Rose Bay, Lower Rose Bay, Upper Kingsburg, Kingsburg, Feltzen South, Bayport, Indian Path, Middle LaHave, East LaHave, Lower LaHave, Crouse's Settlement, and Five Houses, as well as portions of Tanner's Settlement and Grimm's Settlement.

The physical shape of the District is a complex peninsula confined between the LaHave River to the southwest and Lunenburg Bay to the northeast. The shoreline is extremely irregular, creating a number of smaller peninsulas, harbours, coves and beaches.

As in other parts of the Lunenburg County shoreline, the importance of the waterfront to transportation and fishing decided the layout of the original land grants and then shaped the development of the communities in the District. Houses, barns, businesses and roads clustered along the waterfront, reserving the inland areas for farming and forestry. The exceptions to this generality are the communities of Grimm's Settlement, Tanner's Settlement, Crouse's Settlement and parts of Kingsburg, where the location of the better farmland, shelter from weather, or the pattern of land inheritance have fostered communities with less obvious connections to the water.

Two hundred years of development, change in transportation, food supply and population have reduced the economic significance of the waterfront. The on-shore base for fishing is now mostly concentrated at a few locations suitable for wharves. The waterfront is now important chiefly for its unique contribution to the character of the area and its role in providing a high quality of residential living. This unique natural resource is valued very highly both by life-long residents and more recent arrivals.

These changes in the economy show up also in the reduced role of fishing, farming and forestry in the daily lives of the people of the District. Although the linear form of development along the coasts and roads persists, cleared agricultural land is now largely idle, and the communities have developed a more suburban or rural residential character. This trend is likely to continue, with residential development in the forefront compared with commercial, industrial, agricultural and fisheries development.

Following a disastrous fire in September of 1981 and reduction in fish quotas, the Fishery Products International (FPI) fish plant carries on the traditions of fish processing and ship maintenance at Kraut Point. With this exception, the commercial and industrial operations in the District are small in size and number, co-existing comfortably with the surrounding residential land uses. This co-existence was the general pattern in the past and should be the pattern of the future.

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Distinctly suburban residential development in compact subdivisions is a type of development which is more likely to happen close to the Town of Bridgewater, than in the Riverport and District planning area. However, land values in the Riverport and District planning area are increasing, particularly waterfront residential land values, which reflects an increase in the opportunity for residential development. More residential development along the highways can be expected in between the existing houses, as well as the development of homes on a second layer of lots behind the existing road frontage lots. The practical difficulties of this form of development coupled with the restrictions imposed by the Municipal Subdivision By-law, will limit the extent of this type of residential development.

Compared to other parts of Nova Scotia and other parts of Lunenburg County, the Riverport and District planning area has unique features which attract people who seek a high-quality living environment with views of the ocean and river, as well as direct use of these resources. These same features attract investors and speculators who would take advantage of the area's potential for rural residential development and for part-time seasonal dwellings.

The Riverport and District Board of Trade together with other local and regional groups are working for increased development of the tourist industry, as well as general commercial or industrial development of the area. Residents of the area want to protect the existing quality of life in the area and at the same time encourage local economic development. They have recognized that this is a special place. The residents have expressed a strong desire to have a role in determining the future of their communities and in ensuring that the essential character of the area does not disappear.

2. AUTHORITY AND SCOPE

This Secondary Planning Strategy and Land-Use By-law was adopted by Municipal Council on July 12, 2005, and became effective August 10, 2005. The Strategy and By-law were prepared and adopted in accordance with the Municipal Government Act (Chapter 18, Acts of 1998), which replaced the Planning Act as of April 1, 1999. The Municipal Government Act states that Council may prepare a Planning Strategy for all or part of a Municipal Unit. The planning area to which this Planning Strategy applies was defined by the February 2000 Municipal Council District Three boundary (approved by NSURB February 2000) which includes the communities of Riverport, Rose Bay, Lower Rose Bay, Upper Kingsburg, Kingsburg, Feltzen South, Bayport, Indian Path, Middle LaHave, East LaHave, Lower LaHave, Crouse's Settlement and Five Houses, as well as portions of Tanner's Settlement and Grimm's Settlement, 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 a broad range of matters related to the physical, social or economic environment of the planning area that may be addressed in policies by the Municipality. These include: the goals and objectives of the planning area; the improvement of the physical, economic and social environment; the use, protection, and development of lands; the provision of municipal services and facilities; environmental protection; land subdivision; use and conservation of energy; and public involvement in planning. The Municipal Government Act is the legislative basis for the preparation and adoption of these planning documents.

This Secondary Planning Strategy consists of policy statements and maps that express Council's wishes and intentions with respect to development and land-use in the planning area during the next ten years. 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. 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 a rezoning may be considered and approved.

2.1 GENERAL POLICIES

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

3. GOALS AND OBJECTIVES

3.1 GOALS

There is heightened awareness of the quality of the Riverport and District living environment and a growing concern that some types of development could have a negative impact on the community. Residents and landowners are concerned that without appropriate planning and development controls, individual properties or the entire community could be adversely affected. Municipal Council has set 3 goals for the Riverport and District planning area in three main areas, Environmental, Economic and Social.

3.1.1. The goals of Council shall be to:

- a) preserve the Riverport and District’s vital Resources for present and future generations;
- b) provide opportunities for a sustainable economic-base; and
- c) promote the Riverport and District as an attractive rural residential environment for all ages.

3.2 ENVIRONMENTAL – OBJECTIVES

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

- 3.2.1. It shall be the policy of Council to ensure that development does not negatively impact over all water quality such as drinking water, surface water, ground water, lakes, rivers, wetlands and oceans.
- 3.2.2. It shall be the policy of Council to ensure that development activity doesn't create emissions that can negatively effect air quality to the extent that an environmental or a health hazard is created.
- 3.2.3. It shall be the policy of Council to encourage responsible and sustainable resource management such as Forestry and Agriculture.

3.3 ECONOMIC – OBJECTIVES

Council's Economic goal is to provide opportunities for a sustainable economic-base. Council adopts the following policies to achieve the Economic goal:

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- 3.3.1. It shall be the policy of Council to promote local entrepreneurship by providing for a range of commercial and industrial uses within the planning area.
- 3.3.2. It shall be the policy of Council to encourage higher levels of government and the private sector to provide educational and training opportunities to meet the needs of the changing labour market such as but not limited to new technology, call centres, and more specific new technology in the fishing industry.
- 3.3.3. It shall be the policy of Council to provide for amenities within the planning area such as educational, health care, and recreational opportunities; a variety of housing options and an aesthetically pleasing living environment to attract new industries and business to the Riverport and District.
- 3.3.4. It shall be the policy of Council to enable Agriculture and other resource based activities to play an important role in the Riverport and District economic base.
- 3.3.5. It shall be the policy of Council to protect the shoreline from over development, by encouraging economic growth away from the shoreline and implement development standards to preserve and enhance shoreline views.
- 3.3.6. It shall be the policy of Council to encourage industrial activity by providing for such uses within the planning area.
- 3.3.7. It shall be the policy of Council to encourage other levels of government and the private sector to provide public transportation opportunities to attract new business and industry to the Riverport and District planning area.

3.4 SOCIAL – OBJECTIVES

Council's goal is to promote the Riverport and District planning area as an attractive rural residential environment for all ages. Council adopts the following policies to achieve the Social goal:

- 3.4.1. It shall be the policy of Council to provide for low impact recreational space, such as but not limited to foot paths, water access and public open space within the planning area.
- 3.4.2. It shall be the policy of Council to preserve and enhance shoreline view planes through development standards.

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- 3.4.3. It shall be the policy of Council to enhance and preserve the rural aesthetics of the Riverport and District’s living environment through development standards.
- 3.4.4. It shall be the policy of Council to encourage higher levels of government and the private sector to provide educational opportunities to all age groups within the community.
- 3.4.5. It shall be the policy of Council to provide development standards for a variety of housing options to meet all ages and needs.
- 3.4.6. It shall be the policy of Council to encourage public transportation initiatives.
- 3.4.7. It shall be the policy of Council to encourage the establishment of medical clinics and offices, by providing for such uses within the planning area.

4. LAND USE CONTROLS

4.1 RURAL LAND USES

The Riverport and District planning area can be described as a sparsely populated, rural area. There is a broad mix of uses that are concentrated along the coast, which are primarily residential in nature. The Existing Land-Use Map indicates the following land-uses within the planning area: Residential, Residential Home Occupation, Agricultural, Recreational and Cultural, Industrial, Commercial, Institutional, Forestry, Fishery, Protected and Limited use, Transportation and Transmission, and undeveloped lands.

An examination of the soils in the community indicates the most fertile soil types in the planning area are classified as Bridgewater loam- drumlin phase and Wolfville loam- drumlin phase. Mostly all of the agricultural lands in the planning area are located on these soils.

Fishing, haying and timber harvesting are the most common resource uses in the planning area. The land-use inventory revealed few areas of land being used for haying and even fewer areas being used for timber harvesting. Some of the forestry land appeared to have been harvested some time ago. Only one or two areas of land are being used to grow a significant amount of crop vegetables, although there are numerous small garden plots used to grow vegetables.

This mix of existing rural land uses are part of Riverport and District's rural setting. This Planning Strategy and accompanying Land Use By-law will ensure that this form of compatible rural development continues. To do this Council will establish a Rural designation and zone which provides for a variety of land-uses consistent with the existing pattern of development in the Riverport and District planning area.

- 4.1.1. In recognition of the Riverport and District planning area as a rural community and the need to accommodate the mix of land-uses in the planning area, it shall be the policy of Council to designate the Riverport and District planning area, "Rural" (RU) as shown on Map 1, Generalized Future Land Use, and within this area allow a wide variety of residential, agricultural, recreational, industrial, commercial, institutional, forestry and fishery uses of land.

Rural Three (RU-3) Zone

Although the Rural designation allows for a mix of land-uses, Council will control the scale to minimize the potential for land-use conflicts. Council will do this by establishing a "Rural Three (RU-3)" Zone and permit a variety of land-uses up to a maximum size deemed to be compatible with a rural setting, subject to zone standards. Land-uses that exceed the thresholds established in the Land Use By-law will be subject to a Development Agreement. A Development Agreement will give Council and the community greater flexibility and input into larger scale development.

Some types of land-uses, regardless of size, have the potential to negatively impact on the community, without some type of controls to ensure compatibility with neighbouring land-uses. Such uses include but are not limited to: bulk storage of petroleum products, salvage yards, beverage rooms, lounges and shooting ranges. Council will implement these controls utilising Development Agreements, which will provide Council and the Community with a greater flexibility in controlling large-scale development.

The intentions of Council is not to stop a landowner from any particular land use within the Rural Three (RU-3) Zone, but simply to require that the community be made aware of large scale land-uses and those 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.

- 4.1.2. To provide for a mix of land uses within the Rural designation, it shall be Councils policy to establish a Rural Three (RU-3) Zone, as shown on Schedule A, Zoning Map, of the Land Use By-law.
- 4.1.3. Pursuant to Policy 4.1.2, it shall be Council's policy to permit the following developments in the Rural Three (RU-3) 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 per lot;
 - b) Small-scale commercial, industrial, resource and institutional uses;
 - c) Fixed roof accommodation for the travelling public and their associated facilities for food preparation and serving of meals;
 - d) Non-residential uses which are not commercial or industrial such as (but not restricted to) parks, playgrounds, recreation developments, and cemeteries;
 - e) Notwithstanding Clause b) agricultural and forestry activities and developments; and
 - f) Notwithstanding Clause b) fishery uses including general storage, docks, boat launches and repair facilities which support the inshore fishery.
- 4.1.4. Notwithstanding Policy 4.1.3, and to provide greater flexibility and control over large scale uses to ensure compatibility with Riverport and District's existing and future pattern of development, it shall be the policy of Council that within the Rural Three (RU-3) Zone, established by Policy 4.1.2, residential, commercial, institutional, resource and industrial uses that exceed the

thresholds established in the Land Use By-law, may be permitted by Development Agreement in accordance with the applicable requirements of Policies 7.1.4, 7.1.5, and 7.1.6.

- 4.1.5. Notwithstanding Policies 4.1.3 and 4.1.4, in recognition of the need to provide flexibility and more specific control of certain land-uses, 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 are permitted in the Rural Three (RU-3) Zone only by Development Agreement, regardless of size or scale of the operation. These uses shall be listed in the Land Use By-law and include, but are not limited to: bulk storage of petroleum products; scrap and salvage yards; beverage rooms and lounges; shooting ranges; land leased communities, and uses associated with aggregate and mineral resource extraction operations. 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 Policies 7.1.4 and 7.1.5.

Amended March 9, 2016

Outdoor Wood Furnaces

Outdoor wood furnaces heat water (or air) that is, in turn, 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 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 to minimize land use conflicts.

- 4.1.6. To minimize nuisances and land use conflicts, it shall be the policy of Council to establish within the Rural Three (RU-3) Zone, requirements for the placement, erection or alteration of outdoor wood furnaces and require a development permit for the same.

Stationary Electric Generators

Stationary electric generators can create land use conflicts with adjacent land uses, especially when located close to residential uses. To reduce the possible land use conflicts with stationary electric generators Council will setback stationary electric generators from adjacent lot lines.

- 4.1.7. To reduce the possible noise conflicts with stationary electric generators, it shall be the policy of Council to establish within the Rural Three (RU-3) Zone setback requirements for locating stationary electric generators

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 larger, louder and can be more aesthetically 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. Wind turbines that can be easily climbed can present a hazard and proper guarding should be installed to minimize the risk.

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 Three (RU-3) Zone setback requirements for the erection and alteration of small scale wind turbines and their supporting structure. Furthermore, it shall be the policy of Council to permit large scale wind turbines and multiple installations on the same lot, only by Development Agreement.

4.1.9. It shall be the policy of Council to, for safety reasons, require fencing or guarding specifications to discourage the climbing of wind turbines.

Non-conforming Use of Land and Structures in the Rural Three (RU-3) Zone

Uses of land and structures that are not permitted within the Rural Three (RU-3) 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 to

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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.

- 4.1.10. 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 Riverport and District planning area, it shall be the policy of Council to permit within the Rural Three (RU-3) Zone:
- a) The extension of a non-conforming use of land;
 - b) The extension, enlargement and alteration of structures containing non-conforming uses; and
 - c) The reconstruction of structures containing non-conforming uses, after destruction, only by Development Agreement, provided the proposal satisfies the conditions and criteria contained in Policies 7.1.4, 7.1.5 and 7.1.6.

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 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.

- 4.1.11. It shall be the policy of Council to permit, within the Rural Three (Ru-3) Zone, 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 in a structure has not been discontinued for a period in excess of 12 continuous months.

Institutional Zone

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

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

- 4.1.12. It shall be the policy of Council to establish an Institutional Zone within the Rural Designation (as shown on Map 1, Generalized Future Land Use Map) which shall provide for a range of institutional developments that will accommodate publicly owned buildings. Furthermore, where an institutional use that would otherwise only be permitted by development agreement is to be developed by the Municipality of the District of Lunenburg, Council may rezone land within the designation to Institutional provided that the development proposal satisfies the conditions and criteria stated in Policies 7.1.4 and 7.1.5.

4.2 ENVIRONMENTALLY SENSITIVE AREAS

Council wishes to protect certain lands within the Riverport and District planning area because of their sensitivity or their protected standing by the Provincial Government. These lands consist of freshwater wetlands and salt marshes and will be designated as Environmental Protection.

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 stabilise surface water levels and reduces soil erosion and sedimentation in waterways. Wetlands also store water, which replenishes the ground water supply.

The Nova Scotia Department of Natural Resources "Wetlands and Coastal Habitats Inventory" mapping displays wetlands and salt marshes that are 0.5 of a hectare and greater in size. This is the best wetlands mapping currently available and will be used as the basis for protecting wetlands in the Planning Area. However, it is important to note that the mapping is not complete as the method of mapping is visual interpretation from air photos therefore wetlands with a tree cover may not have been identified. There is a tree covered wetland adjacent to Hirtles Pond that is not currently shown in the "Wetlands and Coastal Habitats Inventory" that Council will continue to protect. Council recognizes the importance of protecting sensitive ecosystems such as salt marshes and wetlands and will include these natural features in the Environmental Designation and Environmentally Sensitive Zone. The Environmental Designation and Environmentally Sensitive Zone will provide a level of protection to wetlands and salt marshes and strive to preserve these sensitive areas for the future. [Amendment: Feb. 10, 2009]

In June 2002 the Nature Conservancy of Canada, the Kingsburg Coastal Conservancy and the Nova Scotia Nature Trust announced that Gaff Point, a 124 acre unspoiled coastal headland in the Riverport and District planning area had been protected from private development. In March 1999 the Kingsburg Coastal Conservancy took possession of the Murphy Wetland, an ecologically sensitive area, adjacent to Kingsburg Pond. Council recognizes the work of the Kingsburg Coastal Conservancy in protecting and securing access for future generations to Gaff Point and the Murphy Wetland and will place these lands in a "no build" Environmentally Sensitive Zone.

There are two provincially protected beaches in the Riverport and District planning area, Kingsburg and Hirtles Beach. Council recognizes that the beaches require protection; however, council feels that the provincial protected beach designation is adequate in protecting these two environmentally sensitive areas from development. Under the Protected Beaches Act no one is able to develop in these areas without the approval of the Minister of Natural Resources. Council is satisfied with the protection that the province has implemented and has chosen not to include these areas with an area designated as Environmental Protection.

- 4.2.1. 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 establish an Environmental Protection (ENV) Designation, as shown on Map 1, Generalized Future Land Use, of the Secondary Planning Strategy, these lands shall include all wetlands and salt

marshes shown on the Nova Scotia Department of Natural Resources Wetlands and Coastal Habitats Inventory and a tree covered wetland at Hirtles Pond. Furthermore, in recognition of the work of the Kingsburg Coastal Conservancy in preserving ecologically sensitive lands in District Three, it shall be the policy of Council to include Gaff Point and the Murphy Wetland in the Environmental Protection (ENV) Designation. [Amendment: Feb. 10, 2009]

Council recognizes that there is a general lack of municipal mandate to protect environmentally sensitive areas, 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, municipalities are enabled in various ways to help protect the environmentally sensitive areas within their jurisdictions.

4.2.2. It shall be the policy of Council to establish an Environmentally Sensitive (ES) Zone, as shown on Schedule “A”, Zoning Map of the Land Use By-law, within the Environmental Protection Designation. The lands within this zone shall be comprised of wetlands and salt marshes shown on the Nova Scotia Department of Natural Resources Wetlands and Coastal Habitats Inventory, a tree covered wetland at Hirtles Pond, Gaff Point and the Murphy Wetland. Furthermore, it is Council’s policy to permit only low-impact, (non-motorized) recreation activities, environmental education, and nature interpretation uses 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.

4.2.3. Pursuant to Policy 4.2.2, 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 or salt marsh, by a qualified person, shows that land within the Environmentally Sensitive (ES) Zone is not wetland or salt marsh.

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 copies of all approved Development Permits be forwarded to the appropriate government department.

4.2.4. It shall be the policy of Council to help protect environmentally sensitive areas within the planning area by incorporating provisions in the Land-Use 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.

4.3 ENVIRONMENTAL PROTECTION

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

- 4.3.1. 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 residential, commercial, or industrial development which may be permitted by development agreement or rezoning, an environmental impact assessment shall be undertaken by the developer for the purpose of determining the nature and extent of any impact. No amendment or development agreement shall be approved until Council is satisfied that the proposed development will not cause or result in environmental damage.

Water Resources

Land use activities and development on property near or adjacent to watercourses have potential to affect water quality through surface runoff or by damaging the natural vegetation immediately adjacent to the watercourse. Land use and development can increase the already high natural tendency for the soils in the area to erode. The Bridgewater Loam- Drumlin Phase and the Wolfville Loam- Drumlin Phase, soils prevalent in the planning area, have the potential to be erodable, especially on steeper slopes. Retaining a portion of the natural vegetation along watercourses is aesthetically pleasing, it moderates air and water temperatures, filters noise and air pollution, reduces runoff of excess nutrients and other foreign materials, provides wildlife habitat corridors near vital water resources and helps minimize soil erosion and sedimentation of the watercourse. When development occurs in close

proximity to a watercourse there is an increase risk of erosion and sedimentation, especially when the natural vegetation is disturbed or removed; therefore, Council has implemented erosion control standards in areas adjacent to significant watercourses.

- 4.3.2. It shall be the policy of Council that in all zones development near a significant watercourse, as shown on Schedule "B", Development Constraints Map of the Land Use By-law, shall be setback from the ordinary high water mark in order to minimize the impact of development on fish, wildlife, aquatic ecosystems, and the natural aesthetic characteristics of waterbodies and the immediate shoreline.
- 4.3.3. To reduce soil erosion and minimize sedimentation of watercourses, it shall be the policy of Council that, in relation to a development, the removal of natural vegetation, infilling and excavation in areas in close proximity of the ordinary high water mark of a significant watercourse, as shown on Schedule "B", Development Constraints Map of the Land Use By-law shall be subject to erosion control standards as specified in the Land Use By-law. The distance shall be as specified in the Land-Use By-law. Erosion control standards may include, but shall not be limited to the retention and/or replanting of natural vegetation and other measures to prevent or minimize erosion on land near a significant watercourse.

Erosion Control – Excessive Slope

Riverport and District's topography is associated with depressions and level ground to very gently undulating slopes to drumlin relief, some of which is associated with slopes in excess of 20 percent. Of primary concern in Riverport and District, 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. These soils are a concern especially when they cover steeper slopes and where they are close to significant watercourses or the marine environment, as erosion can negatively impact on water quality, and marine and freshwater plant and fish life. Development controls will be imposed in these vulnerable areas, especially when re-contouring of the land by infilling or excavation is necessary. In order to protect Riverport and District's marine and freshwater environments from erosion and sedimentation, erosion control standards will be imposed in areas of land that have slopes in excess of 20 percent.

- 4.3.4. It shall be the policy of Council to identify all areas with slopes in excess of 20% as "areas of excessive slopes", as shown on Schedule B, Development Constraints Map of the Land-Use By-law. All development permitted in these areas shall be subject to erosion control standards, as specified in the Land-Use By-law, regardless of the zone in which the development is located. Development control standards and requirements, to prevent or

minimize erosion and sedimentation, shall include the retention or replanting of natural vegetation and other measures to stabilize disturbed soils.

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

4.4 VIEW PLANE OVERLAY

The majority of Riverport and District’s population lives along shoreline. Beautiful shoreline vistas can be seen while driving along the winding roads. Both visitors and residents of the area enjoy these shoreline vistas. Council realizes that shoreline vistas are an important part of Riverport and District’s aesthetic quality and should be protected from physical obstruction. It’s these vistas that attract new residents and visitors to the area. It’s not Council’s intention to restrict all development from the view plane overlay but rather to limit large bulky intrusive buildings to preserve the vistas of the shoreline. The View Plane Overlay will extend from the ordinary high water mark to 30 m (98 ft) inland or to a public road which ever is less. The View Plane Overlay covers the coastal areas as well as Kingsburg Pond, Hirtles Pond and Romkey Pond as shown on Schedule “C” View Plane Overlay Map of the Land Use By-law. Council has excluded traditional marine uses from the requirements of the view plane overlay for they depend on coastal access and are a traditional form in the coastal landscape.

- 4.4.1. To preserve and enhance the shoreline view planes in the Riverport and District planning area, it shall be the policy of Council to identify important shoreline view planes, as shown on Schedule “C”, View Plane Overlay of the Land Use By-law. All development permitted in these areas shall be subject to the view plane requirements of the Land Use By-law, regardless of the zone in which the development is located. Development control standards and requirements to prevent the obstruction of the view planes shall include: a setback of all structures from the ordinary high water mark, height of structures and minimum separation distances between buildings. It shall further be Council’s Policy that, traditional marine industries be exempt from the shoreline view plane requirements.

Non-conforming Structures – View Plane Overlay

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Municipal Council does not wish to impose undue limitations or restrictions on non-conforming structures and consequently has opted for a relaxation of the Municipal Government Act to allow these structures to be rebuilt if destroyed or damaged as long as the structure does not impede further into the requirements of the View Plane Overlay.

- 4.4.2. Notwithstanding Policy 6.1.7, in recognition of the need to not impose unreasonable restrictions on non-conforming structures and at the same time preserve the shoreline vistas of the Riverport and District planning area, it shall be the policy of Council to permit within the View Plane Overlay the reconstruction of non-conforming structures, that existed on the date of the Land Use By-Law, after destruction provided that the structure does not extend any encroachments and the reconstruction of the structure is commenced within 12 months of the date of destruction.

5. SERVICES

5.1 RECREATION

There are a few different recreational opportunities within the Riverport and District planning area. An old converted school in Riverport is used as a community centre for different social events. The Riverport and District Elementary School in Rose Bay has excellent playground equipment and a ball field, which are often used outside of school hours. This school is also used for public meetings. The Lunenburg Rod & Gun Club is located on Fishpedder Road.

For enjoyment of the marine environment, there are businesses that offer excursions, boat rentals and sailing instruction, as well as Hirtles Beach, which is a Municipally owned public beach. The Ovens Provincial Park and campground, at Cunard Cove, has walking trails and sea caves to explore. Deep sea fishing for mackerel and pollock is very popular, as well as freshwater sport fishing for brook trout. In addition to the opportunities mentioned above, the Bayport Plant Farm offers gardening workshops. The Riverport and District planning area contains six parcels of Municipal land and four “common” lands --three are Municipal and one private. The Indian Path Municipal Common land has two hiking trails for short excursions. Gaff Point also has a hiking trail which is located in 124 acres of unspoiled coastal headland.

In 1999, Municipal Council requested staff to compile a report on the Public Open Space in the Municipality. Part of the research for this report involved a survey of the quantity, quality and location of the Municipal owned public open space within the Municipality of Lunenburg. This report 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. The report also outlines the importance of the Municipality providing recreational opportunities in proximity to waterways.

- 5.1.1. It shall be the policy of Council to develop a strategic plan for the evaluation of the recreational potential of existing municipal property as well as the acquisition and development of recreation lands within the planning area and the municipality for recreational purposes. Furthermore Council shall consider as part of this strategic plan, the acquisition of land adjacent to waterways to provide for public access to the inland waterbodies and the marine environment within the planning area.
- 5.1.2. It shall be the policy of Council to co-operate with the Department of Transportation to ensure that the Municipality is consulted before a road right-of-way is divested.
- 5.1.3. It shall be the policy of Council to co-operate with other levels of government to provide more recreational opportunities for the residents of the Riverport and District planning area to the extent that funding allows.

- 5.1.4. 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 Riverport and District planning area are being met.

5.2 POLICE AND FIRE PROTECTION

The Royal Canadian Mounted Police provide police protection to the Riverport and District planning area. The Riverport and District Fire Commission provides fire protection services for all of the Riverport and District planning area, with the exception of Crouse's Settlement, Tanner's Settlement and Grimm's Settlement. Crouse's Settlement receives fire protection services from the Dayspring Fire Department, while Tanner's and Grimm's Settlement are served from Lunenburg (District 1 & 2 Fire Department).

- 5.2.1. It shall be the policy of Council to co-operate with the Royal Canadian Mounted Police in providing police protection.
- 5.2.2. It shall be the policy of Council to continue its current role in fire protection in the Riverport and District planning area by collecting the area rate and by providing an operating grant, subject to continuance of Provincial funding for the grant, to a maximum amount which may be established by Council from time to time and to the extent of available funding.

5.3 TRANSPORTATION

The Municipal Government Act enables Municipalities to establish transportation reserves in planning strategies and list matters related to transportation that Council may include in Land-Use By-laws. Regulations may include defining Council's intention to acquire property for the purposes of establishing proposed rights-of-way or any proposed widening, altering or diverting of an existing street or pathway.

Through a consultation process with the Municipal Engineer and the Nova Scotia Department of Transportation and Public Works, there have been no transportation reserves identified in this Secondary Planning Strategy for the Riverport and District planning area. Consultation with the Department of Transportation and Public Works has confirmed that there is no capacity or service volume problems existing on the public roads in the planning area. The AADT (Annual Average Daily Traffic Counts), according to the Department of Transportation & Public Works, are well below numbers requiring upgrades to roads, in terms of widening the pavement, providing extra lanes or creating new roads. Further, the Department of Transportation and Public Works has identified no requirement to upgrade, treat or otherwise alter any of the roads in the planning area at present. Consultation with the Municipal Engineer revealed that there is no requirement at this time to establish a transportation reserve. The existing road network is sufficient for the volumes of traffic that frequent the main secondary highway (Highway 332), the collector roads and the local roads within this planning area. There are also no issues of transportation safety or

servicing in the Riverport and District planning area that need to be addressed at the time of this Planning Strategy, by the Municipality.

- 5.3.1. It shall be the policy of Council to encourage Nova Scotia Department of Transportation and Public Works to maintain the existing roads to an acceptable standard.
- 5.3.2. It shall be the policy of Council that road capacities and service volumes within the planning area shall be researched during reviews of this Secondary Planning Strategy and Land-Use By-law to identify traffic or road issues.
- 5.3.3. It shall be the policy of Council that reviews of these planning documents shall include a consultation process with the Municipal Engineer to identify any need to establish transportation reserves within the planning area.

The mobility of residents within the Riverport and District planning area relies on private transportation. Residents who are unable to afford their own vehicle for their day-to-day errands have no alternative means of transportation. The retirees on a fixed income and the younger population are usually affected the most from the lack of mobility. The part-time job market for youth is restricted as the commute to work is usually dependant on their parents. Once the older population can not longer afford and maintain a vehicle or are no longer fit to drive they will be dependant on family or friends for their daily needs. Council recognizes the lack of alternative modes of transportation and therefore, will support, not necessarily financially, initiatives to promote public transportation.

- 5.3.4. It shall be the policy of Council to support public transportation initiatives, but not necessarily financially.

5.4 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.

The Riverport Electric Light Commission owns and maintains the electric power distribution network of substations, poles and wires throughout most of the District. They purchase electricity from Nova Scotia Power Corporation, are financially independent of the Municipality. The balance of the District is served directly by Nova Scotia Power Corporation.

- 5.4.1. It shall be the policy of Council to work with the South Shore District School Board to ensure the Riverport Elementary School remains in the community.

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- 5.4.2. It shall be the policy of Council to have open dialog with the Nova Scotia Community College, other post secondary institutions and Human Resources Canada to encourage the availability of post secondary training to the residents of the Riverport and District planning area to better equip the residents for changes in the economy.
- 5.4.3. It shall be the policy of Council to continue to provide street lighting through an area tax rate where requested by residents.
- 5.4.4. It shall be the policy of Council to continue to encourage local volunteer groups in providing a range of services.

6. DEVELOPMENT / REGULATORY POLICIES

The following development and regulatory policies affect all zones within the Rural Three Designation and Environment Protection Designation.

Signs

The erection of signs on land or buildings involves matters related to aesthetics, nuisance and safety. 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.

- 6.1.1. 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 rural character of the Riverport and District planning area.
- 6.1.2. 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 Riverport and District planning area to minimize hazards and nuisances; to control the impact of signs on the landscape, streetscape and skyline; and to ensure that the nature, size and location of signs permitted in the various zones is appropriate and compatible with the character of the areas within those zones.

Yard Requirements, Cemeteries and Fences

Although Council's intention is not to establish lot size or yard requirements for uses permitted without the necessity of entering into a Development Agreement, Council does recognize the need for yard requirements in special circumstances. More specifically, Council recognizes the need to preserve and enhance the cemeteries located within the Riverport and District planning area, and does this by establishing abutting yard requirements, for lots that abut a cemetery. Council's concern is with the potential impact of development on abutting lots threatening the aesthetic characteristics, as well as the rich heritage of a cemetery. A setback from cemeteries will prevent adjacent landowners from building directly on the edge of a cemetery. No structures except fences will be permitted within the cemetery setback area.

- 6.1.3. It shall be the policy of Council to establish within the Land Use By-law and within all zones, abutting yard requirements for a lot which abuts a lot containing a cemetery, to reduce land conflicts and to preserve the character and quality of cemeteries in the Riverport and District planning area.

Council recognizes the negative impacts that development, on an abutting lot, may have for a cemetery. Council has further expressed a desire to prohibit structures from being located in close proximity to a cemetery. However, Council does recognize the useful purpose of fences in maintaining ones boundary and preventing access as such fences will be allowed in the required yard on a lot that abuts a cemetery. Fences can as already noted produce negative impacts, and thus, Council will establish restrictions, in the Land Use By-law, on the height and location of fences in a yard that abuts a cemetery.

- 6.1.4. Pursuant to Policy 6.1.3, it shall be the policy of Council that the Land Use By-law shall regulate, within the planning area, the location and height of fences within the required yard of a lot, which abuts a lot containing a cemetery to minimize the impact on the lot containing the cemetery.

Storage of Vehicles on a Lot

- 6.1.5. It shall be the policy of Council to regulate, within the planning area, the storage of non-operational motor vehicles or parts thereof. Furthermore Council shall require non-operational motor vehicles or parts thereof to be screened from a public highway or from a residence on an abutting property through the use of landscaping or opaque fencing.

Temporary Uses

These general policies affect all zones within the Rural Designation within the Riverport and District planning area.

- 6.1.6. 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.

Non-conforming Structure

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

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

Subdivision By-Law Requirements

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

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

7. IMPLEMENTATION AND ADMINISTRATION

Introduction

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

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

- 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 to maintain an ongoing monitoring and planning process through the Riverport and District Area Advisory Committee.
- 7.1.3. 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.
- 7.1.4. 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 proposal conforms to the intent of the Municipal Planning Strategy and of the Secondary Planning Strategy;
 - b) the proposal is not premature or inappropriate due to:
 - i. financial ability of the Municipality to absorb costs related to the development;

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- ii. adequacy of Municipal services;
 - iii. the adequacy of physical site conditions for on-site services;
 - iv. creation or worsening of a pollution problem including soil erosion and siltation;
 - v. adequacy of storm drainage and effects of alteration to drainage pattern including potential for creation of a flooding problem;
 - vi. adequacy and proximity of school, recreation, emergency services, and other community facilities;
 - vii. adequacy of street networks and site access regarding congestion, traffic hazards and emergency access.
- c) the development site is suitable regarding grades, soils, geological conditions, location of watercourses, flooding, marshes, bogs, swamps, and susceptibility to natural or man-made hazards as determined by a qualified person; and
- d) all other matters of planning concern have been addressed.
- 7.1.5. Pursuant to Policy 4.1.4, Commercial, Industrial, and Institutional 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;
 - b) the development shall not generate emissions such as noise, dust, radiation, odours, liquids or light to the air, water, or ground so as to create a nuisance or health hazard or so as to compromise the development potential or value of properties in the vicinity;
 - c) subject to the physical characteristics of the site, the development shall achieve optimum separation from adjacent properties which are not in Commercial or Industrial use.
- Amended March 9, 2016**
- 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;

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- e) all structures shall be built, repaired, and maintained with durable, weather-resistant building material, such that the appearance complements the natural surroundings and existing built environment;
 - f) signs shall satisfy the requirements of the Land Use By-law;
 - g) no development shall increase traffic volume so as to have an undue negative effect on properties that are served by a residential street;
 - h) the applicant has clearly shown both that the development can be serviced with central or on-site sewer and water and that the disposal of sewage or other effluent as well as the demand on the water source will not have a negative impact on the environment or the quality and quantity of the water resources; and
 - i) driveways, parking areas, and any areas used for the open storage of equipment or stock shall be surfaced with stable materials to prevent dust from blowing onto adjacent properties.
- 7.1.6. Pursuant to Policy 4.1.4, Residential developments may be permitted by Development Agreement provided Council is satisfied that:
- a) any residential building is 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;

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- g) the traffic resulting from the development will not create traffic hazards or unduly worsen traffic conditions or negatively affect the accustomed environment of existing residential uses on streets that would be affected by the proposed developments;
 - h) where municipal sewer services are not available, Council shall be satisfied that any requirements under the Environment Act and 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; and
 - j) the development density on the subject lot shall not exceed 20 dwelling units per acre.
- 7.1.7. 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 matter specified in the Municipal Government Act for the matters that may be addressed by Development Agreement.
- 7.1.8. 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**
- 7.1.9. 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.
- 7.1.10. 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 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.

- 7.1.11. 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 Future Land-use Map.
- 7.1.12. It shall be the policy of Council that any Development Permit issued under the Land Use By-law shall specify the development and the period for implementation. Any such permit shall automatically lapse and become null and void if the development has not commenced within one year of its issuance. It shall further be Council's policy that the Development Officer may revoke a Development Permit where the permit was issued in error or on the basis of false or mistaken information.
- 7.1.13. 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.
- 7.1.14. It shall be the policy of Council that where this Secondary Planning Strategy and Land-Use By-law permits developments up to a threshold that is based on floor area, site area, number of rental units 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 **September 6, 1994**, 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.

Variance

- 7.1.15. 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) height of a structure;
 - b) height and area of a sign;
 - c) minimum lot area;
 - 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.

8. PROCEDURE

(Repealed by Amendment - April 1, 2015)

9. REPEAL OF DISTRICT THREE SECONDARY PLANNING STRATEGY

The Secondary Planning Strategy for the District Three Planning Area, adopted by Council on June 29, 1994 and approved by the Minister of Municipal Affairs on September 6, 1994, is hereby repealed and this Secondary Planning Strategy substituted therefore.

DOUGLAS E. QUINN, CHIEF ADMINISTRATIVE OFFICER

I, Douglas E. Quinn, Chief Administrative Officer 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 District Three Planning Area which was duly passed by the Council of the Municipality of the District of Lunenburg at a meeting duly held on July 12, 2005.

DATED at Bridgewater, N.S. _____, 2005.

DOUGLAS E. QUINN, CHIEF ADMINISTRATIVE OFFICER