

TOWN OF MAHONE BAY

MUNICIPAL PLANNING STRATEGY

In effect from 10 June 2008

This CONSOLIDATED EDITION is prepared for convenience only. For complete reference, please consult the original documents. This CONSOLIDATED EDITION has the following history:

- 1) In effect 10 June 2008 Adopted by Town Council 13 May, reviewed by the Provincial Director of Planning, and duly advertised on 10 June 2008.
- 2) Amended 24 November 2009 At Map 4 Land Use Designation to change the zoning of the land at 19 Aberdeen Street from Residential to Commercial.
- 3) Amended 2 November 2011 At Policy 5.4.2 to clarify developer shall bear costs of designing, constructing and installing services.
- 4) Amended 17 April 2013 At section 4.1 (preamble) to add a policy statement on human habitation of accessory structures
- 5) Amended 17 April 2013 At section 4.11.19 to include provision for human habitation in the policy to regulate accessory structures
- 6) Amended 7 August 2013 At section 4.2.1 to enable the keeping of farm animals in the RU Zone
- 7) Amended 15 October 2014 At section 4.3.7 to specify a Harbourfront Commercial zone (housekeeping)
- 8) Amended 15 October 2014 At section 4.3.8 to delete vehicle parking lots from the Harbourfront Commercial land use policy
- 9) Amended 15 October 2014 At section 4.3.12 to reduce the Main Street floor area commercial use requirement to fifty percent (50%), to specify no expansion of existing residential uses in this policy, and to specify the Harbourfront Commercial zone (housekeeping)
- 10) Amended 27 April 2016 At section 4.1 to recognize *Tourist homes* as a distinct use, to recognize this use as a compatible commercial use within the Residential zone and to establish Council's intent to control the development of *Tourist homes*. At section 4.1.2 to permit *Tourist homes* in the Residential (R) Zone.

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1.0 INTRODUCTION

The analysis and description of the current conditions which give rise to the intentions and policies in this Planning Strategy are given in the Background Reports. Reading these will explain the reasons for the policies and may in some cases clarify the intent of the policies.

2.0 PURPOSE AND STRUCTURE

2.1 PURPOSE

These are the policies of Council which express the purpose of this Municipal Planning Strategy:

2.1.1 This Municipal Planning Strategy provides statements of policy to guide the development and management of the Town of Mahone Bay.

2.1.2 Council shall seek to accommodate change and growth while

- a) maintaining a high standard of public services and the quality of life to which people in Mahone Bay are accustomed, and
- b) while ensuring that the use of resources and the environment today does not damage prospects for use by future generations.

2.1.3 It is the policy of Town Council to:

- i) provide a planning framework wherein the established section of the community can grow and prosper and new development can be accommodated in an orderly and sustainable manner.
- ii) control land use and development in a manner that will reduce conflicts between incompatible uses and that will not overburden existing services.
- iii) minimize any adverse effects of development and change upon the environment of the Town and on the surrounding countryside.
- iv) encourage preservation of the architectural and cultural heritage of the Town and to minimize any impact of change or new development that would negatively affect this heritage.
- v) encourage development and employment opportunities in an attempt to stabilize the Town's declining population in order to maintain and enhance its viability as a town and as a community.
- vi) encourage development that is compatible with the Town's role as an historic scenic community.

- vii) protect the aesthetics and environment of the harbour and waterfront and to maximize access to the water
- viii) encourage the development of housing affordable to residents of average income.
- ix) encourage residential growth.
- x) improve the public utilities, including water treatment and transmission systems
- xi) encourage active transportation (e.g. walking, bicycling, etc.) and to develop parking solutions in the downtown area for residents and visitors
- xii) encourage year-round residential and commercial occupancy.
- xiii) maintain commitment to environmental issues and their relationship to personal health.

2.2 STRUCTURE

These are the policies of Council which organise the structure of this Municipal Planning Strategy:

- 2.2.1 This Municipal Planning Strategy applies to the whole of the Town of Mahone Bay.
- 2.2.2 This Planning Strategy is put into effect through the powers of Council granted under the Municipal Government Act and such other provincial statutes as may be applicable.
- 2.2.2 This Planning Strategy is a primary policy document through which the future growth and development of the Town of Mahone Bay shall be encouraged, guided, and controlled.
- 2.2.3 The Land Use By-law is a principal means for implementing the Planning Strategy pursuant to the Municipal Government Act and that all provisions of the Land Use By-law, such as but not limited to the minimum and maximum requirements, are intended to carry out the intent of this Planning Strategy.
- 2.2.4 The Subdivision By-law of the Town is a principal means for development control, through which the intent of this Planning Strategy is put into effect.
- 2.2.5 The maps described in Section 7.0 of this Planning Strategy form part of the Planning Strategy.
- 2.2.6 Map 4, the Land Use Designation map, which is attached to this Planning Strategy is a generalized representation of the intended pattern of future land use in the Town.

- 2.2.7 Throughout this Planning Strategy, the Subdivision By-law and 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.
- 2.2.8 Throughout this Municipal Planning Strategy, introductory paragraphs and narrative sections are intended to give a general summary of the rationale and approach for each section, while policies express Council's intentions in precise terms.

3.0 PUBLIC SERVICES

These are Council's general policies for the provision of all public services:

- 3.0.1 To maintain, improve, and expand Town services, facilities, and programs, subject to financial constraints
- 3.0.2 To adopt and maintain standards for the construction of water lines, sanitary sewers, storm drainage, streets and electric power lines.

3.1 STREETS AND STORM DRAINAGE

These are Council's policies on streets and storm drainage:

- 3.1.1 To provide, maintain and upgrade public streets, sidewalks, and street drainage systems within the Town.
- 3.1.2 To use funds from the Deed Transfer Tax to make capital improvements to streets and sidewalks in the Town.
- 3.1.3 Not to approve any Land Use By-law amendment or development agreement, until Council is satisfied that the development proposal will not create undue traffic hazards, result in undue traffic congestion, or unduly interfere with pedestrian movement on Public Streets.
- 3.1.4 To encourage the continued participation of the Nova Scotia Department of Transportation and Communications in the maintenance of the highway bridges across the Mush-a-mush River and the Ernst Brook ('Maggie-maggie or Annie-annie Brook').
- 3.1.5 To develop a program of survey of street centrelines with the intention of having the Provincial Legislature confirm street widths within the Town based on those centrelines.
- 3.1.6 To require all new streets to be designed and built to the standards laid out in the Municipal Specifications adopted by Council.

- 3.1.7 To continue to seek ways to separate the sanitary and storm sewage systems inherited from earlier days, and to control storm water discharge to the harbour by the use of natural watercourses and wetlands which provide opportunities for groundwater recharge and preservation of existing wetlands.
- 3.1.8 To continue to allow the use of public streets for overhead and underground transmission and distribution facilities of all utilities, including sewer, water, telephone, electricity, data cable and gas, provided that the utility company has an agreement with the Town to ensure uninterrupted public thoroughfare during construction and for re-instatement of any disturbed street surface to a safe and useable condition.
- 3.1.9 To continue to improve the sidewalk network throughout the Town in support of non-motorized transportation and the more general walkway network in the Town.
- 3.1.10 To continue to plant and maintain trees on Town property including the public streets, and to require street trees to be planted during the construction of any new public streets.

3.2 WATER SUPPLY

A safe and copious water supply is vital to the continued growth and liveability of the Town. These are Council's policies on the Town's water supply system:

- 3.2.1 To provide through the Town of Mahone Bay Water Utility an adequate volume of potable water to the residents of the Town.
- 3.2.2 To continue to upgrade the water supply, treatment and distribution system, with treatment and distribution as the chief priorities in the near term.
- 3.2.3 Not to approve any Land Use By-law amendment or development agreement, until Council is satisfied that the development proposal will not create undue demands on the water system.
- 3.2.4 To consider extension of the water system outside the boundaries of the Town on request.
- 3.2.5 To continue to improve the protection of the Oakland Lake water supply through an Oakland Lake Watershed Advisory Committee including representatives from the affected landowners and the Council of the Municipality of the District of Lunenburg.
- 3.2.6 To acquire land within the watershed of Oakland Lake whenever possible, in order to secure protection of the water supply.

- 3.2.7 To continue to require developers to bear the costs of constructing new water mains and laterals in new developments, in accordance with the Municipal Specifications adopted by Council.

3.3 SEWAGE

As mentioned elsewhere in this Planning Strategy, the health of the harbour is vital to the growth and character of the Town. Maintaining the health of the harbour requires a constant effort to control the quality of the waters discharged to the harbour, according to the following policies:

- 3.3.1 To provide and maintain the existing sanitary sewage collection and treatment system.
- 3.3.2 To continue to improve and expand the sanitary sewage system where financially feasible.
- 3.3.3 Not to approve any Land Use By-law amendment or development agreement, until Council is satisfied that the development proposal will not create undue demands on the sewage collection and treatment system.
- 3.3.4 To discourage extension of the sewage collection system outside the boundaries of the Town and encourage landowners outside the Town wishing for sewage collection and treatment services to apply for annexation to the Town.
- 3.3.5 To continue to require developers to bear the costs of constructing new sewer mains and laterals in new developments, in accordance with the Municipal specifications adopted by Council.
- 3.3.6 To regulate the use of the sewage collection and treatment system.
- 3.3.7 To continue to seek ways to separate the sanitary and storm sewage systems inherited from earlier days, and to control storm water discharge to the harbour.

3.4 SOLID WASTE

Proper disposal of solid wastes has long-term implications for the health of all people and the natural environment, as well as the short and long term costs of solid waste collection, sorting and disposal. These are Council's policies on solid waste collection and disposal:

- 3.4.1 To continue to seek partnerships in order to control the costs of solid waste disposal and to continue to promote recycling, composting and waste separation by the residents of the Town in order to reduce the costs of solid waste disposal.

- 3.4.2 To continue to encourage residents and businesses in the Town to reduce the amount of waste generated in the Town.

3.5 PARKS AND RECREATION

Parks, playgrounds, and recreation services are important for retaining a high quality of life in the Town. The Town owns one large area of land dedicated by its donors as park. In addition, the Town owns several smaller pieces of parkland. Within its parkland, the Town operates a number of playing fields, play structures for young children, bandstands, and other facilities. Public open spaces of other kinds, such as landscaped parking areas and the Town wharf are also operated by the Town, although they are not parks in the strictest sense. The former rail line through the Town is owned by the Provincial Government and under development by community groups as a linear multi-purpose trail.

It is Council's intention to give this infrastructure and these services a high priority, according to these policies:

- 3.5.1 To permit the use and development of lands throughout the Town for passive and active recreational activities by permitting public and private parks throughout the Town.
- 3.5.2 To continue to own and maintain the Town Wharf at 683 Main Street as a major focus for commercial and public use of the harbour as well as festivals and special events.
- 3.5.3 To consider acquiring properties for park lands that are unique because of environmental sensitivity or historical association and properties that have a high potential for recreation or leisure activities including those that give public access to watercourses and the harbour.
- 3.5.4 To continue to provide recreation services within the financial capabilities of the Town, and to continue co-operation with community groups, other municipal units and the School Board in providing recreation opportunities.
- 3.5.5 In accordance with Policy 5.5.1 to accept land and to accept cash in lieu of land for recreation space whenever land within the Town is subdivided.
- 3.5.6 To acquire, develop and maintain pedestrian walkways and bicycle routes wherever feasible, and to assist in the maintenance of the railtrail corridors through the Town.
- 3.5.7 To use sustainable forestry practices in managing forested parklands.

3.6 FIRE AND POLICE SERVICES

These are Council's policies for the provision of fire and police protective and educational services within the Town:

- 3.6.1 To continue to seek partnerships in order to provide adequate and cost-effective police services.
- 3.6.2 To continue to support a volunteer fire department and to enter into fire services contracts with surrounding communities to ensure the provision of adequate fire protection services.
- 3.6.3 To continue to seek ways of improving fire flows in the piped water system.
- 3.6.4 To continue to develop dry hydrants and fire ponds throughout the Town.

3.7 ELECTRIC POWER

To assure the orderly and efficient delivery of electric power within the Town, Council follows these policies:

- 3.7.1 To continue to own and operate the Mahone Bay Electric Utility to provide electric services to the Town.
- 3.7.2 To continue to improve the electric power distribution system within the Town, with a view to reducing the long-term costs of electric power to the residents of the Town.
- 3.7.3 Not to approve any Land Use By-law amendment or development agreement, until Council is satisfied that the development proposal will not create undue demands on the electric power distribution system.
- 3.7.4 To consider extension of the electric power distribution system outside the boundaries of the Town on request.
- 3.7.5 To continue to require developers to bear the costs of constructing new electric power distribution lines in new developments, in accordance with the Electric Utility standards.
- 3.7.6 To operate the electric utility in a manner which encourages residents of the Town to conserve electricity.
- 3.7.7 To continue to use down-pointing street lighting at the lowest wattage consistent with public safety so as to be cost-effective and to reduce glare.

- 3.7.8 To continue to seek partnerships to provide cost-effective bulk power to the Electric Utility, with an emphasis on renewable energy sources.
- 3.7.9 To encourage the use of renewable energy sources which are compatible with the architecture and the character of the Town.

3.8 OTHER SERVICES

These are Council's policies on the many services provided to residents of the Town by those groups which are not managed by Council:

- 3.8.1 It is Council's policy to continue to support recreational, cultural, educational, community service, fund-raising, and social activity groups operating within the Town and to encourage activities which promote a positive image of the Town and its residents.
- 3.8.2 It is Council's policy to support the South Shore Library System and in particular to encourage the continuation of the Mobile Library service to the Town.
- 3.8.3 It is Council's policy to work closely with the School Board in keeping a school in the Town which provides educational and recreation services.
- 3.8.4 It is Council's policy to continue to improve communication with the residents of the Town and the general public and to incorporate new information technologies as appropriate.

3.9 ECONOMIC AND PHYSICAL GROWTH

At under 1,000 population in 3.13 square kilometres (1.2 square miles), the Town is very small. This means that it is difficult for Council to provide the services which people want at a tax level which people can afford. These are Council's policies on the growth of the Town:

- 3.9.1 To encourage affordable residential growth within the Town which is compatible with the existing physical character of the Town, and does not place a financial burden on the Town.
- 3.9.2 To encourage the development of small businesses within the Town and to support the business community within the Town, subject to financial constraints.
- 3.9.3 To encourage the continuation and expansion of appropriate year-round economic activities in the Town.
- 3.9.4 To continue a program of investment in Town infrastructure which supports sustainable growth and development of the Town.
- 3.10.4 To continue to work co-operatively within groups such as the Regional Development Authority to promote economic development in and near the Town.

3.10 SUSTAINABILITY

In its final report in 1987 the United Nations Brundtland Commission defined sustainable development as the "ability to make development sustainable - to ensure that it meets the needs of the present without compromising the ability of future generations to meet their own needs." As part of its commitments under the Municipal Funding Agreement with Nova Scotia, which implements the Canada-Nova Scotia Agreement on Transfer of Federal Gas Tax Revenues, the Town has committed to integrating the principles of sustainability in its planning and its operations. The following policies express general intentions on sustainability, which are further detailed in other policies throughout this Planning Strategy:

- 3.10.1 To integrate the principles of sustainability in planning and operations.
- 3.10.2 To seek methods of reducing, and encouraging the reduction of, greenhouse gasses.
- 3.10.3 To encourage a variety of housing types throughout the serviced area of the Town which makes efficient use of the existing infrastructure
- 3.10.4 To continue to look for ways of promoting public transit options in the region.

- 3.10.5 To consider the impact of continued and accelerating sea level rise in the design and construction of infrastructure.
- 3.10.6 To consider the use of environmentally friendly materials and processes wherever feasible.

3.11 HERITAGE PRESERVATION

Various inventories and historical publications document the built heritage of the Town. The Founders Society and the Settlers Museum preserve a selection of information on the Town's history. Overall, a large number of buildings from the middle 1700s to the middle 1900s, have been preserved which contribute immensely to the character and viability of the Town.

In order to preserve that character and viability, these are Council's general policies:

- 3.11.1 Encourage the preservation of Mahone Bay's heritage through cooperation with the Settler's Museum, the Mahone Bay Founder's Society, the Mahone Bay and Area Chamber of Commerce and any Federal or Provincial financial programs.
- 3.11.2 Maintain Town-owned buildings, streets, and signs in a state of good repair and carry out any alterations to them in a manner which enhances the historic character of the Town.
- 3.11.3 Encourage property owners to maintain buildings in a state of good repair and carry out any alterations to them in a manner which enhances the historic character of the Town
- 3.11.4 Regard the Heritage Property By-law as a principal means of control of substantial alteration to designated historic buildings, streetscapes, and areas.

4.0 LAND USE CONTROL

Council's powers to carry out the purposes of this Municipal Planning Strategy are largely defined by the Nova Scotia Municipal Government Act. In conformance with this Act, Council exercises control over land use by means of the Land Use By-law, which must not conflict with the policies expressed in this Municipal Planning Strategy.

4.1 RESIDENTIAL DEVELOPMENT AND LAND USE

It is Council's intention that the owner-occupied single unit dwelling will continue to be the dominant housing form in the Town. With that in mind, Council also recognises that affordable housing is a major need and will encourage it in the form of two-unit dwellings, small apartment buildings, and manufactured housing. Council encourages the construction of special-needs housing and rental housing within the

residential areas by private interests and public sector interests. Keeping the infrastructure of the Town sustainable requires policies to allow for infilling and slightly higher housing densities on existing serviced streets. Human habitation of accessory structures will be permitted only with fulfilment of special requirements in the *Land Use By-law*. Mobile homes will be permitted only through the Mobile Home Park By-law. Small businesses within the home are a traditional part of the Town, as is the mix of commercial and residential uses found along the major streets of the Town.

Tourist homes have become a popular vacation option for the travelling public. Like all forms of fixed roof accommodation rented on a short term basis, Tourist homes are subject to the relevant Provincial legislation and regulations. Council considers Tourist homes to be a compatible commercial use when located in residential areas, as they generate income for an owner who may not necessarily reside in the dwelling. While Council recognizes that Tourist homes can contribute to the town's economic sustainability, Council also wishes to preserve the integrity of residential neighbourhoods by limiting the number of units in a Tourist home in the Residential zone and setting a minimum distance between Tourist homes in the Residential zone.

Policies

These are Council's policies on residential development:

Residential and compatible Developments

- 4.1.1 to designate as Residential the areas shown as Residential on Map 4, the Land Use Designation map, and to zone a corresponding area as Residential in the Land Use By-law. It is intended to include in this designation and zoning both the existing residential areas of Town and those with direct potential for residential development.
- 4.1.2 to permit in the Residential Zone small scale residential uses and a limited range of other uses compatible with residential neighbourhoods as follows:
 - (a) single and two (2) unit dwellings on individual lots.
 - (b) conversion of existing structures to multi-unit residences to a maximum of four (4) dwelling units in each structure.
 - (c) home occupations under Policy 4.3.15
 - (d) parks, playgrounds and open spaces
 - (e) Tourist homes subject to specific requirements regarding number of units, parking and signage
- 4.1.3 to designate the Residential Zone as a site planning area, where residential developments of a moderate density which are not permitted by Policy 4.1.2 may be permitted through the site planning process in accordance with Policy 6.2.6.

- 4.1.4 within the Residential Zone, residential developments which are not permitted by Policy 4.1.2 or Policy 4.1.3 may be permitted by development agreement in accordance with Policies 6.4.1 and 6.4.2

Conversions to Commercial and Other Uses

- 4.1.5 to designate a Commercial Development Agreement area along Main and Edgewater Streets within the Residential designation wherein a limited range of commercial uses may be considered by development agreement as set out in Policy 4.3.14
- 4.1.6 Council may consider by Development Agreement a broad range of institutional structures and land uses within the Residential designation in accordance with Policies 6.4.1 and 6.4.2.
- 4.1.7 Where an institutional use is to be developed by the Town of Mahone Bay, Council may rezone land within the Residential designation to Institutional provided that the development proposal satisfies Policies 6.4.1 and 6.4.2.

4.2 RESIDENTIAL UNSERVICED DEVELOPMENT AND LAND USE

A major portion of the Town is not part of the identifiable urban core, but has more of the nature of a rural fringe area. This rural area has a residential component, but it has chiefly been in a mixture of other land uses, including agriculture, forestry, pits and quarries, small commercial enterprises, and large land holdings with little or no active use. The Municipal Planning Strategies adopted in 1975, 1983 and 1994 identified parts of this area as “Rural-Residential” and “Rural - Industrial”. Some of these lands are classified in the Canada Land Inventory as part of a complex of Class 3 (“moderately severe limitations”) and Class 7 (“no capability for arable culture”) agricultural lands. The areas used for limited agriculture in the past are shown on soils mapping as Wolfville Loam - drumlin phase and Bridgewater Loam - drumlin phase and characterised as suitable chiefly for hay and grain.

In this Planning Strategy Council recognises that the lands within the Town which might be suitable for limited agriculture cannot be preserved as agricultural lands in the long term, being required for residential growth of the Town, and applies a land use control in these areas which favours conversion to residential land uses, but also provides for small-scale agricultural, forestry, commercial and industrial uses in conjunction with residential uses.

Where there are existing or developing residential neighbourhoods within the residential unserved designation and zone, this Planning Strategy enables these areas to be re-zoned to a residential zoning classification that prohibits or restricts non-residential land use activities.

To carry out these intentions, Council adopts the following policies:

Residential and Small Commercial Developments

- 4.2.1 The area of mixed land use surrounding the core of the Town is designated “Residential Unserved” as shown on Map 4, the Land Use Designation map and the corresponding area is zoned “Residential Unserved” in the Land Use By-law. Within this designation and zone, a range of resource, residential, and non-residential uses shall be permitted as of right up to certain size limits. The intention of this policy is to encourage the development of residences and to restrict developments which are not compatible with residential land uses.
- 4.2.2 Within the Residential Unserved Zone established by Policy 4.2.1, commercial, institutional, and industrial uses which occupy a floor area of no more than 70 sq. m. (750 sq. ft.) and a site area of no more than 204 sq. m. (2200 sq. ft.), on a lot and which are considered to be compatible at this scale with other rural and residential uses, are permitted subject to minimum development standards set out in the Land Use By-law.

Change Zoning to Residential

- 4.2.3 Land may be re-zoned from Residential Unserviced to the Residential Zone without amendment of this Municipal Planning Strategy in accordance with Policy 6.4.1 and the following criteria:
- a) where the area to be re-zoned is land that is not currently used for residential purposes and is not contiguous with an existing developed residential neighbourhood, no re-zoning shall be granted unless the land is shown on an approved tentative plan of subdivision on which the number and characteristics of the lots indicate that the land is being subdivided for the purpose of residential development;
 - b) where the land to be re-zoned encompasses an existing or developing residential neighbourhood, the characteristics of existing development and land use shall clearly distinguish the area as a stable or developing residential neighbourhood in which the primary land use activity is or will be residential. Where vacant land is to be included within the area to be re-zoned it must be clearly demonstrated that non-residential uses would not be compatible with existing residential development in the area;
 - c) where the land proposed to be re-zoned is vacant land that is not within an established residential neighbourhood, no re-zoning shall be granted where any existing non-residential use or development would be a hazard or nuisance to residential uses in the rezoned area.

Larger Developments

- 4.2.4 because of the impact that multi-unit dwellings can have by their traffic generation, scale and character, and because of changes to the quality of the living environment for adjacent residents, the maximum number of dwelling units that will be permitted as of right both in new buildings and in converted buildings in the Residential Unserviced Zone will be limited.
- 4.2.5 to designate the Residential Unserviced Zone as a site planning area, where residential developments of a moderate density which are not permitted by Policy 4.2.4 may be permitted through the site planning process in accordance with Policy 6.2.6.
- 4.2.6 Where an institutional use is to be developed by the Town of Mahone Bay, Council may rezone land within the Residential Unserviced designation to Institutional provided that the development proposal satisfies Policies 6.4.1 and 6.4.2.

- 4.2.7 The area designated Residential Unserviced is also designated as a site plan approval area where expansion of Commercial, Industrial or Institutional developments beyond the limits established in Policy 4.2.2 may be permitted subject to site plan approval in accordance with Policy 6.2.6.

4.3 COMMERCIAL DEVELOPMENT AND LAND USE

The commercial downtown is well defined and it is Council's intention to encourage the continuation of this commercial core, while at the same time recognising the Town has a long history of scattered small commercial operations around the Town. These are Council's policies on Commercial development:

Commercial Downtown - General

- 4.3.1 designate the areas shown as Commercial, on Map 4, the Land Use Designation Map for commercial uses and to establish a corresponding Commercial (C) Zone. This is intended to include the downtown commercial area which occupies portions of Main and Edgewater Streets.
- 4.3.2 permit in the areas designated Commercial:
- (a) a broad range of retail and service activities
 - (b) residential uses to a maximum of four units in any building
 - (c) all uses permitted in the Institutional zone
 - (d) lounges and beverage rooms of less than 111 sq. metres (1,200 sq. ft.) in net floor area
 - (e) craft workshops
 - (f) vehicle parking lot (no parking structures)
 - (g) parks
- 4.3.3 Within the Commercial designation any form of development greater than 280 square metres (3,000 sq. ft.) in footprint may be permitted only by development agreement in accordance with Policies 6.4.1 and 6.4.2.
- 4.3.4 Within the Commercial designation premises other than restaurants licensed under the Liquor Control Act, outdoor areas associated with these facilities and any additions or expansions of such uses, resulting in an area of 111 sq. metres (1,200 sq. ft.) or greater may be permitted only by development agreement in accordance with Policies 6.4.1 and 6.4.2, and the following criteria:
- (a) the proposed use includes provision for sound insulation, location requirements for doors, windows, fire exits and any other architectural features that will reduce the emission of noise or lessen the effect of any other nuisances;
 - (b) the proposed use shall not have a negative effect on nearby residential uses due to the hours of operation, the location of premises or the design of the premises.

(c) Any site plan agreement shall contain terms regarding the alteration of the license from one form to another.

4.3.5 consider only by development agreement in areas designated Commercial, adult entertainment, as defined in the Land Use By-law, in accordance with Policies 6.4.1 and 6.4.2 and in accordance with the following provisions:

- (a) the proposed use is not located within 200 metres of any dwelling unit;
- (b) parking is provided on the same lot as the use at the rate of one space for every occupant permitted under the Fire Code;
- (c) the proposed use shall not be open before 6:00 in the afternoon, after 12:00 midnight, on Sundays or on statutory holidays.
- (d) regardless of the license issued by the Liquor License Board or its successors, the proposed use shall conform to the provisions of Policy 4.3.10.

4.3.6 Land use permitted by right in the Industrial Zone may be considered by development agreement within the Commercial designation in accordance with Policies 6.4.1 and 6.4.2.

Harbourfront Commercial

4.3.7 designate the areas shown as Harbourfront Commercial, on Map 4, the Land Use Designation Map for commercial uses and to establish a corresponding Harbourfront Commercial (HC) Zone. This is intended to include only the downtown commercial area which backs on the harbour along Main Street.

4.3.8 permit in the areas designated Harbourfront Commercial:

- (a) a broad range of retail and service activities
- (b) residential uses to a maximum of four units in any building, subject to policy 4.3.12
- (c) lounges and beverage rooms of less than 111 sq. metres (1,200 sq. ft.) in net floor area
- (d) craft workshops
- (e) parks

4.3.9 Within the Harbourfront Commercial designation any form of development greater than 280 square metres (3,000 sq. ft.) in footprint may be permitted only by development agreement in accordance with Policies 6.4.1 and 6.4.2.

4.3.10 Within the Harbourfront Commercial designation premises licensed under the Liquor Control Act (other than restaurants), outdoor areas associated with these facilities and any additions or expansions of such uses, resulting in an area of 111 sq. metres (1,200 sq. ft.) or greater may be permitted only by development agreement in accordance with Policies 6.4.1 and 6.4.2, and the following criteria:

- (a) the proposed use includes provision for sound insulation, location requirements for doors, windows, fire exits and any other architectural feature that will reduce the emission of noise or lessen the effect of any other nuisances;
- (b) the proposed use shall not have a negative effect on nearby residential uses due to the hours of operation, the location of premises or the design of the premises.
- (c) Any site plan agreement shall contain terms regarding the alteration of the license from one form to another.

4.3.11 Land use permitted by right in the Industrial Zone may be considered by development agreement within the Harbourfront Commercial designation in accordance with Policies 6.4.1 and 6.4.2.

4.3.12 Within the Harbourfront Commercial designation no new residential uses and no expansion of existing residential uses shall be permitted in any structure unless a minimum of fifty per cent (50%) of the Main Street floor of the structure is reserved for other uses permitted in the Harbourfront Commercial zone and these other uses occupy no less than fifty per cent (50%) of the Main Street frontage of the building..

4.3.13 Within the Harbourfront Commercial designation, residential developments larger than the limits in Policy 4.3.1 may be considered by development agreement, in accordance with policies 4.3.12 (commercial ground floor), 4.5.8 (design guidelines), 6.4.1 (general considerations), and 6.4.2 (agreement criteria).

Main Street and Edgewater Street - new Commercial Developments

4.3.14 to designate a Commercial Development Agreement Area as shown on Map 4, the Land Use Designation Map which includes the residential areas fronting on Main Street and Edgewater Street, but does not include any land between these streets and the harbour, and to consider only by development agreement in this area proposals for any use permitted in the Restricted Commercial (RC) Zone in accordance with Policies 6.4.1 and 6.4.2.

Main Street and Edgewater Street - Existing Commercial Developments

4.3.15 designate the areas shown as Restricted Commercial, on Map 4, the Land Use Designation Map for a restricted range of commercial uses and to establish a corresponding Restricted Commercial (RC) Zone. This is intended to include only the existing commercial operations within the residential designation which front on Main and Edgewater Streets.

4.3.16 permit in the areas designated Restricted Commercial:

- (a) all developments permitted in the Residential Designation and zone by Part 4.1, Residential Developments
- (b) a restricted range of retail sales and services
- (c) art and craft shop and associated workshops
- (d) restaurants
- (e) hairdressers and similar personal services
- (f) offices
- (g) tourist accommodations
- (h) medical and veterinary clinics

General Matters

4.3.17 in accordance with policy 4.1.2 (c) to permit, in single-unit residential dwellings and associated outbuildings, business uses that are incidental and secondary to a main residential use, provided the proprietor of the business is resident in the dwelling and provided that the business meets the requirements of the Land Use By-law regarding type of use, floor area, signs and parking.

4.3.18 permit, in areas designated Industrial, all uses permitted in the Commercial designation

4.3.19 control, in areas with any commercial designation the activities carried out in yards abutting other designations in order to reduce the potential conflict between uses.

4.4 INDUSTRIAL DEVELOPMENT AND LAND USE

The Town was founded and grew on a foundation of woodworking and shipbuilding. The industrial base of the Town has declined to one manufacturing plant. It is the intention of Council to encourage the continuation of this operation and to allow in that area conversions to similar light industrial uses.

Policies

It shall be the policy of Council to:

- 4.4.1 designate the areas shown as Industrial, on Map 4, the Land Use Designation Map for industrial uses and to establish a corresponding Industrial (ID) Zone. This is intended to include the existing industrial operation and its accompanying land base at the corner of Main Street and Fauxburg Road.
- 4.4.2 permit in the areas designated Industrial a range of light manufacturing and assembly operations which are felt to be compatible with the Town, and all uses permitted in the Commercial designation.
- 4.4.3 consider only by development agreement in the areas designated Industrial, any industrial use which is not permitted by right in the Land Use By-law, in accordance with Policies 6.4.1 and 6.4.2.

- 4.4.4 control, in areas designated Industrial, activities within yards abutting other designations in order to reduce the potential conflict between land uses
- 4.4.5 In accordance with Policies 4.3.6 and 4.3.11 to consider by development agreement within the Commercial and Harbourfront Commercial designations those uses permitted by right within the Industrial Zone of the Land Use By-law.

4.5 ARCHITECTURAL CONTROL

Notable among the areas which contribute to the overall ambience of the Town are Edgewater Street, with its churches and residential development on the one side and the harbour on the other, and Main Street, with its relatively compact residential development on either end and a compact commercial core. Although an architectural analysis of these areas has not been completed, it is apparent even to the casual observer that the appearance of the majority of structures within these areas contributes significantly to the overall attraction of the Town.

Within these areas there are many architecturally and historically significant buildings. Council recognizes the importance of these structures to the Town's identity and to its continuing prosperity as a tourism destination. Incremental changes to sites and structures in these areas in the future could result in the loss of the present atmosphere.

It shall be the policy of Council to:

- 4.5.1 when considering development agreements, to have regard for the architectural character of any proposed new building, addition, or alteration, in comparison with the established architectural character of pre-1919 buildings within Mahone Bay in terms of height, bulk, scale, roof shape, relationships of windows and doors and architectural details.
- 4.5.2 designate an Architectural Control Area as shown on Map 4, the Land Use Designation Map, within which the architectural style of the public facades of all buildings will be strictly controlled. This is intended to include the front portion of the land fronting on Edgewater Street and of the land fronting on Main Street from 255 Main Street at the corner of Long Hill Road easterly to the Town boundary at Maders Cove.
- 4.5.3 within the Architectural Control Area the Land Use By-law shall include special provisions controlling new construction as well as alterations of and additions to existing structures in order to ensure that these developments are compatible with the established character of the area. These special provisions shall control architectural style, building length to width ratio, the appearance of exterior cladding and roofing materials, height, shape, and the size and ratio of windows and doors.

4.5.4 In considering development agreements in those areas within the Architectural Control Area which are also designated Harbourfront Commercial by Policy 4.3.8, to require new developments to adhere to the following design principles:

a) Pedestrian Environment

While a broad mix of architectural styles is encouraged in the downtown, buildings must be domestic in scale, respecting traditional structures and pedestrian access. The creation of pedestrian spaces - linkages to parking lots and other streets, pocket parks, courtyards and walkways between buildings - must be part of the normal fabric of the downtown. Such open spaces must use landscaping and plant materials to soften the harder elements nearby.

b) Streetscape

The streetscape with its buildings constructed close to and up to the front lot line provides the dominant visual guide for the alignment of new buildings. This is particularly important for infill situations on vacant lots. The existing rhythm of buildings within the commercial area of the downtown is that of small seven-to-eight metre-wide facades or multiples thereof, each with its own store front windows and entry doors, and this rhythm must be maintained. Buildings are typically two to three stories high, with some higher towers, and some four storey buildings interspersed. This rhythm must also be maintained. Common height-lines of adjacent structures must be respected so that new construction blends into the existing streetscape and new eave and roof-lines match those of its neighbours.

c) Diversity

There is an eclectic variety of architectural styles in the downtown. However, the central stylistic tendency is toward late nineteenth and early twentieth century merchant architecture. Existing buildings must remain authentic to their own form and not seek to imitate other styles and genres which are inappropriate to the period. New structures must blend in and reinforce the existing architectural and street fabric. Visual diversity creates interest but only works well along a streetscape when the visual punctuation is designed within an overall setting.

d) Conserving Architectural Heritage

The appearance of new structures must show a visual empathy with those remaining from earlier periods, especially where there are consistent visual elements from one building to another along the street. Traditional architectural styles, with their strong emphasis on first floor horizontal base lines, large store-front windows, vertical window orientation on second, third and fourth levels, steep or flat roof pitches and articulated facades must be respected. Siding materials with a horizontal orientation such as narrow clapboard siding or shingles and masonry must be incorporated in new construction.

e) Screening

Elements which are utilitarian in nature such as air conditioning units, electrical equipment, service areas, waste containers, fuel tanks and the like must be masked from the public view. Parking areas must be visually buffered with landscaping techniques or located away from the street front view.

f) Weather Protection

Canopies, marquees, awnings, and recessed entries are commonly used and are encouraged as a means of articulating and providing scale to the pedestrian experience along the street, as well as providing weather protection to both the pedestrians and the building entries. They can also help to provide identity for individual buildings but the choice of materials and colours is important so that these elements reinforce the visual character and architecture of the buildings.

g) Signage

Signs on building facades must complement and reinforce the architecture of the facade, without obscuring its principle architectural features. Flashing and back-lit signs are inappropriate. The placement, style, size, and lighting of signs are important considerations in its design, and must conform to the minimum requirements of the Land Use By-law.

4.6 SHORELINE DEVELOPMENT AND LAND USE

The rivers and the harbour are the primary reasons for the foundation and the growth of the Town. They continue to make a major contribution to the unique character of the Town. Preservation of visual access to the water and the appearance of the harbourfront is important to preserving the character of the Town.

Policies

It shall be the policy of Council to:

- 4.6.1 include in the abutting designations, as shown on Map 4, the Land Use Designation Map, and in the abutting zones as shown on Schedule "A", the Zoning Map of the Land Use By-law, all new land areas created by infilling the harbour, including wharves and piers. The boundaries on these maps shall show the direction of the extension of the designations and zones in the event of any future infilling of the harbour.

Open Shoreline

- 4.6.2 designate an Open Shoreline area as shown on Map 4, the Land Use Designation Map, for restricted activities which will preserve the open character of the area and to establish in the Land Use By-law a corresponding Open Shoreline Zone. This area is intended to include all of the shoreline not designated for various commercial or industrial uses.
- 4.6.3 permit in the Open Shoreline Zone activities which preserve the open character of the area, including but not limited to:
- (a) private and public parks,
 - (b) parking areas,
 - (c) wharves, slipways and similar structures used for water access
 - (d) marine related commercial uses within the existing boat shop located at 995 Main Street
- 4.6.4 restrict the size and height of new structures in the Open Shoreline Zone of the Land Use By-law
- 4.6.5 consider residential uses by development agreement in the existing boathouse at 995 Main Street only, in accordance with policies 6.4.1 and 6.4.2 and provided the non-commercial uses of the property do not occupy more than 50% of the floor area of the existing building.

Commercial Shoreline

- 4.6.6 designate a Commercial Shoreline area as shown on Map 4, the Land Use Designation Map, for a restricted list of commercial activities and a limited building size and to establish in the Land Use By-law a

corresponding Commercial Shoreline Zone. This area is near the north bank of the Ernst Brook, on the seaward side of Edgewater Street.

- 4.6.7 permit in the Commercial Shoreline Zone activities which preserve the open character of the area, including but not limited to:
- (a) private and public parks
 - (b) gazebos
 - (c) parking areas
 - (d) wharves, slipways and similar structures used for water access
 - (e) commercial uses within the one existing building at 8 Edgewater Street.
- 4.6.8 consider only by development agreement, in the areas designated Commercial Shoreline, proposals for the expansion of existing commercial developments, and the construction of new commercial developments provided:
- (a) the use is a use permitted in the Commercial (C) zone of the Land Use By-law;
 - (b) the total frontage of all buildings on the lot does not exceed fifty per cent (50%) of the lot frontage;
 - (c) neither the main nor accessory structures exceed 7.5 metres (25 ft.) in height;
 - (d) development is in accordance with policies 6.4.1 and 6.4.2.
- 4.6.9 restrict the size and height of new structures in the Commercial Shoreline Zone of the Land Use By-law.

4.7 INSTITUTIONAL DEVELOPMENT AND LAND USE

Policies

It shall be the policy of Council to:

- 4.7.1 designate the areas shown as Institutional, on Map 4, the Land Use Designation Map for institutional uses and to establish a corresponding Institutional (IN) Zone. This is intended to include the existing institutional developments throughout the Town outside of the commercial areas where these uses are permitted by right.
- 4.7.2 permit in the areas designated Institutional a broad range of community, healthcare, educational, police, fire, and emergency services including but not limited to churches, schools, meeting halls and offices of non-profit community organisations, government services, and medical clinics.
- 4.7.3 permit the transmission, distribution and treatment facilities of all utilities, including but not limited to streets, sewer, water, electricity, telephone, data cable and gas utilities in all zones.
- 4.7.4 designate an area enclosing the Mahone Bay Centre at 45 School Street as the Old School Development Agreement Area as shown on, Map 4, the Land Use Designation map.
- 4.7.5 consider by Development Agreement a limited range of commercial and light manufacturing uses intended to increase the redevelopment potential of the Mahone Bay Centre property while minimising the impact of redevelopment on the surrounding neighbourhood, in accordance with Policies 6.4.1 and 6.4.2.
- 4.7.6 consider changing the zoning of land from Institutional to Residential without amendment of this Municipal Planning Strategy in accordance with Policies 6.3.1, 6.4.1 and 6.4.2.

4.8 PARKS AND PLAYGROUNDS

Council's general policies on parks, playgrounds, and recreation services are in Section 3.5 above. Specific policies on land use control for these purposes are:

- 4.8.1 To permit the use and development of lands throughout the Town for passive and active recreational activities by permitting public and private parks in all zones in the Land Use By-law.
- 4.8.2 To designate existing parks as park lands devoted to passive and active outdoor leisure activities as well as to conservation; and to establish for these lands a corresponding Park Zone in the Land Use By-law where land uses will be restricted to those appropriate in public parks.

4.9 NATURAL ENVIRONMENT

The Nova Scotia Department of Environment and Labour has jurisdiction over all watercourses. However, adjacent structural development and related alterations of land levels, including grading, infilling and excavation, can negatively affect watercourses, and their related wetland environments. In addition to direct destruction of wetland habitats, construction activities can create sedimentation, which alters drainage patterns and can further disrupt wetland habitats. Infilling of watercourses and wetlands can reduce absorption capacity, increase downstream flows and contribute to flooding. These activities can also negatively affect groundwater water supply and groundwater quality throughout the Town.

In order to mitigate these negative effects Council adopts the following policies:

- 4.9.1 That the Land Use By-law shall restrict development within 8 Metres (26 feet) of any watercourse shown on Map 4 of this Planning Strategy, titled Land Use Designation Map.
- 4.9.2 That the Land Use By-law shall, in relation to any development, restrict the alteration of land levels within 8 Metres (26 feet) of any watercourse shown on Map 4 of this Planning Strategy.
- 4.9.3 That the Land Use By-law shall provide for variances from the specific restrictions imposed under Policies 4.9.1 and 4.9.2 provided these variances do not alter the intent of these policies as expressed in the preamble above.
- 4.9.4 That development of the ocean shoreline is restricted by the policies in Section 4.6 of this Planning Strategy.
- 4.9.5 To maintain and improve sewage treatment and storm drainage control to protect the water quality of the harbour, the watercourses and the groundwater.

4.10 SIGNS

Advertising signs can have a major effect on the appearance and character of the Town, and are often subject to competition between advertisers. These are Council's policies on advertising signs:

- 4.10.1 to prohibit through appropriate provisions in the Land Use By-law signs which create hazards to traffic or pedestrians, which constitute a public nuisance, or which are incompatible with the character of Mahone Bay.
- 4.10.2 to regulate the height, maximum area, illumination and location of signs throughout the Town to minimize hazards and nuisances and to guide the use of good design in effective advertising;

- 4.10.3 to control the impact of signs on the landscape, streetscape, harbour, and skyline; and to ensure that the nature, size and location of signs permitted in the various zones are appropriate and compatible with the character of the areas within those zones.
- 4.10.4 to use the sign size limitations in the Land Use By-law as a guideline when allowing off-premises publicity signs for non-profit organizations to be located on Town-owned lands.
- 4.10.5 to consult with the Mahone Bay Chamber of Commerce when making changes to the Land Use By-law restrictions on commercial advertising signs.
- 4.10.6 to regulate the use of public streets, including the placement of signs on public streets, through the Streets and Sidewalks By-law.

4.11 GENERAL

The Municipal Government Act gives Council a wide range of powers to regulate land use in general. These are Council's policies which apply generally throughout the Town:

Parking

- 4.11.1 include in the Land Use By-law use-specific parking requirements for the proposed uses in:
 - (a) all new structures
 - (b) all additions to existing structures
 - (c) all changes in use which require an increase in parking provisions as established in the Land Use By-law.
- 4.11.2 include in the Land Use By-law provisions which require developers to contribute cash in lieu of the required parking spaces only where there is a lack of sufficient space on the lot, and do not permit such contributions in any other circumstance.
- 4.11.3 acquire when possible additional lands in the downtown area for public parking spaces.
- 4.11.4 encourage existing businesses to provide off-street parking for their employees.
- 4.11.5 require new business uses and new industries to provide off-street loading and unloading facilities where physically possible.
- 4.11.6 ensure that where developments are permitted by development agreement or by site planning that the agreement makes provision for adequate parking to serve the proposal.

Yards and setbacks

- 4.11.7 establish in the Land Use By-law maximum height restrictions, and minimum yard requirements for separation between buildings and lot lines, in order to provide adequate fire separation, emergency vehicle access, on-site parking, maintenance of buildings and land, private outdoor space, solar exposure, air circulation, separation of land uses to reduce land use conflicts, and the preservation of the character of the various neighbourhoods within the Town.

Fences

- 4.11.8 regulate the height and location of fences by appropriate provisions in the Land Use By-law which will preserve the character of the Town while allowing for reasonable protection of privacy and public safety.

4.11.9 ensure that when developments are permitted by development agreement or through site plans that fencing or other screening of storage areas is adequate to provide for the enhancement and preservation of the character of the area, and for reducing conflicts with the surrounding land uses.

Landscaping

4.11.10 require landscaping in any development subject to a development agreement or a site plan, in order to enhance or preserve the character of the area, to provide screening or buffers, or to reduce conflict with surrounding land uses.

Lighting

4.11.11 regulate the use of outdoor lighting through provisions in the Land Use By-law which ensure that the lighting shall not project any glare or direct illumination onto adjacent properties.

4.11.12 control outdoor lighting in any development subject to a development agreement or a site plan in order to minimize the impact of the lighting on adjacent properties.

Outdoor Storage and Display

4.11.13 regulate display and outdoor storage through provisions in the Land Use By-law for the amount, type, and location of display and outdoor storage on a lot, screening of storage areas, and the use of non-commercial properties for yard, garage and similar sales.

Prior Existing and Temporary Developments

4.11.14 include, within the list of land uses permitted in each zone of the Land Use By-law, those land uses which were in existence on the effective date of the Land Use By-law and which would not otherwise be permitted in the zone in which they are located, to ensure that their change in type of use must conform to the uses listed in the zone. Expansion of the non-permitted use or change to a similar non-permitted use may be considered by Development Agreement in accordance with Policies 6.4.1 and 6.4.2.

4.11.15 include provisions in the Land Use By-law for the continued existence, renovation and re-building of those existing structures which do not conform to the requirements of the By-law.

4.11.16 permit for a time period to be regulated in the Land Use By-law, temporary uses associated with a construction site, a special occasion, or a holiday, with no requirement for a development permit.

4.11.17 regulate through a temporary vendors by-law the temporary or seasonal use of property for commercial sales.

4.11.18 to regulate the installation, use and occupation of temporary structures and motor vehicles throughout the Town.

Accessory Structures

4.11.19 to regulate the size, location, and use, including human habitation, of accessory structures, such as but not limited to private storage buildings, throughout the Town.

Noise

4.11.20 to regulate through the Peace and Good Order By-law the nuisances caused by excessive noise.

5.0 SUBDIVISION CONTROL

5.1 INTENT

To accomplish the purposes expressed in Part 2 of this Municipal Planning Strategy, the following policies express Council's intentions for the subdivision of land:

- 5.1.1 The Subdivision By-law applies to the whole of the Town of Mahone Bay and provides the principle means for control of land subdivision and consolidation, through which the intent of this Municipal Planning Strategy is put into effect.
- 5.1.2 The Subdivision By-law regulates the division and consolidation of lands within the Town boundaries so as to ensure:
- a) that such subdivisions of land conform with the requirements of the Land Use By-law for minimum lot area and lot frontage;
 - b) where there is no central sewer system, that such subdivisions of land are tested to determine whether the lots are suitable for on-site sewage disposal;
 - c) that such subdivisions of land provide for safe adequate access from the Public Street network to each approved lot;
 - d) that any central sewer systems, central water systems and power distribution systems are properly designed and constructed, as well as connected to existing municipal systems where possible;
 - e) that provisions are made for dedicating land or the contribution of equivalent value in lieu of land for park, playground and similar public purposes;
 - f) that engineering drawings are prepared by qualified persons and filed with the Town Clerk to show the construction details of any new central sewer or water services, and of any new Public Street.
 - g) that the applicable requirements of the Provincial Subdivision Regulations are in effect.
- 5.1.3 It is Council's policy to be guided by any interpretation by the appropriate provincial authority of all provisions of the Provincial Subdivision Regulations which are directly incorporated into the Subdivision By-law.

5.2 LOT SIZES

The width, street frontage and overall area of new lots is a major determinant of the character of an area. These are Council's policies on minimum lot sizes within the Town:

- 5.2.1 That the Land Use By-law shall specify minimum lot areas required for creating new lots within the various zones established by the Land Use By-law, based on the historical pattern of land use within the Town.
- 5.2.2 That no zone established by the Land Use By-law shall require a lot frontage less than 6 metres (19.7 feet) in order to provide for adequate access to the public street and that the Land Use By-law shall provide that such frontage may be measured along a Public Street or along a right-of-way in accordance with Policy 5.3.2
- 5.2.3 That all new lots created by subdivision approval shall satisfy the requirements for lot area and lot frontage contained in the Land Use By-law and that the Land Use By-law shall specifically provide for exemptions from those general requirements for:
 - a) Lots resulting from a subdivision altering the boundaries of two or more areas of land where no additional lots are created;
 - b) lots created by subdivision under the variance provisions of Section 279 of the Municipal Government Act;
 - c) lots which have access by means of a right-of-way in accordance with Policy 5.3.2
 - d) lots resulting from a subdivision in which the only lots created surround main buildings which existed prior to 6 August 1984.
- 5.2.4 That the Land Use By-law shall enable any lot of land to be used for a purpose permitted in the zone in which it is located, including:
 - a) all lots created prior to the effective date of this Municipal Planning Strategy;
 - b) all lots created through subdivision approval under any provision of the Provincial Subdivision Regulations or the Subdivision By-law;
 - c) all lots created by any division of land for which subdivision approval is not required.

5.3 LOT ACCESS

To be of use, any lot of land needs access to the public street network. These are Council's policies on access from the public street to lots within the Town:

- 5.3.1 In order to provide for adequate access and reduce the maintenance problems associated with private streets, to require new lots created in the Town to have frontage on a Public Street.
- 5.3.2 In order to provide relief from the requirement of Policy 5.3.1 to enable the division of land into lots which have less than the minimum Public Street frontage requirement for the zone in which they are located, including lots which have no street frontage, provided that such lots have access to a Public Street by means of a right-of-way with a minimum width of 6 metres (19.7 feet), and further provided that the Provincial Subdivision Regulations and Town Subdivision By-law contain a specific limit on the number of such lots which can be created from any area of land. It shall further be the policy of Council that the Land Use By-law shall enable the use and development of such lots.

5.4 LOT SERVICES

Within the Town, it is expected that new lots will require Town services such as streets, sewer, water, electric power, and parkland, that where new services are required the developer will provide these systems, and that they will be conveyed to the Town. These are Council's policies on the methods for providing these services:

- 5.4.1 To enable the subdivision of land into lots serviced by any of the following services owned and operated by the Town and its agencies: central sewage collection and treatment; central water treatment and supply; electric power distribution; storm drainage; and public streets.
- 5.4.2 All such systems shall be designed and constructed to the standard specifications adopted by Council under Policy 3.0.2 and be conveyed to the Town prior to subdivision approval for any lots served by such systems, except where there is a construction agreement and bond under Policy 5.4.3 below. In accordance with the Municipal Government Act, where a development requires the extension of one of these services, the developer shall bear the costs of designing, constructing and installing the services.
- 5.4.3 To enable the subdivision of land into lots which are to be serviced by any of the systems set out in Policy 5.4.1 where:
- a) the developer has entered into an agreement which is satisfactory to Council; and
 - b) the developer has posted a performance bond or other security as specified in the Subdivision By-law; and
 - c) the agreement provides that the developer may receive subdivision approval for lots after posting the security, but prior to construction of the proposed systems; and
 - d) the agreement provides for conveyance of the proposed systems to the Town.

5.5 PUBLIC OPEN SPACE

It is expected that the developer of new lots will contribute to the capital cost of recreation services, according to the following policies of Council:

- 5.5.1 To require subdividers to transfer to the Town either:
- a) an area of useable land for park, playground and similar public purposes, in the amount of 5% of the area shown on the final plan of subdivision, not including streets, roads, or the residue of land owned by the subdivider; or
 - b) cash in the amount of five percent of the assessed value of the new lots created; or
 - c) some combination of cash, land, services or other value in kind which constitutes "equivalent value" as defined in Section 273 of the Municipal Government Act.
- 5.5.2 To waive the requirements of Policy 5.5.1 where:
- a) no new vacant lots are created except the remainder lot; or
 - b) the approval is for the consolidation of lots; or
 - c) lot boundaries are being altered and no new vacant lots are being created.
 - d) the lots are created as a result of the probating of a will
- 5.5.3 To consider purchasing for public purposes within a subdivision, those lands which have unique and special value because of: historical significance; archaeological significance; views; access to coastal or inland waters; or other outstanding attributes.
- 5.5.4 That the Subdivision By-law shall define "useable land" by means of minimum requirements and evaluation procedures so as to ensure the conveyance under Policy 5.5.1 of land which is suited to community recreation purposes and so as to encourage the conveyance of cash instead of small parcels of land.
- 5.5.5 That Council will consider accepting an area of useable land conforming to the requirement of Policy 5.5.1 and Policy 5.5.4 outside of the area being subdivided and within the boundaries of the Town.
- 5.5.6 That Council waives the requirements of Policy 5.5.1 for any subdivision plan which received tentative approval prior to 12 March 2002.

6.0 IMPLEMENTATION AND ADMINISTRATION

Council's specific policies on the administration of the Municipal Planning Strategy, Land Use By-law and the Subdivision By-law, are as follows:

6.1 PERMITS AND APPROVALS

- 6.1.1 In accordance with the Municipal Government Act, the Development Officer appointed by Town Council is responsible for administering the Land Use By-law including the issuing, refusal, and revocation of Municipal Development Permits as well as the issuing of variances and site plan approvals.
- 6.1.2 The Land Use By-law shall specify the criteria for issuing, renewing, amending and revoking a Development Permit.
- 6.1.3 In accordance with the Municipal Government Act, the Development Officer appointed by Town Council is responsible for administering the Subdivision By-law including the approval, refusal or repeal of plans of subdivision.
- 6.1.4 The Subdivision By-law shall specify the criteria for approving or repealing a Plan of Subdivision.
- 6.1.5 The Municipal Engineer appointed by Council shall be responsible for the review and approval of all Engineering drawings and proposals for all municipal services, including central sewer systems, central water systems, storm drainage systems and public roads.
- 6.1.6 Any development permit issued under the Land Use By-law shall specify the development as well as the period for implementation and the period after which any such permit shall automatically lapse, becoming null and void if the development has not commenced.
- 6.1.7 In accordance with the provisions of Sections 235 - 237 of the Municipal Government Act, the Development Officer may vary the requirements of the Land Use Bylaw for:
- a) the percentage of land that may be built upon;
 - b) size or other requirements relating to yards;
 - c) lot frontage, lot area, or both;
 - d) the number of parking spaces and loading spaces;
 - e) the ground area and height of a structure;
 - f) the floor area occupied by a home-based business; and
 - g) the height and area of a sign.

For the purposes of considering a variance in accordance with this policy, the intent of the Land Use By-law requirements is to carry out the relevant Policies of this Planning Strategy while allowing for the reasonable development of a lot where there is a site-specific difficulty which the variance can solve.

6.2 DEVELOPMENT AGREEMENTS AND SITE PLANS

- 6.2.1 Council may enter into development agreements pursuant to the Municipal Government Act on the terms and conditions set forth in the Planning Strategy.
- 6.2.2 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.
- 6.2.3 Council may consider amendments to any development agreement which was signed before the effective date of this Planning Strategy and which is not enabled by this Planning Strategy, in accordance with Planning Strategy policies 6.4.1 and 6.4.2
- 6.2.4 Council will consider discharging any development agreement or site plan when requested by the owner of the affected property or when changes to the Land Use By-law make a development agreement redundant.
- 6.2.5 The criteria in Policy 6.4.1 and 6.4.2 below apply to Council’s consideration of development agreements.
- 6.2.6 Developments which are not permitted by right may be permitted through the site plan process where provided for by specific policies set out elsewhere in this Planning Strategy, subject to the site plan criteria set out in the Land Use By-law and subject to:
- i) approval by the authority having jurisdiction for sewage disposal either by an on-site sewage disposal system, or by connection to the Town central sewer, or by connection to a sewage disposal system satisfying the design and construction requirements of the Town Specifications adopted by Council;
 - ii) Where there are more than two (2) dwellings using a road for access to a public highway, the design of the road satisfies the requirements of the Municipal Specifications.
 - iii) approval by the Town Engineer for access to any public street, considering adequacy of sight distances, driveway entrances, traffic safety, and any other traffic concerns, including pedestrian safety.
 - iv) a density of no more than 15 dwelling units per hectare (6 per acre) on the site.

6.3 AMENDMENTS

- 6.3.1 Where any development requires amendment to the Land Use By-law, no amendment shall be adopted by Council unless the application is for a specific development proposal which would conform to the requirements of the Land Use By-law as amended. Notwithstanding the proposed use, Council shall give consideration to the impact of other permitted uses in the zone.

- 6.3.2 A Public Participation Program shall be followed prior to any proposed amendment to the Planning Strategy as well as in conjunction with any review of the Planning Strategy and Land Use By-law, and the purpose of the Public Participation Program shall be to hear the opinions of the public.
- 6.3.3 A public hearing shall be held by Council before entering into any development agreement and before approval of any amendment to the Land Use By-law or the Subdivision By-law.
- 6.3.4 Council will consider amendments to this Planning Strategy where any policy expressed in this Planning Strategy is to be changed or where any amendment to the Subdivision By-law or the Land Use By-law would be in conflict with the policies expressed in this Planning Strategy, including Map 4, the Land Use Designation Map.
- 6.3.5 This Planning Strategy and any subsequent amendments shall be reviewed, pursuant to the Municipal Government Act, when deemed necessary by the appropriate Minister of the Crown or by Council but not later than ten years from the date of its coming into force and effect.

6.4 CRITERIA

- 6.4.1 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 Planning Strategy, Council shall be satisfied that:
- a) the proposal conforms to the intent of the Planning Strategy;
 - b) the proposal conforms to the applicable requirements of all Town By-laws; except where the application is for a development agreement in which case the Land Use By-law requirements need not be satisfied.
 - c) the proposal is not premature or inappropriate due to:
 - i) financial ability of the Town to absorb costs related to the development;
 - ii) adequacy of Town services, specifically including water supply;
 - 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, pedestrian safety, and emergency access.
- d) 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, including sea level rise.
- (e) that the proposal will not significantly alter the existing character, or stability of the surrounding neighbourhood;
- (f) that the proposal will be integrated into the surrounding area by means of good landscaping and sensitive site orientation and with screening provided by means of fences or hedges as required;
- (g) all other matters of planning concern have been addressed.

6.4.2 When considering zoning changes and development agreements Council shall be satisfied that:

- a) 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 recognized health or safety hazard, and that the impact of such emissions on the development potential and value of properties in the vicinity has been minimized;
- b) subject to the physical characteristics of the site, the development shall achieve optimum separation from adjacent properties which are not in a similar use, and 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;
- c) it shall be clearly demonstrated by the applicant that the development can be serviced with central or on-site sewer and water and that the disposal of sewage and other effluents as well as the demand on the water source will not have a negative impact on the quality and quantity of the water resources of the area;

- d) the traffic resulting from the development will neither create undue traffic hazards, traffic congestion, or pedestrian hazards, nor unduly degrade the accustomed environment of existing residential uses;
- e) sufficient parking and adequate safe access to parking lots shall be provided for the intended use of the property;
- f) all areas intended for vehicular traffic, 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, and shall be designed to allow for adequate drainage, snow removal and snow storage.
- g) that the proposal does not exceed a height of 13.7 metres (45 feet) above the average surface of the ground around the building (exclusive of chimneys, antennae, flagpoles and church spires) except where this grade is below the grade of the adjacent street, in which case Council may consider an increased height which is otherwise in conformance with this Municipal Planning Strategy provided that the proposed building does not exceed:
 - i) 16.7 metres (55 feet) in height and
 - ii) the height of any main building within 15 metres (50 feet) of it, and
 - iii) a height of 13.7 metres (45 feet) above the grade of the street.
- h) the primary architectural features of the proposal, (including but not limited to bulk, scale, roof shape, building materials, exterior cladding and shape and size and relationship of doors and windows) shall be visually compatible with nearby buildings, as demonstrated by perspective sketches showing the proposal in context with the streetscape.
- i) that the proposal is compatible with the existing character, or stability of the surrounding neighbourhood
- j) Outdoor lighting fixtures, including illuminated signs, shall use the lowest possible intensity consistent with safety, shall use fixtures which eliminate glare and in particular shall not project any glare or direct illumination onto adjacent properties.
- k) any residential building shall be located on a site that is not subject to nuisances or a degraded living environment caused by existing land use activities;
- l) any residential development shall include usable outdoor recreation space that is suitable for erection of playground equipment, or for other active and passive recreational uses;

- m) any residential development site shall be landscaped with trees, shrubs, lawns, fences, and hard surfaced walkways, as necessary to create a residential living environment;
- n) no development agreement shall be approved until all necessary permits required by Federal, Provincial, and Municipal government agencies have been issued or Council is satisfied that the required permits will be issued;
- o) where Council determines, on the advice of a qualified person, that there is a significant risk of environmental damage from any proposed development which does not require an assessment under the Environmental Assessment Act, environmental studies shall be carried out by the developer for the purpose of determining the nature and extent of any environmental impact and no agreement shall be approved until Council is satisfied that the proposed development will not create or result in undue environmental damage
- p) the provisions of Policies 4.5.1 and 4.5.4 (Heritage Preservation) are satisfied.

7.0 **MAPS**

These are Council's policies on the maps contained in this Municipal Planning Strategy:

- 7.0.1 The maps identified in this section of this Municipal Planning Strategy form part of this Municipal Planning Strategy.
- 7.0.2 The patterns of land use existing at the date of adoption of this Municipal Planning Strategy are shown on Map 1, the Existing Land Use Map, solely to illustrate the patterns of land use described in the text.
- 7.0.3 The approximate location of the various elements of the water supply and distribution system are shown on Map 2, the Water System Map.
- 7.0.4 The approximate location of the various elements of the storm sewer and sanitary sewer systems are shown on Map 3, the Sewer Systems Map.
- 7.0.5 The boundaries of the land use designations described in the text of this Municipal Planning Strategy are shown on Map 4, the Land Use Designation map, for the purpose of providing a guide to the preparation and interpretation of the Zoning Map which forms part of the Land Use By-law.